

## Conservation Views

Matt Aresco

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Is the gopher tortoise *really* a protected species in Florida? Each year thousands of gopher tortoises are *legally* crushed, entombed, and destroyed during development activities in Florida. Under the guise of gopher tortoise “conservation and management”, nearly 70,000 gopher tortoises have been *legally* destroyed under “incidental take” permits in Florida since 1992 and, to date, this represents 10% of the current statewide population and about 13% of the statewide population on private lands (FFWCC data, 2005). Of course, this is an underestimate of total losses of tortoises as thousands more have likely been destroyed on development sites through unpermitted activities and these numbers are unreported. How is it possible that 70,000 tortoises have been legally killed you ask? What exactly is an “incidental take” permit? Gopher tortoises are *legally* destroyed in exchange for permit fees that only purchase habitat and do not replace individual tortoises or tortoise populations. The core mitigation policy of the Florida Fish and Wildlife Conservation Commission (FFWCC) for gopher tortoises on sites slated for development is mitigation banking. Under this option, developers contribute to a FFWCC mitigation fund to buy land in an existing or proposed mitigation park and then obtain an “incidental take” permit that allows them to destroy all tortoises on the development site. Many have called the permit fees collected under this program “blood money”. While some developers choose the option of relocating gopher tortoises off-site to suitable habitat or preserving tortoises on-site, most choose the incidental take option because it is the most cost- and time-effective option for attaining their development goals. Just ask Wal-Mart and Disney and hundreds of other developers around the state. Under the Federal Endangered Species Act (ESA), incidental take is permitted where an endangered species or its habitat might be unintentionally affected by activities such as road building. In Florida, “incidental take” is actually planned and permitted killing. There is nothing incidental about incidental take. I have heard some argue that tortoises “bought” under take permits may survive the development activities. Anyone who has observed the full destruction and modification of the land on development sites knows that this contention is ridiculous.



Jefferson County, FL. Photo by M.J. Aresco

With the mitigation fees collected from developers under “take” permits, the habitat set aside in the program should replace the habitat lost to development, but the program has not accomplished this goal. From 1992-2005, FFWCC has received monies to purchase only 8200 acres for mitigation parks and a large portion of these funds remain unused (FFWCC data, 2005). Currently, there are 8 mitigation parks in Florida and these parks are usually adjacent to other public land in order to create as large a protected area as possible. Good idea in theory but the program is *only* designed to purchase habitat, with no requirement that the habitat even contain tortoise populations! Thus, mitigation banking saves *potential* tortoise habitat elsewhere but does not offset the actual losses of tortoise populations to development. Counties hit the hardest by “take” are Brevard, Pasco, Duval, Orange, Clay, Hillsborough, Marion, Osceola, Lake, and Lee. Orange County alone had 7153 tortoises “taken”. These numbers demonstrate that the current management policies and regulations for gopher tortoises are woefully inadequate in Florida. What is especially disturbing is that increasing numbers of tortoises are being lost each year so that 10% for the first 12 years of this program could easily increase to 20-25% of

the statewide population over the next 12 years if this policy is allowed to continue. Combined with all of the other sources of mortality faced by gopher tortoises in an increasingly developed landscape in the state, these numbers show that "incidental take" is likely contributing to the overall population decline. Management plans for long-lived species such as the gopher tortoise must consider life history and demographic traits such as slow growth to maturity, high adult survivorship, low reproductive rates, and low survivorship of eggs and juveniles that result in low recruitment rates. Population models for long-lived species have demonstrated that conserving adults is imperative and management plans that allow significant numbers of adults to be destroyed will fail in the long-term. Why is this important in the context of the take program? Florida Administrative Code (FAC) 68A-27.005 states that an incidental take permit may only be issued if the permitted activity will not be detrimental to the potential survival of the species. Although each incident of "take" by itself may not be detrimental to the potential survival of the species as a whole, the cumulative effect of the take program is detrimental. In fact, the FFWCC recently proposed to uplist the gopher tortoise from a Species of Special Concern to Threatened status as populations have declined in number by >50% in the last three generations. In my opinion, the way that the incidental take permits are being issued violates FAC 68A-27.005 and could be successfully challenged in court.

The legal "take" of gopher tortoises must be immediately stopped by FFWCC. The current mitigation policy is not meeting the goal of long-term conservation and a new plan must be developed immediately if this species is to survive in Florida. The current "management plan" has been in place since the early 1990's but it is clear that it is not working and, in fact, the gopher tortoise is in greater jeopardy than it was just 10 years ago. Regional extinctions are very possible in the next 10 years if something does not change quickly. A feasible alternative to "take" is a program of properly conducted translocations of individuals to augment existing low-density populations on large public lands and private lands where tortoises were harvested in the past, especially in northwestern Florida. One of the primary management goals of the FFWCC for tortoises is to "restore depleted and extirpated populations through translocation" but this has not been realized thus far. Each County in Florida should also be required to protect remaining tortoise populations under a reserve system that is fully funded by the development community. The FFWCC has established an internal gopher tortoise management team that is currently evaluating potential changes to the gopher tortoise management plan. I certainly hope that stopping "take" will finally occur in 2006 and end over a decade of a failed conservation policy and the cruel and inhumane way that gopher tortoises are left to slowly die entombed under development sites.

To provide your input on tortoise conservation and the incidental take issue, please contact Ken Haddad, Executive Director of the Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600, email: [ken.haddad@fwc.state.fl.us](mailto:ken.haddad@fwc.state.fl.us)



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