

# U.S. FISH AND WILDLIFE SERVICE SPECIES ASSESSMENT AND LISTING PRIORITY ASSIGNMENT FORM

## Scientific Name:

Gopherus polyphemus

## Common Name:

Gopher tortoise

## Lead region:

Region 4 (Southeast Region)

## Information current as of:

04/19/2013

## Status/Action

Funding provided for a proposed rule. Assessment not updated.

Species Assessment - determined species did not meet the definition of the endangered or threatened under the Act and, therefore, was not elevated to the Candidate status.

New Candidate

Continuing Candidate

Candidate Removal

Taxon is more abundant or widespread than previously believed or not subject to the degree of threats sufficient to warrant issuance of a proposed listing or continuance of candidate status

Taxon not subject to the degree of threats sufficient to warrant issuance of a proposed listing or continuance of candidate status due, in part or totally, to conservation efforts that remove or reduce the threats to the species

Range is no longer a U.S. territory

Insufficient information exists on biological vulnerability and threats to support listing

Taxon mistakenly included in past notice of review

Taxon does not meet the definition of "species"

Taxon believed to be extinct

Conservation efforts have removed or reduced threats

\_\_\_ More abundant than believed, diminished threats, or threats eliminated.

## **Petition Information**

\_\_\_ Non-Petitioned

X Petitioned - Date petition received: 01/18/2006

90-Day Positive:09/09/2009

12 Month Positive:07/27/2011

Did the Petition request a reclassification? **No**

### **For Petitioned Candidate species:**

Is the listing warranted(if yes, see summary threats below) **Yes**

To Date, has publication of the proposal to list been precluded by other higher priority listing?  
**Yes**

Explanation of why precluded:

We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for this species has been, for the preceding 12 months, and continues to be, precluded by higher priority listing actions (including candidate species with lower LPNs). During the past 12 months, the majority our entire national listing budget has been consumed by work on various listing actions to comply with court orders and court-approved settlement agreements; meeting statutory deadlines for petition findings or listing determinations; emergency listing evaluations and determinations; and essential litigation-related administrative and program management tasks. We will continue to monitor the status of this species as new information becomes available. This review will determine if a change in status is warranted, including the need to make prompt use of emergency listing procedures. For information on listing actions taken over the past 12 months, see the discussion of Progress on Revising the Lists, in the current CNOR which can be viewed on our Internet website (<http://endangered.fws.gov/>).

### **Historical States/Territories/Countries of Occurrence:**

- **States/US Territories:** Alabama, Florida, Georgia, South Carolina
- **US Counties:**County information not available
- **Countries:** United States

### **Current States/Counties/Territories/Countries of Occurrence:**

- **States/US Territories:** Alabama, Florida, Georgia, South Carolina
- **US Counties:** Baldwin, AL, Barbour, AL, Bullock, AL, Butler, AL, Clarke, AL, Coffee, AL, Conecuh, AL, Covington, AL, Crenshaw, AL, Dale, AL, Escambia, AL, Geneva, AL, Henry, AL, Houston, AL, Marengo, AL, Monroe, AL, Pike, AL, Russell, AL, Wilcox, AL, Alachua, FL, Baker, FL, Bay, FL, Bradford, FL, Brevard, FL, Broward, FL, Calhoun, FL, Charlotte, FL, Citrus, FL, Clay, FL, Collier, FL, Columbia, FL, DeSoto, FL, Dixie, FL, Duval, FL, Escambia, FL, Flagler, FL, Franklin, FL, Gadsden, FL, Gilchrist, FL, Glades, FL, Gulf, FL, Hamilton, FL, Hardee, FL, Hendry, FL, Hernando, FL, Highlands, FL, Hillsborough, FL, Holmes, FL, Indian River, FL, Jackson, FL,

Jefferson, FL, Lafayette, FL, Lake, FL, Lee, FL, Leon, FL, Levy, FL, Liberty, FL, Madison, FL, Manatee, FL, Marion, FL, Martin, FL, Miami-Dade, FL, Monroe, FL, Nassau, FL, Okaloosa, FL, Okeechobee, FL, Orange, FL, Osceola, FL, Palm Beach, FL, Pasco, FL, Pinellas, FL, Polk, FL, Putnam, FL, Santa Rosa, FL, Sarasota, FL, Seminole, FL, St. Johns, FL, St. Lucie, FL, Sumter, FL, Suwannee, FL, Taylor, FL, Union, FL, Volusia, FL, Wakulla, FL, Walton, FL, Washington, FL, Appling, GA, Atkinson, GA, Bacon, GA, Baker, GA, Ben Hill, GA, Berrien, GA, Bleckley, GA, Brantley, GA, Brooks, GA, Bryan, GA, Bulloch, GA, Burke, GA, Calhoun, GA, Camden, GA, Candler, GA, Charlton, GA, Chatham, GA, Chattahoochee, GA, Clay, GA, Coffee, GA, Colquitt, GA, Cook, GA, Crawford, GA, Crisp, GA, Decatur, GA, Dodge, GA, Dooly, GA, Dougherty, GA, Early, GA, Echols, GA, Effingham, GA, Emanuel, GA, Evans, GA, Glynn, GA, Grady, GA, Houston, GA, Irwin, GA, Jeff Davis, GA, Jefferson, GA, Jenkins, GA, Johnson, GA, Lanier, GA, Laurens, GA, Lee, GA, Liberty, GA, Long, GA, Lowndes, GA, Macon, GA, Marion, GA, McIntosh, GA, Miller, GA, Mitchell, GA, Montgomery, GA, Peach, GA, Pierce, GA, Pulaski, GA, Quitman, GA, Randolph, GA, Richmond, GA, Schley, GA, Screven, GA, Seminole, GA, Stewart, GA, Sumter, GA, Talbot, GA, Tattall, GA, Taylor, GA, Telfair, GA, Terrell, GA, Thomas, GA, Tift, GA, Toombs, GA, Treutlen, GA, Turner, GA, Twiggs, GA, Ware, GA, Washington, GA, Wayne, GA, Webster, GA, Wheeler, GA, Wilcox, GA, Wilkinson, GA, Worth, GA, Aiken, SC, Allendale, SC, Barnwell, SC, Hampton, SC, Jasper, SC

- **Countries:** United States

## **Land Ownership:**

An estimated 3.4 million acres (1.4 million ha) of Longleaf Pine habitat currently exist in the southeastern United States. Fiftyfive percent of this acreage is in private ownership, 34 percent is in Federal ownership, and 11 percent is in State or local ownership (Gaines 2010, entire). The range of the gopher tortoise is frequently associated with the Longleaf Pine ecosystem. Since there has been no rangewide survey of gopher tortoises, and there are only a limited number of comprehensive surveys over relatively small geographic areas, modeling efforts were used to identify potential habitat where tortoises may be present. A total of about 23.5 million acres (9.5 million ha) of potential primary, secondary, and foraging habitat is estimated to currently occur within the eastern portion of the tortoises range (Hector and Beyeler 2010, p. 12). Over 80 percent of the potential habitat is estimated to be in private ownership, and the remainder is controlled by local, State, Federal, or private conservation entities.

## **Lead Region Contact:**

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## **Lead Field Office Contact:**

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## **Biological Information**

### **Species Description:**

The gopher tortoise is the only tortoise (family Testudinidae) east of the Mississippi River; one of five species in the genus *Gopherus* in North America. It is larger than any of the other terrestrial turtles in this region, with a domed, dark brown to grayish-black carapace (upper shell), and is typically 10 to 12 inches (25.4 to 30.5 cm) long (Ashton and Ashton 2008, p. 17). The plastron (lower shell) is yellowish and hingeless. A fossorial species, its hind feet are elephantine or stumpy, and the forelimbs are shovel-like, with

claws used for digging. In comparison to females, males are generally smaller; with a larger gland under the chin, a longer gular (throat) projection, and more concave (curved in) plastron. Hatchlings are up to 2 inches (5 cm) in length, with a somewhat soft, yellow-orange shell.

