



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: | | | | | |
| <p>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.</p> <p>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.</p> | | | | | |
| <input type="checkbox"/> No burrows found on the Property, Adjacent Properties, or Right-of-Way | | | | | |
| <input type="checkbox"/> On Property: | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three | <input type="checkbox"/> Four | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Adjacent Properties or Right-of-Way: | <input type="checkbox"/> One | <input type="checkbox"/> Two | <input type="checkbox"/> Three | <input type="checkbox"/> Four | <input type="checkbox"/> Other _____ |
| <p>2. If burrows are found, please select <u>ONE</u> of the two options below.</p> | | | | | |
| <input type="checkbox"/> STATE AND/OR FEDERAL PERMITS <u>ARE</u> 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. | | <input type="checkbox"/> BURROWING OWL | | <input type="checkbox"/> GOPHER TORTOISE | |
| <input type="checkbox"/> STATE AND/OR FEDERAL PERMITS <u>ARE NOT</u> NECESSARY. I agree that the required protections zones will be installed and maintained during all phases of development. | | | | | |
| **Please indicate species, if known. | | <input type="checkbox"/> BURROWING OWL | | <input type="checkbox"/> GOPHER TORTOISE | |
| <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> | | | | | |



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The burrows shall be buffered from the construction activity with a physical barrier using rope, silt fence, orange construction fencing or other previously approved materials. Buffers shall be installed prior to commencement and shall remain in place and maintained in good condition for the duration of the project.

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

Date _____