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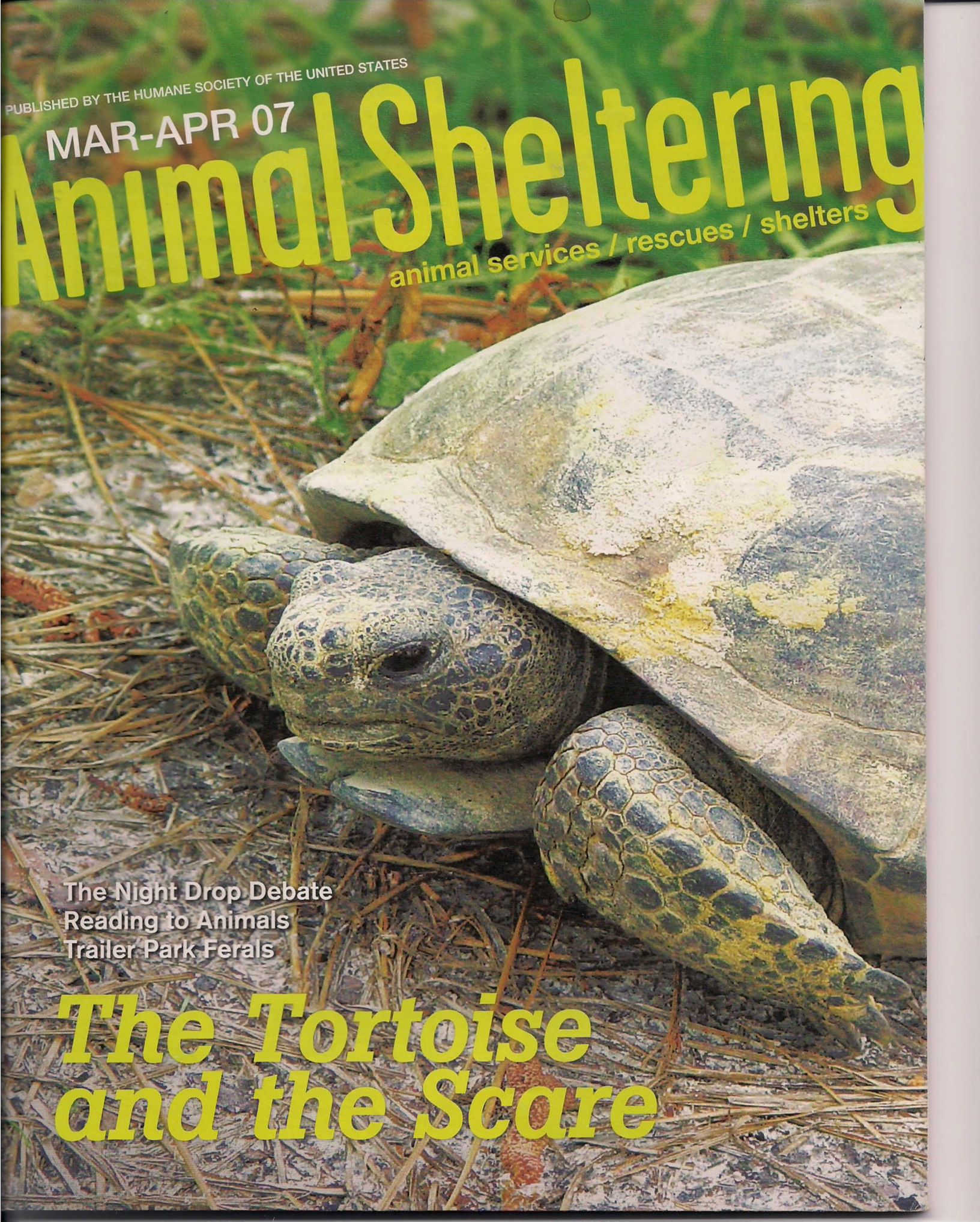
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# Animal Sheltering

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## *The Tortoise and the Scare*