## **Taxonomy:**

The gopher tortoise is one of five living North American tortoise species and the only one indigenous to the southeastern United States (Ernst and Lovich 2009, p. 581). The other four species are found in the western United States. First described by F.M. Daudin in 1802, *G. polyphemus* is classified as belonging to class Reptilia, Order Testudines, and Family Testudinidae. The most recent change affecting the genus *Gopherus* is the splitting of the desert tortoise (*G. agassizii*) into two species (Murphy et al. 2011, 33 pp.): Agassiz's desert tortoise (*G. agassizii*) and Morafka's desert tortoise (*G. morafkai*).

Bramble (1982, p. 864) proposed that *G. polyphemus* along with its cladistic (species classification) relative *G. flavomarginatus* (Bolson tortoise) should be the only members of genus *Gopherus*, placing the other members of this genus *G. berlandieri* (Texas tortoise) and *G. agassizii* (desert tortoise) into a new genus *Scaptochelys*. However, more recent morphological and genetic studies have reinforced the traditional assignment of all species into genus *Gopherus* (Crumly 1994, pp. 12-16). Allozyme differentiation has indicated that *G. polyphemus* is most closely related to *G. flavomarginatus* and is thus placed in a clade (genetically related group) distinct from the clade containing *G. berlandieri* and *G. agassizii* (Morafka et al. 1994, p. 1669). Mitochondrial DNA (mtDNA) sequences for the cytochrome b gene show a seven percent sequence divergence between the two clades (Lamb and Lydeard 1994, p. 283). The taxonomic status of the gopher tortoise throughout its range is considered valid (Interagency Taxonomic Information System 2010, p. 1). Although some genetic and nuclear differentiation exists across the range of the gopher tortoise, particularly evident with barriers such as the Apalachicola and Mobile rivers (Clostio et al. 2012, pp. 620-622), there is no taxonomic distinction between gopher tortoise populations in the western and eastern portions of its range or at any level of geographic subdivision.

## **Habitat/Life History:**

Gopher tortoises require well-drained, sandy soils for burrowing and nest construction, an abundance of herbaceous ground cover for food, and a generally open canopy that allows sunlight to reach the forest floor (Landers 1980, p. 6; Auffenberg and Franz 1982, p. 98). Longleaf pine and oak uplands, xeric hammock, xeric Florida scrub, maritime scrub, and ruderal (disturbed) habitat most often provide the conditions necessary to support gopher tortoises (Auffenberg and Franz 1982, p. 99). Ruderal (i.e., disturbed or atypical) habitats include roadsides and utility rights-of-way, grove/forest edges, fencerows, and clearing edges. In the western range, soils contain more silt, and xeric (dry) conditions are less common west of the Florida panhandle (Craul et al. 2005, p. 73). Ground cover in this Coastal Plains area can be separated into two general regions with the division in the central part of southern Alabama and northwest Florida. To the west, bluestem (*Andropogon* spp.) and panicum (*Panicum* spp.) grasses predominate; to the east, wiregrass (*Aristida stricta*) is most common (Boyer 1990, p. 3). However, gopher tortoises do not necessarily respond to specific plants but rather the physical characteristics of habitat (Diemer 1986, p. 126). Historic gopher tortoise habitats were open pine forests, savannahs, and xeric grasslands that covered the coastal plain from Mexico and Texas to Florida. Historic habitats might have had wetter soils at times and been somewhat cooler but were generally xeric, open, and diverse (Ashton and Ashton 2008, p. 73).

Gopher tortoises have a well-defined activity range where all feeding and reproduction take place and that is limited by the amount of herbaceous ground cover (Auffenberg and Iverson 1979, p. 549). Tortoises are herbivores eating mainly grasses, plants, fallen flowers, fruits, and leaves. Gopher tortoises prefer grassy, open-canopy microhabitats (Boglioli et al. 2000, p. 703), and their population density directly relates to the density of herbaceous biomass (Auffenberg and Iverson 1979, p. 558; Landers and Speake 1980, p. 522; Wright 1982, p. 22; Stewart et al. 1993, p. 79) and a lack of canopy (Breininger et al. 1994, p. 63; Boglioli et

al. 2000, p. 703). Grasses and grasslike plants are important in gopher tortoise diets (Auffenberg and Iverson 1979, p. 558; Landers 1980, p. 9; Garner and Landers 1981, p. 123; Wright 1982, p. 25; Macdonald and Mushinsky 1988, p. 351; Mushinsky et al. 2006, p. 480; Birkhead et al. 2005, p. 146). A lack of vegetative diversity may negatively impact the long-term sustainability of gopher tortoise populations (Ashton and Ashton 2008, p. 78).

Gopher tortoises require a sparse canopy and litter-free ground not only for feeding, but also for nesting (Landers and Speake 1980, p. 522). In Florida, McCoy and Mushinsky (1995, p. 35) found that the number of active burrows per tortoise was lower where canopy cover was high. Females require almost full sunlight for nesting (Landers and Buckner 1981, p. 5) because eggs are often laid in the burrow apron or other sunny spot and require the warmth of the sun for appropriate incubation (Landers and Speake 1980, p. 522). At one site in southwest Georgia, Boglioli et al. (2000, p. 703) found most tortoises in areas with 30 percent or less canopy cover. Diemer (1992, p. 162) found that ecotones (areas on the edges of landscapes) created by clearing were also favored by tortoises in north Florida. When canopies become too dense, usually due to fire suppression, tortoises tend to move into ruderal habitats such as roadsides with more herbaceous ground cover, lower tree cover, and significant sun exposure (Garner and Landers 1981, p. 122; McCoy et al. 1993, p. 38; Baskaran et al. 2006, p. 346). In Georgia, Hermann et al. (2002, p. 294) found that open pine areas (e.g., pine forests with canopies that allow light to penetrate to the forest floor) were more likely to have burrows, support higher burrow densities, and have more burrows used by large, adult tortoises than closed-canopy forests. Historically, open-canopied pine forests were maintained by frequent, lightning-generated fires.

The burrows of a gopher tortoise are the habitat and center of normal feeding, breeding, and sheltering activity. Gopher tortoises can excavate many burrows over their lifetime, and often use several each year. Burrows typically extend 15-25 feet (4.6 to 7.6 m), with a record burrow measuring 67 feet (20.5 m; Ashton and Ashton 2008, p. 46), can be up to 12 feet (3.7 m) deep, and provide shelter from predators, winter cold, and summer heat. Tortoises spend most of their time within burrows and emerge during the day to bask in sunlight, to feed, and reproduce. Tortoises breed from March through October (e.g. Landers et al. 1980, p. 353; McRae et al. 1981, p. 178; Wright 1982, pp. 54-55; Eubanks et al. 2002, p. 470), but females do not reproduce every year (estimated at 80 to 85 percent; Smith et al. 1997, p. 598). Females excavate a shallow nest to lay and bury eggs, typically between early May and late June, and usually in the apron of soil at the mouth of the burrow. Range-wide, average clutch size varies from about 4 to 10 eggs per clutch, and incubation lasts 85 to 100 days.

Home range size and movements increase with age and body size, and home range area tends to vary with habitat quality, becoming larger in areas of poor habitat (Auffenberg and Iverson 1979, p. 558). Males typically have larger home ranges than females. Mean home ranges of individual tortoises in Alabama, Florida, and Georgia have varied from 1.3-5.2 acres (3.2-2.2 ha) for males and 0.2-2.5 acres (0.09-1.0 ha) for females (McRae et al. 1981, p. 175; Diemer 1992, p. 160; Tuma 1996, p. 33; Eubanks et al. 2002, p. 468).

