

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

**Committee Members Present:**

Laura Greeno, Chair  
Ed Elms  
Kyle Philpot  
Jacob Taminosian  
Betsie Hiatt, Vice-Chair

**Excused / Absent:**

None

**Lee County Government Staff Present:**

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

**Outside Consultants/Members of the Public Present:**

Ashley Abdel-Hadi, Kissinger Campo & Associates  
Ashley Koza, LC FCM  
Hans Wilson, Hans Wilson Associates  
Clayton Wasson, Hans Wilson Associates  
Shane Johnson, Passarella & Associates  
Paul Digiacobbe, Arco

**CALL TO ORDER:**

Ms. Laura Greeno, Chair, called the meeting to order at 3:00 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-070B – Port Sanibel Marina**

Clayton Wasson of Hans Wilson Associates reviewed the Bald Eagle Management Plan (BEMP) for LE-070B. Figure #2 provided a good view of the work area and he pointed out the eagle nest for reference. He reviewed the scope of work stating that dock renovation work for Docks D thru I are located outside of the buffer zone. Docks A-B-C are on the edge of the 660' buffer zone and all work will be done outside of nesting season. The work is a renovation, will remain in the same footprint, no trees will be taken down and there will be no impediment of the eagles flight path. Ms. Sweigert asked about the boat barn. Mr. Hans Wilson explained that as part of the Dock A renovation, the covered boat slips are going to be modified to go from one lane to two lanes to accommodate a fork lift. Ms. Sweigert explained that this project already has zoning, a development order and permits for the docks, but they fell within the 660' so a BEMP was necessary.

Ms. Greeno asked whether the Audubon history of the eagle pair matched Lee County's records. There was a brief discussion about Audubon's records. Ms. Sweigert clarified that the second to last sentence in the **History of Eagle Pair:** should be "After the 2018 nesting season, the nest tree was removed and the eagle pair relocated ....".

**Motion to approve the BEMP for Nest LE-070B by Kyle Philpot, Betsie Hiatt seconded. Motion passed unanimously.**

#### **4) BALD EAGLE MANAGEMENT PLAN FOR LE-056 – Able Canal Pathway**

Ms. Sweigert explained that the committee reviewed the Lehigh Acres Park Expansion at the last meeting. This is a separate project along the Able Canal that will also affect nest LE-056.

Ms. Ashley Abdel-Hadi, Kissinger Campo & Associates said the Able Canal project is approximately 6 miles long, from Harns Marsh down to the Lehigh Acres Trailhead Park at Joel Blvd. It is a 12' wide shared use path not for motorized traffic and will only be open during daylight hours so no lighting will be associated with it. The shared use path was placed on the north side of Able Canal as far away from the nest as possible, but it still intersects the 0-330' and 330-660' buffer zones. This nest has been active and the pair appears acclimated to Urban Land Uses. Exotic vegetation will be removed on the north side of the canal to allow for construction of the path. A landscape architect will be designing some replacement vegetation to go north of the path. The sparse vegetative buffer on the south side is not part of this project. Construction is slated to start in summer to fall of 2023 and is expected to last 2 years possibly impacting 2 nesting seasons. US Fish and Wildlife Service (USFWS) correspondence confirmed that a bald eagle permit will not be necessary as long as there is no disturbance. She reviewed the Conservation and Minimization Measures outlined in **3.3 Conservation and Minimization Measures**.

Ms. Hiatt asked about the exotics removal and there was a brief discussion that the exotics would be removed to allow for construction of the path. Any replacement vegetation would go north of that.

Ms. Greeno had a concern about the landscape removal and the possibility of opening up the area to more human traffic, and asked for a denser buffer along that north side, and possibly the south, to keep people from accessing the 330' zone. She has been monitoring that nest for a long time and although the eagles are used to cars, they are not necessarily used to pedestrian traffic which will be more visible. Ms. Abdel-Hadi said that the same landscape architect is working on both this project and the Lehigh Park Expansion project and that she will see if something more can be done along the southern buffer.

Mr. Taminosian had a concern that the language in section **3.3** did not contain the conditions of USFWS correspondence from **3.2**. Ms. Abdel-Hadi, agreed to add that language into **3.3**.