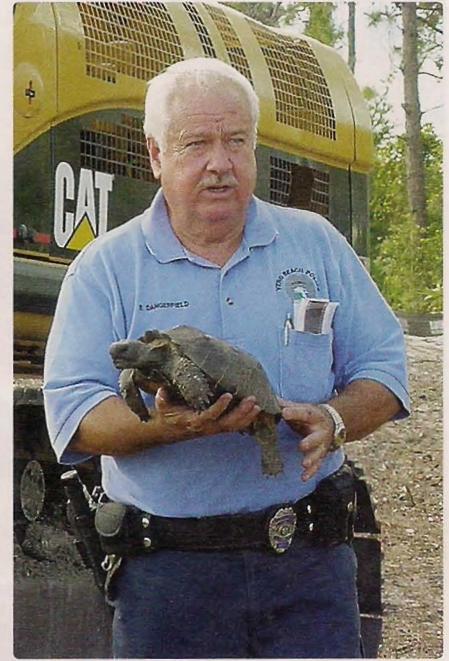
## The Tortoise and the Scare

In a pioneering alliance, The Humane Society of the United States and the Humane Society of Vero Beach and Indian River County partnered to save dozens of Florida's threatened gopher tortoises from cruel fates—and in the process effected groundbreaking change in state wildlife policy

BY JENNIFER HOBGOOD, Ph.D.



Though they are a protected species in Florida, gopher tortoises continue to be crushed under the weight of development. Unlike so many of his companions who were buried alive, this tortoise was one of the lucky ones saved by volunteers. *CARISSA KENT*



Vero Beach animal control officer Bruce Dangerfield was part of the community rescue effort coordinated by the Humane Society of Vero Beach and Indian River County. *CARISSA KENT*

### The Creature:

The gopher tortoise is a burrowing reptile located only in the southeastern United States. The animal is protected as a "species of special concern" in Florida; it is a second-degree misdemeanor to kill gopher tortoises without a permit from the Florida Fish and Wildlife Conservation Commission (FWC). The FWC recently voted to change the species' status to "threatened," which will afford the tortoises greater protection when the change becomes official with the approval of a new management plan, expected in June.

### The Problem:

When executive director Joan Carlson saw bulldozers clearing land across the street from her shelter at the Humane

Society of Vero Beach and Indian River County (HSVVB), she became concerned. The woodlands, she suspected, were home to gopher tortoises. A call to the developer elevated Carlson's concern to alarm when she discovered that an "incidental take" state permit had relieved the company of any responsibility to the animals. The permit would even allow the burrowing creatures to be crushed under bulldozers or buried alive. Because of their slow metabolism, the entombed tortoises could suffer underground for months before dying of dehydration, starvation, or asphyxiation.

The development company could have applied for a permit to relocate the tortoises. But because of a state policy that generally makes it easier and faster for Florida developers to simply bury the

animals alive, most companies opt for an "incidental take" permit that allows them to pay a "habitat mitigation" fee and simply ignore the presence of tortoises on the development site. (Fees are intended to support state purchases of gopher tortoise habitats elsewhere, but the parameters of the program and the high price of real estate mean that habitats have been destroyed at a far greater rate than they've been saved.) More frustrating was that even though HSVVB owned 18 acres of gopher tortoise habitat immediately behind its facility—land that the shelter eventually hoped to use for wildlife protection efforts—the state did not allow citizens or nonprofit groups to relocate the tortoises out of harm's way. In fact, rescuing them would have been illegal.



Members of the Gopher Tortoise Coalition set up a "safe zone" of suitable habitat and surrounded it with chain-link and silt fencing. Rescued tortoises, who would otherwise try to return to their old burrows, will be monitored for six months to a year—the time it takes them to get acclimated to a new site. JENNIFER HOBGOOD/HSUS



development in a county-required green space that would not be developed. They then began the arduous task of searching the 60 cleared acres and the remaining 20 acres of intact woodlands for evidence of tortoises. Each time the team located an existing burrow, they marked it with flagging tape and recorded its GPS coordinates. Amid the smiles and cheers of team members rescuing the tortoises, Moore recorded vital statistics, identified each tortoise with a painted number on its shell, and released it into the safe zone.