### **Historical Range/Distribution:**

The gopher tortoise occurs in the southeastern Atlantic Coastal Plain from southern South Carolina west through Georgia, Alabama, and Mississippi to eastern Louisiana, and south through peninsular Florida. The eastern (candidate) portion of the gopher tortoise's range includes Alabama (east of the Tombigbee and Mobile Rivers), Florida, Georgia, and South Carolina.

### **Current Range Distribution:**

The current range for the eastern (candidate) population of the gopher tortoise aligns with the historic range

which includes Alabama (east of the Tombigbee and Mobile Rivers), Florida, Georgia, and South Carolina. The core of the current distribution of the gopher tortoise in the eastern portion of its range includes central and north Florida and southern Georgia.

### **Population Estimates/Status:**

A wide variety of information is available on the number and density of gopher tortoises and their burrows throughout their range. These data are the result of numerous surveys/censuses using a variety of methodologies ranging from one-time censuses to repeated surveys over several decades. The diversity of data poses a challenge when trying to evaluate the status of a species from a landscape perspective. For example, in geographic areas where we have more data, we have higher confidence in drawing conclusions about status of those populations. In other areas, where there is little or no data, our confidence in assessing the status of tortoises is lower. Because of disparities in the type of data collected, methodologies in collecting data, and differences in the scope of studies, it is not possible to simply combine datasets to evaluate the status of the gopher tortoise. Instead, we consider each individual dataset in the context of all other best available science to form general conclusions about the status of the gopher tortoise.

The gopher tortoise is more widespread and abundant in parts of the eastern portion of its range, in particular southern Georgia and central and northern Florida; these areas have been designated as the central portion of the tortoises geographic extent previously in the literature (Tuberville et al. 2009, p. 12). Estimates of adult tortoise abundance include approximately 785,000 in Florida (FWC 2012, p. 2); 30,000 to 130,000 in Alabama (Guyer et al. 2011, p. 4); and 400-500 in South Carolina (Buhlmann, Savannah River Ecology Laboratory, in litt. 2012). A state-wide population estimate is currently being calculated for Georgia. Long-term monitoring data indicate that populations have declined even on protected lands, although the degree to which this decline can be related to declines in habitat quality is unknown (McCoy et al. 2006, p. 125). Small-scale, short-term or one-time surveys indicate that tortoise populations often occur in fragmented and degraded habitat, and densities of individuals are low within populations; however, there are also many populations of tortoises in the eastern portion of the range that appear to be sufficiently large enough to persist long-term (Service 2011, p. 38).

### **Distinct Population Segment(DPS):**

A species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. The Act defines species as follows: The term species includes any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature. For the 12Month Finding on a Petition To List the Gopher Tortoise as Threatened in the Eastern Portion of Its Range (76 FR 45130 45162), the status of the gopher tortoise throughout all of its range was considered (including where it is currently listed as threatened), in order to comprehensively evaluate the status of the species. Therefore, the listable entity is the species (gopher tortoise) throughout its range, and not separated into eastern and western distinct population segments.

## **Threats**

### **A. The present or threatened destruction, modification, or curtailment of its habitat or range:**

This factor is by far the biggest threat facing the continued existence of the gopher tortoise. There are many direct and indirect factors contributing to this threat, including (but not limited to): 1) habitat fragmentation by roads (potentially causing road mortality, reproductive isolation, small and discontinuous populations, and edge effects that may increase predation); 2) habitat destruction from activities such as urbanization and sand extraction (potentially causing direct mortality and/or displacement of tortoises to undesirable habitats); and 3) habitat modification (either deliberately or from inattention), including conversion of open pine (e.g.,

longleaf pine) forests to other silvicultural or agricultural habitats, phosphate mining, shrub/hardwood/sand pine encroachment (mainly from fire exclusion or insufficient fire management), and establishment and spread of invasive species (potentially causing the aforementioned indirect effects due to canopy closure and decline of available forage/groundcover).

Gopher tortoise habitat in the eastern portion of its range has been destroyed or modified in the past due to conversion of natural pine forests to intensely managed planted pine plantations or naturally regenerated stands (Hermann et al. 2002, p. 296; Siry 2002, p.335; Conner and Hartsell 2002, pp. 373-376). Additionally, loss of natural pine forests has resulted from urban development and industrialization (Kautz 1998, p. 184; FWC 2006, pp. 4 and 8), and degradation of natural pine forest due to lack, or insufficient use of prescribed fire (FWC 2006, p. 10; Bailey and Smith 2007, p. 8; Yager et al. 2007, p. 428). Several of these same factors are cited in the gopher tortoise recovery plan as historical processes that resulted in habitat destruction and modification in the western portion of the tortoises range (Service 1990, pp. 8-10). The conversion of native southern pine forests to intensively managed pine forests (planted pine plantations or regenerated forests) is anticipated to continue in the future (Bailey and Smith 2007, p. 8), although the rates of projected conversion vary. The future rate of conversion to pine plantations may be lower than in the past because rates of conversion seem to have declined over the past decade compared to the rates of conversion documented in the 1980s and 1990s. Additionally, there are ongoing developments with how to effectively balance planted pine plantations with a mixture of more open conditions compatible with good gopher tortoise habitat (Wigley et al. 2012, p. 42).

In Florida, future urban development may result in the loss of about 700,000 acres or 20 percent of the remaining gopher tortoise habitat (not defined in publication) in Florida by 2060 (FWC 2008, p. 4). Some have predicted a loss of up to 50 percent of forest lands in central Florida and up to 25 percent in north Florida and southeast Alabama (Prestemon and Abt 2002, p. 18). In 10 coastal Georgia counties, the human population is expected to increase 51 percent by 2030 (Center for Quality Growth and Regional Development 2006, p. 4), but no estimate of impact on native habitats is projected. Florida law provides more protection for tortoises than elsewhere in the eastern portion of the range, and there is more protected habitat in Florida than in the rest of the range combined. Florida is also the only state with a comprehensive management plan and permitting program for the species. Significant development/habitat conversion has occurred in the past which has led to the species imperilment, and future pressures from development are likely.

In addition to habitat loss, gopher tortoise habitat will continue to be degraded due to fragmentation, conversion to intensively managed pine forests, impacts to habitat resulting from conversion of agricultural lands, and lack, or ineffective use of prescribed fire. The spatial and temporal scale of fragmentation from silvicultural activities will vary depending on location, size, and timing of these activities. Frequent alterations of intensively managed pine forests are unlikely to support stable tortoise populations (Diemer 1992, p. 288); however, there are situations where tortoise populations have persisted on sites with a history of intensive silvicultural activities (Diemer Berish et al. 2012, p. 50). Gopher tortoises are known to abandon areas that had been recently converted to pine plantations (FWC 2001, p. 4). Typically, gopher tortoises move from intensively managed pine forests when canopies begin to close to roadsides and then to adjacent clearcuts or other peripheral habitats, if they are available (Auffenberg and Franz 1982, p. 102; Diemer 1992, p. 288). These peripheral areas are often road shoulders, which may give the impression that population numbers are high, even though the adjacent pine plantation is largely unoccupied (FWC 2001, p. 4).

Gopher tortoise habitat is fire-dependent, and naturally ignited fires and prescribed burning maintain an open canopy and reduces forest floor litter that combine to allow penetration of sunlight necessary for ground cover growth and gopher tortoise nest thermoregulation. In natural and planted pine stands, frequent burning is the most important management tool in sustaining gopher tortoise habitat (Landers and Buckner 1981, p. 6; Breininger et al. 1994, p. 63). In suitable habitats, periodic burning or shrub removal can increase gopher tortoise carrying capacity (Stewart et al. 1993, p. 79). Landers (1980, p. 7) found that mixed stands of longleaf pine, turkey oak, and other scrub oaks that were burned every 2 to 4 years produced the densest tortoise colonies. In south-central Florida, tortoises moved into areas that were frequently burned and

abandoned areas that were unburned or burned less frequently (Ashton et al. 2008, p. 527). However, recently burned potential (but unoccupied) habitat may not be colonized by tortoises if fire has been suppressed in surrounding habitat making it unsuitable for tortoises. These areas, if properly restored, could potentially be utilized as a restocking site if long-term management plans have been established, it is thought to historically have been occupied by tortoises, and the reason(s) why the site was originally abandoned have been addressed.

