

MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)
Tuesday, February 8, 2022

Committee Members Present:

Laura Greeno, Chair
Ed Elms
Kyle Philpot
Jacob Taminosian

Excused / Absent:

Betsie Hiatt, Vice-Chair

Lee County Government Staff Present:

Becky Sweigert, DCD Planning
Nic DeFilippo, DCD Planning
Amanda Swindle, CAO
Debbie Carpenter, DCD Admin
Christine Boyette, DCD Admin

Outside Consultants/Members of the Public Present:

John Curtis, Johnson Engineering (JEI)
Paul Owen, DexBender
Kevin Winter, JEI
Elaine Capps, Lee County

CALL TO ORDER:

Ms. Laura Greeno, Chair, called the meeting to order at 3:02 pm in the first floor conference room of the Public Works/Community Development Building, 1500 Monroe Street, Ft. Myers, Florida and introductions were made.

She announced that approval of the minutes would follow the Management Plan presentations.

3) BALD EAGLE MANAGEMENT PLAN FOR LE-056

Mr. John Curtis, Johnson Engineering presented the Bald Eagle Management Plan (BEMP) for Nest LE-056, in connection with the Lehigh Acres Park Expansion. This project is in Lehigh Acres approximately a third of a mile north of Lee Blvd. right in the heart of Lehigh Acres. He referred to the site plan saying the canal shown is the Able Canal and just south of the canal is the Lehigh Wastewater Treatment Plant, and that is where the nest is located in a slash pine off-site, approximately 450' to the nearest point of the project limits. The nest was active last year, but he was not sure of the status this year. Being close to the wastewater treatment plant activities would indicate that the birds are acclimated to semi-intense activities nearby. He reviewed the project scope. Outside of the 660' area, there will be 3 football fields, a concession area, locker rooms, parking and other amenities for that type of development. The western half of the project is going to be more light use, it will be used for disc golf and may include clearing of selective vegetation. There will also be a concrete pedestrian path that will loop around the western area with a covered pedestrian shelter and 2 disc golf holes in that area. The property just barely hits the 330' zone

and there will be no work within the primary zone at all. There is the potential for some work within the secondary zone, but if possible all work will occur outside of the nesting season. If that is not practicable, then there may be selective vegetation clearing, construction of the path or pedestrian shelter but all fairly limited activities.

He referred to email correspondence with the US Fish and Wildlife Service that indicated that the project would avoid take provided it avoids disturbance by stopping/altering any work that elicits disturbance behaviors from the eagles.

He reiterated that the goal would be to try to avoid construction during the nesting season. They have coordinated with the FGUA plant operator and have permission to monitor from that property, or along the easement along the Able Canal. Monitoring will occur on days when construction is active and if any abnormal eagle activity is observed construction can be halted and the activity modified.

Mr. Elms asked when the monitoring would begin. Mr. Curtis said they are still waiting for permits so don't anticipate that any construction will begin before next spring or before the end of nesting season. Depending on permitting, if construction can start soon enough in the spring, it may be done prior to the next nesting season.

Ms. Greeno asked about vegetation removal and there was a brief discussion. She asked how far away the lighting for the football field would be and Mr. Curtis responded approximately 900 to 1000 ft. away.

Ms. Greeno said she monitors that nest and there are eagles there. She asked about the worst case scenario for construction that might occur during nesting season within the 330 – 660' zone. Mr. Curtis said that some selective vegetation clearing for the disc golf field, the construction of the concrete pedestrian track, the 10x10 pedestrian shelter, and there is the potential for some shoreline stabilization for pedestrian safety.

Ms. Greeno suggested modifying the BEMP to insure that shoreline stabilization should be avoided during nesting season since that is a noisy activity, and also that any exotic vegetation removal if using heavy equipment within the 330 to 660 zone should be done outside the nesting season as well.

