



**EAGLE TECHNICAL ADVISORY COMMITTEE
Community Development/Public Works Center
1500 Monroe Street, Ft. Myers, FL
First Floor Conf. Rm. 1B**

**TUESDAY, MARCH 9, 2021
3:00 P.M.**

AGENDA

- 1) Call to Order
- 2) Laura Herrero with Johnson Engineering, Present Bald Eagle Management Plan for Seagate Alico North Industrial Park
- 3) Approval of Minutes – January 12, 2021
- 4) Member Reports
- 5) Public Input
- 6) Adjournment – Next Tentative Meeting Date: April 13, 2021

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**MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE
(ETAC)
Tuesday, January 12, 2021**

Committee Members Present:

Laura Greeno, Chair
Mike Myers
Ed Elms

Excused / Absent:

Betsie Hiatt, Vice-Chair

Lee County Government Staff Present:

Becky Sweigert, DCD Planning
Nic DeFilippo, DCD Planning
Emily Gear, DCD, Development Services
Amanda Swindle, Assistant County Attorney
Debbie Carpenter, DCD Administration

Outside Consultants/Members of the Public Present:

Paul Owen, Dex Bender

CALL TO ORDER:

Ms. Laura Greeno called the meeting to order at 3:00 pm in the first floor conference room 1B of the Community Development/Public Works Center, 1500 Monroe Street, Ft. Myers, Florida. Introductions were made.

Ms. Greeno started discussion with Item #3. Item #2, approval of the minutes would follow.

11480 MCGREGOR NEST LE-069 (ROBALO DRIVE)

Mr. Paul Owen with Dex Bender Associates, said this plan had been revised according to comments received at the December meeting. He understood that generally someone would go through the development order process and following that ETAC would have a site plan on which to base a Bald Eagle Management Plan (BEMP), however, this case is different as the owner does not wish to go through the development review process because he intends to sell the property. The proposed plan calls for six lots and going forward it is not anticipated that will change, therefore as a result of December's comments, the BEMP has been revised to be less lot oriented and more distance oriented and includes changes including timing for construction activities.

Mr. Owen said he had done another site visit. On the aerial, he pointed out the nest and said that the 150 foot zone was mostly open with some Brazilian Peppers, Live Oak and a few slash pines and if the exotics were removed it would not change the visual screen within that zone. He said there is plenty of open area for a planted buffer and he had modified the plan accordingly. Another modification was that there would be no construction within the 150'-330' zone during nesting season; this is where Lot 6 is on the conceptual plan. Ms. Sweigert asked, and Mr. Owen confirmed, that meant no construction during nesting season within the 0' to 330'

zone. Mr. Owen also confirmed there was no construction proposed in the 150' area other than possibly a retaining wall to protect the shoreline, but again that would only be constructed during non-nesting season. He had added a caveat to the plan that no major construction will take place within the 150' to 330' zone unless started by a date certain in order to have those activities completed, or mostly completed (with monitoring), by the start of nesting season. He had also modified the plan to include the most recent monitoring of the nest.

With respect to construction activities related to the retention wall, Ms. Greeno asked if the area around the tree was going to be protected from vehicles and equipment to prevent driving over roots and/or damaging the tree since it is so close to the shore. Mr. Owen agreed that could be an issue unless low ground pressure equipment was used. He agreed to add a condition that the tree and root system will be protected.

Mr. Elms had a concern about the visual screening along Lot 6, and after some discussion Ms. Sweigert suggested extending the buffer, which Mr. Owen said would be a 5 gallon tree every 5 feet, around the north side of the boardwalk in the front area.

Further discussion followed. Ms. Greeno asked if a new owner would be obligated to use this plan, if approved. Ms. Amanda Swindle said a new owner would need an approved plan if they wished to do construction. They could elect to use the existing plan or, if they wished to make changes, a modified plan would need to be reviewed and approved by ETAC and the Board. Ms. Sweigert said that as she understood it, the thought was for this plan to be less specific to allow some flexibility if there were minor changes, but with the understanding that substantive changes or a modification of conditions would need to be brought back and approved by the committee. She and Mr. Owen also discussed the possibility that the DO review process could trigger a change as a result of something not contemplated at this point in time. Mr. Myers asked about the limitation on page 3 that only single story homes would be built and asked if it should be changed to include two story residences. Mr. Owen said if a new owner wanted to pursue two story homes, the plan would need to be modified. Ms. Sweigert pointed out that the list of exterior construction activities allowed in the 330' – 660' zone on page 4 did not include roofing, which would appear to be more intense than stucco application which is on the list. Mr. Owen agreed to add roofing.

Mr. Myers made a motion to approve the LE-069 Plan with additions as noted:

- **Add condition that if a retaining wall is built, that during construction low ground pressure equipment will be used and care will be taken to ensure the least amount of equipment or work is done near the nest tree;**
- **Extend the buffer around the north side of the boardwalk in the front area;**
- **Add roofing to page 4, item #2 “Roofing of single family homes”;**
- **Ensure that there will be no staging of equipment or parking of vehicles near the tree.**

Mr. Elms seconded. The motion was called and carried unanimously, 3-0.

Mr. Owen agreed to make those changes to the plan and return the amended version to Ms. Sweigert in the next couple of days.

APPROVAL OF MINUTES – DECEMBER 08, 2021

Ms. Greeno called for a review of the December minutes. There were no comments or changes.

Mr. Myers made a motion to approve the December minutes as written. Mr. Elms seconded. The motion was called and approved unanimously.

Election of Chair and Vice-Chair

Mr. Myers nominated Ms. Greeno as Chair and Ms. Hiatt as Vice-Chair for the 21-22 term. Ms. Greeno accepted the nomination. Although absent, Ms. Hiatt had stated at the December meeting that she would accept the nomination if put forth. The committee voted unanimously to re-elect Ms. Greeno and Ms. Hiatt.

Member Comments/Discussion

Committee members asked about new members. Ms. Sweigert said that she had not heard back from her inquiries.

Mr. Myers asked about the new FWC map that had just come out and whether staff had seen it. He said it didn't have the usual references currently being used with our apps. Rather than nest locations, it references nesting territories and has a whole new numbering system. Staff agreed to look at it and if needed will follow up with FWC. There was some discussion about the Luckett Road nest (which Ms. Sweigert said was still there but would meet the abandoned criteria after the 20-21 season), either it had been renumbered or was not on the new map. Ms. Sweigert thought it sounded like it corresponded with what Audubon was doing. There was a concern that if the old numbering system was replaced that this would create confusion with BEMP's, Take Permits and other things that were previously approved citing specific nest(s).

Ms. Sweigert spoke briefly about a possible nest in the Laredo area (I-75/Luckett/Old Grandma's Kitchen-now Pilot) which could be located within a new City of Fort Myers project, or if to the north, could still be in Lee County territory.

Still no word on where the Daniels pair may have gone. Ms. Sweigert thought they might have tried nesting on the east side of I-75. Six Mile North, which she would call LE-63 territory, may have a nest but one hasn't been found yet.

Ms. Sweigert said that Mr. DeFilippo has been working on new maps for the 2017-2018 nesting season and she hoped they would be ready for committee review soon. In the meantime, she asked the committee's opinion on whether it made sense to leave historical nests (those lost or abandoned for a number of years) on the map perhaps using a different color to make the distinction. Mr. Myers suggested putting historical data on a different layer and Mr. DeFilippo said that is how it is done now. The concern was that putting it all on one layer would be too much information to handle. Ms. Sweigert said she would work on taking the Pine Island nests off.

Member Reports

Mr. Myers:

- St. Charles Harbor - Both adults at the nest, switching duties; he thought they were brooding
- Calusa Palms - The tree is gone
- Daniels Marketplace: The tree is dead. No activity observed there
- Robalo - could see the top of the nest but could not see any heads there
- Jonathan Harbor - One adult sitting in the nest incubating possibly brooding. (Access to the community has been changed; now it's a pass card)
- Sanibel Sunset - No nest material, just some sticks; no birds

- Alico Road – He saw an adult that looked to be feeding young. Second adult perched nearby
- Lakes Park – He has not seen any adults there
- Pub & Pickle – He saw one adult there that looked to be incubating. Did not see a second adult
- Lexington Middle – He saw one adult in the nest incubating, possibly brooding. Second one not around
- Sora Drive – He saw one adult perched on edge of the nest, then sat, looking down like it had young so possibly brooding; second adult perched in a pine tree to the north.
- Tortuga – One adult standing on the edge looking down but he could not tell if there were young. Second adult was perched to the north in an Australian pine snag.
(As a matter of information, Ms. Sweigert had a picture of an eaglet in the Tortuga nest)

Mr. Elms:

- Galt Preserve - He has seen both adults; they appeared to be brooding
- Vacation Lane – He saw both adults there; they appeared to be brooding
- St. Jude – Both adults were there; they were either incubating or possibly brooding
- St. James/Post Office – He had been unable to see anything below the platform. The eagles were there but there was no evidence they were feeding young
- Pine Island Flatwoods – the area was still flooded.

Ms. Greeno:

- The Wild Turkey birds were there as of 12/4/20; looked to be incubating
- Gray Pines - No sign of the birds
- Imperial Marsh – No birds
- Estero Marsh – There was a lot of water there. However, Mr. DeFilippo said he had gotten back there and one adult was incubating.
- Lehigh – The male was in the pine snag but she could not see into the nest.

Ms. Sweigert said the next meeting was tentatively scheduled for February 9, 2021 but if there were no requests or public it may be postponed.

There was no public present and no further discussion. Ms. Greeno adjourned the meeting at 3:45 p.m.

SEAGATE ALICO NORTH INDUSTRIAL PARK

Bald Eagle Management Plan

March 2021

Prepared for:

**Seagate Alico North, LLC
9921 Interstate Commerce Drive
Fort Myers, FL 33919**

Prepared by:

JOHNSON
ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901

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ATTACHMENTS

ATTACHMENT 1. Excerpt of SFWMD Permit No. 36-05268-P; Application No. 070531-7

ATTACHMENT 2. Proposed Site Plan at Buildout

ATTACHMENT 3. FLUCFCS Map of the Development Site

ATTACHMENT 4. FLUCFCS Map of Areas Surrounding the Nest Tree

ATTACHMENT 5. Exhibits Illustrating Phase 1 & Phase 2 Construction

ATTACHMENT 6. Email Correspondence with FWS, March 8, 2021

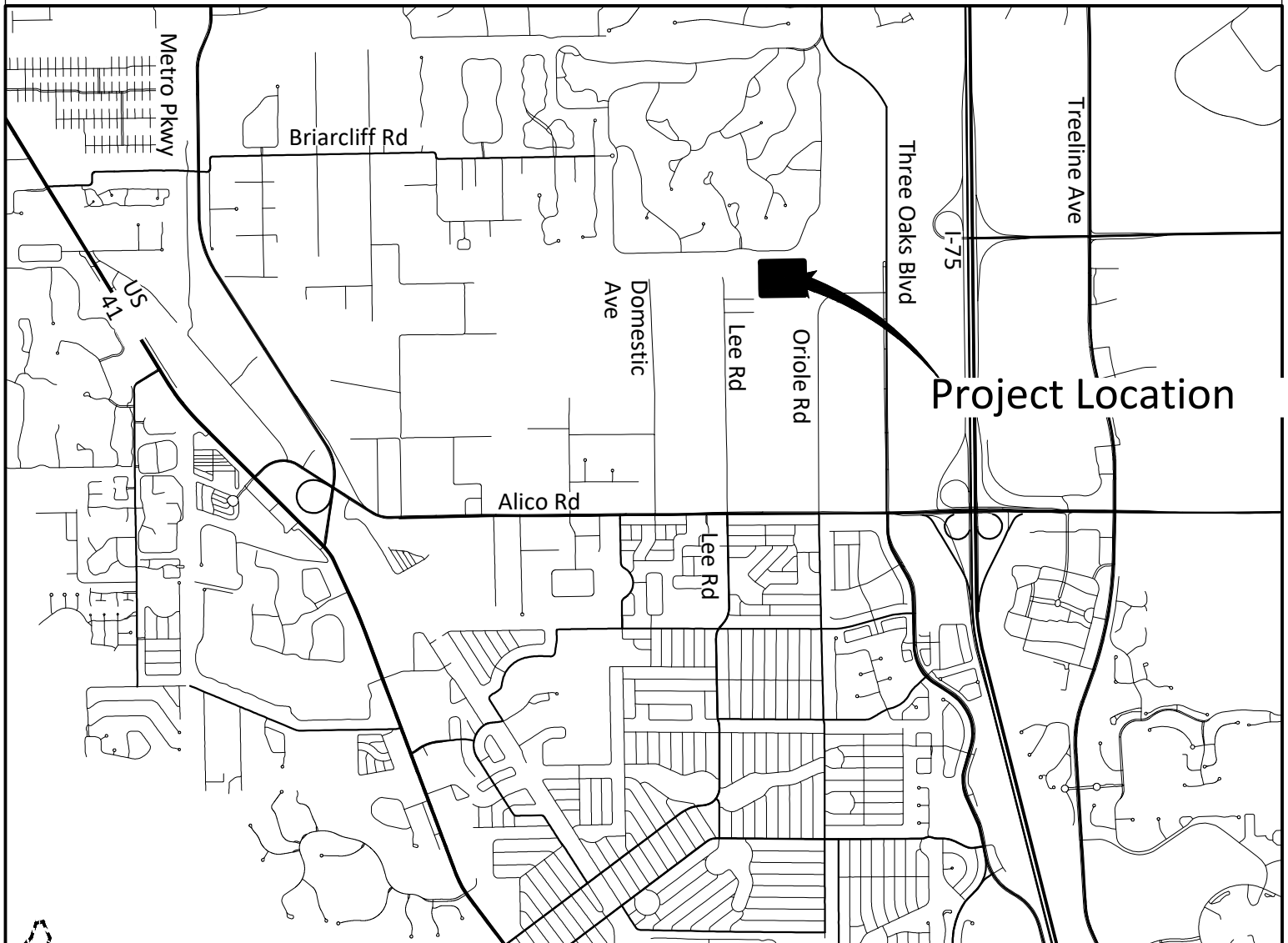
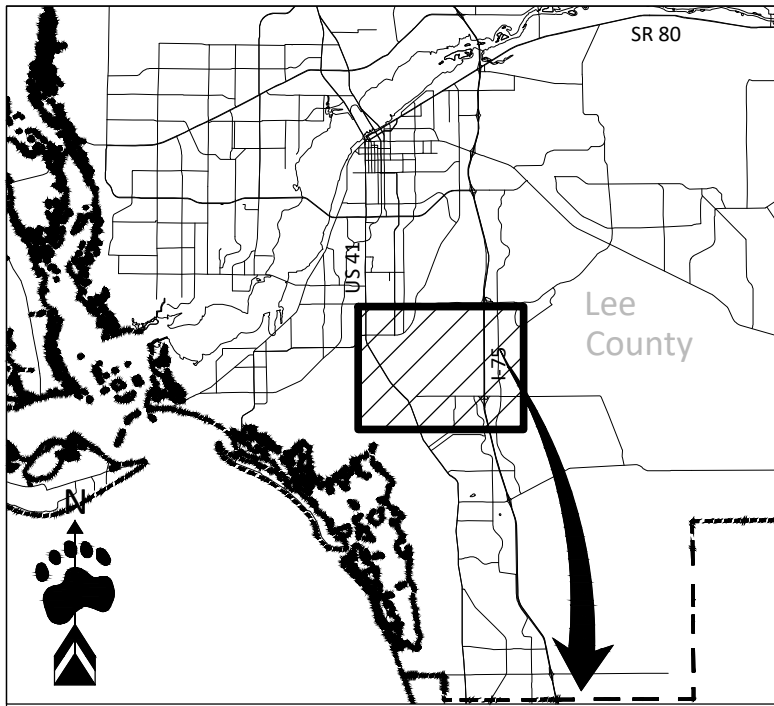
1.0 INTRODUCTION / BACKGROUND