Even though management efforts may restore habitat, previous fire suppression can result in abandonment of adjacent habitat and create dispersal barriers (Ashton et al. 2008, p. 528). Breininger et al. (1994, p. 63) determined that burned habitats had more herbaceous ground cover and gopher tortoises than unburned oak-palmetto. Landers and Buckner (1981, p. 5) determined that burned plantations and longleaf pine scrub oak ridges had nest densities four times higher than in unburned plantations and ridges. Landers and Speake (1980, p. 518) recorded that herbaceous ground cover was 2.3 times higher and gopher tortoise density was 3.1 times higher in a frequently burned slash pine plantation as in an adjacent unburned natural sandhill area. We also know that not all potential habitats on public lands are currently suitable gopher tortoise habitat. Few lands have been acquired expressly for gopher tortoise conservation. Thus, tortoise habitat suitability is often a byproduct of other management treatments. Public lands, while less vulnerable to development, are still subject to economic pressures and constraints. Currently, public agency budgets are strained, and most are probably not adequate to provide for large-scale, intensive management specifically targeting gopher tortoise habitat. We know that periodic burning of gopher tortoise habitat is crucial to the conservation of the species. We also know that pressures to control wildfires for public safety and the adverse effects of smoke (both perceived and actual) make burning more and more difficult.

Loss and alteration of gopher tortoise habitat from fire exclusion or fire suppression has a significant effect on survival of the gopher tortoise (Boglioli et al. 2000, p. 704). Although burning has been accepted as a management tool, increased urbanization has limited its use in many locations (Ashton and Ashton 2008, p. 78). Many southeastern pine forests have dense canopies, more mid-canopy shrubs, and herbaceous ground cover decline due to fire suppression (Yager et al. 2007, p. 428). Tortoise population life expectancy was shorter than normal in fire-suppressed savanna communities (Auffenberg and Iverson 1979, p. 562). Population reduction was directly correlated with the degree and rate of successional habitat modification (Auffenberg and Iverson 1979, p. 562). Fire exclusion may reduce tortoise numbers by 60 to 80 percent in 8 years (Diemer 1989, p. 3) or 100 percent in 16 years (Auffenberg and Franz 1982, p. 108). In south-central Florida, sandhill and scrubby flatwoods were abandoned by gopher tortoise after about 20 years of fire exclusion (Ashton et al. 2008, p. 528).

In summary, we find that the destruction, modification, or curtailment of the gopher tortoises habitat is currently a threat and is expected to persist and possibly escalate in the future. While there are a number of conservation measures in place, at this time it is not reasonably certain that they are adequate to ameliorate this threat. Because this threat is ongoing and expected to continue over the coming decades, we consider the threat to be imminent. Considering that the threat of habitat loss is reduced on the relatively large amount of habitat that is in public ownership and private conservation lands, we believe the magnitude of this threat is moderate.

## **B. Overutilization for commercial, recreational, scientific, or educational purposes:**

The primary threat associated with this factor is the harassment and mortality of gopher tortoises associated with the unregulated harvest of rattlesnakes, specifically the eastern diamondback rattlesnake (*Crotalus adamanteus*). The technique of blowing fumes of noxious liquids (otherwise known as gassing) down tortoise burrows in order to capture the snakes harms or harasses the resident tortoise, and is known to be used primarily to collect the snakes for rattlesnake round-ups (Means 2009, p. 139).

Rattlesnake round-ups are locally-organized events that offer prizes for largest and most rattlesnakes caught, and promotes the slaughter of the snakes for skins and meat. Before 2012 there were three rattlesnake

round-ups remaining; however, in 2012 the Claxton, GA round-up was converted to a wildlife festival, and snakes used at the festival will no longer be harvested from the wild. This threat has abated over the past several decades but still occurs in some rural areas. However, public pressure to convert the two remaining rattlesnake round-ups (one in Alabama, the other in Georgia) to wildlife festivals, in addition to regulations prohibiting the gassing of tortoise burrows (Florida, Georgia, and Alabama) should continue to help diminish this threat to the tortoise. Florida law specifically prohibits the use of gasoline or other chemical or gaseous substances to drive wildlife from their retreats (Florida Administrative Code 68 A.4-001(2)). Georgia codes § 27-1-130 and 27-3-130 prohibit gassing of burrows, but excludes protection of venomous snakes. Alabama regulation 220-2-.11 currently prohibits the use of gas, noxious chemicals, or gaseous substances into wildlife burrows, dens, or retreats. These regulatory measures will reduce incidental mortality of gopher tortoises during rattlesnake collections, but additional pressure will undoubtedly be necessary to convert the remaining round-ups. Currently, there is a petition to list the eastern diamondback (submitted August 22, 2011 by the Center for Biological Diversity, Coastal Plains Institute, Protecting All Living Species, and One More Generation), and the implications from the FWS finding on that petition could potentially have effects on this threat to the tortoise as well.

In summary, after reviewing available information we find that the unregulated harvest of rattlesnakes poses a current and future threat to the gopher tortoise. We anticipate this threat is imminent since rattlesnake roundups occur annually and collections for these events and by individual collectors may occur throughout the year. We believe the impacts will be localized to areas near the communities that still support rattlesnake roundups; consequently, the magnitude of threat is considered low.

### **C. Disease or predation:**

A number of diseases have been documented in the gopher tortoise, including fungal keratitis (Myers et al. 2009, p. 582), iridovirus, herpesvirus, bacterial diseases related to Salmonella, Mycoplasma, and Dermatophilus, and numerous internal and external parasites (Ashton and Ashton 2008, pp. 39-41). Upper Respiratory Tract Disease (URTD) resulting from Mycoplasma infection has received the most attention recently and has been implicated in mortality of gopher tortoises in Florida where URTD was documented (Diemer Berish et al. 2010, p. 696). It is considered an infectious disease which may threaten populations of freeranging tortoises (Seigel et al. 2003, pp. 142-143). However, correlations between exposure to Mycoplasma spp. and population declines appear to be variable among geographic locations and often transient when viewed over a 10year timeframe (McCoy et al. 2007, p. 173).

Currently, all tortoises in the listed range are tested for the presence of Mycoplasma antibodies prior to relocation. Additionally, as part of the guidelines for the establishment of conservation banks in the listed range (Service 2009, p. 6), all resident tortoises at the bank are tested as well, and the FWS reserves the right to further evaluate and determine whether a prospective property with seropositive tortoises can accept relocated seronegative tortoises, or vice versa. However, consensus on the significance of a seropositive result is still unresolved. According to the Florida Gopher Tortoise Management Plan (FWC 2012, p. 57), previous attempts to control the spread of URTD by requiring serological testing of a sample of tortoises prior to relocation were recognized as insufficient, with detrimental consequences to tortoise populations. The degree to which exposure to the pathogen correlates to clinical signs of URTD or die-offs is unclear, as are the degree of transfer between animals, and the potential for decreased resistance to the disease based on stresses from habitat modification or relocation. The threat of disease across the range is an ongoing challenge while additional data are gathered about the potential pathogens in the environment and how populations respond to them.