Mr. Ed Elms made a motion to approve the BEMP for Nest LE-056, Lehigh Park Expansion with the suggestions that Ms. Greeno made. Jacob Taminosian seconded. The motion carried with Mr. Philpot abstaining.

4) BALD EAGLE MANAGEMENT PLAN FOR LE-0123

Mr. Curtis presented the BEMP for Nest LE-0123, Alico Road Drainage Improvements. He reviewed the scope of the project which was to maintain and improve the surface water conveyance system along Alico Road by dredging and expanding the current ditch and installing side drains and ditch blocks. The area is heavily mined, there is a wastewater treatment plant and a heavy industrial area with lots of dump trucks. The eagle nest is approximately 550' east of a portion of the project limits. The nest was observed to be active in the 2021-2022 nesting season. It is in a cell phone tower right next to the water storage plant built after the mining and water treatment plant were there. No work is proposed within 330 feet of the nest, however a portion of the project will occur within the 660' zone. Activities proposed within the 330 – 660' zone include selective vegetation clearing associated with the dredging and expanding of the current ditch and

installing side drains and ditch blocks. The proposed activities will occur at least 550 feet from the nest structure, which is approximately 200 ft. farther than the nearest existing tolerated activity of similar scope (operation of active mine site). Efforts will be made to conduct work within the secondary zone during non-nesting season where practicable, avoid and minimize outdoor light at night (the plant is well lit, but no lighting is directed to the nest).

Mr. Taminosian asked if there would be just dredging or would there be filling involved since that would involve dump trucks with banging tailgates and loud noise. Mr. Curtis explained that it will be mostly excavation widening, there may be some recontouring of the ditch, and there may be some cutting to maintain the hydrology, but they are not filling the ditches.

Mr. Taminosian made a motion to approve the Plan as presented. Mr. Elms seconded. The motion passed with Mr. Philpot abstaining.

5) BALD EAGLE MANAGEMENT PLAN FOR LE-128

Mr. Paul Owen, DexBender, presented the BEMP for Nest LE-128, (Oriole Road IPD). The nest is currently active and being monitored. It is located in a slash pine tree, about 75' off the ground. The subject parcel is bordered to the west by a borrow lake and industrial uses. Oriole Road is the east property line. The property to the north is being developed, as is the parcel to the south. There is medium vehicular traffic along Oriole Road and frequent commercial airline noise along with construction noise from developments to the south and north.

There is approximately 2.26 acres of area with the 330' zone. There are no buildings within the 330'. There is an access road, parking and dry detention. They will be applying for a federal permit as well. The restrictions would include no major activities during nesting season, also the majority of the tree requirements will be concentrated along the north side of the property line to create a visual buffer between the birds and the activities. No mechanical activities will be occur on the northern edge of the 330' zone.

There are about 6.8 acres within the 330 - 660' zone. There will be storm water drainage detention, truck parking and a loading area. All major activities may occur during nesting season with monitoring to be sure none of the activities are disruptive. Any outdoor lighting would be shielded or directed away from the nest.

Mr. Elms asked about the buffering along the northern edge. Ms. Sweigert asked about the type of trees that would go in that area especially if they were being placed in the detention area. Mr. Owen said the trees would likely be planted in or on the berm.

There was a brief discussion about the Incidental Take permit. DexBender is in the process of completing that application and intends to submit in the near future. Ms. Sweigert reminded the committee that there is a Management Plan, with an Incidental Take Permit approved for the Seagate parcel, which was approved in phases, one for the access road and Phase 2 for construction of the buildings. She said there is nothing in right now for the parcel to the east.

There was a concern about approving the Management Plan without knowing if there will be an Incidental Take Permit which could be more restrictive than the Management Plan. Ms. Swindle opined that approval of the BEMP could be conditioned that the most restrictive conditions would apply; If the Incidental Take Permit has more restrictive conditions than those conditions would apply. Ms. Greeno understood that if the State decided not to issue the Take permit, then the BEMP would apply.