Seagate Alico North, LLC is seeking to develop a ±20-acre parcel (STRAP # 04-46-25-00-00003.001C) in Lee County, Florida within the western portion of a development known as the Seagate Alico North Industrial Park (Location Map provided as **Figure 1-1**). Land uses surrounding the project area include forested habitat to the north, improved pasture to the south and east, and commercial development to the west. The subject parcel was part of a larger permitting effort in 2009 for the Three Oaks Parkway and Oriole Road Extension and McGarvey Research Park [South Florida Water Management District (SFWMD) Permit No. 36-05268-P; Application No. 070531-7] and falls within the western ½ of what was identified as parcel 4 in the referenced permit (Please refer to **Attachment 1** for reference). As a result, the subject parcel already contains a forested preserve on the north side of the property, which was placed under a conservation easement back in 2009.

Permit applications are currently pending for a new construct and operate Environmental Resource Permit (ERP) with the SFWMD and with Lee County for a Development Order. There are no federally jurisdictional wetlands/surface waters located on the subject property, as they were previously cleared/filled/mitigated with the permitting that was done for the Three Oaks Parkway and Oriole Road Extension and McGarvey Research Park. Quattrone & Associates, Inc. is the design engineer for the current project and BearPaws Environmental Consulting is the lead consultant for the ongoing environmental permitting efforts.

During a site review by SFWMD staff on February 10, 2021, a new bald eagle (*Haliaeetus leucocephalus*) nest was identified adjacent to the subject site in a live South Florida slash pine (*Pinus elliottii*, var. *densa*) approximately 75' off the ground. SFWMD staff notified the consulting team, Florida Fish and Wildlife Conservation Commission (FWC), U.S. Fish and Wildlife Service (FWS), and Lee County of the new nest. The nest tree was then survey located (26° 30' 29.1784"; 81° 48' 24.3977") and overlain on the proposed development plan to determine potential impacts to the pending permits.

Johnson Engineering ecologists were brought on at that time to assist the developer and lead consultants with preparation of a bald eagle management plan for the property, conducting monitoring to determine the status of the new nest, and coordinating with the FWS and Lee County Eagle Technical Advisory Committee (ETAC) to obtain necessary approvals for the continuation of the subject parcel within the Seagate Alico North Industrial Park.



Drawn By:	Date:	Category
BWS	7/29/20	Location
Job Number		Scale:
S/T/R		NTS
4/46S/25E		County
		Lee

Seagate - Alico North

Location Map



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Page

Exhibit
1-1

Johnson Engineering ecologists first monitored the subject nest on February 18, 2021, to confirm it was active. Since that time, monitoring has occurred twice per week in an effort to document when fledging occurs. As of March 5, 2021, it is confirmed the nest still has two (2) bald eagle chicks that are almost ready to fledge. Both chicks are jumping in the nest/practicing flight. Monitoring will continue until the chicks have been documented to have fledged (capable of strong, independent flight).

The bald eagle was delisted by the FWS in 2007 and the FWC in 2008. However, they continue to be afforded protection under the Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), and Lee County Land Development Code (LDC) Division 3 Section 14-119. Per the referenced Lee County LDC, consultation with the ETAC regarding a proposed eagle management plan is required for projects located within 660' of an active bald eagle nest to support a local development order application. As illustrated on the site plan in **Attachment 2**, portions of the proposed development cross into the FWS established primary (0' – 330') and secondary (330' - 660') protection/buffer zones of the bald eagle nest tree. This management plan is intended to outline appropriate protection measures for the subject bald eagle nest (Number not yet assigned by FWC) in accordance with the FWS National Bald Eagle Management Guidelines (2007) and State bald eagle rule 68A-16.002, F.A.C., while allowing for the continuation of the permitting/construction of this economic development project.

2.0 EXISTING CONDITIONS

Habitat types within the subject development parcel were classified by BearPaws Environmental Consulting on July 27, 2020, in accordance with the Florida Land Use, Cover and Forms Classification System, Levels III & IV (FLUCFCS) [Florida Department of Transportation (FDOT) 1999] (**Attachment 3**). As the bald eagle nest tree is located just east of the proposed development parcel and therefore not illustrated on the FLUCFCS map in Attachment 3, available FLUCFCS mapping from the SFWMD was utilized to illustrate existing land use and vegetative conditions beyond the project limits (**Attachment 4**). Due to the overlap between project specific data obtained by BearPaws Environmental for the Seagate parcel and the higher level FLUCFCS mapping available from the SFWMD, there are differences between the two maps. The site-specific data should be relied upon for conditions within the subject development parcel.

The following descriptions of the habitat types within 660' of the subject nest tree are based on a combination of vegetation descriptions previously prepared by BearPaws Environmental for the subject development parcel, as modified by Johnson Engineering to address land use/cover outside of the development parcel.

FLUCFCS 1920 – Inactive Land with Street Pattern

This land use is included on the SFWMD mapping found in Attachment 3. Where vegetated, it is consistent with FLUCFCS 211 described below for the development parcel. Oriole Road is present just outside the 330' buffer of the nest tree, outside of the subject development parcel.

FLUCFCS 211 - Improved Pasture

This upland habitat type occupies approximately 6.77± acres of the development parcel. It is found in both the primary and secondary buffers of the bald eagle nest tree and contains several shallow ditches/swales that were part of the historic agricultural use. SFWMD mapping refers to this area as FLUCFCS 1920 – Inactive Land with Street Pattern. The canopy is mostly open with scattered live oak (*Quercus virginiana*), laurel oak (*Quercus laurifolia*), and slash pine (*Pinus elliottii*) along the edges. The sub-canopy is mostly open with scattered Brazilian pepper (*Schinus terebinthifolius*) and cabbage palm (*Sabal palmetto*). The groundcover is dominated by bahia grass (*Paspalum notatum*), with scattered Spanish needles (*Bidens alba*), false buttonweed (*Spermacoce verticillata*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), caesarweed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), smutgrass (*Sporobolus sp.*), and other various opportunistic weedy species. Commonly observed vines include greenbriar (*Smilax sp.*), and grapevine (*Vitis rotundifolia*).

FLUCFCS 310 Herbaceous (Berms & Trails)

This upland habitat type occupies approximately 2.15± acres of the development property and is located outside the 660' buffer of the bald eagle nest tree. It contains open trails, as well as berms, that run through the property and surround the water retention area for the development. The canopy is mostly open with widely scattered slash pine. The sub-canopy contains widely scattered Brazilian pepper and cabbage palm. The ground cover is dominated by bahia grass and includes broomsedge, dog fennel, ragweed, caesarweed, Spanish needles, and flattop goldenrod (*Euthamia caroliniana*), with various other opportunistic weedy species.

FLUCFCS 411 E1 Pine Flatwoods (0-25% Exotics)

This disturbed upland habitat type occupies 0.86± acres of the development property and is located outside the 660' buffer of the bald eagle nest tree. The canopy contains slash pine with scattered laurel oak. The sub-canopy also contains slash pine and laurel oak with cabbage palm, Brazilian pepper, wax myrtle (*Myrica cerifera*), and myrsine (*Rapanea punctata*). The ground cover is dominated by saw palmetto (*Serenoa repens*), penny royal (*Stachydeoma graveolens*), and false buttonweed with other opportunistic weedy species. Commonly observed vines include grapevine, greenbriar, and poison ivy (*Toxicodendron radicans*).

FLUCFCS 411 E3 Pine Flatwoods (50-74% Exotics)

This disturbed upland habitat type occupies 2.95± acres of the development property and is located within the 330' - 660' buffer of the eagle nest tree. The vegetation in this community is similar in species composition to FLUCFCS Code 411 E1, except for the extensive presence of melaleuca (*Melaleuca quinquenervia*) and scattered earleaf acacia (*Acacia auriculiformis*). The canopy is dominated by melaleuca (*Melaleuca quinquenervia*), and earleaf acacia (*Acacia auriculiformis*) with scattered slash pine. The sub-canopy contains melaleuca, slash pine, cabbage palm, myrsine, and java plum (*Syzygium cumini*). The ground cover contains saw palmetto and false buttonweed with other opportunistic weedy species. Commonly observed vines include grapevine, greenbriar, and poison ivy.

FLUCFCS 420 E2 Mixed Upland Forest (Exotics 25-49%)

This upland community type occupies approximately 1.89± acres of the development property and is located in both the primary and secondary buffers of the bald eagle nest tree. SFWMD mapping refers to this area as FLUCFCS 4240 – Melaleuca. This community contains several shallow ditches/swales that were part of the historic agricultural land use on the property. Exotic species such as melaleuca and Brazilian pepper occupy approximately 25-49% of this community. The canopy is dominated by live oak with slash pine, java plum, and melaleuca. The sub-canopy contains cabbage palm, Brazilian pepper, wax myrtle, myrsine, wild coffee (*Psychotria nervosa*), and beautyberry (*Callicarpa americana*). The ground cover includes scattered saw palmetto and caesarweed with various other opportunistic weedy species. Commonly observed vines include greenbriar, grapevine, Virginia creeper (*Parthenocissus quinquefolia*), peppervine (*Ampelopsis arborea*), and poison ivy.

FLUCFCS 420 E4 Mixed Upland Forest (Exotics > 75%)

This upland community type occupies approximately 3.61± acres of the development property and is located in both the primary and secondary buffers of the bald eagle nest tree. SFWMD mapping refers to this area as FLUCFCS 4240 – Melaleuca. It contains several shallow ditches/swales that were part of the historic agricultural land use. Exotic species such as earleaf acacia, melaleuca, mimosa (*Albizia julibrissin*), and Brazilian pepper occupy approximately 75-99% of this community. The canopy is dominated by melaleuca with scattered earleaf acacia and mimosa. The sub-canopy contains scattered cabbage palm and Brazilian pepper. The ground cover includes dog fennel, caesarweed, false buttonweed, and other various opportunistic weedy species. Commonly observed vines include greenbriar, grapevine, Virginia creeper, peppervine, and poison ivy.

FLUCFCS 500 Waterway/Ditch

This “other surface water” (OSW) occupies approximately 1.79± acres of the development property and is located outside the 660’ buffer of the eagle nest tree. It appears to be part of the previously permitted water management system for the overall development. The canopy and sub-canopy are open. The ground cover includes widely scattered cattail (*Typha latifolia*), with smartweed (*Polygonum punctatum*), water hyssop (*Bacopa monnieri*), Cyperus (*Cyperus sp.*), and torpedograss (*Panicum repens*).

3.0 MANAGEMENT PLAN

3.1 Background

The southern bald eagle was removed from the federal list of endangered species in August 2007 and subsequently from the state of Florida protected species list in May of 2008. The bald eagle is still afforded federal protection by the Migratory Bird Treaty Act (16 U.S.C. 703–711) and the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 et seq). Regulation of activities that may cause an “incidental take” of bald eagles occurs through the FWS Eagle Permit (Eagle Permit) process under 50 C.F.R. § 22.26. The 2007 FWS National Bald Eagle Management Guidelines (“Guidelines”) help people to minimize impacts to bald eagles, particularly where they may constitute “disturbance,” which is prohibited by the Bald and Golden Eagle Protection Act.

On April 20, 2017, the FWC approved revisions to the state’s bald eagle rule (68A-16.002, F.A.C.). The approved rule revisions eliminate the need for applicants to obtain both a state and

federal permit for activities with the potential to take or disturb bald eagles or their nests. Under the approved revisions, only a federal permit is required. The rule revisions have been effective since June 22, 2017.

Given this is a newly located nest, no history of the nesting pair is available. However, it is noted that successful nest construction and incubation occurred within the Southwest Florida International Airport flight path located approximately 2.5 miles northeast of the nest. The current success of this pair in close proximity to the flight traffic reflects the fact that the eagles are tolerant of certain noise levels. As of March 5, 2021, two adults and two chicks have been confirmed. The two chicks are close to fledging, standing on the edge of the nest stretching and flapping their wings. Monitoring will remain ongoing until the chicks have been documented to have fledged, which will mark the end of the 2020-2021 nesting season for this pair.

3.2 Protection Measures

The Guidelines incorporate the use of a 330' radius primary and 660' radius secondary protection zone (buffer) around bald eagle nests. Within each protection zone, there are recommendations and restrictions to minimize the likelihood of disturbance and/or "take" from certain activities. For purposes of this management plan the proposed project has been broken down into two phases. The two proposed phases are as follows:

- Phase 1 will address construction of the east-west spine road within the 330' – 660' secondary protection zone of the nest tree that is necessary for access to develop those portions of the western lots located outside of the 660' protection zone. Note the access roadway has been pushed north outside of the 330' buffer of the nest tree to help minimize potential impacts to the nest, which is a site plan revision made after discovery of the eagle nest (**Ex-1 of Attachment 5**).

