

## MEMORANDUM

TO: LEE COUNTY EAGLE TECHNICAL ADVISORY COMMITTEE

FROM:  PAUL R. OWEN, DEXBENDER

RE: MANGROVE ESTATES - BALD EAGLE MANAGEMENT PLAN REVISION SUMMARY

DATE: NOVEMBER 30, 2020

FWS permit (Permit Number: MB 75080D-0) has been amended to change permit conditions G.2. and G.3. to allow major exterior construction within the 660' – 330' nest zone during the nesting season as follows:

From:

**2. FOR ACTIVITIES WITHIN 660 FEET OF AN EAGLE NEST TREE:**

a. Avoid all exterior building construction, tree clearing, earth moving and associated activities within 660 feet of an eagle nest tree;

b. For any construction or project activities outlined in Condition D:

(1) Initiate a noise abatement program for construction personnel within 660 feet of an eagle nest tree to include:

(a) No excessive and/or sudden loud noise, including tailgate banging, engine raking, loud radios shouting, singing, etc.;

(b) All motorized equipment, including saws or other hand held power tools, must be moved indoors if possible or placed behind a temporary structure to minimize noise at and reflect noise away from the direction of the eagle nesting area;

(c) Minimize the need for "reverse" indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns; and

(d) Provide signage in English and Spanish (if applicable) indicating the need for quiet to the extent practicable.

**3. FOR ACTIVITIES BETWEEN 660 FEET AND 330 FEET OF AN EAGLE NEST TREE:**

a. Street and sidewalk paving, landscape installation and maintenance, and exterior stucco installation and/or painting may be conducted outside of 330 feet from the eagle nest tree any time of year;

b. Interior construction, which is defined as any activity or related work for home or other buildings that is conducted inside of a building that has completed exterior walls, roof, windows, and doors, may be conducted outside of 330 feet from the eagle nest tree any time of year; and

c. If any construction or project activities outlined in Condition D are conducted, you must initiate a traffic abatement program for construction personnel which includes:

- (1) Establishing offsite parking/carpool locations outside of 330 feet from an eagle nest tree; and
- (2) Minimize human access by foot or vehicle during the eagle nesting season within 330 feet of an eagle nest tree and if practicable, when eagles are present post-project completion.

To:

**2. FOR ACTIVITIES WITHIN 660 FEET OF AN EAGLE NEST TREE:**

a. For any construction or project activities outlined in Condition D:

(1) Initiate a noise abatement program for construction personnel within 660 feet of an eagle nest tree to include:

- (a) No excessive and/or sudden loud noise, including tailgate banging, engine raking, loud radios shouting, singing, etc.;
- (b) All motorized equipment, including saws or other hand held power tools, must be moved indoors if possible or placed behind a temporary structure to minimize noise at and reflect noise away from the direction of the eagle nesting area if practical;
- (c) Minimize the need for "reverse" indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns; and
- (d) Provide signage in English and Spanish (if applicable) indicating the need for quiet to the extent practicable.

**3. FOR ACTIVITIES BETWEEN 660 FEET AND 330 FEET OF AN EAGLE NEST TREE:**

a. All exterior building construction, tree clearing, earth moving, street and sidewalk paving, landscape installation and maintenance, and exterior stucco installation and/or painting, and associated activities may be conducted outside of 330 feet from the eagle nest tree any time of year;

b. Interior construction, which is defined as any activity or related work for home or other buildings that is conducted inside of a building that has completed exterior walls, roof, windows, and doors, may be conducted outside of 330 feet from the eagle nest tree any time of year; and

c. If any construction or project activities outlined in Condition D are conducted, you must initiate a traffic abatement program for construction personnel which includes:

- (1) Establishing offsite parking/carpool locations outside of 330 feet from an eagle nest tree; and
- (2) Minimize human access by foot or vehicle during the eagle nesting season within 330 feet of an eagle nest tree and if practicable, when eagles are present post-project completion.

The existing conditions of the Bald Eagle Management Plan to restrict major construction within the 660'-330' zone to the non-nesting season is not practicable based on the site configuration and the location of the nest. It is not possible to construct the infrastructure of the development and then complete major construction of houses within the May to October timeframe. Please see the attached revised Bald Eagle Management Plan which has been changed to reflect the conditions of the FWS Eagle Take Permit which is also attached. Whenever exterior construction activities listed in the Bald Eagle Management Plan occur during the nesting season, monitoring consistent with the Bald Eagle Monitoring Guidelines shall be required. Nothing has changed for construction activities within the 330' zone – no work will occur within 100' of the nest and no work will occur in the 330' zone during the nesting season.