Nest depredation by vertebrates typically has been considered substantial; from studies in southern Georgia, Landers et al. (1980, p. 353) estimated about 90 percent of nests were destroyed by predators; a study in Alabama documented about 46 percent of nests (n = 11) were destroyed (Marshall 1986, p. vii). Documented predators of nests, hatchlings, and juvenile gopher tortoises include raccoons (*Procyon lotor*), gray fox (*Urocyon cinereoargenteus*), striped skunks (*Mephitis mephitis*), opossum (*Didelphis virginiana*),

nine-banded armadillos (*Dasypus novemcinctus*), red-tailed hawks (*Buteo jamaicensis*), cottonmouths (*Agkistrodon piscivorus*), coachwhips (*Coluber flagellum*), eastern indigo snakes (*Drymarchon couperi*), and red imported fire ants (*Solenopsis invicta*; see Epperson and Heise 2003 and references therein, pp. 315-316). Dogs and coyotes have been documented as predators of adult tortoises (Causey and Cude 1978, pp. 94-95; Hinderliter 2008, p. 344). As is the case with most turtle species, predation pressures are highest for gopher tortoises in the first year post-hatching, and diminish gradually over the next several years. In a current head-starting study in the listed range (Camp Shelby, MS), documented predation by mammals was fairly constant on tortoises across all age groups (hatchling through 5-year-olds); however, 91% of the documented predation by fire ants was on hatchling tortoises (M. Hinderliter, unpubl. data). The gopher tortoise has evolved to persist with the pressures of native predators, although the range expansions of armadillos and coyotes, combined with the introduction and invasion of other species (non-native fire ants, constrictor snakes, and tegus) has redefined predation as a serious threat that needs to be addressed. Harvest for human consumption is also known to occur, although this type of harvest is probably localized and sporadic (FWC 2012, p. 104), and therefore its impact is currently unknown.

In summary, we feel that predicting where and when populations will be affected by disease is not currently possible, but we expect that further loss and degradation of habitat and isolation of populations will result in increasing stress on individual tortoises and populations. We believe that URTD-related mortality will become more prevalent under these conditions, and, therefore, we expect this threat to gopher tortoises will increase in the future throughout all of its range. Given our current state of knowledge, we believe the threat of disease is imminent and that because mortality associated with the presence of disease is not currently widespread and the sublethal effects are not understood, we believe the magnitude of impact is low. Predation of eggs and young is common and substantial throughout the tortoises range and may be a limiting factor in some parts of the western portion of the range. Predation is an imminent threat because it is ongoing, occurs annually, and occurs throughout much of the tortoises range. Tortoise populations undoubtedly persisted historically in the face of natural predation; however, tortoises are now faced with additional anthropogenic (man-caused) factors, indicating that predation is a threat of moderate magnitude.

#### **D. The inadequacy of existing regulatory mechanisms:**

There are several issues involving potential regulatory inconsistencies throughout the range, which need to be addressed to analyze which have the greatest conservation benefit on individual tortoises, their populations, and their habitat. The practice of maintaining a buffer area around known tortoise burrows while operating heavy machinery for habitat management is currently utilized in the listed range, but not everywhere in the candidate range. Additionally, the mechanisms of relocation/translocation of tortoise populations are not consistent throughout the states, specifically the methods of placing relocated tortoises in temporary enclosures and the use of starter burrows into which to release animals. In order to effectively assess the success of relocation, more consistency is needed in establishing long-term monitoring studies to investigate site fidelity, reproductive fitness, and population health post-relocation. The recipient site needs to be evaluated periodically as well to ensure that the habitat management plan is still effective, and that the site is still viable to maintain a tortoise population.

Generally, State statutes and regulations provide measures to protect individual gopher tortoises from take but do not provide for protection from modification of their habitat. However, on more than 70 percent of the potential habitat, there are no State regulations providing permitting oversight or requiring conservation benefit to gopher tortoises or their habitat on either private or public lands. In Georgia, for example, State statute requires that any rule and regulation promulgated for protected species (including the gopher tortoise) shall not affect rights in private property or in public or private streams, nor shall such rules and regulations impede construction of any nature (GA ST §§ 27-3-132(b)). Any implementing regulations promulgated in Georgia are constrained by these statutory requirements. Regulations cannot exceed the statutory requirement and, therefore, can only prohibit collection, killing, or selling of individual tortoises. Furthermore, regulations

may be developed to protect gopher tortoise habitat on public lands. All other States within the range of the gopher tortoise have protective statutes, but, except for Florida, none have developed implementing regulations addressing impacts to gopher tortoise habitat.

In the eastern portion of the tortoises range, only Florida implements a regulatory program designed to mitigate the effects of habitat loss on non-agricultural private lands. The amount of habitat on protected lands might increase substantially if other States considered developing and implementing similar tortoise management plans, especially if those plans included best management practices within various types of tortoise habitat. While mechanisms are in place to protect individual tortoises, in terms of minimizing take, those processes ultimately resulting in the relocation of tortoises need to be assessed to ensure that stocking density, reserve area requirements, and best habitat management practices are based on documented successful relocations and are comparable range-wide.

In summary, threats due to inadequacy of existing regulatory mechanisms, particularly outside of Florida, are an imminent threat to the gopher tortoise throughout its range because the existing regulatory mechanisms that are currently in place are not sufficiently protecting tortoise habitat throughout its range. The magnitude of this threat is moderate because existing regulations protect individual tortoises throughout their range. These regulations have eliminated some forms of harassment and mortality (e.g., capture for food, pets, races, etc.), but gopher tortoise habitat in private ownership is largely unprotected and is vulnerable to degradation or destruction throughout most of its range.

### **E. Other natural or manmade factors affecting its continued existence:**

Additional factors are threats to the continued existence of gopher tortoises include long-term herbicide exposure, road mortality, and climate change; however, the status of these potential threats is unknown and requires further investigation. The application of herbicide, for invasive species control, brush management, and site preparation, is an important component of habitat management, and a valuable tool for land managers. Although where herbicide is applied there is the potential for short-term loss of forage, the primary concern is that the possible effects of long-term or chronic exposure of herbicide on adults, juveniles, and eggs are unknown and need further investigation.

We know that road mortality occurs, but the extent to which it affects populations and the species as a whole is not well documented. Increases in observed road mortality, whether episodic or consistent, may be a by-product of new construction, road expansion, or relocation (legal or illegal); however, there is no information directly linking road mortality to population declines so the magnitude of this factor is not currently known. For impacts from climate change, there is the potential for a loss of coastal dune habitat from sea level rise, habitat fragmentation from water table rise in inland habitats, temporal shifts in behavioral seasons such as nesting and overwintering, and a skewed sex ratio in some populations since tortoises have temperature-dependent sex determination.

In summary, the threats from silvicultural herbicides and road mortality are occurring now and are expected to continue in the future. These threats will be focused in areas of silvicultural production and roadways in and around urban areas, and since they are ongoing they are considered imminent. The magnitude of the threat from use of silvicultural herbicides is moderate, based primarily on our existing knowledge of the distribution of tortoises and their vulnerability to incompatible silvicultural forest management practices; however, since we have no information linking road mortality directly to population declines, the magnitude of this factor is not currently known. Climate change is not an imminent threat because we have not detected climate change-related impacts on gopher tortoise populations. We are uncertain about the magnitude of this threat because we do not currently understand all potential impacts of climate change on the gopher tortoise or human responses to mitigate its effects on human populations.

## **Conservation Measures Planned or Implemented :**

A major conservation effort presently underway is the development of a Range-Wide Conservation Strategy for the Gopher Tortoise, which began in 2012 (currently in draft format), and will hopefully be finalized shortly. The purpose of this Strategy is to lay out a preliminary course of action for the conservation of the gopher tortoise. It is meant to serve as a roadmap for all partners to determine the highest priority conservation efforts for the tortoise, and identify those agencies and organizations best suited to effectively undertake those efforts. It is our hope that partner implementation of this plan, with progress evaluated annually, will provide the information needed to address the threats to the species and improve its conservation status range-wide. This is intended to be an adaptive document that will be revised as new information is received from the public and partners, and should be used as a guide for helping to develop conservation and habitat plans that address the priority needs of the tortoise. Through extensive collaborative efforts with State Agencies and other partners, we will identify appropriate threat leads and teams to formulate plans to ameliorate those threats.