Per coordination with the FWS via email dated March 8, 2021 (provided as **Attachment 6**), it has been determined installation of the roadway, as proposed, is consistent with the National Bald Eagle Management Guidelines since Oriole Road (similar activity) exists within 660' of the nest tree and the nest tree is not visible from the proposed roadway location due to the dense forested nature of the area surrounding the nest tree.

- Phase II will address all remaining work proposed within the 660' protection zone of the nest tree, as illustrated in **Ex-2 of Attachment 5**.

Please refer to the currently proposed site plan in **Attachment 2** for illustration of how the referenced buffer zones overlap the proposed development. Note that there are no restrictions on the development outside 660' of the nest tree.

Phase 1 Protection Measures

As illustrated on the site plan in Attachment 2, the east-west spine road required for access to commence construction on the western portion of the parcel that is located outside of the 660' buffer of the nest tree has been pushed north to completely lay outside the 330' buffer of the nest tree. Oriole Road is existing within approximately 400' of eagle nest tree, with the traffic on the road assumed to be similar in scope to the proposed development.

The only clearing that will occur within the 330' - 660' buffer during Phase 1 will be for the roadway, with the remainder of the forested area within the 660' buffer remaining in place during Phase 1 construction to provide a visual buffer for the nest. The existing density of forested habitat currently present between the nest tree and the proposed roadway construction makes the nest not visible from the Phase 1 construction area.

The owners believe the roadway construction will be built before the start of the next bald eagle nesting season (October 2021). As previously mentioned, the young of this nest are anticipated to fledge any day, before the standard end of the bald eagle nesting season (May 15), which would allow commencement of Phase 1 construction as soon as all development permits are finalized with the SFWMD and Lee County.

Should the need arise to finish construction of the east-west spine road after the start of the nest eagle nesting season (after October 1), the developer will hire a qualified eagle monitor to implement the FWS Bald Eagle Monitoring Guidelines (2007d) during construction activities. These guidelines suggest monitoring three days per week, beginning 30 minutes before sunrise, and continuing for at least four hours during the early nesting period (occupied territory through 4 weeks post-hatching). Monitoring may be reduced to one day per week five weeks post-hatching. Monitoring should occur on days which construction activities are ongoing. The qualified monitor will have the authority to stop project construction within the secondary zone

if monitoring indicates the project related activities may be disturbing the eagles. If this were to occur, the FWS will be notified in accordance with the monitoring guidelines to determine next appropriate steps.

While Phase 1 is in process, the owner will apply for an incidental take permit for the rest of the proposed development work inside the 660' buffer (Phase 2), and Phase 2 will not commence until the incidental take permit has been obtained from the Service.

Phase 2 Protection Measures

All proposed work within 660' of the nest tree outside of the east-west spine road will be part of Phase 2 construction. Phase 2 construction will not commence until an incidental take permit has been obtained from FWS. As illustrated on Ex-2 in Attachment 5, only a small portion of the southeast development pod falls within the primary protection zone (within 330') of the subject eagle nest tree. The majority of the 330' primary buffer covers offsite property that is not under the control of Seagate Alico North, LLC, but onsite work within the primary zone will be conducted outside of eagle nesting season if the nest is active.

Approximately 40% of the north east development pod, 75% of southeast development pod, and less than 10% of the southwest development pod are located within the 330' – 660' secondary protection zone of the nest. Once an incidental take permit is obtained for the subject nest, Phase 2 work will be done in accordance with all conditions set forth by the FWS. This Bald Eagle Management Plan will be updated at that time to include a copy of applicable FWS permits and/or conditions, with copy provided to the Lee County ETAC.

3.3 Minimization Measures

The FWS Guidelines provide recommendations for minimization measures within 660 feet of bald eagle nest(s) to reduce the potential for disturbing eagles. To comply with the Guidelines, the following minimization measures are adopted as part of this Management Plan for the proposed project:

1. In Florida, the bald eagle nesting season officially runs from October 1 – May 15. (Note that the end of nesting season is based upon when the young fledge and are able to exhibit strong, independent flight, which may occur before or after May 15). Construction of the Phase 1 work (located between 330 – 660 feet of the nest) will be focused outside of the

eagle nesting season. However, should it become necessary, Phase 1 may occur during the bald eagle nesting season provided a qualified biologist monitors the nest for signs of disturbance in accordance with the FWS September 2007 Bald Eagle Monitoring Guidelines.

2. Monitoring shall not be required for construction between 330 – 660 feet of the nest outside the bald eagle nesting season or if the nest is not active at time of construction or as dictated by an FWS Eagle Permit (Incidental Take) for Phase 2 work.
3. Work within the 330 feet primary protection zone will occur outside of bald eagle nesting season or as dictated by an FWS Eagle Permit.
4. The use or placement of heavy equipment within 50 feet of an eagle nest is prohibited during any time of the year.
5. All project related exterior or temporary construction lighting, if used, will be shielded/directional in nature so that lights do not shine beyond the work area.

4.0 **REFERENCES**

Bald and Golden Eagle Protection Act, *United States Code* – title 16 (1940): 668 et seq.
<https://uscode.house.gov/browse/prelim@title16&edition=prelim>

Eagle Permits, *Code of Federal Regulations* – title 50 (2018): 4-17.
<https://www.govinfo.gov/content/pkg/CFR-2018-title50-vol9/xml/CFR-2018-title50-vol9-part22.xml#seqnum22.21>

Audubon Florida Eagle Watch Nest Map. 2021. Bald Eagle Nest Locator.
<https://audubon.maps.arcgis.com/apps/SimpleViewer/index.html?appid=75ea06f653f847658c908634ffc6f640> (Site accessed February 23, 2021)

Migratory Bird Treaty Act, *United States Code* – title 16 (1916): 703-711.
<https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title16-chapter7-subchapter2&saved=%7CKHRpdGxlOjE2IHNIY3Rpb246NzAzIGVkaXRpb246cHJlbGltKSBPUiAoZ3JhbnVsZWlkOlVTQyIwcmVsaW0tdGl0bGUxNi1zZWNOaW9uNzAzKQ%3D%3D%7CdHJlZXNvcnQ%3D%7C%7C0%7Cfalse%7Cprelim&edition=prelim>

U.S. Fish and Wildlife Service. Bald Eagle Monitoring Guidelines. 2007. Washington, D.C.

U.S. Fish and Wildlife Service. National Bald Eagle Management Guidelines. 2007. Washington, D.C.

ATTACHMENT 1

EXCERPT of SFWMD PERMIT NO. 36-05268-P;
APPLICATION NO. 070531-7



FORM #0157
Rev 0895

**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
ENVIRONMENTAL RESOURCE
PERMIT MODIFICATION NO. 36-05268-P
DATE ISSUED: JANUARY 13, 2009**

PERMITTEE: ALICO 73, LLP STEPHANIE MILLER
(THREE OAKS PKWY-ORIOLE RD EXT AND MCGARVEY RESEARCH PARK)
9250 CORKSCREW RD #8,
ESTERO, FL 33928

(See attached for additional
Permittees and addresses)

ORIGINAL PERMIT ISSUED: JULY 13, 2005

ORIGINAL PROJECT DESCRIPTION: ENVIRONMENTAL RESOURCE PERMIT AUTHORIZING CONSTRUCTION AND OPERATION OF A SWM SERVING 156.86 ACRES OF COMMERCIAL/LIGHT INDUSTRIAL DEVELOPMENT OF THE TOTAL 629.63 ACRE DEVELOPMENT KNOWN AS THREE OAKS PARKWAY AND ORIOLE ROAD EXTENSION AND CONCEPTUAL APPROVAL OF A SWM SERVING THE REMAINING 538.48 ACRES OF THE PROJECT WITH DISCHARGE INTO WATERS OF THE TEN MILE CANAL VIA THE ALICO ROAD/BRIARCLIFF DITCH AND ON-SITE WETLAND SYSTEMS.

APPROVED MODIFICATION : CONSTRUCTION AND OPERATION OF A SURFACE WATER MANAGEMENT SYSTEM SERVING 195.02 ACRES OF COMMERCIAL/INDUSTRIAL DEVELOPMENT KNOWN AS THREE OAKS PARKWAY-ORIOLE ROAD EXTENSION & MCGARVEY RESEARCH PARK, CONCEPTUAL APPROVAL OF A SURFACE WATER MANAGEMENT SYSTEM SERVING THE REMAINING 491.38 ACRES OF THE PROJECT WITH DISCHARGE INTO WATERS OF THE TEN MILE CANAL VIA THE ALICO ROAD/BRIARCLIFF DITCH, AND 135.93 ACRES OF OFFSITE MITIGATION ADJACENT TO THE LEE COUNTY OWNED PORTION OF SIX MILE CYPRESS SLOUGH.

PROJECT LOCATION: LEE COUNTY, SECTION 3, 4 TWP 46S RGE 25E

PERMIT DURATION: See Special Condition No.1. See attached Rule 40E-4.321, Florida Administrative Code.

This Permit Modification is approved pursuant to Application No. 070531-7, dated April 27, 2007. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, operation, maintenance or use of any activities authorized by this Permit. This Permit is issued under the provisions of Chapter 373, Part IV Florida Statutes(F.S.), and the Operating Agreement Concerning Regulation Under Part IV, Chapter 373 F.S. between South Florida Water Management District and the Department of Environmental Protection. Issuance of this Permit constitutes certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 USC Section 1341, unless this Permit is issued pursuant to the net improvement provisions of Subsections 373.414(1)(b), F.S., or as otherwise stated herein.

This Permit Modification may be revoked, suspended, or modified at any time pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-4.351(1), (2), and (4), Florida Administrative Code (F.A.C.). This Permit Modification may be transferred pursuant to the appropriate provisions of Chapter 373, F.S., and Sections 40E-1.6107(1) and (2), and 40E-4.351(1), (2), and (4), F.A.C.

All specifications and special and limiting/general conditions attendant to the original Permit, unless specifically rescinded by this or previous modifications, remain in effect.

This Permit Modification shall be subject to the Environmental Resource Permit set forth in Rule 40E-4.381, F.A.C., unless waived or modified by the Governing Board. The Application, and Environmental Resource Permit Staff Review Summary of the Application, including all conditions, and all plans and specifications incorporated by reference, are a part of this Permit Modification. All activities authorized by this Permit Modification shall be implemented as set forth in the plans, specifications, and performance criteria as set forth and incorporated in the Environmental Resource Permit Staff Review Summary. Within 30 days after completion of construction of the permitting activity, the Permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual, pursuant to the appropriate provisions of Chapter 373, F.S. and Sections 40E-4.361 and 40E-4.381, F.A.C.

In the event the property is sold or otherwise conveyed, the Permittee will remain liable for compliance with this Permit until transfer is approved by the District pursuant to Rule 40E-1.6107, F.A.C.

SPECIAL AND GENERAL CONDITIONS ARE AS FOLLOWS:

SEE PAGES 2 - 6 OF 9 (33 SPECIAL CONDITIONS).
SEE PAGES 7 - 9 OF 9 (19 GENERAL CONDITIONS).

PERMIT MODIFICATION APPROVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

ON _____ ORIGINAL SIGNED BY:
BY _____ ELIZABETH VEGUILLA
DEPUTY CLERK

PAGE 1 OF 9

SCANNED

SPECIAL CONDITIONS

1. The conceptual phase of this permit shall expire on January 13, 2011.
The construction phase of this permit shall expire on January 13, 2014.
2. Operation of the surface water management system shall be the responsibility of NORTH ALICO PROPERTY OWNERS ASSOCIATION, INC. Within one year of permit issuance or concurrent with the engineering certification of construction completion, whichever comes first, the permittee shall submit a copy of the recorded deed restrictions (or declaration of condominium, if applicable), a copy of the filed articles of incorporation, and a copy of the certificate of incorporation for the association.
3. Discharge Facilities:

Basin: A

1-4' W X 4.39' H SHARP CRESTED weir with crest at elev. 17.51' NGVD 29.
1-3.93' W X .17' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
1-4.3' W X 10.8' L drop inlet with crest at elev. 21.9' NGVD 29.

Receiving body : Lake (Basin F).
Control elev : 15.5 feet NGVD 29.

Basin: B

1-5' W X 4.48' H SHARP CRESTED weir with crest at elev. 17.42' NGVD 29.
1-5.31' W X .17' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
1-3.3' W X 10.8' L drop inlet with crest at elev. 21.9' NGVD 29.

Receiving body : Lake (Basin F).
Control elev : 15.5 feet NGVD 29.

Basin: C

1-4' W X 4.18' H SHARP CRESTED weir with crest at elev. 17.72' NGVD 29.
1-3.75' W X .17' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
1-3.3' W X 10.8' L drop inlet with crest at elev. 21.9' NGVD 29.

Receiving body : Lake (Basin F).
Control elev : 15.5 feet NGVD 29.

Basin: D

1-4' W X 4.34' H SHARP CRESTED weir with crest at elev. 17.56' NGVD 29.
1-3.36' W X .17' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
1-3.3' W X 10.8' L drop inlet with crest at elev. 21.9' NGVD 29.

Receiving body : Lake (Basin F).
Control elev : 15.5 feet NGVD 29.

Basin: E

1-6' W X 4.1' H SHARP CRESTED weir with crest at elev. 18.5' NGVD 29.
1-3.59' W X .17' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
1-3.3' W X 10.8' L drop inlet with crest at elev. 21.9' NGVD 29.

Receiving body : Lake (Basin F).
Control elev : 15.5 feet NGVD 29.

Basin: F

1-.29' W X 2.35' H SHARP CRESTED weir with crest at elev. 18.8' NGVD 29.
1-9.5' W X .33' H RECTANGULAR ORIFICE with invert at elev. 15.5' NGVD 29.
4-38" wide X 24" high REINFORCED CONCRETE PIPE culverts each 48' long.

Receiving body : Existing ditch along Alico Road via existing wetland.
Control elev : 15.5 feet NGVD 29.

