

**MINUTES REPORT**  
**EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)**  
**Tuesday, August 10, 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:**

Laura Herrero, Johnson Engineering  
Kyle Philpott, Johnson Engineering  
Matt Price, Seagate Development

**CALL TO ORDER:**

Ms. Laura Greeno called the meeting to order at 3:00 pm in the first floor conference room of the County Administration building at 2115 Second Street, Ft. Myers, Florida. Introductions were made.

**SEAGATE ALICO NORTH INDUSTRIAL PARK, Phase II - NEST LE128**

Ms. Greeno recognized Ms. Laura Herrero of Johnson Engineering. Ms. Herrero provided a history to date which was that during a site review in February 2021, an eagle's nest was identified adjacent to the subject site. Johnson Engineering prepared and presented a preliminary Bald Eagle Management Plan (BEMP) for Phase I Construction to ETAC on March 9, 2021. The Board of County Commissioners (BoCC) approved the Plan on April 6, 2021. Seagate received a development order for clearing and filling which commenced on May 3, 2021. Since that time the U.S. Fish and Wildlife Service (FWS) has identified the nest as LE128 and issued an Incidental Take Permit. The Updated August 2021 BEMP for Phase II is the March 2021 Plan which has been updated to include the nest number, Incidental Take Permit number and the conditions of that approval. Ms. Herrero reviewed the Master Site Plan pointing out the shaded area in the southeast corner within the 330' buffer. The federal permit reduced that buffer to 170' and has authorized development within 170' and 330' of the nest tree with conditions. The developer will comply with the restriction that no exterior construction, heavy landscaping activities and associated activities will occur while the nest is in-use. Ms. Herrero explained that "not in use" was not necessarily the non-nesting season dates, but rather contingent upon when the nest is no longer active as verified by monitoring. No construction activity is planned within the 170'

buffer zone itself. She outlined a few of the measures to be implemented by the developer to help minimize disturbance to the eagle nest such as noise abatement measures, educational materials and signs posted on site, and went over the monitoring requirements while working within the 330' to 660' buffer zone, noting that the federal permit only required monitoring once a month for a minimum of 60-90 minutes. However, consistent with ETAC recommendation and in general accordance with FWS Bald Eagle Monitoring guidelines, monitoring will be conducted up to three times per week for a *minimum* of 90 minutes or whatever is necessary to gauge the eagles' apparent reaction to ongoing work. The federal permit is valid for 5 years however, if the site is fully developed before that time, the Take Permit will be closed out, but all monitoring as required by the BEMP approved by Lee County will remain in effect.

Ms. Hiatt pointed out that the Plan referred to some enhanced buffering and Ms. Herrero reviewed some of those enhancements as outlined in the Plan (see **4.0 Minimization Measures**, No. 2. through 4.).

Mr. Myers asked if the 90 minute monitoring time period was new. Ms. Herrero said it was the first time she had seen it, but noted that the federal guidelines had not changed, this appeared to just be a condition of this permit. She reiterated that the BEMP will follow County guidelines for monitoring.

Ms. Sweigert asked for a confirmation that the Plan being reviewed relates only to the four Seagate lots and that a separate management plan will be brought in for the remainder of site. Mr. Matt Price of Seagate Development explained that Seagate owns the 20 acres shown on this site plan, and has a development agreement to build the road and utilities within a common easement with the other site, but that the remainder of the site is owned by others. The owners of that site understand that they will also need an eagle management plan and have hired Seagate as their agent with respect to that going forward. A brief discussion followed concerning the unexpected need to complete a full Section 7 review which will be an advantage for the other site.

**Mr. Myers made a motion to recommend approval of the BEMP as presented. Mr. Elms seconded the motion. The motion passed unanimously.**

Ms. Herrero, her associates and Ms. Swindle left the meeting.

#### **APPROVAL OF MINUTES – JUNE 8, 2021**

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

**Mr. Elms made a motion to approve the June minutes as written. Mr. Myers seconded. The motion was called and carried.**

#### **PRESENTATION OF EAGLE MAP**

Mr. Nic DeFilippo reviewed the map he'd been working on. The map includes 2017-18, 2018-19, 2019-20 and 2020-21 seasons designated and color coded as active / failed / lost / abandoned. Click on one of the "circles" and an attribute table will appear with relevant information. The map is not on LeeSpins. It is an ARC map and intended to be shared as a shape file with the consultant community and provide current information. Mr. DeFilippo and Ms. Sweigert talked about the interactive aspects of the map and how it worked, and asked for comments or suggestions from the committee before finalizing.

Mr. Myers suggested having his CAD people look at it and provide some feedback. Ms. Hiatt suggested sharing with the Water Management District as well, which might be an impetus for the state to update their site.

Ms. Greeno asked if the points on the map were exact locations or would be assumed to be exact locations and if not, suggested a disclaimer that the consultant would be responsible for verifying the location. She also asked whether knowing if there was a management plan or a federal permit on a site would be helpful and if so, that might be something to look at for the future, perhaps as a Yes or No on the attribute table, and Ms. Hiatt wondered about linking to those documents, again something to think about for the future. Ms. Sweigert said that staff has been working on ways to track management plans through our permitting system and it may be possible to link to those plans after that. For now the intent is to keep things simple and have the information readily available to those that need it.

Ms. Greeno said it is important that the Metadata has good descriptions of what each layer does so someone can understand what the information represents. She suggested adding information on who the map is maintained by and contact information, so whoever is using the shape file can reach out to the right person.

More discussion followed with Ms. Sweigert saying that buffer zones are identified on LeeSpins but that information is not necessarily current. Because FWS is also not current, she has always stressed that the consultant community should contact her concerning the most up to date information. When a new nest is identified, GIS is updated one day and the ARC map updates the next. This map should help, but staff is always available to answer questions.

Ms. Sweigert said staff would share the map by the end of the week in order to allow the CAD people to interact with it and provide some feedback. It will be shared with the municipalities at some point as well.

### **Member Reports**

None given.

Ms. Sweigert said she had received an application for a new ETAC member. It will be forwarded to County Administration for processing.

There was no public present. Ms. Greeno adjourned the meeting at 3:44 p.m.