The Florida Gopher Tortoise Management Plan (FWC 2012, pp. 1-243), has recently undergone a 5-year revision. The ultimate goal of this plan is to: restore and maintain secure, viable populations of gopher tortoises throughout Florida so the species no longer warrants state listing. For this 10-year plan, the overarching objective of no net loss of gopher tortoises will be accomplished by meeting all of the following objectives: 1) Minimize the loss of gopher tortoises; 2) Increase and improve gopher tortoise habitat; 3) Enhance and restore gopher tortoise populations; and 4) Maintain the gopher tortoises function as a keystone species. To achieve these objectives, a cooperative program partnering with state, local, and private entities has been established across the state (FWC 2012, pp. v-vi).

Another tool that has been implemented is the Candidate Conservation Agreement (CCA) for the Gopher Tortoise Eastern Population, which was completed in 2008 and whose signatories (Parties) represent the four States fish and wildlife agencies, branches of the Department of Defense, U.S. Forest Service, FWS, and various NGOs. The goal of the Gopher Tortoise CCA is to organize a cooperative range-wide approach to tortoise conservation and management in the eastern portion of the range. The CCA uses a common conservation approach and framework and allows the Parties to leverage knowledge and funding within it. The CCA is flexible and voluntary, so that different conservation and management actions can be adopted and implemented at varying levels by the Parties. In their report there is information on: acres included by protection level; acres managed and restored; invasive exotics treated; population trends/survey results; population manipulation; research; land conservation; education and outreach; and legal protection measures (Southeast Regional Partnership for Planning and Sustainability 2010, pp. 1-2). Additionally, the report contains conservation-related research on gopher tortoises that is ongoing or recently completed by the Parties: 1) rare plant and animal inventories/surveys; 2) disease prevalence and impacts; 3) population responses to management actions; 4) effectiveness of re-stocking tortoises; 5) habitat assessments; and 6) population dynamics assessments. The CCA further states, It is the intent and expectation of the Parties that the execution and implementation of this Agreement will lead to the conservation of the gopher tortoise in its natural eastern range. It is also the expectation of the Parties that the conservation and management commitments made in this document will be considered in the event of a listing under the ESA.

There are many other collaborative efforts and agency/NGO-lead actions currently ongoing which are either targeting species-specific conservation for the gopher tortoise (e.g., NRCS Working Lands for Wildlife) or ecosystem based conservation programs (e.g., Americas Longleaf Restoration Initiative) which could benefit the tortoise. There are also many programs in place that are contributing to on-the-ground gopher tortoise conservation on private lands, illustrating the power and potential of public/private partnerships (e.g., Wildlife Habitat Incentive Program, Environmental Quality Incentives Program). Additionally, military installations across the southeast complement the state and Federal laws by maintaining regulations on training restrictions in areas where rare species are found, as part of their Integrated Natural Resource

Management Plans. These organizations and initiatives are important in addressing the preservation and management needs across state lines and land ownership categories, specifically when they offer landowner incentives and cost-share programs.

## **Summary of Threats :**

Overall, the assessment is that gopher tortoise habitat is diminishing/degrading, populations are declining, and disease and human-related impacts are documented threats to the species. There are likely some viable gopher tortoise populations on both public and private lands across the species range. However, the extent to which these populations are sufficient in both number and security to ensure the long-term persistence of gopher tortoises is unknown. The positive effects of recent commitments of landowners through the CCA and more protective regulations in Florida are just beginning to be realized. Regardless, there are no programs in place that would ensure the maintenance of contiguous, suitable, occupied habitats to secure the species against stochastic events and to provide for sufficient genetic diversity.

Most of the potential gopher tortoise habitat, estimated at over 80 percent, is privately held, and much of this is in silviculture. Silvicultural practices can be, but are not necessarily, compatible with gopher tortoise conservation. While much of this land is unlikely to be developed in the near term, private lands are also sensitive to economic conditions. These conditions affect potential conversion to other land uses as well as the viability of management treatments that impact species composition, harvest rates, thinning, and burning. Public lands, while less vulnerable to development, are still subject to economic pressures and constraints. Currently, public agency budgets are strained, and most are probably not adequate to provide for largescale, intensive management specifically targeting gopher tortoise habitat. We know that periodic burning of gopher tortoise habitat is a necessary management tool across many landscape types, and crucial to the conservation of the species. We also know that pressures to control wildfires for public safety and the adverse effects of smoke (both perceived and actual) make burning challenging.

The threats discussed under factors A-E all contribute to the overall challenge facing the persistence of gopher tortoises across the range, although in terms of pure scale, the continued loss and degradation of habitat far outweigh any of the other threats to the species. Many of the threats occur range-wide, although disease, harassment due to gassing burrows, and regulatory deficiencies seem to be more localized. Addressing the loss, fragmentation, and mismanagement of priority tortoise habitat is paramount; however, it is also the most challenging task due to economic and resource constraints. Conservation of the species at this stage requires that sufficient habitats currently supporting large populations or having the capability to support large populations be identified and secured, and protective and management measures implemented.

### **For species that are being removed from candidate status:**

\_\_\_\_\_ Is the removal based in whole or in part on one or more individual conservation efforts that you determined met the standards in the Policy for Evaluation of Conservation Efforts When Making Listing Decisions(PECE)?

## **Recommended Conservation Measures :**

The following action items, taken from the Range-Wide Conservation Strategy, have been identified as recommended conservation measures for the gopher tortoise and categorized by similar overarching objectives:

### **Objective 1: Determine population viability parameters**

1) Establish consensus within the research community on what defines a viable gopher tortoise population across various states/habitats (e.g., age structure, number of individuals, acreage, recruitment rate, spatial distribution, etc.);

- 2) Establish consensus on the necessary number and distribution of viable gopher tortoise populations in suitable habitat such that the species in the eastern portion of its range would be considered secure, and in the western range would be considered recovered;
- 3) Investigate the potential use of captive-reared or head-started gopher tortoises to augment a population or re-populate a previously occupied area to increase viability of the general population;
- 4) Integrate the use of Line Transect Distance Sampling (LTDS) as a surveying/monitoring protocol (where applicable) into State, Federal, and local policy as the approved method to accurately assess gopher tortoise population levels, trends, and responses to management; determine appropriate time frames for surveying, and acceptable alternative survey protocols in small parcels and in scrub or flatwoods communities;
- 5) Investigate using Section 6 funding to conduct surveys and censuses of large, suitable public parcels that contain a substantial amount of potential gopher tortoise habitat, to estimate the number of tortoises present and evaluate those sites for potential tortoise population enhancement or re-establishment. Provide information and incentives to private landowners to manage their land for tortoises, possibly working with partners to offer higher cost-sharing for more aggressive habitat management

**Objective 2: Address the present and threatened destruction, modification, or curtailment of gopher tortoise habitat**

- 1) Identify, prioritize, protect, and manage viable tortoise populations and best remaining tortoise habitat;
- 2) Increase the size and/or carrying capacity of those viable population areas (and areas with tortoise populations just below the viable threshold) through applied land management, land acquisition, or incentives to adjacent landowners to properly manage for tortoises; in order to allow for the potential expansion of those populations;
- 3) Working with partners/land managers, maximize the amount of acreage appropriately maintained by prescribed fire, with specific emphasis on developing implementation plans with recommendations for fire intensity, frequency, seasonality, and post-fire analyses. Part of this effort should be educational outreach with the public, emphasizing the benefits of prescribed fire for both habitat management and for decreasing the chances of catastrophic wildfire;
- 4) Create a draft document detailing Best Management Practices (BMPs) and Desired Future Conditions (DFCs) for various gopher tortoise habitat types (longleaf pine forests, sandhills, scrub, etc.) for range-wide distribution; encourage participation from the silvicultural industry and private lands foresters in the development of these recommendations. Also must include input from migratory birds and rare species biologists to ensure compatibility;
- 5) Evaluate whether each state in the candidate range for the tortoise should have a state Management/Conservation Plan;
- 6) Encourage the development and implementation of a model CCAA/HCP (preferably one that is state-wide and programmatic) that details effective, measurable conservation objectives and habitat management goals;
- 7) Locate areas of secondary priority where re-stocking and restoration can most effectively be accomplished by creating large, contiguous tracts or habitat corridors that may or may not be occupied by tortoises, specifically those directly adjacent to current managed lands.