Basin: G

1-6' W X 4.1' H RECTANGULAR NOTCH with invert at elev. 18.5' NGVD 29.
1-3.3' W X 10.8' L drop inlet with crest at elev. 22.6' NGVD 29.

Receiving body : Basin E.
Control elev : 18.5 feet NGVD 29.

4. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
5. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
6. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
7. Lake side slopes shall be no steeper than 4:1 (horizontal:vertical) to a depth of two feet below the control elevation. Side slopes shall be nurtured or planted from 2 feet below to 1 foot above control elevation to insure vegetative growth, unless shown on the plans.
8. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
9. A stable, permanent and accessible elevation reference shall be established on or within one hundred (100) feet of all permitted discharge structures no later than the submission of the certification report. The location of the elevation reference must be noted on or with the certification report.
10. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
11. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
12. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
13. Minimum building floor elevation:

BASIN: A - 22.00 feet NGVD 29.
BASIN: B - 22.00 feet NGVD 29.
BASIN: C - 22.00 feet NGVD 29.
BASIN: D - 22.00 feet NGVD 29.
BASIN: E - 22.00 feet NGVD 29.
BASIN: G - 23.00 feet NGVD 29.

14. Minimum road crown elevation:
Basin: A - 20.20 feet NGVD 29.
Basin: B - 20.20 feet NGVD 29.
Basin: C - 20.20 feet NGVD 29.
Basin: D - 20.20 feet NGVD 29.
Basin: E - 20.20 feet NGVD 29.
Basin: G - 21.00 feet NGVD 29.
15. The Permittee shall utilize the criteria contained in the Construction Pollution Prevention Plan and Urban Stormwater Management Program (see Special Conditions No. 19 and 20 of Permit No. 36-05268-P/Application No. 991027-15) and on the applicable approved construction drawings during construction (short term) and during operation (long term).
16. All future parcels will provide additional water quality treatment as indicated on Exhibit No. 2.0 pages 4 and 5 of 17 prior to discharge into the master surface water management system. In addition, future development within Basin G will provide one-half inch of dry pre-treatment prior to entering the lake-borrow pit/wetland preserve system within Basin G.
17. Prior to any future construction, the permittee shall apply for and receive a permit modification. As part of the permit application, the applicant for that phase shall provide documentation verifying that the proposed construction is consistent with the design of the master surface water management system, including the land use and site grading assumptions.
18. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
19. Prior to initiating construction activities, the site shall be surveyed for the presence of active Big Cypress fox squirrel nests. A 125 foot radius undisturbed buffer must be maintained around all active nests. Following nesting activities, the nesting tree may be removed following coordination with the Florida Fish and Wildlife Conservation Commission and obtaining all required permits.

Any modifications to this program shall require prior written approval from District staff.
20. All contractors must be provided with a copy of the staff report and permit conditions prior to the commencement of construction. The permittee is responsible for ensuring that all contractors adhere to the project construction details and methods indicated on the attached permit Exhibits and described herein.
21. Prior to the commencement of construction, the permittee shall conduct a pre-construction meeting with field representatives, contractors and District staff. The purpose of the meeting will be to discuss construction methods and sequencing, including type and location of turbidity and erosion controls to be implemented during construction, mobilization and staging of contractor equipment, phasing of construction, methods of vegetation clearing, construction dewatering if required, ownership documentation for eminent domain authority, coordination with other entities on adjacent construction projects, wetland/buffer protection methods, endangered species protection with the permittee and contractors. The permittee shall contact District Environmental Resource Compliance staff from the Lower West Coast Service Center at (239) 338-2929 to schedule the pre-construction meeting.
22. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands, upland conservation areas or buffers, or other surface

waters have occurred due to project related activities.

23. At the time of application for any phase of construction that includes wetland impacts, the permittee shall demonstrate that an adequate portion of the mitigation plan has been or shall be executed and completed in a timely manner (i.e., concurrent with the wetland impacts) and that the specified mitigation will adequately offset the wetland impacts associated with that phase.
24. A mitigation program for Three Oaks Pkwy- Oriole Road Extension shall be implemented in accordance with Exhibit Nos. 3.2, 3.4, 3.5, 3.6, and 3.7. The permittee shall preserve and enhance 18.71 acres of wetlands, 0.37 acres upland compensation areas, and 1.15 acres of structural buffers adjacent to the cypress dome in Basin G which will be planted in accordance with notes for the cross-sections shown in Exhibit No. 2.0 onsite. In addition, a total of 135.93 acres will be enhanced and preserved offsite adjacent to Six Mile Cypress Slough.
25. Prior to the commencement of construction and in accordance with the work schedule shown as Exhibit No. 3.7 for the 135.93 acres of Offsite preserve areas adjacent to Six Mile Cypress Slough, the permittee shall submit for review and approval, two (2) copies of the following:
 1. Project map identifying conservation area(s)
 2. Legal description of conservation area(s)
 3. Signed conservation easement
 4. Sealed boundary survey of conservation area(s) by professional Land surveyor
 5. Title insurance commitment for conservation easement naming District as beneficiary using approved valuation.
 6. Formatting in accordance with paragraph F (below) if available.

The above information shall be submitted to the Environmental Compliance Enforcement staff in the District service center where the application was submitted.

B) The real estate information referenced in paragraph (a) above shall be reviewed by the District in accordance with the District's real estate review requirements. The easement shall not be recorded until such approval is received.

C) The permittee shall record a conservation easement(s) over the real property designated as a conservation / preservation / mitigation area(s) on attached Exhibit Nos. 3.4, 3.5, 3.7, 3.9, and 3.10. The easement shall be granted free of encumbrances or interests which the District determines are contrary to the intent of the easement. The conservation easement shall be granted to the District utilizing the form attached as Exhibit Nos. 3.9 & 3.10. Any proposed modifications to the approved form must receive prior written consent from the district.

D) The permittee shall record the conservation easement in the public records within 14 days of receiving the District's approval of the real estate information. Upon recordation, the permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers and title insurance policy, to the Environmental Resource Compliance staff in the District service center where the application was submitted.

E) In the event the conservation easement real estate information reveals encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests. If such are not obtained, permittee shall be required to apply for a modification to the permit for alternative acceptable mitigation.

F) The permittee shall submit two certified copies of the recorded conservation easement for the mitigation area and associated buffers. The data should also be supplied in a digital CAD (.dxf) or GIS (ESRI Coverage) format. The files should be in the Florida State Plane coordinate system, East Zone (3601) with a data datum of NAD83, HARN with the map units in feet.

26. Prior to commencement of construction and in accordance with the work schedule in Exhibit No. 3.6, the permittee shall submit documentation from the Florida Department of Environmental Protection that 9.53 freshwater forested credits have been deducted from the ledger for Corkscrew Regional Mitigation Bank. Their letter of credit reservation is attached as

Exhibit No. 3.9.

27. Prior to the commencement of construction and in accordance with the work schedule in Exhibit No. 3.6 for the onsite preserve areas, the permittee shall submit two certified copies of the recorded conservation easement for the preserve areas attached as Exhibit No. 3.7. The data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. This data shall be submitted as a paper map depicting the Conservation Easement over the best available satellite or aerial imagery. This data shall also reside on a CD or floppy disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

Any proposed modifications to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

28. A monitoring program shall be implemented in accordance with Exhibit Nos. 3.2, 3.4, 3.5, 3.6 and 3.7. The monitoring program shall extend for a period of 5 years with annual reports submitted to District staff. At the end of the first monitoring period the mitigation area shall contain an 80% survival of planted vegetation. The 80% survival rate shall be maintained throughout the remainder of the monitoring program, with replanting as necessary. If native wetland, transitional, and upland species do not achieve an 80% coverage within the initial two years of the monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area shall contain an 80% survival of planted vegetation and an 80% coverage of desirable obligate and facultative wetland species.
29. A maintenance program shall be implemented in accordance with Exhibit Nos. 3.2, 3.4, 3.5, 3.6 and 3.7 for the preserved and enhanced wetland and upland areas on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the conservation areas such that exotic/nuisance plant species do not dominate any one section of those areas.
30. Permanent physical markers designating the preserve status of the wetland preservation areas and buffer zones shall be placed at the intersection of the buffer and each lot line. These markers shall be maintained in perpetuity.
31. The permittee and/or successors shall be responsible for the successful completion of the mitigation work, including the monitoring and maintenance of the onsite and offsite mitigation areas for the duration of the plan. The mitigation area shall not be turned over to the operation entity until the mitigation work is accomplished as permitted and District Environmental Resource Compliance staff has concurred.
32. The areas to be temporarily disturbed by the installation of control structures in wetlands will be backfilled and replanted in accordance with appropriate native vegetation within 30 days of installation. Monitoring of the replanted areas shall consist of photos taken from fixed point photostations. Monitoring of temporary impact areas shall be done concurrently with other required monitoring for the Three Oaks Pkwy & Oriole Rd Extension project.
33. Activities associated with the implementation of the mitigation, monitoring and maintenance plan(s) shall be completed in accordance with the work schedule attached as Exhibit No. 3.7. Any deviation from these time frames will require prior approval from the District's Environmental Resource Compliance staff. Such requests must be made in writing and shall include (1) reason for the change, (2) proposed start/finish and/or completion dates; and (3) progress report on the status of the project development or mitigation effort.

GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee

shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.

18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

Last Date For Agency Action: 13-JAN-2009

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Three Oaks Pkwy-Oriole Rd Ext And Mcgarvey Research Park

Permit No.: 36-05268-P

Application No.: 070531-7

Associated File: 080624-5 WU Concurrent
081006-8 WU Concurrent
080303-10 WU Concurrent
080221-21 ERP Concurrent

Application Type: Environmental Resource (Conceptual Approval Modification And Construction/Operation Modification)

Location: Lee County, S3, 4/T46S/R25E

Permittee : Harold Horowitz, Tr C/O Alan C Freeman
Bradley S. Weiss, Tr
Alico North 26 Llc, Alico North 26 Ef Llc, Alico A
Harvey Youngquist, Tr & Wayne Kelly
Alico 73, Llp Stephanie Miller
Three Oaks Alico 59, Llc Daniel Kell
Three Oaks Business Center Partners, Llc
Alico Land Llc Barry Greenfield - Opus South Corp
Three Oaks Land Company, Llc Stock Investments
Paul H. Freeman, Tr
C/O Alan C Freeman
Abbott & Sheila Kagan
John & Elizabeth Kagan

FINAL APPROVED BY GB

JAN 13 2009

WPB

Operating Entity : North Alico Property Owners Association, Inc

Project Area: 822.33 acres

Project Land Use: Roadway
Commercial

Drainage Basin: ESTERO BAY

Sub Basin: SIX MILE CYPRESS BASIN

Receiving Body: Ten Mile Canal via existing Alico Road/Briarcliff ditch system

Class: CLASS III

Special Drainage District: NA

Total Acres Wetland Onsite: 192.70

Total Acres Wetland Preserved Onsite: 18.71

Total Acres Impacted Onsite : 173.99

Total Acres Presv/Mit Compensation Onsite: 19.08

Total Acres Presv/Mit Compensation Offsite: 135.93

Offsite Mitigation Credits-Mit.Bank: 9.53 Corkscrew Regional Mitigation Bank

Mitigation Previously Permitted: Yes

Conservation Easement To District : Yes

Sovereign Submerged Lands: No

← 21.59 recorded. But not dedicated to the District

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit Modification authorizing Construction and Operation of a surface water management system serving 195.02 acres of commercial/industrial development known as Three Oaks Parkway-Oriole Road Extension & McGarvey Research Park, Conceptual Approval of a surface water management system serving the remaining 491.38 acres of the project with discharge into waters of the Ten Mile Canal via the Alico Road/Briarcliff ditch, and 135.93 acres of offsite mitigation adjacent to the Lee County owned portion of Six Mile Cypress Slough.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The site is located on the northwest quadrant of Alico Road and Interstate 75 (I-75). The site is bordered to the north by the 200-ft Southwest Florida International Airport stormwater conveyance, to the south by Alico Road and to the east by the land acquired by Lee County for future airport interchange and I-75. Location maps are attached as Exhibit No. 1.0.

The permitted lake is currently under construction. The existing borrow pit located on the northeast side of the property will be incorporated into the revised surface water management system. There is an 8.76 acre tract located along the easterly boundary that has been acquired by Lee County and it is no longer part of this permit, see Exhibit No. 1.0 page 2 of 2. The site consists of pasture and several wetland communities located throughout the site. The wetlands will be discussed in the Wetlands Section of this report.

PROJECT BACKGROUND:

The project site was permitted on July 13, 2005 under Permit No. 36-05268-P/Application No. 991027-15; consisting of a 629.63 acre controlled basin of commercial/industrial development served by wet and dry detention systems, part of the total applicant-owned area contiguous to the project of 695.34 acres. The permitted surface water management system includes six basins, A-F.

On September 27, 2007, a permit modification authorized construction of Parcels 14 and 15 under Permit No. 36-05268-P-02/Application No. 060127-5 for a 33.95 acre commercial development known as Shoppes of Gulf Coast, which was conditioned to initiate construction after the backbone master surface water management system is constructed and operational.

PROPOSED PROJECT:

The applicant proposes reconfiguration to the site plan permitted in 2005 for a commercial development. The site plan will be reduced by 8.94 acres, from 695.34 acres to 686.40 acres, due to the 8.76 acre area along the east side of the property being sold to Lee County and an updated boundary survey plan to account for a total applicant-owned area contiguous to the project of 686.40 acres, see Exhibit No. 1.0 page 2 of 2.

This application requests construction and operation of the master surface water management system for 182.43 acres consisting of Three Oaks Parkway and Oriole Road roadways, perimeter berms, four lakes, and dry detention areas as shown on Exhibit No. 2.0 page 2 of 17. This area also includes 12.58 acres of area located outside the controlled basin which is part of the contiguous ownership as described in the Land Use section of this staff report. Conceptual authorization is requested for the remaining activities within all parcels totaling 491.38 acres. The McGarvey Research Park development to be located within Basin G, or parcels 17-21, will remain conceptual. See Exhibit No. 2.0 pages 2 and 3 of 17.

