

**MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE
(ETAC)
Tuesday, June 8, 2021**

Committee Members Present:

Laura Greeno, Chair
Betsie Hiatt, Vice-Chair
Mike Myers
Ed Elms

Excused / Absent:

None

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 Associates

CALL TO ORDER:

Ms. Laura Greeno called the meeting to order at 3:00 pm in the second floor conference room 2C of the Community Development/Public Works Center, 1500 Monroe Street, Ft. Myers, Florida. Introductions were made.

2521 TAMIAMI TRAIL PARCEL NEST LE981

Ms. Greeno recognized Mr. Paul Owen with Dex Bender. He reviewed the particulars of the Bald Eagle Management Plan (BEMP) for 2521 Tamiami Trail, Nest LE981. An eagle pair has a nest in a communication tower within 660' of the subject property. There is a building and outdoor storage actively being used between the nest and the subject property demonstrating that the birds are very tolerant of close human disturbance. Nesting information according to both the Game Commission and Audubon sites was that this nest was inactive during the 2020/2021 nesting season, however Ms. Sweigert said that Lee County data shows the nest as active from 2018 through 2019/2020 and this year Mr. DeFilippo has seen 2 fledglings. Mr. Ed Elms said local businesses in the area thought the nest was active even before monitoring began in 2018. Mr. Owen said he saw 2 birds hanging around, one adult and one juvenile, didn't see any nesting behaviors, but did see the nest. Ms. Sweigert will send Mr. Owen data for his records and he will update that section of the BEMP. The nest is sitting in a lot surrounded by active indoor-outdoor storage, there is a building directly to the north of it and the site was formerly used as a weekly flea market and periodically as a drive-in theater for special events, now abandoned. Pinto Road is about 220 ft. west of the tower. The proposed project will include drive aisles and outdoor storage with an emergency access and drainage ditch along Pinto. The project site within the 660' zone is open with a few scattered slash pines. None of the actual parcels are within the 330' zone.

Any work done on the ditch would be done during non-nesting season. Pinto Road would connect the property and only be used for emergency purposes. The BEMP outlined restrictions, including monitoring, no toxic chemicals and subdued outdoor lighting when working within the 660' zone during nesting season. It is not anticipated that a United States Fish and Wildlife Service (USFWS) permit will be indicated, however, they will be contacted to confirm.

Mr. Elms asked when work would start. Mr. Owen didn't know when they would have the development order and Ms. Sweigert said there is some zoning to work out before that as well.

Mr. Elms asked about curbing and if there were going to be any structures within the 660' zone. Mr. Owen said the only structure would be the road. Ms. Sweigert said there would probably not be curbing, but may need a fence for screening along the perimeter. The proposed project is for open storage – a field of lots, grass or concrete - for boats, RVs, etc. but no actual buildings. Ms. Hiatt asked about Condition IV. C and reference to “remainder of residential development”. Since there is no residential component to the project, this section will be edited to remove residential references. Ms. Sweigert pointed out a reference on page 1 to nest LE-040B. That will be corrected to LE-981. Discussion confirmed that Mr. Elms used to monitor this nest, but now Ms. Sweigert and Mr. DeFilippo are doing it. There was a brief discussion about flight paths with Ms. Sweigert noting that there are some lakes and open areas around there.

Ms. Sweigert confirmed that construction of the ditch would not be done during nesting season and suggested that the developer be made aware since it may affect the timing of construction. Mr. Owen said the developer was aware of the restriction.

Mr. Mike Myers made a motion to recommend approval of the Plan with the suggested edits and updated nesting history. Mr. Elms seconded the motion. The motion was approved unanimously.

Ms. Swindle and Mr. Owen left the meeting.

APPROVAL OF MINUTES – MARCH 9, 2021

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

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

LOST AND ABANDONED NEST DETERMINATIONS

A copy of each nest's history was included in the meeting packet. Ms. Sweigert provided a brief summary of each and asked for individual motions.

A. Abandonment determination for LE-045, Ida's Nest

This is the original territory in North Fort Myers on the east side as shown on aerial (the other side was abandoned in 2016). Ms. Greeno asked if there were any management plans associated with this nest and Ms. Sweigert said there were not.

Motion to declare LE-045 abandoned by Ms. Betsie Hiatt. Seconded by Mr. Elms. Motion called and carried.

B. Abandonment determination for LE-063, Luckett Rd

This is the old Grandma's Kitchen territory. Originally, the nest was in a slash pine near the interstate. There was a brief discussion about declaring it lost following Hurricane Irma. Abandonment is the more stringent condition.

Motion to declare LE-063 abandoned by Mr. Myers. Seconded by Ms. Hiatt. Motion called and carried.

C. Abandonment determination for LE-057, Pinehurst Rd

Mr. Elms asked if this nest had been right along the road in a pine snag there. Ms. Hiatt thought he could have been referring to a huge osprey nest on Howard, but after some discussion, it was decided that the eagle nest in question was in a different location.

Motion to declare LE-057 abandoned by Mr. Elms. Seconded by Mr. Myers. Motion called and carried.

D. Abandonment determination for LE-010E and LE-010C

Motion to declare LE-010E and LE-010C abandoned by Ms. Betsie Hiatt. Seconded by Mr. Elms. Motion called and carried.

E. Abandonment determination for LE-006K Singing Pines

Historically, the nest was "right on top of the house". The tree died, the birds stopped using it and moved to Bayshore Commons and continue to be active there. The nest was lost, plus the birds did not come back, therefore it is considered abandoned.

Motion to declare LE-006K Riverbend, Singing Pines nest determined abandoned by Mr. Myers. Seconded by Ms. Hiatt. Motion called and carried.

F. Abandonment determination for LE-043B, Moody River Estates

Ms. Sweigert reported that there is a management plan, however the plan says that if the nest is considered abandoned the rules and restrictions no longer apply. She said the tree is there, but was struck by lightning and is dead. The other Moody River nest (that was cut down) will be considered abandoned next year.

Motion to declare LE-043B Moody River Estates abandoned by Mr. Elms. Seconded by Mr. Myers. Motion called and carried.

G. Abandonment determination for LE-024C, Lisa's Janie's Nest (PI Flatwoods)

H. Abandonment determination for LE-016C, Lisa's Nest (PI Flatwoods)

The County now owns the property for both these nests, Janie's (LE-024C) & Lisa (LE-016C). The birds are back in the region but not in either of these nests.

Motion to declare LE-024C and LE-016C abandoned by Mr. Elms. Seconded by Ms. Hiatt. Motion called and carried.

I. Abandonment determination for LE-038C, Temple Judah

Discussion about how difficult it had been to monitor that nest. Birds moved to Caloosa Palms and have moved again to an Australian Pine on 20/20 land. Mr. Myers said the nest was lost.

Motion to declare LE-038C Temple Judah a lost nest by Ms. Betsie Hiatt. Seconded by Mr. Myers. Motion called and carried.

Ms. Sweigert announced that she had an additional nest, another on Pine Island. She pointed out the southern nest, the blue dot on the map, saying this was the original nest dating back to 2015 but which became inactive in 2016. In 2016 the pair built LE-982A. An abandoned determination is being sought for LE-982 only.

Motion to declare LE-982, the south nest abandoned by Mr. Myers. Seconded by Mr. Elms. Motion called and carried.

Ms. Sweigert said staff continues to work on the map and these abandoned determinations will help bring it up to date. There was a discussion about the map and how much information should be shown and how it should be identified – different colors, different layers, what would work best for consultants, what might work best for the lay person. The ARC map has a layer for current nests, another layer for lost and abandoned. The LeeSpins map does not show the abandoned/lost nests. Mr. Myers asked if LeeSpins was interactive and Ms. Sweigert said no, staff is trying to get this one done first, but is working on an interactive one as well. Ms. Greeno liked everything coming up on one page with everything color coded. Ms. Sweigert said the goal was to bring the map to the committee before making it available to the public.

With respect to the abandoned determinations, Ms. Sweigert had prepared letters to each property owner so they would have something for their files. Since the Chair had been unsure of her ability to attend this meeting, the letters were prepared for and will be signed by the Vice-Chair, Ms. Hiatt at the conclusion of the meeting.

MEMBER COMMENTS/DISCUSSION

Ms. Hiatt asked if anyone had seen the article or heard about the two chicks that fell out of a nest in Bokeelia. She thought there was something wrong with their eyes and that they had been taken to CROW. Ms. Sweigert said she tried to contact CROW, but hadn't heard back and doesn't currently have a good contact there. Ms. Hiatt wondered if these could have been the Esther chicks since those parents have previously been somewhat negligent. The article didn't provide much information, but she understood that the chicks were rehabbed, but when they were ready to be released the parents were gone so they were released back to a nest in Cape Coral. She wondered why they did not coordinate with Lee County and there was a brief discussion, with Ms. Hiatt suggesting staff reach out to CROW and try to re-establish that relationship.

Member Reports

Ms. Hiatt (as of 5/5/21):

- Barrancas – there were adults but they did not fledge young this year. She thought she had seen incubating behavior but there were no chicks. Since January one adult has been in the area consistently
- Quail Trail fledged 3 chicks
- Esther fledged 2 chicks

Mr. Myers:

- Jonathan Harbor – 2 fledged
- Alico Road – 2 fledged
- Pub & Pickle – 2 fledged
- Lexington Middle – 1 fledged
- Sora Drive – 2 fledged
- Tortuga – 1 fledged

- Oriole Road – 2 fledged

Mr. Elms:

- Galt Preserve - 1 fledged
- Vacation Lane– 2 fledged
- St. Jude – 1 fledged
- St. James/Post Office – still no activity there
- Pine Island Flatwoods – 1 fledged. Ms. Greeno told him there was 1 fledgling, but he only started monitoring after the chick had fledged.

Ms. Sweigert said she was happy to hear about St Jude. In 2018 they were incubating but nothing fledged so this was good news.

Mr. Myers noted that this appeared to be a good year for fledglings although Ms. Hiatt was disappointed that nothing happened at Bank of America or Helen Road, and that although she saw both adults perched in an Australian Pine, the Pacosin nest had not been rebuilt, and that the Gloria Road nest fell down and she can't find where they went.

There was a short discussion about volunteer programs such as the Audubon Eagle Watch and Bird Control. Ms. Hiatt mentioned a recent article in the Pine Island Eagle which said *for the first time, there will be monitoring of eagle nests on Pine Island.*

Ms. Sweigert said if the Seagate BEMP for the new Oriole Road Nest Phase 2 was ready, there could be a July meeting, but they are pursuing the Incidental Take Permit and not sure they would have the permit in time to meet the deadline for the July 13th meeting. The next meeting would be August 10, 2021.

If there's a meeting on July 13th, Ms. Greeno will be on vacation.

Mr. Myers said he will be retiring at the end of the year, but has someone from his company that is willing to take over the ETAC position if needed. If he stays in the area, he may continue with the monitoring, but if he moves out of the area, he will have someone to take over.

There was no public present. Ms. Greeno adjourned the meeting at 4:15 p.m.