**Objective 3: Address issues related to overutilization for commercial, recreational, scientific, or educational purposes**

- 1) Work with partners to convert the two remaining rattlesnake round-ups to wildlife festivals;
- 2) Work with Georgia state legislature to change the law that currently exempts venomous snakes from gassing;

#### **Objective 4: Investigate and mitigate disease and predation effects**

- 1) Working with a gopher tortoise health/disease working group, investigate: 1) if and when disease testing should be performed on gopher tortoises, and for what diseases; 2) the significance and ramifications of a positive result (i.e. presence of Mycoplasma antibodies); 3) what to do with suspect and positive tortoises; and 4) the degree to which disease can be linked to die-offs in tortoise populations (temporal and spatial scales);
- 2) Identify the predators having the largest impact on gopher tortoise populations, with special emphasis on documenting unnaturally high rates from nuisance, invasive, and introduced predators (e.g., red imported fire ants, coyotes, armadillos, feral hogs); this should include documenting predation on various tortoise age classes, and recommendations for predator control.
- 3) Work with local and state law enforcement to investigate the magnitude of tortoise harvest for human consumption, evaluating current regulations and creating outreach to educate the public on laws protecting gopher tortoises.

#### **Objective 5: Investigate range-wide effective regulatory mechanisms**

- 1) Adopt mitigation strategies across the range that address the ongoing need for relocation of tortoises, but do it in a way as to minimize loss of preferred habitat (sandy soils, open forest structure, herbaceous groundcover), maximize site fidelity, and provide protection of relocated tortoises and the recipient site;
- 2) Complete a study investigating gopher tortoise burrow collapse, specifically to determine the minimum distance from the entrance where the burrow integrity is still maintained when run over by heavy equipment (in different representative soil types). This value can then be used as a burrow buffer recommendation range-wide for conservation measures during habitat management practices;
- 3) Develop state regulatory processes to minimize and mitigate loss/degradation of tortoise habitat resulting from agricultural land conversion.

#### **Objective 6: Investigate other natural or man-made factors affecting its continued existence**

- 1) Initiate a risk assessment of the use of herbicides in gopher tortoise habitat, specifically where broad-spectrum herbicides are utilized as a common management tool, not for treating invasive species. The study should evaluate the potential short-term and long-term impacts on forage availability, and tortoise health and reproduction;
- 2) Create a database for documenting tortoise road mortality events, in order to document potential responses to road expansion, construction projects, etc. This data could then be used to identify areas with the high incidences of vehicle collisions, and potentially assist with project planning of road construction (e.g., minimizing curbs, utilizing excluder fences).

## **Priority Table**

Magnitude	Immediacy	Taxonomy	Priority
High	Imminent	Monotypic genus	1
		Species	2
		Subspecies/Population	3
	Non-imminent	Monotypic genus	4
		Species	5
		Subspecies/Population	6
Moderate to Low	Imminent	Monotypic genus	7
		<b>Species</b>	<b>8</b>
		Subspecies/Population	9
	Non-Imminent	Monotype genus	10
		Species	11
		Subspecies/Population	12

### Rationale for Change in Listing Priority Number:

#### Magnitude:

There is a broad geographic area affected by the destruction, modification, or curtailment of gopher tortoise habitat across the species range, and reduced survival and low recruitment observed in many gopher tortoise populations throughout the range are potentially due to degradation of habitat. A large percentage (estimated at over 80 percent) of the potential tortoise habitat is under private ownership and is therefore largely uncategorized, unprotected, and vulnerable to degradation or destruction. Based on the high percentages documented in the literature (70 to 100 percent), nest/hatchling predation is viewed as a threat widespread throughout the range. High mortality is likely to impede the persistence and recovery of tortoise populations. Even though predation has been, and still is, a naturally occurring limiting factor, it has recently expanded to include additional predator species, and is probably working synergistically with other threats identified herein to impact gopher tortoises. Additionally, potential future impacts to gopher tortoises resulting from lack of implementation, compliance, and enforcement of regulations are expected to be substantial. In all states in the eastern portion of the range, silvicultural and agricultural lands are generally exempted from regulatory oversight; therefore, impacts to tortoises resulting from activities associated with silviculture or agriculture are not reviewed or mitigated. Although still in need of further data collection and research, threats such as overutilization, disease, road mortality, and the effects of climate change are perceived to be of lower magnitude; however, based on the other factors described, the overall magnitude of the threats to the gopher tortoise are moderate.

#### Imminence :

Much of the potential tortoise habitat is susceptible to future conversion for silviculture, agriculture, and urban land uses because most existing regulatory mechanisms do not protect gopher tortoise habitat. The area covered by pine plantations in the south has been modeled and under certain scenarios is projected to increase between about 1025 million acres (~ 410 million ha) by 2040 (Prestemon and Abt 2002, pp. 18-20). Future urban development may result in the loss of about 700,000 acres (283,000ha)(or 20 percent of the remaining gopher tortoise habitat) in Florida by 2060 (FWC 2008, p. 4). Others have predicted a loss of up to 50 percent of forest lands in central Florida and up to 25 percent in north Florida and southeast Alabama (Prestemon and

Abt 2002, p. 18). Researchers have recently discovered environmental pathogens potentially affecting tortoise populations, and numbers of anthropogenically-enhanced predator populations seem to be increasing. Therefore, these threats are seen as imminent.

Yes Have you promptly reviewed all of the information received regarding the species for the purpose of determination whether emergency listing is needed?

## **Emergency Listing Review**

No Is Emergency Listing Warranted?

Although the range-wide modification and fragmentation of gopher tortoise habitat poses a moderate threat to the persistence of the species, and studies generally indicate population declines, there are some regulatory measures to protect tortoises in place in each state throughout the range. In a few studies, populations appear to be stable or even improving somewhat; therefore the species is not in immediate danger of becoming extinct, and emergency listing is not warranted.

## **Description of Monitoring:**

For documenting the current status of the species, two primary sources were used: 1) the draft Range-Wide Gopher Tortoise Conservation Strategy; and 2) the Fourth Annual Report Candidate Conservation Agreement for the Gopher Tortoise (SERPPAS 2013). The Conservation Strategy was generated primarily from the 12-Month Finding on a Petition To List the Gopher Tortoise as Threatened in the Eastern Portion of Its Range (76 FR 45130 45162), and through the draft process has been open to comment from State and Federal Agencies, industry professionals, consultants, and private landowners. The action items described in the Strategy (listed as Recommended Conservation Measures in this document) were derived not only from the information provided for the 12-month finding, but also from more recent information from relevant land managers, researchers, and literature review.

Annual reports are generated by the CCA Gopher Tortoise Team (GTT), and the following conservation-related research on gopher tortoises is ongoing or recently completed by the members of the Agreement: 1) rare plant and animal inventories/surveys; 2) disease prevalence and impacts; 3) population responses to management actions; 4) effectiveness of re-stocking tortoises; 5) habitat assessments; and 6) population dynamics assessments. Since a primary goal of the CCA was to establish baseline population levels, as a first step the GTT adopted a tortoise survey methodology this past year (Line Transect Distance Sampling, or LTDS) to be utilized where applicable on covered lands. This establishment of a consistent, statistically valid method for documenting tortoise population size and demography, along with the establishment of regular monitoring schedules, will more accurately assess population trends, stability, enhancement, or decline. Additionally, this past year the structure of the CCA Annual Report changed so that signatories will report their data organized by the ESA 5-factors. In this way we will more readily document progress towards abating the threats to the species.