The revised surface water management system will be reconfigured by enlarging the lake area by 1.44 acres, from 11.65 acres to 13.09 acres, including a new Basin G with a control elevation of 18.5 ft. NGVD, and incorporating 2.99 acres of wetland preserve located on the southwest side of the site into the controlled basin area. As a result of these changes, the revised controlled basin will be enlarged by 44.19 acres, from 629.63 acres to 673.82 acres due to incorporating Basin G into the controlled basin. The permitted control structure will be reconfigured and relocated to the new lake at the southwest corner of the property. The project's discharge will remain as previously permitted, Alico Road/Briarcliff ditch. Future commercial parcels will remain conceptual at this time.

The revised site has been divided into seven basins, A through G. Basins A-E include Three Oaks Parkway and Oriole Road roadways, future commercial parcels and proposed dry detention ponds. Basin

F corresponds to the proposed lake/wetland systems, and Basin G corresponds to the conceptual McGarvey Research Park development located within Parcels 17-21. No changes to the previously permitted control elevations of basins A-F are included in this application.

Stormwater runoff from each commercial parcel sheetflows into the proposed dry detention ponds prior to discharge into the lake/wetland system. Stormwater runoff from Basin G will be directed to the existing lake-borrow pit/wetland preserve and discharge into Basin E. The lake/wetland system will provide 86.46 ac-ft and the proposed dry detention ponds will provide 30.24 ac-ft of water quality. An additional 35.41 ac-ft of water quality treatment will be required for development of the commercial parcels as indicated on Exhibit No. 2.0 pages 4 and 5 of 17 prior to discharging into the wet detention system. This surface water management system provides the required water quality and attenuation for the 25 year-3 day storm including an additional 50% above the required water quality volume. The development plans including site plan, paving grading and drainage plans and related details are attached as Exhibit No. 2.0.

No adverse discharge or water quality impacts are anticipated as a result of the proposed project.

LAND USE:

OTHER land use category (12.58 acres), part of the total applicant-owned area contiguous to the project, includes 6.05 acres of ditches and 6.53 acres of preserves. These areas are located outside the controlled basin of 673.82 acres.

WETLAND MITIGATION includes 135.93 acres of offsite mitigation adjacent to the Lee County owned portion of Six Mile Cypress Slough.

Conceptual:

		Area (ac)	Starting Elev. (ft)	Ending Elev. (ft)
A	Dry Detention Areas	7.06	16.5	18
	Building Coverage	22.64		
	Pavement	50.32	20.2	21.1
	Total:	80.02		
B	Building Coverage	34.31		
	Dry Detention Areas	3.87	16.5	18
	Pavement	68.89	20.2	21.1
	Total:	107.07		
C	Dry Detention Areas	3.44	16.5	18
	Building Coverage	26.14		
	Pavement	52.49	20.2	21.1
	Total:	82.07		
D	Building Coverage	22.83		
	Dry Detention Areas	2.75	16.5	18
	Pavement	46.08	20.2	21.1
	Total:	71.66		
E	Building Coverage	11.25		
	Dry Detention Areas	1.49	16.5	18
	Pavement	23	20.2	21.1
	Total:	35.74		
G	Building Coverage	34.36		
	Dry Detention Areas	11.68	19.5	20.5
	Pavement	68.78	21	21.2
	Total:	114.82		

Construction:**Project:**

	This Phase	Total Project	
Building Coverage		151.53	acres
Dry Detention Areas	14.57	44.86	acres
Lake	30.04	30.04	acres
Other	12.58	12.58	acres
Pavement	23.90	333.46	acres
Pervious	101.38	101.38	acres
Preserved	12.55	12.55	acres

	This Phase	Total Project	
Wetland Mitigation	135.93	135.93	acres
Total:	330.95	822.33	

Basin : A

	This Phase	Total Basin	
Building Coverage		22.64	acres
Dry Detention Areas	1.66	8.72	acres
Pavement	5.51	55.83	acres
Pervious	19.40	19.40	acres
Total:	26.57	106.59	

Basin : B

	This Phase	Total Basin	
Building Coverage		34.31	acres
Dry Detention Areas	6.39	10.26	acres
Pavement	5.20	74.09	acres
Pervious	18.65	18.65	acres
Total:	30.24	137.31	

Basin : C

	This Phase	Total Basin	
Building Coverage		26.14	acres
Dry Detention Areas	2.60	6.04	acres
Pavement	4.08	56.57	acres
Pervious	15.31	15.31	acres
Total:	21.99	104.06	

Basin : D

	This Phase	Total Basin	
Building Coverage		22.83	acres
Dry Detention Areas	3.16	5.91	acres
Pavement	4.14	50.22	acres
Pervious	10.99	10.99	acres
Total:	18.29	89.95	

Basin : E

	This Phase	Total Basin	
Building Coverage		11.25	acres

Basin : E

	This Phase	Total Basin	
Dry Detention Areas	.76	2.25	acres
Pavement	4.80	27.80	acres
Pervious	13.56	13.56	acres
Total:	19.12	54.86	

Basin : F

	This Phase	Total Basin	
Lake	13.09	13.09	acres
Pervious	7.40	7.40	acres
Preserved	2.98	2.98	acres
Total:	23.47	23.47	

Basin : G

	This Phase	Total Basin	
Building Coverage		34.36	acres
Dry Detention Areas		11.68	acres
Lake	16.95	16.95	acres
Pavement	.17	68.95	acres
Pervious	16.05	16.05	acres
Preserved	9.57	9.57	acres
Total:	42.74	157.56	

Basin : OTHER

	This Phase	Total Basin	
Ditch	6.05	6.05	acres
Preserved	6.53	6.53	acres
Total:	12.58	12.58	

Basin : WETLAND MITIGATION

	This Phase	Total Basin	
Wetland Mitigation	135.93	135.93	acres
Total:	135.93	135.93	

WATER QUANTITY :**Discharge Rate :**

The revised surface water management system discharges off-site through control structure number one.

The existing lake-borrow pit/wetland, located within Basin G, will discharge into Basin E through control structure D-32. The proposed dry detention ponds serving five different drainage basins (A-E) discharge into the Basin F lakes through control structures D-27, D-28, D-29, D-30, and D-31.

The surface water management system is designed to limit the discharge to a rate of 37.1 CSM (0.06 cfs/acre) for projects located within the Six Mile Cypress Basin. The controlled drainage area is 673.82 acres and the total allowable maximum discharge rate during the design storm event is 39.1 cfs. As shown in the table below, the project's peak discharge rate, 38.5 cfs, is within the allowable limit.

Discharge Storm Frequency : 25 YEAR-3 DAY

Design Rainfall : 10.9 inches

Basin	Allow Disch (cfs)	Method Of Determination	Peak Disch (cfs)	Peak Stage (ft, NGVD 29)
A	n/a	n/a	n/a	21.1
B	n/a	n/a	n/a	21.1
C	n/a	n/a	n/a	21.1
D	n/a	n/a	n/a	21.1
E	n/a	n/a	n/a	21.1
F	39.1	Conveyance Limitation	38.5	21
G	n/a	n/a	n/a	21.2

Finished Floors :

As shown in the following table and the attached exhibits, minimum finished floor elevations have been set at or above the calculated design storm flood elevation.

Building Storm Frequency : 100 YEAR-3 DAY

Design Rainfall : 13.6 inches

Basin	Peak Stage (ft, NGVD 29)	Proposed Min. Finished Floors (ft, NGVD 29)	FEMA Elevation (ft, NGVD 29)
A	21.7	22	N/A
B	21.7	22	N/A
C	21.7	22	N/A
D	21.7	22	N/A
E	21.7	22	N/A
G	22.3	23	N/A

Road Design :

As shown in the following table and the attached exhibits, minimum road center lines have been set at or above the calculated design storm flood elevation.

Road Storm Frequency : 10 YEAR-1 DAY

Design Rainfall: 6.5 inches

Basin	Peak Stage (ft, NGVD 29)	Proposed Min. Road Crown (ft, NGVD 29)
A	19.9	20.2
B	19.9	20.2
C	20	20.2
D	19.9	20.2
E	20.2	20.2
G	20.5	21

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD 29)	WSWT Ctrl Elev (ft, NGVD 29)	Method Of Determination
A	106.59	15.5	15.50	Wetland Indicator Elevation
B	137.31	15.5	15.50	Wetland Indicator Elevation
C	104.06	15.5	15.50	Wetland Indicator Elevation
D	89.95	15.5	15.50	Wetland Indicator Elevation
E	54.86	15.5	15.50	Wetland Indicator Elevation
F	23.49	15.5	15.50	Wetland Indicator Elevation
G	157.56	18.5	18.50	Wetland Indicator Elevation

Receiving Body :

Basin	Str.#	Receiving Body
A	Str. # 27	Lake (Basin F)
B	Str. # 28	Lake (Basin F)
C	Str.# 29	Lake (Basin F)
D	Str. # 30	Lake (Basin F)
E	Str. # 31	Lake (Basin F)
F	Outfall struc	Existing ditch along Alico Road via existing wetland
G	Str, # 32	Basin E

Discharge Structures: Note: The units for all the elevation values of structures are (ft, NGVD 29)**Bleeders:**

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
F	Outfall structure	1	Rectangular Orifice	9.5'	.33'				15.5

Culverts:

Basin	Str#	Count	Type	Width	Height	Length	Dia.
F	Outfall structure	4	Reinforced Concrete Pipe	38"	24"	48'	

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
F	Outfall structure	1	Sharp Crested	.29'	2.35'			18.8 (crest)

SWM(Internal) Structures: Note: The units for all the elevation values of structures are (ft, NGVD 29)

SWM(Internal) Structures:**Bleeders:**

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Invert Angle	Invert Elev.
A	Str. # 27	1	Rectangular Orifice	3.93'	.17'				15.5
B	Str. # 28	1	Rectangular Orifice	5.31'	.17'				15.5
C	Str. # 29	1	Rectangular Orifice	3.75'	.17'				15.5
D	Str. # 30	1	Rectangular Orifice	3.36'	.17'				15.5
E	Str. # 31	1	Rectangular Orifice	3.59'	.17'				15.5
G	Str. # 32	1	Rectangular Notch	6'	4.1'				18.5

Inlets:

Basin	Str#	Count	Type	Width	Length	Dia.	Crest Elev.
A	Str. # 27	1	Fdot Mod H Drop Inlet	4.3'	10.8'		21.9
B	Str. # 28	1	Fdot Mod H Drop Inlet	3.3'	10.8'		21.9
C	Str. # 29	1	Fdot Mod H Drop Inlet	3.3'	10.8'		21.9
D	Str. # 30	1	Fdot Mod H Drop Inlet	3.3'	10.8'		21.9
E	Str. # 31	1	Fdot Mod H Drop Inlet	3.3'	10.8'		21.9
G	Str. # 32	1	Fdot Mod H Drop Inlet	3.3'	10.8'		22.6

Weirs:

Basin	Str#	Count	Type	Width	Height	Length	Dia.	Elev.
A	Str. # 27	1	Sharp Crested	4'	4.39'			17.51 (crest)
B	Str. # 28	1	Sharp Crested	5'	4.48'			17.42 (crest)
C	Str. # 29	1	Sharp Crested	4'	4.18'			17.72 (crest)
D	Str. # 30	1	Sharp Crested	4'	4.34'			17.56 (crest)
E	Str. # 31	1	Sharp Crested	6'	4.1'			18.5 (crest)

WATER QUALITY :

The revised surface water management system is designed to provide the required water quality treatment volume of 104.68 ac-ft for the proposed site development based on 2.5-inch times the percentage of imperviousness with an additional 50% water quality volume. The revised wet detention system will provide 86.46 ac-ft of water quality while the proposed dry detention system will provide 30.24 ac-ft of water quality treatment. Future development within the parcels will require an additional 35.41 ac-ft of dry detention water quality treatment as shown on Exhibit No. 2.0 pages 4 and 5 of 17. As shown in the table below, the total water quality treatment volume provided by the surface water management system is equivalent to the required treatment volume.

Pollutant loading calculations demonstrate the surface water management system demonstrates the post-development loadings of storm water nutrients will be less than the loadings generated under pre-development conditions. In addition, an Urban Stormwater Management Program and Construction Pollution Prevention Plan specifications and guidelines are part of the required water quality. Construction and daily operation of the project shall be conducted in accordance with Special Condition No. 15.

No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
A	Treatment	Dry Detention	14.39	3.45
A	Treatment	Wet Detention	6.1	6.1

Basin	Treatment Method		Vol Req.d (ac-ft)	Vol Prov'd
B	Treatment	Dry Detention	19.26	13.26
C	Treatment	Dry Detention	10.73	5.4
D	Treatment	Dry Detention	10.81	6.55
E	Treatment	Dry Detention	3.89	1.58
F	Treatment	Wet Detention	16.08 acres	52.62
G	Pre-Treatment	Dry Detention	6.57	0
G	Treatment	Wet Detention	26.52 acres	27.74

WETLANDS:

The original 695.34 acre site contained 197.60 acres of wetlands under the original permit, Application No. 991027-15. However, since the issuance of the original permit, approximately 8.76 acres which includes approximately 4.89 acres of wetlands have been removed from the overall site plan for the "Future Southwest Florida International Airport Interchange Tract" (SWFIA Tract). Therefore, there are approximately 192.70 acres of jurisdictional wetlands onsite.

The wetland communities include melaleuca wetlands, hydric pine flatwoods, cypress, herbaceous marsh and pine-cypress. The dominant wetland community is hydric pine flatwoods with varying degrees of melaleuca infestation ranging from 10%-75% coverage. The hydric pine flatwoods generally consist of a slash pine canopy with saw palmetto, wiregrass, wax myrtle, rusty lyonia, and broomsedge. The melaleuca wetlands consist of a monoculture with sparsely scattered swamp fern and spikerush. The cypress wetlands contain less than 25% exotic coverage and consist of cypress, scattered slash pine, wax myrtle, Brazilian pepper, and myrsine. The herbaceous marsh consists of rushes and sedges with melaleuca dominating the midstory. The pine-cypress wetlands consists of cypress, pine, wax myrtle, Brazilian pepper, melaleuca, and saw grass with exotic coverages ranging from 10%-75%. A map depicting the vegetative communities, wetlands, wetland impacts, and wetland preserve areas is attached as Exhibit No. 3.0.

Wetland Impacts:

The original permit, Application No. 991027-15, authorized 159.80 acres of direct wetland impacts. After the issuance of the original permit, approximately 8.76 acres were removed from the originally permitted area which included approximately 4.89 acres of wetlands of which 3.66 acres of wetland impacts were authorized. Therefore, prior to this permit modification, the wetland impacts actually totaled 156.14 acres (154.91 ac of impacts +1.23 ac of impacts associated with structural buffers). With this permit modification, an additional 17.85 acres of direct wetland impacts are proposed which will result in a total of 173.99 acres of direct wetland impacts to onsite wetlands for the project site. Approximately 15.33 acres of wetland impacts are associated with the development of a commercial/industrial development known as McGarvey Research Park. These wetlands along with approximately 4.65 acres of uplands were previously utilized as mitigation under the original permit. The remaining 2.52 acres of the proposed wetland impacts are currently under a conservation easement for the 5.49 acre preserve area located along the southwest corner of the site in an area referred to as Parcel One. Exhibit No. 3.1 depicts the 2.52 acre release area of the conservation easement in relation to the overall 5.49 acre conservation easement area. A partial release of conservation easement to release 2.52 acres of the 5.49 acre preserve will be processed concurrently with this permit modification. Secondary impacts were assessed to the remaining 2.97 acres of the conservation area that will be incorporated into the surface water management system. This area will not be utilized as mitigation. The majority of the wetland impacts will occur to melaleuca infested wetlands. The wetland impacts are depicted on Exhibit No. 3.0.

Due to the location and condition of the wetlands to be impacted, the applicant has demonstrated that design modifications to eliminate these impacts are not practicable. The applicant proposes to enhance and preserve the remaining wetlands along with providing long term viable offsite mitigation adjacent to Six Mile Cypress Slough and within Corkscrew Regional Mitigation Bank to support the wetland functions related to wildlife utilization. Impacts to higher quality cypress wetlands located within Basin G (9.57 acres of wetlands & 1.15 acres of a 15' structural buffer) were avoided and secondary impacts were evaluated for the remaining 2.97 acres of wetlands located in the southwest corner of Basin F. The cypress wetlands in Basin G will be utilized as mitigation. The water quality berm will serve as a structural buffer to the remaining onsite wetlands and the details have been included on the applicable cross-sections and plan views contained on the construction plans. The control elevations for the project were established utilizing onsite information via stain lines and vegetation to maintain the hydroperiods of the remaining wetlands and to eliminate hydrologic impacts to offsite wetlands. Turbidity and erosion controls will be utilized during site construction in order to prevent inadvertent environmental impacts.

Mitigation Proposal:

To offset the wetland impacts associated with the construction and operation authorization and conceptual authorizations of the project, a combination of onsite and offsite mitigation is proposed. The amount of functional loss due to wetland impacts and required mitigation was calculated utilizing the Uniform Mitigation Assessment Method for the impacts associated with this modification. The previously permitted wetland impacts were assessed using mitigation ratios outlined in Section 4.0 of the Basis of Review. Under the original permit, the onsite mitigation included the enhancement and preservation of 37.86 acres of wetlands which included wetlands that were removed from the site after permit issuance, 5.9 acres of uplands, and 17.8 acres of other surface waters (borrow lake). The offsite mitigation under the original permit involved enhancement and preservation of 135.93 acres of wetlands adjacent to Six Mile Cypress Slough. As a result of the additional proposed 17.85 acres of wetland impacts to onsite wetlands the amount of enhanced and preserved wetlands onsite will be 18.71 acres of wetlands, 0.37 acres of uplands, and 1.15 acres of structural buffers along the 9.57 acre cypress wetland located in Basin G. The offsite mitigation includes the purchase of 9.53 freshwater forested credits from Corkscrew Regional Mitigation Bank (see paragraph below for explanation of credit requirements) along with the enhancement and preservation of 135.93 acres of wetlands adjacent to Six Mile Cypress Slough. A total of 7.73 freshwater forested credits are required to offset 15.33 acres of wetland impacts associated with the McGarvey Research Park that were previously used as mitigation and 4.00 acres of wetland impacts which were previously mitigated by the enhancement of 15.33 acres of wetlands and 4.65 acres of uplands under the original permit. A total of 2.63 freshwater forested credits are required to offset the 2.52 acres of direct impacts and 2.97 acres of secondary impacts to the 5.49 acre preserve area referred to as Parcel One located in the southwest corner of the project site and 1.1 acres of wetland impacts that were offset by the enhancement of the 5.49 acre preserve area under the original permit.

As previously discussed, approximately 8.76 acres were removed from the site for the future SWFIA Tract after the issuance of the original permit. Approximately 3.66 acres of wetlands of the 4.89 acres of wetlands within the 8.76 acre tract were authorized for impacts and the remaining 1.23 acres were utilized as mitigation. Based upon the Uniform Mitigation Assessment Method analysis the 3.66 acres of wetlands within the SWFIA Tract would have resulted in functional loss of 1.2 functional units and the enhancement of 1.23 acres of wetlands along with the preservation of 0.8 acres of uplands would have resulted in a functional gain of 0.37 functional units. Since the permittee no longer owns these areas, the functional gain associated with the enhancement of the 1.23 acres of wetlands and 0.8 acres of uplands is no longer achieved and the permittee is no longer responsible for the 3.66 acres of wetland impacts previously authorized and mitigated under the original permit. Therefore, subtracting the 0.37 functional gain of the wetland and upland enhancement from the 1.2 functional unit loss associated with the 3.66 acres of wetland impacts previously authorized and mitigated under the original permit results in a 0.83 functional loss which has been mitigated for via the onsite and offsite mitigation areas. Therefore, the permittee has a surplus of 0.83 functional units associated with the 4.89 acres of wetlands within the 8.76 acre portion removed from the site plan. To compensate for the surplus mitigation, 0.83 credits have been subtracted from the 10.36 mitigation credits (7.73 mitigation credits for McGarvey Research Park +

2.63 credits for Parcel One); therefore requiring the purchase of 9.53 freshwater forested credits to offset wetland impacts associated with this permit modification. A mitigation plan for the remaining onsite wetlands for McGarvey Research Park and Parcel One is attached as Exhibit No. 3.2.

The 135.93 acre offsite mitigation area adjacent to the Six Mile Cypress Slough is located in the southeast corner of Daniels Parkway and Six Mile Cypress Parkway and is adjacent to the Lee County owned portion of the Six Mile Cypress Slough. A location map depicting the location of the offsite mitigation in relation to the Lee County owned portion of the Six Mile Cypress Slough is attached as Exhibit No. 3.3. The offsite mitigation parcel will be divided into three 45.3 acre portions with phased enhancement activities and the mitigation activities will start in the southern third of the mitigation parcel identified as Parcel C. The mitigation activities for the offsite mitigation areas include the removal of nuisance and exotic species and supplemental plantings. All eradicated nuisance and exotic vegetation will be removed from the preserve area. The limits of mechanical removal will be reviewed and approved by District staff prior to the commencement of mitigation activities within the offsite mitigation areas. Details of the mitigation activities for the offsite mitigation areas are attached as Exhibit No. 3.4.

The targeted vegetative communities for the onsite mitigation areas are a cypress system, pine-cypress system, and a hydric pine flatwood system. The targeted vegetative communities for the offsite mitigation areas are a cypress wetland community and a pine-cypress wetland community.

The control elevation of 15.5' NGVD is based upon wetland indicators and is consistent with maintaining wetland hydroperiods within the site. The Southwest Florida International Airport (SWFIA) drainage flow-way berm adjacent to the northeastern wetland preserve was set at an elevation based on the seasonal high water indicators of the northeastern wetland to ensure that the hydroperiod of the preserve would not be negatively affected by the drainage flow-way. The 6.54 acre wetland preserve area along the northeastern portion of the site is outside of the surface water management system. The remaining onsite wetlands, the 9.57 acre preserve in Basin G and the remaining 2.97 acres of wetland preserve in Basin F will be incorporated into the surface water management system. The control elevation of Basin G will be raised to 18.5' NGVD to utilize the wetland for attenuation of surface water and restore the wetland hydroperiod to mimic the historic hydroperiod as close as possible. The control elevation of the other basins will remain at 15.5' NGVD as originally permitted. The wetland in the southwest corner will maintain its hydroperiod via water entering from the stormwater lake into the preserve prior to discharging into Alico Road ditch. The wetlands on the north maintain their hydroperiods from the offsite wetlands to the north and the SWFIA drainage flow-way.

Pursuant to Section 4.2.7 of the Basis of Review, protective measures have been incorporated into the design of the proposed project to prevent secondary impacts to the remaining onsite wetlands. All onsite surface water will be routed in the surface water management system for treatment prior to discharging into wetlands and offsite. In addition, the wetland preserves outside of the surface water management system will maintain their hydroperiods via discharge from the surface water management system and connections to offsite wetlands and the SWFIA flow-way. Also, the water quality berm will serve as a structural buffer along the development/conservation area interface.

Cumulative Impact Assessment:

Pursuant to Section 4.2.7 and 4.2.8 of the Basis of Review, the applicant has provided reasonable assurance that the proposed project will not result in unacceptable cumulative impacts to wetlands within the Estero Bay Drainage Basin. The proposed project has been considered in conjunction with existing projects in the same basin.

The applicant proposes to preserve and enhance the higher quality freshwater forested wetlands onsite. In addition, the applicant proposes offsite mitigation by reserving 9.53 freshwater forested mitigation credits at Corkscrew Regional Mitigation Bank along with offsite enhancement and preservation of 135.93 acres of wetlands adjacent to the Six Mile Cypress Slough which are located within the Estero Bay

Drainage Basin where the project site is located. As a result of the proposed mitigation plan, the proposed wetland impacts will not result in any significant adverse cumulative impacts to the Estero Bay Drainage Basin. The proposed wetland impacts are consistent with other permitted projects within the vicinity and adequate mitigation has been provided to offset the functional loss of these communities. It is to be noted that staff's determination regarding the mitigation and potential for cumulative impacts are site and project specific and may not be appropriate for other projects.

Monitoring/Maintenance:

The onsite and offsite mitigation areas will be monitored for a period of five years with annual monitoring reports submitted to the district. Monitoring maps depicting the location of the vegetative sampling stations, transects, photo-reference stations, and the staff gauge for the onsite and offsite mitigation areas are attached as Exhibit No. 3.5 and 3.6, respectively. The work schedule for the mitigation, maintenance, and monitoring activities is attached as Exhibit No. 3.7.

Wetland Inventory:

MCGARVEY RESEARCH PARK & PARCEL ONE: M-1 represents impacts associated with the McGarvey Research Park and P-1 represents impacts associated with Parcel One (the areas affected by the partial release of conservation easement). P-5 (SW) represents the remaining portion of the partial release associated with Parcel One.

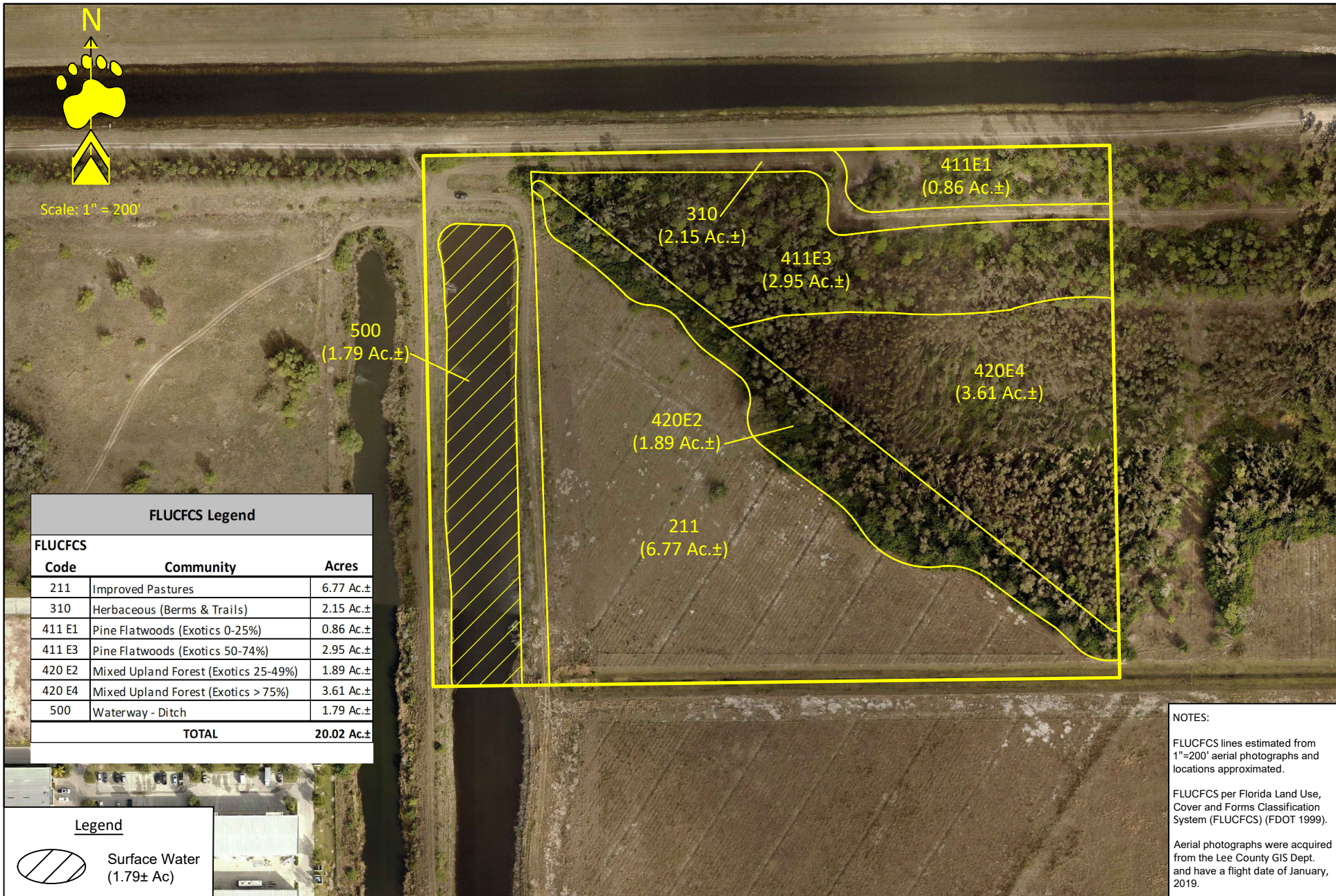
THREE OAKS PARKWAY AND ORIOLE EXTENSION: 6-Mile represents the offsite mitigation, Cypress represents the cypress wetland within Basin G, N Pres represents the preserve located in the northern portion of the site, and PP WL represents the amount of previously permitted wetlands after the 8.76 acres of project area were removed from the project area.

ATTACHMENT 2

PROPOSED SITE PLAN at BUILDOUT

ATTACHMENT 3

FLUCFCS MAP of the DEVELOPMENT SITE



NOTES:

FLUCFCS lines estimated from 1"=200' aerial photographs and locations approximated.

FLUCFCS per Florida Land Use, Cover and Forms Classification System (FLUCFCS) (FDOT 1999).

Aerial photographs were acquired from the Lee County GIS Dept. and have a flight date of January, 2019.

Revisions	Date:	Drawn By:	Date:
		BWS	7/29/20
		Job Number	
		S/T/R	
		4/46S/25E	

Seagate - Alico North

Aerial FLUCFCS Map

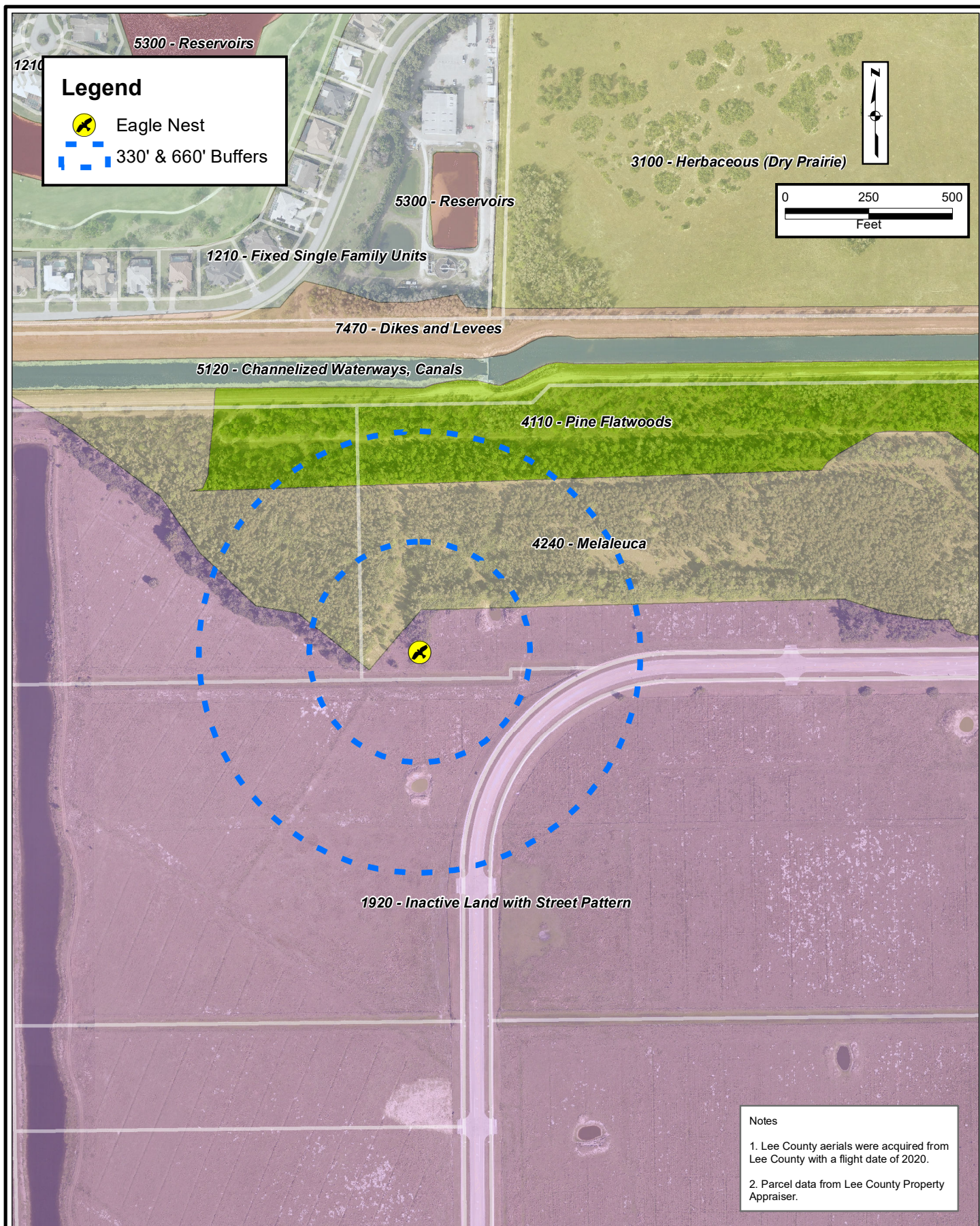
Category	FLUCFCS	Page	-
Scale:	1" = 200'	Exhibit	Att. 3
County	Lee		



ATTACHMENT 4

FLUCFCS MAP of AREAS SURROUNDING the NEST TREE

O:\2018\20181289-000\Environmental\Eagle Nest Seagate-Alico\Bald Eagle Nest Map.mxd



JOHNSON
ENGINEERING

JOHNSON ENGINEERING, INC.
2122 JOHNSON STREET
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E.B. #642 & L.B. #642

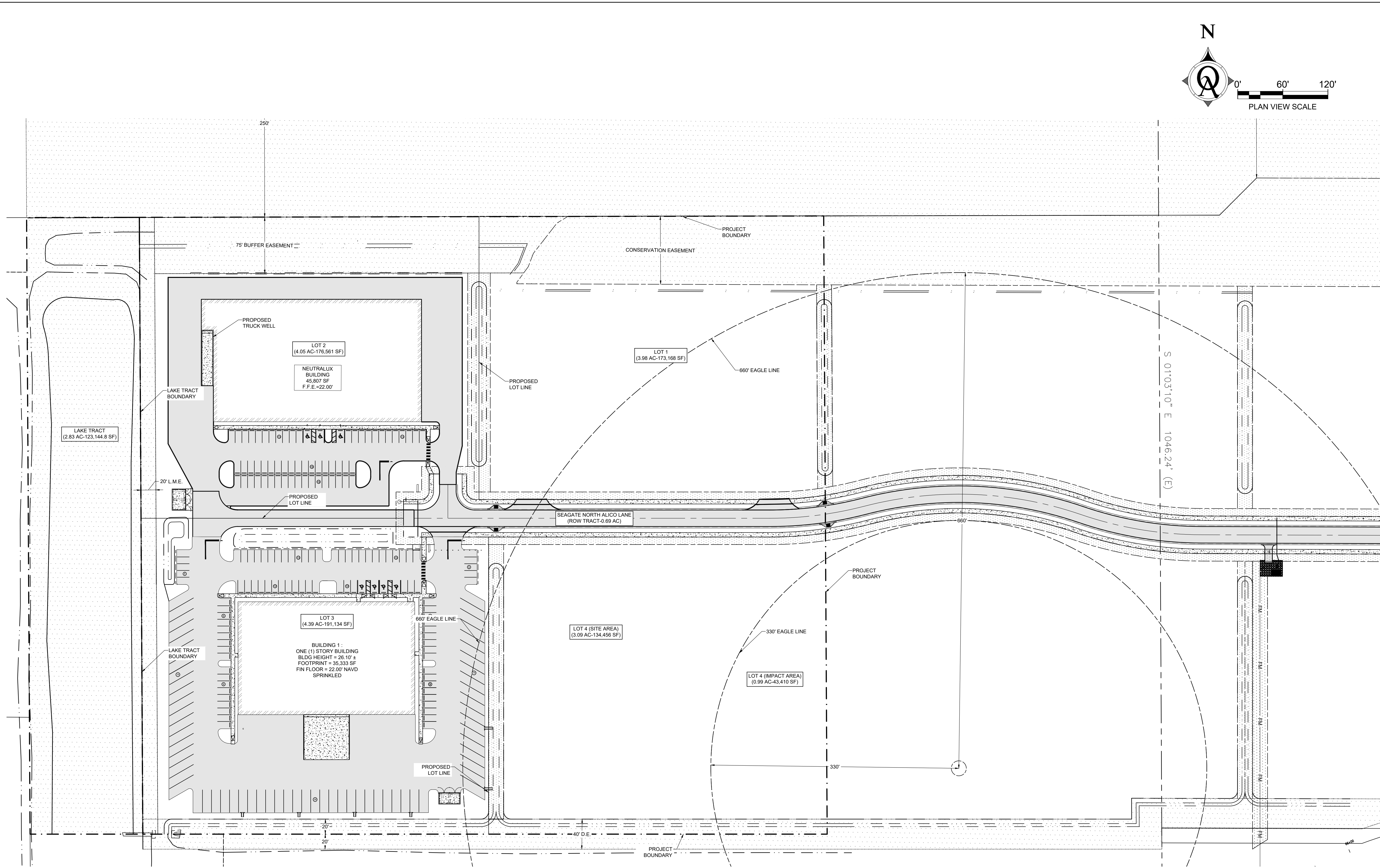
Bald Eagle Nest Location and FLUCFCS Map

DATE	PROJECT	FILE NO.	SCALE	SHEET
Feb 2021	20181289	-	As Shown	Att. 4

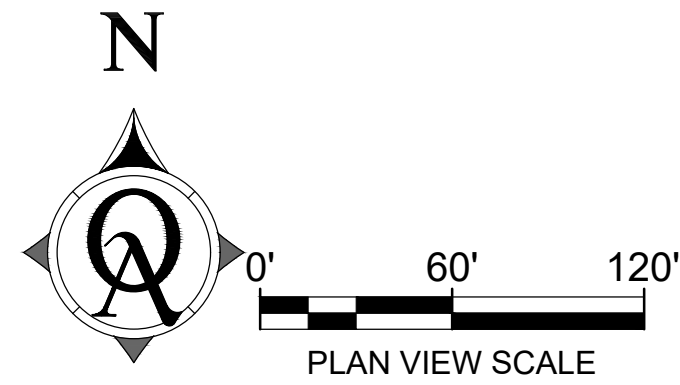
ATTACHMENT 5

EXHIBITS ILLUSTRATING
PHASE 1 & PHASE 2 CONSTRUCTION

P:\2020 Projects\202004 SEGATE ALICO NORTH INDUSTRIAL PARK\ACTIVE\01-CADD FILES\01-QA CADD - VERSION B\05-EXHIBITS\202004-EAGLE

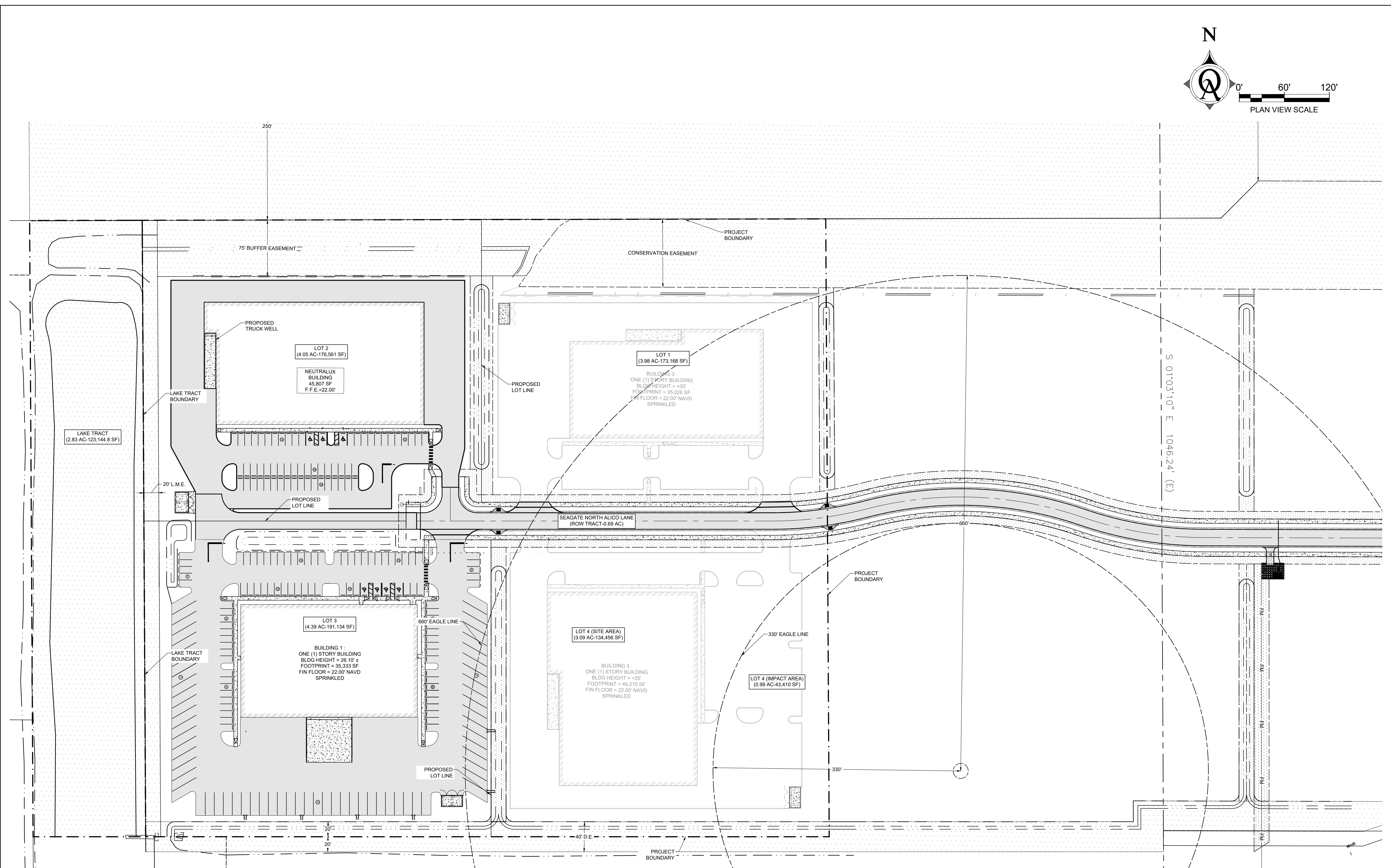


PLAN DESIGN NOTE:
PLANS ARE CONCEPTUAL AND SUBJECT TO CHANGE WITHIN PROPOSED DEVELOPMENT FOOTPRINT



SITE DEVELOPMENT		REVISION		DATE
1	REV			
SEGATE ALICO NORTH INDUSTRIAL PARK MASTER SITE PLAN ORIOLE ROAD LEE COUNTY, FLORIDA				
Quattrone & Associates, Inc. Engineers, Planners, & Development Consultants 4301 Veronica Shoemaker Blvd - Fort Myers, Florida 33916 - 239-936-5222 Certificate of Authorization Number: 9465				
ALFRED QUATTRONE, P.E. FL REG #52741 VALID ONLY WITH STAMPED SEAL SAVED BY: Mark SAVED ON: 3/3/21				
SHEET EX-01 01 OF 03				

ATT.5



ATT.5

SEGATE ALICO NORTH INDUSTRIAL PARK
MASTER SITE PLAN
ORIOLE ROAD
LEE COUNTY, FLORIDA

ATTACHMENT 6

EMAIL CORRESPONDENCE with FWS
MARCH 8, 2021

From: [Laura Herrero](#)
To: [Laura Herrero](#)
Subject: FW: [EXTERNAL] RE: Coordination for New Bald Eagle Nest - Lee County Bald Eagle Management Plan
Date: Monday, March 8, 2021 4:33:52 PM

ATTACHMENT 6: Seagate Alico North, LLC Bald Eagle Management Plan

-----Original Message-----

From: Kirkpatrick, Ulgonida <ulgonida_kirkpatrick@fws.gov>
Sent: Monday, March 8, 2021 8:25 AM
To: Laura Herrero <lhb@johnsoneng.com>
Cc: Collins, Resee <ressee_collins@fws.gov>
Subject: Re: [EXTERNAL] RE: Coordination for New Bald Eagle Nest - Lee County Bald Eagle Management Plan

Hello,

If the only work occurring inside 660ft, but outside 330ft, after the young fledge (capable of independent, coordinates flight) is the road and all other work will occur outside 660ft, yes it does follow the National Bald Eagle Management Guidelines. All other construction work that falls within 660ft should be done with a permit as per my previous email. The permit is voluntary however as I previously mentioned this site is completely undeveloped and disturbance may occur including nest abandonment.

Let me know if you need to discuss further.

Ulgonida Kirkpatrick
FWS Migratory Bird Division
1875 Century Blvd, Atlanta, GA, 30345
352-406-6780
www.fws.gov/southeast/our-services/permits/eagles/

> On Mar 4, 2021, at 6:40 PM, Laura Herrero <lhb@johnsoneng.com> wrote:

>
> Hi, Ulgonida. I'm following up again on the Seagate Alico North LLC property and new bald eagle nest (Lee County, west of Oriole Road) that we discussed earlier this week (email chain below). The subject property currently under development review is Lee County STRAP # 04-46-25-00-00003.001C. Note the lot that the eagle nest is actually located on is not owned by Seagate; the eagle nest tree is located on Lee County STRAP # 03-46-25-00-00001.101C., which according to the Lee County property appraiser's website is owned by an entity known as Three Oaks 59 LLC.

>
> Seagate Alico North is really needing to get development started on the western side of the property (lots outside of the 660' buffer except for a small portion of the southwest lot). However to do so, they need to get the spine road built for access. They have come up with a revised phased approach that we believe would be consistent with the Service's guidelines but we would like your confirmation. If you concur, the bald eagle management plan that has been requested by SFWMD staff and will also be presented before the Lee County Eagle Technical Advisory Committee (ETAC) next week would be updated to reflect the same. The attached PDF contains 3 different exhibits to help illustrate the proposed phasing, as discussed below.

>
> Phase 1 (Ex. 1): As illustrated on Ex-1 in the attached PDF, Phase 1 would consist of developing the spine road that is necessary for access in order to develop the western lots (it has been pushed north to now lay outside of the 330' buffer of the nest tree). It would also include actual development of the western 2 lots, with only a small portion of the southwest lot (less than 1/2 acre) falling just inside the 660' buffer. The rest of the western 2 lots are outside the 660' buffer of the nest.

>
> Based on the highlighted excerpt below from the Service's website, it would seem that building of the roadway at its new position outside the 330' buffer would fall within the guidelines, with Oriole Road (similar scope) located approximately 400' from the nest tree. The remainder of the forested area would remain in place during Phase 1 construction to provide the visual buffer.

>
> The owners believe this construction would be built before the start of the next bald eagle nesting season (October 2021). As previously mentioned, the young of this nest will be fledging any day (we continue to monitor), which would allow them to get Phase 1 of the project started as soon as their development permits are finalized with the SFWMD and Lee County (before May 15).

>
> During this time period, the owner would apply for the incidental take permit for the rest of the proposed development work inside the 660' buffer (Phase 2), and Phase 2 would not commence until the incidental take permit has been obtained from the Service.

>
> Construction or development activities If your project involves any of the following activities:

- > * Building construction, 1 or 2 story, with a project footprint of 1/2 acre or less.
- > * Construction of roads, trails, canals, power lines, and other linear utilities.
- > * Agriculture or aquaculture – new or expanded operations.
- > * Alteration of shorelines or wetlands.
- > * Installation of docks or moorings.
- > * Water impoundment.

Top of Form

> Construction or Development Activities Is the nest visible from the project or activity area?

> Is there a similar activity within 1 mile of the nest?

> Get Determination

> You have determined that the bald eagle nest (active or alternate) cannot be seen from the activity or project site and there is similar activity within 660 feet of the nest. To avoid disturbing nesting eagles and their young, we recommend that you:

>
> 1. Maintain a buffer of at least 330 feet (100 meters) between your activities and the nest (including active and alternate nests), or if a similar activity is closer than 330 feet, then maintain a buffer at least as far from the nest as the existing tolerated activity; 2. within 660 (200 meters) feet of the nest (including active and alternate nests), restrict any clearing, external construction or landscaping activities to outside the nesting season (outside the nesting season is from mid to late May through early to late September. Nesting season in the Southeast is generally Oct 1- May 15); 3. maintain established landscape buffers that screen the activity from the nest.

>
> Phase 2 (Ex. 2): As illustrated on Ex-2 in the attached PDF, Phase 2 would consist of developing the 2 remaining eastern lots of Seagate's property. Again, this phase of development would not occur until after the incidental take permit has been obtained from the Service. It is understood the permit would have conditions that must be adhered to that are not specifically known as this time. But it would be proposed in the eagle management plan that none of the Phase 2 work within the 330' buffer that overlaps onto the property would occur during eagle nesting season. If that portion of the proposed Phase 2 work that lies between the 330' – 660' buffer needed to occur during eagle nesting season, then a qualified monitoring would be used to monitor nest success and help to document if any incidental take actually occurred.

>
> Exhibit 3 in the attached PDF illustrates what the project would look like upon completion.

>
> You'll note on the plans a forested preserve on the north side of the development adjacent to the canal. That area has already been placed under a conservation easement as part of a larger permitting effort back in 2009. The subject property was included in the permitting for the Three Oaks Parkway and Oriole Road Extension and McGarvey Research Park (SFWMD Permit No. 36-05268-P; Application No. 070531-7) and would fall within the western 1/2 of what is identified as parcel 4 in the referenced permit (2nd attachment). I'm confident a Section 404 permit would have also been obtained for the project, however I do not have the federal permit number at this time.

>
> A significant amount of permitting and mitigation has already been paid for the larger development, with the current owners of this now 20-acre tract looking for a way to continue with this economic development in an expeditious manner while addressing necessary permitting for the new bald eagle nest.

>
> Thank you for taking the time to consider this revised/phased proposal of development. Your input is greatly appreciated. Have a nice evening – Laura

>
> Laura Brady Herrero
> Principal Ecologist/Director of Environmental Services JOHNSON
> ENGINEERING, INC.
> 2122 Johnson Street
> Fort Myers, FL 33901

>
> Direct Line: (239) 461-2457
> Cell: (239) 872-4091
> Email: lherrero@johnsoneng.com<<mailto:lherrero@johnsoneng.com>>

>
> -----Original Message-----

> From: Kirkpatrick, Ulgonida <ulgonida_kirkpatrick@fws.gov>
> Sent: Monday, March 1, 2021 9:18 AM
> To: Laura Herrero <lhb@johnsoneng.com>
> Cc: Collins, Resee <ressee_collins@fws.gov>
> Subject: Re: [EXTERNAL] RE: Coordination for New Bald Eagle Nest - Lee County Bald Eagle Management Plan

>
> Hello,

>
> It was nice speaking with you this morning. As we discussed I have advised getting an incidental take permit for the project as a whole. The area within 660ft of the nest is undeveloped, aside from an existing road. Given the proposed land use changes and development, a permit is advised. Doing work inside 660ft, but outside 330ft while waiting on the permit is not advised because we haven't received the application and there could be conflicts with the permit conditions. Since there is a plan to develop inside 660ft and 330ft it would be best to cover the project in it's entirety. Mitigation is not needed unless the take is above 5% of the local area population (LAP), and additional NEPA analysis shows that mitigation is needed to offset LAP impacts. This is unlikely to occur.

>
> Please let me know if you need anything further.

>
> Ulgonida Kirkpatrick
> FWS Migratory Bird Division

> 1875 Century Blvd, Atlanta, GA, 30345
> 352-406-6780
>
> www.fws.gov/southeast/our-services/permits/eagles/<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.fws.gov%2Fsoutheast%2Ffour-services%2Fpermits%2F&data=04%7C01%7Culgonda_kirkpatrick40fws.gov7C8ac5d2c36d9f4ccedeaf08d8d166afb57C0693b5ba4b184d7b9341f32f400a5494%7C0%7C0%7C637504980021175030%7CUnknown%7CTWFpbGZsb3d8eyJWoiMCM4wLjAwMDAilCjQljoIV2luMzhlCjBTid6lk1haWwILCjXVC16Mn0%3D%7C2000&sdata=2FIRBraH382f6XtXF2P5AxeNLhU3S8aOuWosympK%2Fk%3D&reserved=0>
>
>>> On Feb 26, 2021, at 10:08 AM, Laura Herrero <lhh@johnsoneng.com<<mailto:lhh@johnsoneng.com>>> wrote:
>> This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.
>
>> Hi, Ulgonda. I know you were out of the office the first half of this week and wanted to give you a chance to start digging your way out of the mound of emails and phone messages you probably received while you were gone, but I'm hoping we could set up a phone call to discuss the email below.
>
>> We just prepared a preliminary bald eagle management plan (attached for record) to go to the Lee County Eagle Technical Advisory Committee (ETAC) on March 9th, as this site was already in for SFWMD and Lee County permitting! For now, we've just included no work inside the 330' protection zone until we receive authorization from the Service...so that's what we'd really like to discuss with you at your earliest convenience.
>
>> I know you're super busy, so if it's easier to actually schedule a call that fits best with your schedule, I'm fine with that....please just let me know when that could happen. Thank you for your help and have a great weekend – Laura
>
>> Laura Brady Herrero
Principal Ecologist/Director of Environmental Services

JOHNSON ENGINEERING, INC.
2122 Johnson Street
Fort Myers, FL 33901
>
Direct Line: (239) 461-2457
Cell: (239) 872-4091
>

>> From: Laura Herrero
Sent: Monday, February 22, 2021 9:31 AM
>
To: 'Ulgonda_Kirkpatrick@fws.gov' <Ulgonda_Kirkpatrick@fws.gov<mailto:Ulgonda_Kirkpatrick@fws.gov>>
Cc: Kyle R. Philpot <KRP@johnsoneng.com<<mailto:KRP@johnsoneng.com>>>
Subject: Coordination for New Bald Eagle Nest - Lee County Bald Eagle Management Plan
>
Hi, Ulgonda. I hope this email finds you well. The Johnson Engineering environmental group has been contacted by the Seagate Development Group to assist them with putting together an eagle management plan to take before the Lee County Eagle Technical Advisory Committee (ETAC) for a new bald eagle nest that has shown up on property. Coordinates for the nest are 26° 30' 29.1784"; 81° 48' 24.3977". I believe the nest has already been reported to the Service and FWC but do not know if a nest number has been assigned. The attached documents show the location of the nest on aerial view and then overlaid on the proposed site plan for the Seagate Alico North Industrial Park.
>
We conducted a preliminary monitoring event on the nest, as well as did Becky Sweigert from Lee County, and it appears the nest is active with one eaglet, approximately 7 weeks old. We'll be conducting monitoring 3X per week in accordance with the FWS monitoring guidelines to determine when the eaglet fledges and is able to demonstrate strong, independent flight. There's a chance this may occur before the developers have completed their Lee County permitting....but we're planning to use that to determine when they can proceed with work within the 330' – 660' buffer zone of the nest for the remainder of this nesting season.
>
Planning for the future though, as you can see from the site plan (2nd attached PDF), there is development planned to encroach into the 330' buffer zone (a portion of the SE parcel and the main entrance road). I'd like to discuss the need for a take permit for the nest and also discuss the potential need for a disturbance permit for work within the 330' – 660' buffer zone of the nest tree for next season, if necessary.
>
Would you have some availability later today to discuss? I could set up a Teams meeting or just a phone call – whichever works best for you. If you could please let me know, I'd really appreciate it.
>
We're hoping to get a management plan put together to go before the next ETAC meeting on 3/9/2021, so they need our draft this week. Any guidance you can provide will be greatly appreciated. Thank you for your assistance - Laura
>
>> Laura Brady Herrero
Principal Ecologist/Director of Environmental Services
JOHNSON ENGINEERING, INC.
2122 Johnson Street
Fort Myers, FL 33901
>