**Mr. Taminosian made a motion to approve the Able Canal BEMP for Nest LE-056 with the addition of the USFWS service statement into Section 3.3; and the addition of enhanced buffering within the eagle zone where possible, and no benches. Mr. Elms seconded. Motion passed unanimously**

#### **5) BALD EAGLE MANAGEMENT PLAN FOR LE-093 Zippy Shell**

Mr. Taminosian had a conflict of interest. He will provide Form 8A to the secretary and abstain from discussion and voting.

Mr. Shane Johnson reviewed the project limits saying that the nest is along Alico Road and the project is just north of that, along Lee Road within the Alico Industrial area. The project area is 10 acres, with no vegetation on it (disturbed area). About 2 acres of the project is within the 330' to 660' zone. It does not encroach into the 330'. The project will include two storage facilities/buildings, associated parking and infrastructure. Specifically the plan calls for construction within 660 feet to be done during nesting season in accordance with Bald Eagle Monitoring Guidelines. If monitoring is required it too will be done consistent with the Guidelines. Outdoor lighting will be subdued, shielded and directed away from the nest tree.

Not included as a specific element, but discussed in some detail with Ms. Sweigert informally, they propose a vegetative buffer along the southern and eastern boundaries, a Type D "like" buffer. It will be about 10 feet, not the 15 feet wide required by Type D, but will adhere to the same plant material per the Type D requirements.

No work will occur within the 330' buffer, therefore a FWS permit will not be required.

Entrance will be along Lee Road. Truck activities will be down the center of the two buildings, which is outside the 660' zone. Car and pedestrian traffic will be along the eastern side of Building B with the main point of entry from the south side, which is within the 660' buffer zone. Building A will be 32' and Building B will be 28'. The two buildings will be mirror image. The structure of the buildings will not change, and there will be one end user. Should something change for Building B, then the plan would have to come back to ETAC for any substantial changes. Mr. Elms asked about the lighting whether the condition was just during construction or after. Mr. Johnson said the lighting conditions were post-construction, very minimal, no light poles.

**Mr. Elms made a motion to approve the BEMP for the Zippy Shell project affecting LE-093, with the addition of a Type "D-like" vegetative buffer. Ms. Hiatt seconded. The motion passed 4-0 with Mr. Taminosian abstaining.**

#### **APPROVAL OF MINUTES – February 8, 2022**

Ms. Greeno called for a review of the February minutes.

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

#### **6) LE-983 Sunset Villas Lost Nest Determination**

Mr. Nic DeFilippo reviewed the history of the nest stating it became inactive during the 2018-2019 nesting season. There has been no activity since and has been inactive for 3 years. It is located off of McGregor near Davis Blvd. and Shell Point.

**Mr. Taminosian made a motion to approve the Lost Nest designation for LE-983. Seconded by Ms. Hiatt. The motion passed unanimously.**

#### **7) LE-38D Calusa Palms**

Mr. DeFilippo reviewed the history stating the nest was new in 2018-2019 but became inactive in 2019-2020 and the nest and nest tree came down after that and there has been no activity since.

Ms. Sweigert thought the pair moved to 20/20 land near Tortuga.

**Mr. Elms made the motion to designate LE-38D as a Lost Nest. Ms. Hiatt seconded. The motion passed unanimously.**

#### **8) LE-43C Moody River Estates**

Mr. DeFilippo reviewed the history. The nest tree was cut down illegally in 2017 and has been inactive ever since. This would be considered abandoned.

Staff thought the pair has moved north to a lot that is protected.

Ms. Greeno asked that the letter make reference to the tree being cut down illegally. Ms. Sweigert suggested instead that the nest history could be attached to it.

**Mr. Taminosian made the motion to approve the Abandoned Nest determination for LE-43C. Seconded by Ms. Hiatt. The motion passed unanimously.**

Letters for the final record had been prepared for the Chairman's signature for each of the Lost/Abandoned Nests. Each of the nests will be removed from Lee Spins and taken off the monitoring reports.

Criteria for a lost nest designation is 3 years from a disaster; abandoned is 5 years with no activity.

#### **Member Reports**

##### Betsie Hiatt

Bank of America – One time saw a very young eagle sitting on the nest, otherwise has seen no activity there.

Pacosin – Nothing there.

Esther – 1 chick in the nest, she hasn't seen the adults since incubating.

Quail Trail – 1 adult and 1 chick. She thought there might be a second chick but it's too hard to tell.

Barrancas – she had a concern about this nest – a very young chick was in the nest but she hasn't seen an adult at either visit. The chick did appear to be eating and the chick was a little bigger the second time she was there. Mr. Elms reported that he was out there on 3/7/22 with friends who reported seeing Great Horned Owls in the nest. He did not see any birds in the nest, however around the bend and 50' back he did see an adult eagle in a tree. He couldn't see a chick in the nest even with a scope.

There was a brief discussion about the breeding season of the Great Horned Owls and a discussion about CROW and when they will interfere.

Ms. Hiatt worked with Ms. Sweigert on a GIS issue, pointing out that a nest that was down was still showing up on the map, whereas a nest that was active had been removed. Staff will remedy that.

##### Mr. Elms

- Manatee Bay Nest – He thought this one may be headed for a lost nest determination. There is a nest there but no activity around it. Ms. Sweigert confirmed that the nest is in rough shape. Looking at it closely it was overgrown with vines.
- Galt – when he was out there last, there were no adults, but he talked to Ms. Greeno who said they were incubating. He thought this was probably a second clutch of eggs, since

they were in incubating posture on November 3 – and after that there was no sign of anything.

- Vacation Lane – 2 good sized chicks in the nest, probably 9 to 10 weeks old.
- St. Jude's – 2 young, probably about 10 weeks old. Two weeks ago saw both adults, more recently saw none.
- Post Office - no nest is visible and no eagles have been seen in the area.
- Pine Island Flatwoods Trail. Both adults were there. They're in a brooding posture, like they're feeding young. There is another nest (not the fire road) that's fairly new back on the trail in a westerly direction

Ms. Hiatt asked if anyone had heard anything about the Little Pine Island nest. Mr. Taminosian will ask his co-workers who are doing field work in that area if they've seen the nest. Neither Ms. Sweigert nor Ms. Hiatt have not seen anything.

#### Mr. Philpot

- Bayshore Commons – Saw both adults and one juvenile, close to fledging. Noticed construction equipment near the nest. Staff had advised the owner that the equipment had to stay, could not be moved.
- Donald Rd/Pritchett nest – Saw both adults, both chicks are close to fledging.
- Littleton Road – Saw both juveniles from the road. Getting big.
- Moody River – No eagle activity or nests. This nest has been declared abandoned and will be removed from the monitoring schedule.
- Creekside Preserve – He can't see the nest from inside the neighborhood. Ms. Sweigert said there is an application in-house so they will be able to go on the site.
- Alico Road – Saw one juvenile getting close to fledging
- Oriole Road – he last reported the birds didn't seem to be bringing food back to the nest, just some nesting material. This time, he saw one adult one time, but then saw none. There was a reported airline strike in the area.

Ms. Sweigert got a call that an eagle fell out of the sky and landed near Lee Road, close to the Amazon Distribution site. It could have been one of the Oriole Road pair, or possibly the Alico Road pair.

#### Jacob Taminosian

- St. Charles Harbor – He reported seeing 2 chicks and 2 adults. All 4 eagles were eating together.
- Robalo – There was a chick in the nest. Saw no adults but heard vocalizing.
- Jonathan Harbor – saw no adults. Mr. Taminosian talked to some of the residents who said they had seen adults in the area. He observed a lot under construction nearby. Mr. DeFilippo will go check to be sure work had stopped.
- Sanibel Sunset – declared as a lost nest. This will be removed from the monitoring schedule.
- Lakes Park - No birds, none on the cell tower.
- Pickle & Pub – 1 chick documented, probably 3 – 4 weeks. 2 adults were feeding the chick.
- Lexington – Chick is close to fledging.
- Sora Drive – Saw 2 chicks there – on the younger side. One adult flying overhead, one brought food in.
- Tortuga – Saw both adults and 2 chicks close to fledging.

Ms. Greeno

- Laredo - She doesn't know what happened with Laredo. Ms. Sweigert was going to check in with her contact.
- Orange River Nest - Saw nothing.
- Lehigh Nest – Saw one adult.
- Rosie's - has a chick
- Prairie Pines – that nest is completely down
- St. James – that nest is falling apart and is not active. Sent a picture to Ms. Sweigert to document it..
- Wild Turkey Strand - has adults in it. Very late, but they are there now.
- Galt – Tyler watched it for about an hour. Saw an adult there.
- Estero Marsh - She thought Mr. DeFlippo had gone out there. He confirmed, but didn't see any eagles but did see 3 Great Horned Owls.

There was no public present. Ms. Greeno adjourned the meeting at 4:32 p.m.