Effective tortoise monitoring programs have been established in a few places range-wide, typically through state- or federally-managed lands. There are ongoing programs where DoD, Forest Service, National Wildlife Refuge, and State-owned lands are being surveyed for gopher tortoises; however, there is still very little data on the status of tortoise populations on private lands. A collaborative program between FWS and USDA-NRCS was initiated in 2012 (Working Lands for Wildlife), which offers incentives to private landowners to manage their habitat specifically for gopher tortoises, and should begin to provide crucial information on the status of tortoise populations on those lands.

**Indicate which State(s) (within the range of the species) provided information or comments on the species or latest species assessment:**

Alabama, Florida, Georgia, South Carolina

**Indicate which State(s) did not provide any information or comment:**

none

**State Coordination:**

Coordination with State Agencies has primarily been done through collaborative efforts in developing the Range-Wide Conservation Strategy, and reporting data/project updates for the CCA Annual Report, and the Gopher Tortoise Council. In addition to gathering input from the State Agencies, we will continue to obtain information from the various USFWS field offices, military installations, and signatories to the gopher tortoise CCA. Monitoring of ongoing tortoise research and applicable literature will continue to be coordinated through the Gopher Tortoise Council and related journal databases. State Agency coordination is as follows: Alabama (from GTC 2012); Florida, Georgia, and South Carolina (from SERPPAS 2013):

**Alabama Department of Conservation and Natural Resources (ADCNR)**

A State Wildlife Grant titled Study of Distribution, Abundance, and Health Status of the Gopher Tortoise in Alabama will be implemented by the Alabama Natural Heritage Program. Over a three year period, basic data will be acquired related to the current distribution abundance of gopher tortoises in the state, with emphasis on their status on public and selected private lands. Abundance will be determined across the current range in Alabama using a standardized population estimation protocol and correlated with parameters of habitat quality. Efforts will be made to assess the number of stable and declining populations on public and private lands. A translocation plan will be developed for population augmentation and recommendations will be developed on translocations of tortoises, including donor and recipient sites and methodologies for translocation protocol. Additionally, blood samples will be collected to evaluate health, body condition and disease status of all gopher tortoises handled to determine if these factors contribute to an increase in movement, thus, directly correlated with increased mortality.

Since 2007 the Landowner Incentive Program (LIP) for Longleaf Pine Ecosystem Restoration has restored 7,300 acres of longleaf pine in Alabama. All projects implement a prescribed burning program on a rotation of every 3-4 years. For 2012 longleaf projects approximately 1,900 acres will be restored. In July, ADCNR Division of Wildlife and Freshwater Fisheries was awarded a Competitive State Wildlife Grant in the amount of \$874,327 for longleaf pine ecosystem restoration. This will be a three year project approximately 4,500 acres will be restored on private lands, 276 acres on the Barbour WMA and 475 acres on the Coosa Forever Wild Tract. The private lands component of this grant will be treated in the same manner as previous LIP projects and will begin cost sharing on 2013 projects.

**Florida Fish and Wildlife Conservation Commission (FWC)**

The Gopher Tortoise Management Plan (GTMP) was revised and approved by FWC in September 2012 (FWC published its first gopher tortoise management plan in 2007). The revised GTMP guides the continued recovery of the gopher tortoise in Florida through 2022. For this 10-year plan, the overarching objective of no net loss of gopher tortoises will be accomplished by meeting four objectives: minimize loss; increase and improve habitat; enhance and restore populations; and, maintain the gopher tortoises function as a keystone species. The plan presents a suite of conservation strategies and actions that serve to achieve these objectives. The actions are captured under the following broad categories: regulation, permitting, local government coordination, law enforcement, habitat protection, habitat management, population management, disease management, incentives, monitoring, education and outreach, and research. Some highlights of the new plan

include: creating a new incentives model for private landowners; collaboration with military partners on INRMPs on the management of gopher tortoises on U.S. military installations in Florida; practical considerations for managing habitat; actions minimizing tortoises removed from the wild (waif tortoises) and identifying solutions to accommodate them; and expanded monitoring provisions to track the success of gopher tortoise conservation efforts.

Originally approved in April 2008, the Gopher Tortoise Permitting Guidelines were revised based on stakeholder and staff input and approved by FWCs Commission in November 2011 and again in September 2012 to incorporate the new relocation policy on commensals approved with the management plan approval. Guidelines also include a new permit option for replenishing public conservation lands where gopher tortoise populations are depleted. In all, gopher tortoise conservation efforts in Florida are making significant progress. Much of the progress in prescribed fire and habitat management is made possible through partnerships with cities, counties, non-profit conservation organizations, and other state agencies.

During the past year, more than 116,796 acres of gopher tortoise habitat were managed and restored either mechanically, chemically, by eradicating exotic plants, or through prescribed burning. Progress has also been made in protecting additional acres of habitat on private lands through the gopher tortoise recipient site permit program. Approximately 1,786 additional acres are now permanently protected and are being managed for gopher tortoises. One significant change from that last reporting cycle is the acres of habitat lost due to development. Compared to the last three years (9,000 acres in FY11; 5,000 acres in FY10; 30,000 acres in FY09), development in Florida has increased slightly and that has resulted in a permanent loss of habitat. During FY12, approximately 10,107 acres of habitat were permanently lost specifically resulting from development activities.

### **Georgia Department of Natural Resources (GA DNR)**

The State of Georgia permanently protects 31,716 acres of tortoise habitat on Wildlife Management Areas (WMAs), Public Fishing Areas, State Parks, and Historic Sites. Land management conducted by GA DNR-Wildlife Resources Division (WRD) personnel beneficial to the gopher tortoise on these and other properties included prescribed burning of 14,858 acres, thinning or clear-cutting of 2,218 acres of off-site planted pines, removal of invasive and exotic sand pine from 300 acres, planting longleaf pine on 599 acres, and planting native warm-season grasses on 30 acres. Additionally, through the Multistate Sandhills Ecological Restoration Projects (funded by two Competitive State Wildlife Grants), GA DNR-WRD assisted private landowners with prescribed burns totaling 5,776 acres, longleaf pine plantings totaling 395 acres, mechanical removal of sand pine on 30 acres, and herbicide treatment of hardwoods on 90 acres. Through the creation of numerous conservation easements, GA DNR protected 2,507 acres of tortoise habitat during the reporting period. GA DNR-WRD conducted or contracted gopher tortoise surveys and population estimates, using line transect distance sampling (LTDS), on 18 total sites, including 2 state-owned sites. Additionally, 19 tortoises were relocated to Yuchi WMA, a priority repatriation site.

### **South Carolina Department of Natural Resources (SCDNR)**

Efforts continued within the state to conduct land management and population management activities at Aiken Gopher Tortoise Heritage Preserve (AGTHP) and Tillman Sand Ridge Heritage Preserve (TSRHP). One of the most substantial events that occurred this past year was the memorandum of understanding established between the Florida Fish and Wildlife Conservation Commission (FWC) and SCDNR to restock waif tortoises from Florida on the Aiken Gopher Tortoise Heritage Preserve. Consequently, we focused on the translocation and augmentation of new tortoises to the preserve, by erecting new temporary holding pens and excavating starter burrows. As a result of this effort, 58 waif gopher tortoises were transported from FL to AGTHP in late summer, measured, weighed, the sex determined, and the shell marked. Currently, these gopher tortoises are being held in temporary holding pens. Additional goals established this past year at these heritage preserves were to maintain and enhance existing habitat for the gopher tortoise, using prescribed fire and herbicide.

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### Approval/Concurrence:

Lead Regions must obtain written concurrence from all other Regions within the range of the species before recommending changes, including elevations or removals from candidate status and listing priority changes; the Regional Director must approve all such recommendations. The Director must concur on all resubmitted 12-month petition findings, additions or removal of species from candidate status, and listing priority changes.

Approve:



07/15/2013

Date

Concur:



10/28/2013

Date

Did not concur:

\_\_\_\_\_

\_\_\_\_\_ Date

Director's Remarks: