



DEVELOPMENT SERVICES DEPARTMENT

P.O. Box 150027
Cape Coral, FL 33915-0027
Tel. (239) 574-0546

BURROWING OWL/ GOPHER TORTOISE AFFIDAVIT

Applicant:

Block: _____ Lot: _____ Unit: _____ Strap: _____

Site Address:

Within the last 30 days, I have inspected the property described above AND all vacant properties near the jobsite where I or my subcontractors may drive vehicles or place construction material.

1. I have found the following number of Burrowing Owl and/or Gopher Tortoise burrow(s) located on the property or adjacent to the property, including those located in the abutting City rights-of-way.

No burrows found on the Property, Adjacent Properties, or Right-of-Way

On Property: One Two Three Four Other _____

Adjacent Properties or Right-of-Way: One Two Three Four Other _____

2. If burrows are found, please select ONE of the two options below.

STATE AND/OR FEDERAL PERMITS ARE NECESSARY. I cannot protect the burrow(s) per instruction. I understand that State and/or Federal permits are required prior to the commencement of development activity.

****Please indicate species, if known.** BURROWING OWL GOPHER TORTOISE

STATE AND/OR FEDERAL PERMITS ARE NOT NECESSARY. I agree that the required protections zones will be installed and maintained during all phases of development.

****Please indicate species, if known.** BURROWING OWL GOPHER TORTOISE

By accepting City building permits, I assume all responsibility of ensuring the protection of Burrowing Owls and/or Gopher Tortoises and their burrow(s) during all phases of development activity.

Burrowing Owls: a protection zone shall extend a radius of **33 feet** (66-foot diameter) from the burrow entrance during the nesting season (February 15th- July 10th), or a minimum of **10 feet** (20-foot diameter) outside of nesting season.

Gopher Tortoises: a radius of **25 feet** (50-foot diameter) is required from the burrow entrance year-round (Ordinance 20-19). All burrows must be staked and roped off using these dimensions.

No activity, materials, fill, equipment, or parking is allowed within these buffers. I understand that molesting, harassing, or harming Burrowing Owls or Gopher Tortoises or their burrows is a State/Federal crime. The City shall notify the law enforcement division of the Florida Fish & Wildlife Conservation Commission if a wildlife violation is observed, and the permit holder will be responsible for any illegal activity.



**DEPARTMENT OF COMMUNITY DEVELOPMENT
CUSTOMER SERVICE-PERMITTING DIVISION**

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I fully understand the State, Federal and City regulations that prohibit the endangerment and/or harassment of Burrowing Owls or Gopher Tortoises and their burrows, and I accept full responsibility for the actions of my employees and subcontractors. I understand that the City is not liable for an applicant(s) violation of State or Federal Law. I understand that I am liable for failure to obtain any state and/or federal permits., failure to fulfill obligations imposed by a state and/or federal agency and will be liable for any violations to state and/or federal law. Further, I also understand that the City Requires that all applicable state and federal permits be obtained prior to the commencement of development activities. Copies of State/Federal permits are required prior to any City inspection and shall be posted onsite. I am fully aware that failure to secure such permits, or failure to maintain the appropriate buffers, will result in a STOP WORK ORDER being issued on my site.

Under penalty of perjury, I declare that I have read the forgoing document and that all information contained herein is true and correct to the best of my knowledge and that violation of these Laws is punishable by a fine and or imprisonment.

BY: _____

Print Name & Title of Applicant

Signature of Applicant

Verification Pursuant to Section 92.525, Florida Statutes

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.

Signature of Natural Person Signing Above