In the cleared area, which Daniel aptly referred to as the "wasteland," the team located several tortoises injured by construction, including two with severely cracked shells who'd managed to dig out of their collapsed burrows. A few other disoriented, dust-covered tortoises were discovered wandering in the cleared area by team members and bulldozer operators, who embraced the opportunity to help the rescue team. The construction crew even assisted the team with backhoe burrow excavations whenever standard bucket trapping and hand excavations were not possible.

Over the course of two months, working in an ever-present cloud of fine, grey-black dust produced by the heavy land-clearing machinery, the team located 52 burrows, and by the time the formal approval for humane relocation was granted by the FWC, the team had located 35 surviving tortoises.

"This has been such a learning process, because on a daily basis the rules seemed to change and the strategy had to adapt to meet new challenges," says Daniel, who led the team. "When we first looked at the 80 acres, we wondered if we would find any burrows left—never in our wildest dreams did we think we'd find so many tortoises. When we started this, we didn't know anything about land transects or burrow surveys, but we learned quickly—it was trial by fire—and it only happened because so many people came together and worked tirelessly to save these tortoises."

As soon as HSVB staff received word from the FWC that their application to relocate tortoises to shelter grounds had



Ika Daniel, director of outreach services for the Humane Society of Vero Beach, rescues a baby tortoise. CARISSA KENT



When volunteers found her, this female tortoise was trying to dig back into the woodlands-turned-wasteland she once called home. After a veterinarian repaired her shell, which was severely cracked, The HSUS's Jennifer Hobgood released her. JANET WINIKOFF



Months after she looked out her shelter's window and saw bulldozers clearing the woods across the street, executive director Joan Carlson had reason to celebrate: almost three dozen rescued gopher tortoises were being released into their new home on HSVB property. JANET WINIKOFF

### The Partnership:

Carlson contacted the Southeast Regional Office of The Humane Society of the United States (HSUS) in Tallahassee, Florida. Representing Florida's animal advocates on a state group of gopher tortoise "stakeholders" that advises the FWC, The HSUS's regional staff have urged the agency to place a moratorium on the planned and permitted killing of gopher tortoises, benignly labeled "incidental take." The HSUS has also pushed for requiring proper, humane relocations of gopher tortoises before development or land conversion activities destroy the tortoises' homes.

When Carlson contacted The HSUS, the Gopher Tortoise Stakeholder Group had recently passed a resolution asking the FWC to minimize the inhumane killing of tortoises resulting from "incidental take" permitting. Since the Vero Beach situation provided a perfect opportunity

to put the resolution into action, HSUS regional staff contacted the developer, who granted permission for HSVB and HSUS representatives to relocate the tortoises to shelter property. Next, HSUS staff contacted the FWC to explain the situation in Vero Beach and urge the agency to immediately develop a procedure—one that could be replicated by other concerned Floridians—to allow emergency humane relocations of gopher tortoises.

Within days, the FWC approved the request and instituted a groundbreaking "Humane Relocation Permit Amendment" procedure that enabled HSVB and others to rescue and relocate Florida's gopher tortoises.

Meanwhile, HSVB director of outreach services Ilka Daniel began reaching out to local environmentalists and animal activists. When HSUS regional staff arrived in Vero Beach, HSVB had called a meeting of what would later become the

Gopher Tortoise Coalition, a community effort to rescue and protect Indian River's gopher tortoises. The HSUS addressed the group as well as HSVB's board of directors, who, moved by the plight of the tortoises and the community support, approved Carlson's proposal to allow the shelter's vacant property to become the tortoises' new home.

The decision was a natural extension of HSVB's philosophy toward animal welfare, says Carlson. "While animal shelters are often viewed as assisting companion animals, the HSVB's mission includes protecting animals in general—not only cats and dogs—from cruelty," she says. "When we learned the cruel fate of the tortoises across the street, HSVB felt we had to intervene to facilitate a humane outcome."

As a component of the humane relocation guidelines, the FWC stipulated that the tortoises could not be removed from the development site before approval of the amendment application; until that time, the developer could allow HSVB and The HSUS to relocate tortoises out of harm's way on the development site to a "safe zone."

When staff and volunteers arrived at the site, the scene was devastating. Approximately 60 acres of the 80-acre tract had already been clear-cut, and almost all tortoise burrows marked on the developer's original burrow survey map appeared to have been destroyed. Shovels in hand, the rescue team came to the grisly realization that the survey had neither adequately identified the burrows nor used GPS technology to mark their locations. They were standing on a vast tortoise graveyard—with certain exceptions: many of the tortoises were probably still alive underground, entombed in their burrows. Worse yet, the team had no way to find the buried tortoises' locations.

### The Protection:

With assistance from Florida Atlantic University biologist Jon Moore, who specializes in gopher tortoises, team members from HSVB and The HSUS worked with local volunteers to set up a temporary safe zone enclosure along the south side of the



Thanks to the rescue team, this gopher tortoise made it out alive. Others are not so lucky; less than 20 percent of lost habitat in Florida has been replaced. **CARISSA KENT**

been approved, they prepared the property to receive the tortoises, cutting tall grasses and removing exotic plant species as advised by biologists. Proper, humane tortoise relocations require what's known as a "soft release." Because of an internal homing ability that drives a relocated tortoise to attempt to return to its burrow, displaced animals must be kept in large enclosures where they are provided with suitable habitat for foraging and burrowing. They must be monitored for a period of six months to a year, after which point studies have shown that they become acclimated to the new site and choose to remain there.

Here, HSVB confronted another hurdle: financing the project. Costs for the land-clearing "bush-hog" and operator needed to prepare the site, along with special silt fencing required for the tortoise enclosure and its installation, were expected to run between \$6,000 and \$11,000. Again, good tortoise karma and a citizenry dedicated to the cause intervened. A grant from The HSUS funded the cost of the silt fencing, and a silt fencing company agreed to donate the labor and special equipment needed to install it. With additional donations

from local environmental organizations and private citizens, HSVB was able to fund the project, with enough left over to enhance and manage the habitat.

On the day that HSVB staff, volunteers, and supporters relocated the tortoises to their new home, about 40 people arrived to welcome the tortoises and celebrate their survival. The newly constituted Indian River County Gopher Tortoise Coalition, inspired by HSVB's gopher tortoise rescue, continues to advocate for a countywide measure that would require developers to humanely relocate tortoises.

In a world where the fast-paced development of human habitat all too often erases animal homes that have survived for centuries, HSVB efforts stand as a shining example of what can be done through collaboration and ingenuity. The shelter managed to save 35 slow-moving, imperiled reptiles—and in so doing, changed the rules of the race. **AS**

*Jennifer Hobgood, a program coordinator for the HSUS's Southeast Regional Office, helped organize the rescue efforts and spent many days in Vero Beach searching for survivors in the bulldozed land.*

## Florida Law: Not How It Sounds

You may have heard the phrase "incidental take" used in conjunction with the Endangered Species Act. Federal law permits the "incidental take"—or inadvertent destruction—of a protected species or its habitat when lawful activities (such as approved land development) may unintentionally but negatively affect that species. Generally, final decisions are made only after the petitioner applies for a permit, the application is announced in the Federal Register, the public has had an opportunity to comment on the petition, and comments are reviewed.

By contrast, there's nothing "incidental" about Florida's policy, which biologist Matthew Aresco, an expert on niche dynamics of various turtle species, describes as "planned and permitted killing." After biological consultants count tortoise burrows on a property (often grossly underestimating the actual number of burrows), the Florida Fish and Wildlife Conservation Commission then runs biologists' numbers through a formula to come up with a habitat mitigation fee. Developers building on gopher tortoise habitat pay the fee and are then allowed to ignore the presence of the animals on the land. Fees are used by the state to purchase new land for gopher tortoise habitat, but no stipulations require the purchased land to have any gopher tortoises on it.

Sadly, estimates reveal that less than 20 percent of gopher tortoise habitat lost to development has been replaced.