Mr. Philpot made a motion to approve the Plan with the condition that if a US Fish and Wildlife Permit is acquired and that the permit acquired has more restrictive conditions, those conditions take precedence. Mr. Elms seconded. Ms. Greeno called the motion and it carried unanimously.

6) BALD EAGLE MANAGEMENT PLAN FOR LE-128

Ms. Sweigert stated that this item would be continued until a date uncertain.

APPROVAL OF MINUTES – December 14, 2021

Ms. Greeno called for a review of the December minutes. Mr. Elms requested a change to his member reports on page 2 of 3: the “St. James City at the end of Pine Island” should be changed to “Manatee Bay Nest”.

Mr. Elms made a motion to approve the December minutes with the stated correction. Mr. Philpot seconded. The motion was called and carried.

Member Reports

Jacob Taminosian

- St. Charles Harbor – He reported he saw 1 eagle possibly incubating. He could see the other one from a different angle. There seemed to be a lot of activity at the nest.
- Robalo – The bamboo that was obstructing the view of the nest appeared to have blown down during the recent storm; the nest was intact but he saw no eagles.
- Jonathan Harbor – Saw 1 eagle in incubating posture. Did not see a second.
- Sanibel Sunset – He reported there was nothing there and suggested ETAC consider this a lost nest. (Ms. Sweigert agreed to address this at the next meeting)
- Lakes Park - No birds, none on the cell tower. Ms. Sweigert said there has never been a documented nest, but get regular reports from that area.
- Pickle & Pub – 1 adult bird in nest, it was incubating or possibly brooding.
- Lexington – Saw a chick there, probably 1 to 3 weeks old. Saw the second adult.
- Sora Drive – Saw 1 adult possibly incubating, saw the second adult.
- Tortuga – Saw one chick, 3 – 4 weeks old. The chick and the adult were eating. The second adult was nearby.

Mr. Elms

- Manatee Bay Nest – there is a nest there but no activity around it. He saw a pair flying in the area, saw one on the cell tower on the west side of Stringfellow in the last couple of weeks. He asked whether this nest should be considered abandoned.
- Galt – Saw 1 adult at the nest, but for the month prior, hadn’t really seen much. Back on 11/3, they were definitely in the incubating posture; there could have been a possible failure there.
- Vacation Lane – Saw two adults in the nest. Adults were definitely in feeding posture.
- St. Jude’s – Both birds were there, saw 2 young at the nest on 2/7.
- Post Office - no activity there. The wooden frame was still there but hanging down and moss growing on it. No nest, no eagles. Ms. Greeno asked if we had documented that the pair had moved to another tree. Ms. Sweigert was going to check her records.
- Pine Island Flatwoods Preserve. The nest looks decent hadn’t seen any activity in there until 2/7 when there was an adult perched on it.

Mr. Philpot

- Bayshore Commons – Last time he was there, he saw one bird incubating. But this time he saw no eagles.
- Donald Rd/Pritchett nest – Both adults, both chicks accounted for. Chicks look to be 4 – 6 weeks.
- Littleton Road – Both adults were in the area, one chick was observed.
- Moody River - Spent time driving around the neighborhood but still did not observe anything.
- Creekside Preserve – still having trouble locating the nest. Mr. DeFilippo said it was close to a dumpster. Ms. Sweigert said a project was in for that property, so there might be a GPS point in there that she could provide.
- Alico Road, 1 adult appeared to be tending to young.
- Oriole Road – haven't seen chicks lately, but the nest is still active.

Ms. Greeno

- Lehigh Nest has adults.
- She can't see into the nest on Orange River very well, but she saw the adults, so the nest is active.
- Rosie's has adults at the nest, hopefully will see chicks.
- Laredo – that nest is intact and they definitely have a chick in there.

There was no public present. Ms. Greeno adjourned the meeting at 4:02 p.m.