



7400 Trail Blvd., Suite 200
Naples, FL 34108
PH: (239) 597-3111
www.ABBINC.com

December 16, 2022

Lee County Development Services
1500 Monroe Street
Fort Myers, FL 33902

Via: e-permitting

RE: **The Nest SWFL (formerly known as Eagle's Nest) - DCI2022-00004
Planned Development Application RPD/CPD - Submittal 5
(ABB PN: 20-0017)**

Dear Intake Coordinator,

This letter is in response to the County's comments dated November 23, 2022, to the Planned Development application for the above-referenced project. Responses to each comment are provided below in ***bold italics*** and the related documents are list below. Additional revisions are included regarding the schedule of uses, Agricultural Bona Fide Exemption as described below. As stated in the response to the Natural Resources Review Comment, the applicant's representative Paul Owen is requesting to present the Bald Eagle Management Plan at the next ETAC meeting.

1. Sketch & Legal Description
2. Title Certification
3. Revised Development regulations
4. Revised Schedule of Deviations
 - a. Deviation #4 Exhibit A
5. Revised Master Concept Plan to include an Open Space Table
6. Indigenous Habitat and Species Survey and Management Plans
7. Revised Bald Eagle Management Plan
8. USFWS Email UKirkpatrick 12-14-22
9. Revised Schedule of Uses – CPD
10. Revised Schedule of Uses – RPD
11. Bona Fide AG Use Affidavit Signed
12. Exhibit A STA Fund Ag Exemption Approved

Legal Description Review:

Legal Description and Sketch to accompany legal description.

Response: To ensure the record is correct we have enclosed the survey, a revised legal

description, and an overall sketch & description with this submittal.

Exhibit B from the Boundary Survey can be used as the required legal description, however no sketch as described in LDC Sec. 34-202(a)(5) was included.

Response: To ensure the record is correct we have enclosed the survey, a revised legal description, and an overall sketch & description with this submittal.

The title certification is missing the easement from OR Book 189 Page 33 which is depicted on the boundary survey. The memorandum of agreement (OR Book 3606 page 640) only removes a portion of land from the easement. OR Book 3555 Page 1277 appears to be an earlier version of the vacation of the southern portion of the drainage easement from OR Book 189 page 33. Since the Title certification is prepared by an attorney, it should be titled an Opinion of Title (see LDC §34-202(a)(7)a.i).

Response: Please see the revised Title Certification enclosed with this submittal.

Please provide the legal description on sketch as a separate document and revise the title certification and boundary survey as needed.

Response: Please see the revised Overall Sketch & Legal Description and Title Certification enclosed with this submittal. The survey does not require a revision but is included for your convenience.

Please contact Richard R Burris at RBurris@leegov.com or by calling 239-533-8516 with any questions regarding the above review comments.

Environmental Review:

The provided schedule of deviations lacks details for deviations 3,4,5, and 6. Please provide more detailed justifications for the requested deviations. Please explain why the deviation is needed and what is being done to provide adequate screening.

Response: ABB received clarification on this request and as reflected in the attached revised Schedule of deviations Deviation 4 & 5 are revised. Deviations 3 & 6 were determined to have adequate justifications.

Please note that a landscape plan will be required at the time of Development Order. The provided landscape plan will have to follow code required plantings, with the exception with deviations. Staff will work with the applicant to provide appropriate buffering where deviations are being requested.

Response: Acknowledged.

The MCP does not depict an open space table. Please provide an open space exhibit per 34-373(6)(g&h).

Response: An Open Space Table has been added to the MCP. See attached revise plan dated December 6, 2022.

Please upload a revised indigenous habitat plan with updated maps.

Response: Please see the enclosed revised Indigenous Habitat Management Plan which includes Protected Species Management Plans.

The subject property contains protected species. Please provide a species management plan per lee plan policy 123.3.3 and 123.4.5.

Response: Please see the enclosed revised Indigenous Habitat Management Plan which includes Protected Species Management Plans.

Please contact Camryn Siverson at CSiverson@leegov.com or by calling 239-533-8313 with any questions regarding the above review comments.

Natural Resources Review:

The draft Bald Eagle Management Plan (BEMP) states that the closest existing man-made structure is 132' from the nest. The BEMP is proposing impacts up to 76' from the nest. The proposed 76' buffer does not appear to be based on tolerated activity of similar scope, previously approved BEMPs, or active United States Fish and Wildlife Service permits. Without supporting data, Staff cannot find the proposed BEMP is designed to minimize potential adverse impacts on nesting bald eagles consistent with LDC 14-119(4)(e).

Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

The enclosed BEMP has been revised to document that it was blown out of the nest tree by Hurricane Ian and includes an upland preserve with supplemental plantings out to 76' from the former bald eagle nest location. A commercial building and associated parking lot are proposed at 104' and 106', respectively, from the former nest location. A 30' wide preserve buffer between the upland preserve and the proposed commercial building and parking lot will be established. This preserve buffer will consist of a filled embankment to reach the grade of the commercial building from the preserve border.

This bald eagle nest location was inactive during the 2021-2022 nesting season and currently does not contain a nest. There has been no bald eagle activity onsite observed and it appears very likely that this eagle pair will not return to this location.

According to the enclosed email from Ms. Ulgonda Kirkpatrick of FWS dated December 14, 2022, "there are no legal prohibitions on clearing an area that no longer has an eagle nest

present. “ Ms. Kirkpatrick also has stated that FWS cannot issue a bald eagle incidental take permit if there is no nest present.

Owen Environmental Consulting is currently monitoring the status of the nest.

The proposed onsite upland and wetland preservation area will ensure that bald eagle habitat will remain in perpetuity.

ETAC REQUEST: *the applicant’s representative, Paul Owen is respectfully requesting to present the Bald Eagle Management Plan at the next ETAC meeting.*

Please contact Nicholas DeFilippo at NDeFilippo@leegov.com or by calling 239-533-8983 with any questions regarding the above review comments.

If you have any questions, you may reach me by telephone or email (Emblidge@abbinc.com).

Sincerely,
AGNOLI, BARBER & BRUNDAGE, INC.

Margaret Emblidge

Margaret Emblidge, AICP

Enclosures

SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, THENCE NORTH 88°56'30" EAST, A DISTANCE OF 137.52 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (US 41 - STATE ROAD 45) 200' RIGHT OF WAY; THENCE SOUTH 20°35'30" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 93.18 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 20°34'05" EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 260.80 FEET TO THE NORTH LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000161688; THENCE SOUTH 89°04'13" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 256.11 FEET; THENCE SOUTH 01°02'12" EAST, A DISTANCE OF 43.78 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CENTRAL ANGLE OF 03°26'20", THE CHORD FOR WHICH BEARS SOUTH 89°58'19" WEST, A CHORD DISTANCE OF 30.00 FEET, AN ARC DISTANCE OF 30.01 FEET TO THE END OF SAID CURVE; THENCE SOUTH 01°02'12" EAST ALONG THE WEST LINE OF THOSE CERTAIN LANDS DESCRIBED IN INSTRUMENT NUMBER 2021000136724 A DISTANCE OF 255.05 FEET; THENCE NORTH 83°17'33" WEST, A DISTANCE OF 146.36 FEET; THENCE SOUTH 20°35'30" EAST, A DISTANCE OF 33.76 FEET TO THE NORTHERLY LINE OF CREEKSIDE PRESERVE CONDOMINIUM RECORDED IN INSTRUMENT NUMBER 2016000033801; THENCE NORTH 83°17'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 487.75 FEET TO THE MEAN HIGH WATER LINE OF MULLOCK CREEK; THENCE ALONG THE MEAN HIGH WATER LINE OF MULLOCK CREEK THE FOLLOWING 45 COURSES:

1. THENCE NORTH 43°03'46" EAST, A DISTANCE OF 86.93 FEET;
2. THENCE NORTH 81°26'49" EAST, A DISTANCE OF 117.53 FEET;
3. THENCE NORTH 07°10'47" EAST, A DISTANCE OF 5.11 FEET;
4. THENCE NORTH 47°45'45" WEST, A DISTANCE OF 16.71 FEET;
5. THENCE NORTH 39°11'06" EAST, A DISTANCE OF 15.16 FEET;
6. THENCE NORTH 04°20'02" WEST, A DISTANCE OF 25.71 FEET;
7. THENCE NORTH 37°45'27" WEST, A DISTANCE OF 13.27 FEET;
8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
15. THENCE SOUTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
16. THENCE SOUTH 49°05'18" WEST, A DISTANCE OF 81.01 FEET;
17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
19. THENCE SOUTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
21. THENCE NORTH 75°23'21" WEST, A DISTANCE OF 134.98 FEET;
22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.23 FEET;
24. THENCE NORTH 09°42'24" WEST, A DISTANCE OF 71.13 FEET;
25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
27. THENCE NORTH 30°04'27" WEST, A DISTANCE OF 18.32 FEET;
28. THENCE NORTH 32°14'09" EAST, A DISTANCE OF 24.98 FEET;
29. THENCE NORTH 75°55'32" EAST, A DISTANCE OF 78.88 FEET;
30. THENCE NORTH 79°28'47" EAST, A DISTANCE OF 122.14 FEET;
31. THENCE NORTH 78°05'50" EAST, A DISTANCE OF 127.07 FEET;
32. THENCE NORTH 76°48'02" EAST, A DISTANCE OF 155.39 FEET;
33. THENCE NORTH 78°55'19" EAST, A DISTANCE OF 123.27 FEET;
34. THENCE NORTH 79°43'07" EAST, A DISTANCE OF 329.12 FEET;
35. THENCE NORTH 80°46'03" EAST, A DISTANCE OF 138.38 FEET;
36. THENCE NORTH 80°36'42" EAST, A DISTANCE OF 92.10 FEET;
37. THENCE NORTH 81°02'12" EAST, A DISTANCE OF 101.38 FEET;
38. THENCE NORTH 78°16'57" EAST, A DISTANCE OF 115.98 FEET;
39. THENCE NORTH 83°22'16" EAST, A DISTANCE OF 96.08 FEET;
40. THENCE NORTH 80°32'09" EAST, A DISTANCE OF 99.43 FEET;
41. THENCE NORTH 77°44'38" EAST, A DISTANCE OF 77.53 FEET;
42. THENCE NORTH 76°26'02" EAST, A DISTANCE OF 97.27 FEET;
43. THENCE NORTH 80°53'10" EAST, A DISTANCE OF 110.16 FEET;
44. THENCE NORTH 71°53'11" EAST, A DISTANCE OF 155.66 FEET;
45. THENCE NORTH 06°36'25" EAST, A DISTANCE OF 31.73 FEET;

THENCE NORTH 79°41'20" EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING;

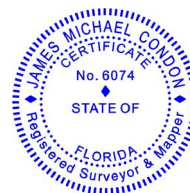
CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMiami TRAIL (U.S. 41, STATE ROAD 45) HAVING A BEARING OF SOUTH 20°34'05" EAST. BEARINGS AND COORDINATES SHOWN ARE GRID BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011 NSRS), FLORIDA WEST ZONE.
2. SEE SHEET 2 AND 3 OF 3 FOR SKETCH OF DESCRIPTION.

THIS IS NOT A SURVEY

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA



James M. Condon
Digitally signed by James M. Condon
Date: 2022.12.01 07:20:22 -05'00'

THIS MAP PREPARED BY: JAMES M. CONDON, PSM CERTIFICATE OF AUTHORIZATION NO. LB 6896 NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER	COMPUTER FILE: 20018 STA SURVEY DATE: 11/11/2021 SIGNATURE DATE: 12/01/2022	DRAWING SCALE: NOT TO SCALE REVISION BY: REVISION DATE:	DAOSTINO GEOSPATIAL, INC. Professional Surveying & Mapping 10801 Santa Beach Road SE, Bonita Springs, FL 34135 Phone: (239) 352-6085 Website: www.dagostino.com	DRAWN BY: MH CHECKED BY: EDK FIELD BOOK: N/A	CERTIFIED TO: STA FUND, LLC	JOB NO.: 18371 SHEET NO.: 1 OF 3
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SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

TOWNSHIP 45 SOUTH
TOWNSHIP 46 SOUTH

NORTHWEST CORNER OF SECTION 17,
TOWNSHIP 46 SOUTH, RANGE 25 EAST
CERTIFIED CORNER RECORD #088813

POINT OF COMMENCEMENT
THE NORTHEAST CORNER OF
THE SOUTHEAST 1/4 OF
THE SOUTHEAST 1/4 OF
THE NORTHEAST 1/4 OF
THE NORTHEAST 1/4 OF
SECTION 18
N = 778482.528
E = 709245.823

100' INGRESS-EGRESS EASEMENT
FOR DIGGING, WIDENING, CLEANING
AND DEEPENING A CANAL
PER (O.R. 1494, PG. 1194)

POINT OF BEGINNING
NORTHING = 778397.841
EASTING = 709416.095

NORTHEAST CORNER OF THE
SOUTHEAST 1/4 OF THE
NORTHEAST 1/4 OF SECTION 18
N = 778149.509
E = 709251.639

CONTAINING
685,663 SQUARE
FEET OR 15.741
ACRES,
MORE OR LESS

S20°35'30"E
33.76'

N83°17'33"W
487.75'

PHASE 42 PHASE 41 PHASE 40 PHASE 39
CREEKSIDE PRESERVE, A CONDOMINIUM
(INSTRUMENT #2016000033801)

CREEKSIDE PRESERVE LOOP
INSTRUMENT NO. 2018000075947
STRAP NO. 18-46-25-00-00038.0030

LINE	BEARING	DISTANCE
L1	N88°56'30"E	137.52'
L2	S20°35'30"E	93.18'
L3	N79°41'20"E	55.23'
L4	N06°36'25"E	31.73'
L5	N71°53'11"E	155.66'
L6	N80°53'10"E	110.16'
L7	N76°26'02"E	97.27'
L8	N77°44'38"E	77.53'
L9	N80°32'09"E	99.43'
L10	N83°22'16"E	96.08'
L11	N78°16'57"E	115.98'
L12	N81°02'12"E	101.38'
L13	N80°36'42"E	92.10'
L37	S58°06'47"W	121.77'
L38	S62°29'46"W	143.45'
L39	S50°26'57"W	96.63'
L40	S70°53'40"W	104.27'
L41	S43°20'51"W	16.77'
L42	N37°45'27"W	13.27'
L43	N04°20'02"W	25.71'
L44	N39°11'06"E	15.16'
L45	N47°45'45"W	16.71'
L46	N07°10'47"E	5.11'
L47	N81°26'49"E	117.53'
L48	N43°03'46"E	86.93'

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA

LEGEND

D.O.T. = DEPARTMENT OF TRANSPORTATION

E = EASTING STATE PLANE COORDINATE VALUE

N = NORTHING STATE PLANE COORDINATE VALUE

O.R. = OFFICIAL RECORDS BOOK

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	3°26'20"	500.00'	30.01'	S89°58'19"W	30.00'

THIS MAP PREPARED BY:

CERTIFICATE OF AUTHORIZATION NO. LB 6896
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

JAMES M. CONDON, PSM
Professional Surveyor & Mapper Fla. License No. 6074

COMPUTER FILED:
20018 STA
SURVEY DATE:
11/11/2021
SIGNATURE DATE:
12/01/2022
REVISION DATE:



DAGOSTINO GEOSPATIAL, INC.
Professional Surveying & Mapping
10801 Bonita Beach Road SE Bonita Springs, FL 34135
Phone: (239) 352-6085 Website: www.dagostino.com

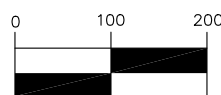
DRAWN BY:
NH
CHECKED BY:
EDK
FIELD BOOK:
N/A

CERTIFIED TO:
STA FUND, LLC

JOB NO.:
18371
SHEET NO.:
2 OF 3



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

U.S. 41 (STATE ROAD 45)
TAMAMI TRAIL

LAZY CREEK BOULEVARD
INSTRUMENT NO. 2018000075947
STRAP NO. 18-46-25-00-00038.0030

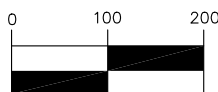
LANDS NOW OR FORMERLY OWNED BY:
WISDOM PROPERTIES OF FLORIDA, LLC
OFFICIAL RECORDS BOOK 4783, PAGE 3816
STRAP NO. 17-46-25-00-00002.001A

OFFICIAL RECORDS BOOK 4783,
PAGE 3810

SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

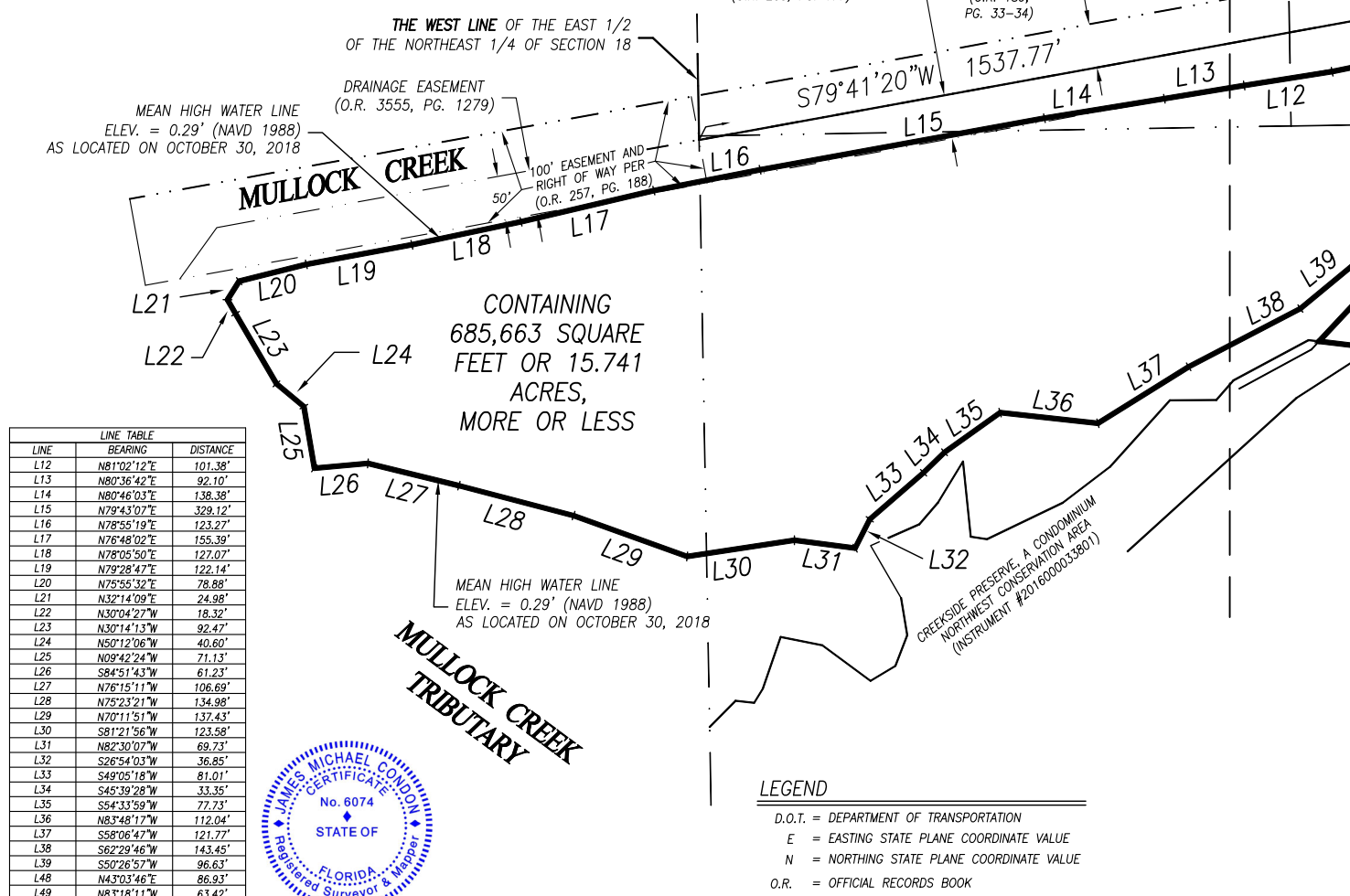


GRAPHIC SCALE



(IN FEET)

1 inch = 200 ft.



THIS IS NOT A SURVEY

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA

THIS MAP PREPARED BY:

CERTIFICATE OF AUTHORIZATION NO. LB 8896
NOT VALID WITHOUT THE SIGNATURE
AND SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

JAMES M. CONDON, PSM
Professional Surveyor & Mapper Fla. License No. 6074

COMPUTER FILE:
2001B STA
SURVEY DATE:
11/11/2021
SIGNATURE DATE:
12/01/2022

DRAWING SCALE:
1" = 200'
REVISED BY:
REVISION DATE:



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10901 Santa Rosa Road SE Santa Rosa Springs, FL 34435
Phone: (239) 352-6085 Website: www.dagostino.com

DRAWN BY:
NH
CHECKED BY:
EDK
FIELD BOOK:
N/A

CERTIFIED TO:
STA FUND, LLC

JOB NO.:
18371
SHEET NO.:
3 OF 3



MICHAEL P. LEHNERT

Partner

Direct dial: (239) 336-6281

Email: MichaelLehnert@PaveseLaw.com

1833 Hendry Street, Fort Myers, Florida 33901 | P.O. Box 1507, Fort Myers, Florida 33902 | (239) 334-2195 | Fax (239) 332-2243

November 28, 2022

TITLE CERTIFICATION
STA FUND, LLC

Pavese Law Firm (as Agent/Title Company)

Plat Number: TBD

Development Order Number: TBD

Effective Date of Title Certification: October 14, 2022

Certified To: Lee County Board of County Commissioners

I have searched the Public Records of Lee County, Florida and have examined the title to the real property more particularly described in the metes and bounds description attached hereto as Exhibit "A." I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit "A." Based on the foregoing, we hereby certify Record Title to the above described real property, as of the Effective Date of the Title Certification set forth above, is vested in:

Title to the property is vested in:

STA Fund, LLC, a Florida limited liability company by Special Warranty Deed recorded February 3, 2020 in Official Records Instrument No. 2020000029637, Public Records of Lee County, Florida.

There are no persons or entities holding a mortgage secured by the property.

Property Taxes due and owing have been paid in full as of the date of this certification.

The following are all easements and rights of way affecting the property to be platted, whether recorded or unrecorded:

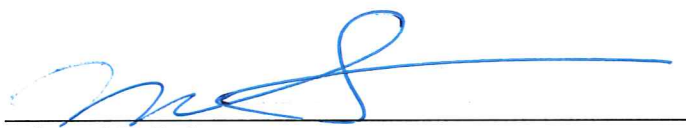
1. Easement described in O.R. Book 189, Page 33, Public Records of Lee County, Florida.
2. Easement recorded in O.R. Book 257, Page 188, Public Records of Lee County, Florida.
3. Memorandum of Agreement recorded in O.R. Book 3506, Page 640, Public Records of Lee County, Florida.

4. Subject to automatic phosphate, metals, minerals and petroleum reservations by virtue of Sec. 270.11(1), F.S., under deed recorded in O.R. Book 3555, Page 1277, Public Records of Lee County, Florida. The right of entry and exploration reservation has been released pursuant to Sec. 270.11, F.S.
5. Easement in favor of Mulloch Drainage District. a special taxing district created under the laws of the State of Florida recorded in O.R. Book 3555, Page 1279, Public Records of Lee County, Florida.
6. Temporary Non Exclusive Access and Construction Easement Agreement recorded in Instrument Number 2021-136725, Public Records of Lee County, Florida.

All Recording references are to the public records of Lee County, Florida.

Note, this is not a certification of ownership of any oil, gas, and mineral rights or interests.

This certification is provided pursuant to the requirements of § 177.041, Florida Statute, for the uses and purposes specifically stated therein and is not to be used as the basis for the issuance of a title insurance commitment or policy. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified by name in the property information report as the recipient(s) of the property information report.

By: 

Michael P. Lehnert

EXHIBIT A
[Attached]

A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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8. THENCE SOUTH 43°20'51" WEST, A DISTANCE OF 16.77 FEET;
9. THENCE SOUTH 70°53'40" WEST, A DISTANCE OF 104.27 FEET;
10. THENCE SOUTH 50°26'57" WEST, A DISTANCE OF 96.63 FEET;
11. THENCE SOUTH 62°29'46" WEST, A DISTANCE OF 143.45 FEET;
12. THENCE SOUTH 58°06'47" WEST, A DISTANCE OF 121.77 FEET;
13. THENCE NORTH 83°48'17" WEST, A DISTANCE OF 112.04 FEET;
14. THENCE SOUTH 54°33'59" WEST, A DISTANCE OF 77.73 FEET;
15. THENCE SOUTH 45°39'28" WEST, A DISTANCE OF 33.35 FEET;
16. THENCE SOUTH 49°05'18" WEST, A DISTANCE OF 81.01 FEET;
17. THENCE SOUTH 26°54'03" WEST, A DISTANCE OF 36.85 FEET;
18. THENCE NORTH 82°30'07" WEST, A DISTANCE OF 69.73 FEET;
19. THENCE SOUTH 81°21'56" WEST, A DISTANCE OF 123.58 FEET;
20. THENCE NORTH 70°11'51" WEST, A DISTANCE OF 137.43 FEET;
21. THENCE NORTH 75°23'21" WEST, A DISTANCE OF 134.98 FEET;
22. THENCE NORTH 76°15'11" WEST, A DISTANCE OF 106.69 FEET;
23. THENCE SOUTH 84°51'43" WEST, A DISTANCE OF 61.23 FEET;
24. THENCE NORTH 09°42'24" WEST, A DISTANCE OF 71.13 FEET;
25. THENCE NORTH 50°12'06" WEST, A DISTANCE OF 40.60 FEET;
26. THENCE NORTH 30°14'13" WEST, A DISTANCE OF 92.47 FEET;
27. THENCE NORTH 30°04'27" WEST, A DISTANCE OF 18.32 FEET;

TITLE CERTIFICATION

28. THENCE NORTH 32°14'09 EAST, A DISTANCE OF 24.98 FEET;
29. THENCE NORTH 75°55'32 EAST, A DISTANCE OF 78.88 FEET;
30. THENCE NORTH 79°28'47 EAST, A DISTANCE OF 122.14 FEET;
31. THENCE NORTH 78°05'50 EAST, A DISTANCE OF 127.07 FEET;
32. THENCE NORTH 76°48'02 EAST, A DISTANCE OF 155.39 FEET;
33. THENCE NORTH 78°55'19 EAST, A DISTANCE OF 123.27 FEET;
34. THENCE NORTH 79°43'07 EAST, A DISTANCE OF 329.12 FEET;
35. THENCE NORTH 80°46'03 EAST, A DISTANCE OF 138.38 FEET;
36. THENCE NORTH 80°36'42 EAST, A DISTANCE OF 92.10 FEET;
37. THENCE NORTH 81°02'12 EAST, A DISTANCE OF 101.38 FEET;
38. THENCE NORTH 78°16'57 EAST, A DISTANCE OF 115.98 FEET;
39. THENCE NORTH 83°22'16 EAST, A DISTANCE OF 96.08 FEET;
40. THENCE NORTH 80°32'09 EAST, A DISTANCE OF 99.43 FEET;
41. THENCE NORTH 77°44'38 EAST, A DISTANCE OF 77.53 FEET;
42. THENCE NORTH 76°26'02 EAST, A DISTANCE OF 97.27 FEET;
43. THENCE NORTH 80°53'10 EAST, A DISTANCE OF 110.16 FEET;
44. THENCE NORTH 71°53'11 EAST, A DISTANCE OF 155.66 FEET;
45. THENCE NORTH 06°36'25 EAST, A DISTANCE OF 31.73 FEET;
THENCE NORTH 79°41'20 EAST, A DISTANCE OF 55.23 FEET TO THE POINT OF BEGINNING;

CONTAINING 685,663 SQUARE FEET OR 15.741 ACRES, MORE OR LESS.

The Nest

RPD / CPD Development Regulations

		CPD Tract A		RPD Tract B	
		Principal Uses	Accessory Uses	Principal Uses	Accessory Uses
Minimum Lot Area:		10,000 sq ft	-	12,000 sq ft	-
Minimum Lot Depth:		100 ft	-	100 ft	-
Minimum Lot Width:		100 ft	-	120 ft	-
Minimum Setbacks:	ROW	25 ft	25 ft	25 ft	25 ft
	North	25 ft - edge of water	*25 ft – edge of water	25 ft - edge of water***	25 ft - edge of water
	South	25 ft	25 ft	25 ft***	10 ft
	East	25 ft	25 ft	25 ft***	10 ft
	West	25 ft	25 ft	50 ft	25 ft
	Upland Preserve	30 ft	30 ft	25 ft	25 ft
	Wetland Preserve	25 ft	25 ft	50 ft	25 ft
Minimum Distance: between Structures:		20 ft	-	20 ft	-
Maximum Height:		35 ft	25 ft	95 ft	25 ft
Open Space:		Required 20%	Provided 20%	Required 40%	Provided 40%
Parking		**Required: Restaurant 12.5/1,000 Commercial 250/1,000		**Required: Multi-Family: 2.2/Unit	

* Except as permitted per Deviation # 1

** Provided number to be determined at time of local development order.

***Or half the Bldg. Height, whichever is greater.

Eagle Nest Setbacks:

Buildings: 104'

Parking areas: 106'

DCI2022-00004 The Nest
REQUESTED DEVIATIONS
Revised December 7, 2022

Deviation #1 – No Change

Deviation #1 requests relief from LDC Section 34-2194 that requires buildings and structures may not be placed closer than 25ft. to a canal or to a bay or other water body or the distance required by the provisions of [chapter 6](#), article IV, pertaining to flood hazard reduction, whichever is greater to allow a zero ft. setback for the kayak launch and existing dock.

Justification:

This will be the only location accessing Mullock Creek which could otherwise have multiple single family docks.

Deviation #2 – No Change

Deviation #2 seeks relief from LDC Section 10-291(3) that requires any residential development of more than five acres or any commercial or industrial development of more than 10 acres must provide, where practical, two or more means of ingress or egress for the development, to allow one entrance as depicted on the MCP.

Justification:

The boundary of the subject properties is unorthodox. The site is largest to the west, bound by preserve and waterways, and gets narrower to the east at U.S. 41. The frontage along U.S. 41 is about 323 linear feet. The frontage is not wide enough to provide two or more means of ingress or egress.

The proposed access shown may have a right turn in lane from U.S. 41 going southbound and a left turn in going northbound. This is dependent on the final FDOT Access Permits.

A shared access with the properties to the south is planned for the future following the development of the vacant parcel to the south. Once this property is developed, The Nest SWFL will connect the development through this parcel and fulfill the requirements of 10-291(3).

The applicant received three letters of no objection with conditions from the Lee County Sheriff's Office, Lee County Public Safety, and the San Carlos Park Fire Protection and Rescue Service District. See Attached.

Deviation #3 – No Change

Deviation #3 seeks relief from section 10-416(d)(3), that requires a Type D Buffer between Commercial development and a ROW/Roadway Easement to allow the 15-foot Type D buffer plantings to be clustered to allow for view sheds for the commercial building along U.S. 41. Preservation of existing native trees shall be credited toward the required landscape buffer.

Justification:

Clustering the required planting will provide view sheds that not only benefit the visibility of the commercial use but will address the traffic safety issues that are created when commercial uses are hard to see by the traveling public. Also, clustering will allow the preservation of existing Oak trees that are in key locations and ensure the continuing viability of the preserved Oak trees. Note one of the Oak trees to be preserved is depicted on the MCP at the entrance to the project.

Deviation #4- Revised

Deviation #4 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow a 15ft. Type C buffer on the CPD/RPD tract boundary only at the location depicted on attached Exhibit A.

Justification:

There will be a minimum separation between the residential buildings and the property line of the CPD of 400ft. providing an ample separation between the principal uses. In addition, based on the requirements of LDC Section 416 – Landscape Standards both the RPD and CPD will have landscaping throughout the properties for parking areas, preserved and planted trees and the upland and wetland preserves creating additional screening between the properties.

Deviation #5 Revised Justification

Deviation #5 requests relief from LDC Section 10-416(d) that requires a C or F type buffer between multiple family residential and commercial development to allow no buffer along the south property line of the CPD tract adjacent to Creekside Preserve.

Justification:

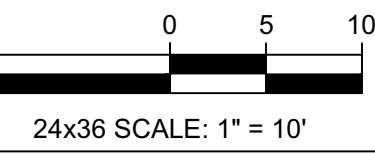
The Eagle's nest upland preserve area, a landscape blind and a 30ft. setback area between the southern commercial building and the preserve area will replace the code requirement. This alternative will more than meet the intent of the code. The Upland Preserve, and Landscape Blind are described in detail in the Bald Eagle Management Plan.

Deviation #6

Deviation #6 seeks relief from LDC Section 10-416(d)(9) requiring a 50ft. buffer for *Development abutting a natural waterway to allow no buffer along the south and west property lines to instead allow the existing preserve areas to fulfill the buffer requirement.*

Justification:

The current placement of the preserves along the south and west property line provides a natural vegetative buffer and will shield the natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The buffer provided includes mangrove wetlands, tidal wetland hardwood forests, and pine flatwoods communities which are comprised of a dense stratum of native trees and shrubs. Please see the Indigenous Habitat Management Plan for detailed descriptions of the vegetation species in these communities. The preserves are adjacent to submerged state lands and will create a larger contiguous preserved area when accounting for the submerged land and the neighboring preserve established by the neighborhood to the south.



MH-2

C-1A

FRESHWATER
WETLAND
PRESERVE

25'
BUILDING SETBACK

C-2

AG-2

RPD
Tract B

CPD
Tract A

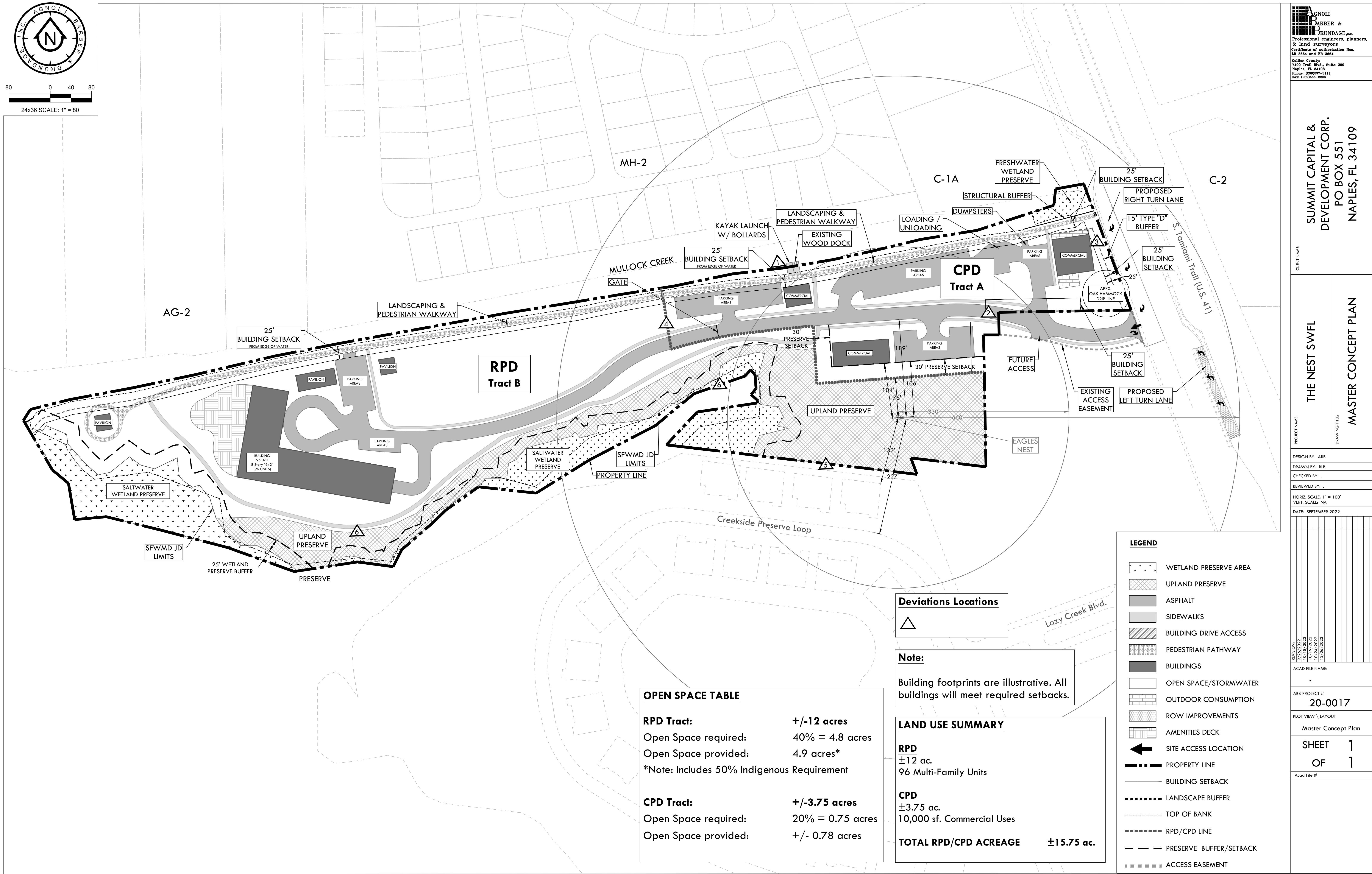
UPLAND PRESERVE

EAGLES
NEST

~~Creekside Preserve Loop~~

Lazy Creek Blvd.

-  Wetland & Upland Preserves
-  Mullock Creek Pathways & Landscape Areas
-  30' Preserve Setback
-  location of 15ft. Type F Buffer



AGNOLI
BARBER &
BRUNDAGE, INC.
Professional engineers, planners,
& land surveyors
Certificate of Authorization No.
LB 3664 and RB 3664
Collier County:
7400 Trail Blvd., Suite 200
Naples, FL 34108
Phone: (239) 997-3111
Fax: (239) 998-2803

SUMMIT CAPITAL &
DEVELOPMENT CORP.
PO BOX 551
NAPLES, FL 34109

THE NEST SWFL

MASTER CONCEPT PLAN

DESIGN BY: ABB
DRAWN BY: BLB
CHECKED BY: .
REVIEWED BY: .
HORIZ. SCALE: 1" = 100'
VERT. SCALE: NA
DATE: SEPTEMBER 2022

ABB PROJECT #
20-0017
PLOT VIEW \ LAYOUT
Master Concept Plan
SHEET 1
OF 1
Acad File #

The Nest

Indigenous Habitat & Protected Species Management Plan

Prepared by:



Wetland Consultants LLC

239-595-1292

www.FloridaWetlandConsultants.com



December 6rd, 2022

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List of Appendices:

Appendix A – Master Concept Plan

Appendix B – A Guide to Living with Alligators

Appendix C – A Guide to Living in Bear Country

Project Description:

The 15.75-acre Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1.

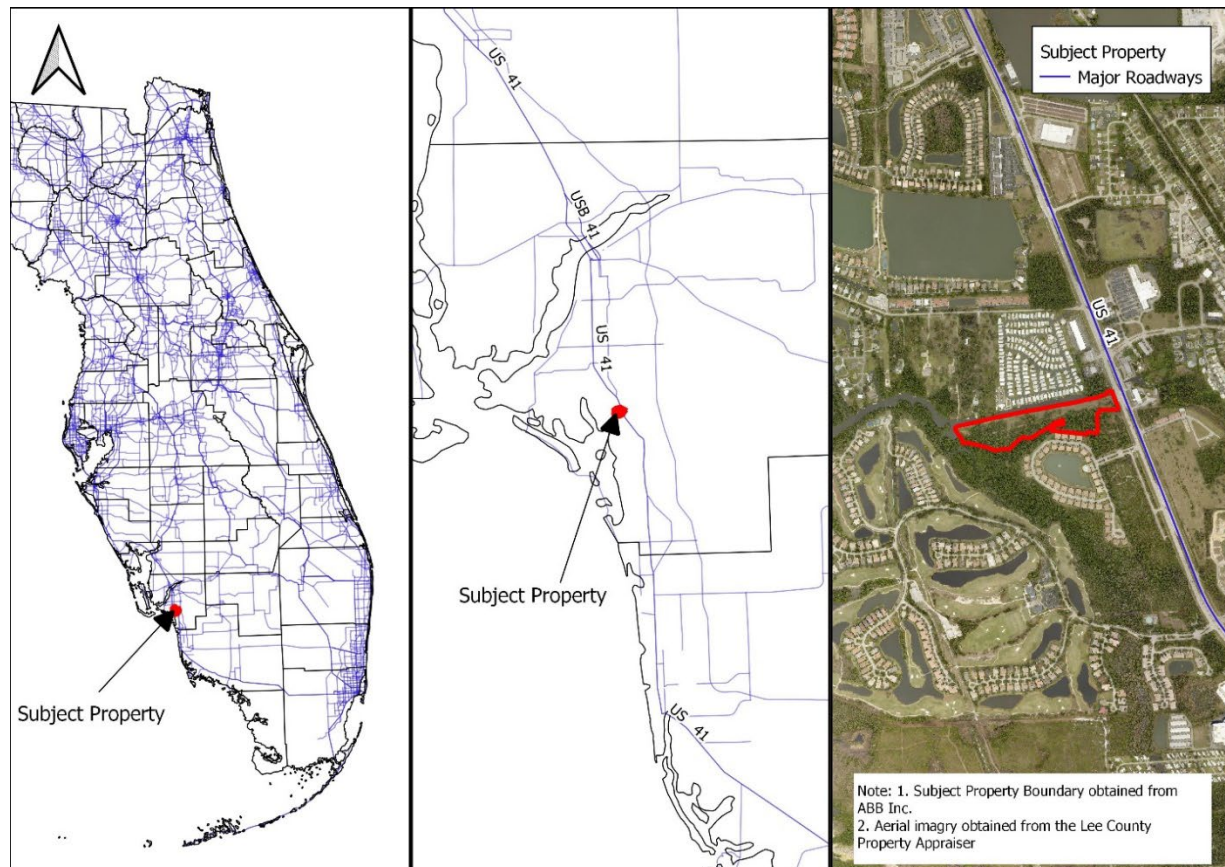


Figure 1. Location Map

The proposed project is a combination of a residential planned development in the west of the property and a commercial planned development in the east of the property. The residential planned development will share an access road with the commercial planned development. The full Master Concept Plan can be found in Appendix A. The aim of this Indigenous Habitat Management Plan is to adhere to the environmental goals of Lee County outlined in The Lee Plan. The following polices are applicable:

- Goal 101: Coastal Areas. Protect human life along with current and future development from the impacts of coastal flooding. Coastal flooding includes, but is not limited to, high tide events, storm surge, flash floods, stormwater runoff, and impacts of sea level rise.

- Objective 101.1: Coastal Area Planning. Improve the function of natural systems as a defense against coastal flooding.
 - Policy 101.1.1: Require that development within the Coastal High Hazard Area be compatible with natural systems, such as water retention and purification, wildlife habitat, primary productivity, and defense against coastal flooding.
 - Policy 101.1.2: Protect and conserve the following environmentally sensitive coastal areas: wetlands, estuaries, mangrove stands, undeveloped barrier islands, beach and dune systems, aquatic preserves, wildlife refuges, undeveloped tidal creeks and inlets, critical wildlife habitats, benthic communities, and marine grass beds.

Four preserve areas, totaling 4.85 acres, will be created to protect and preserve saltwater wetlands, freshwater wetlands, and uplands. A map of the preserve areas on an aerial with the FLUCCS map can be seen in Figure 2. Table 1 contains the acreage of FLUCCS communities on the Subject Property.

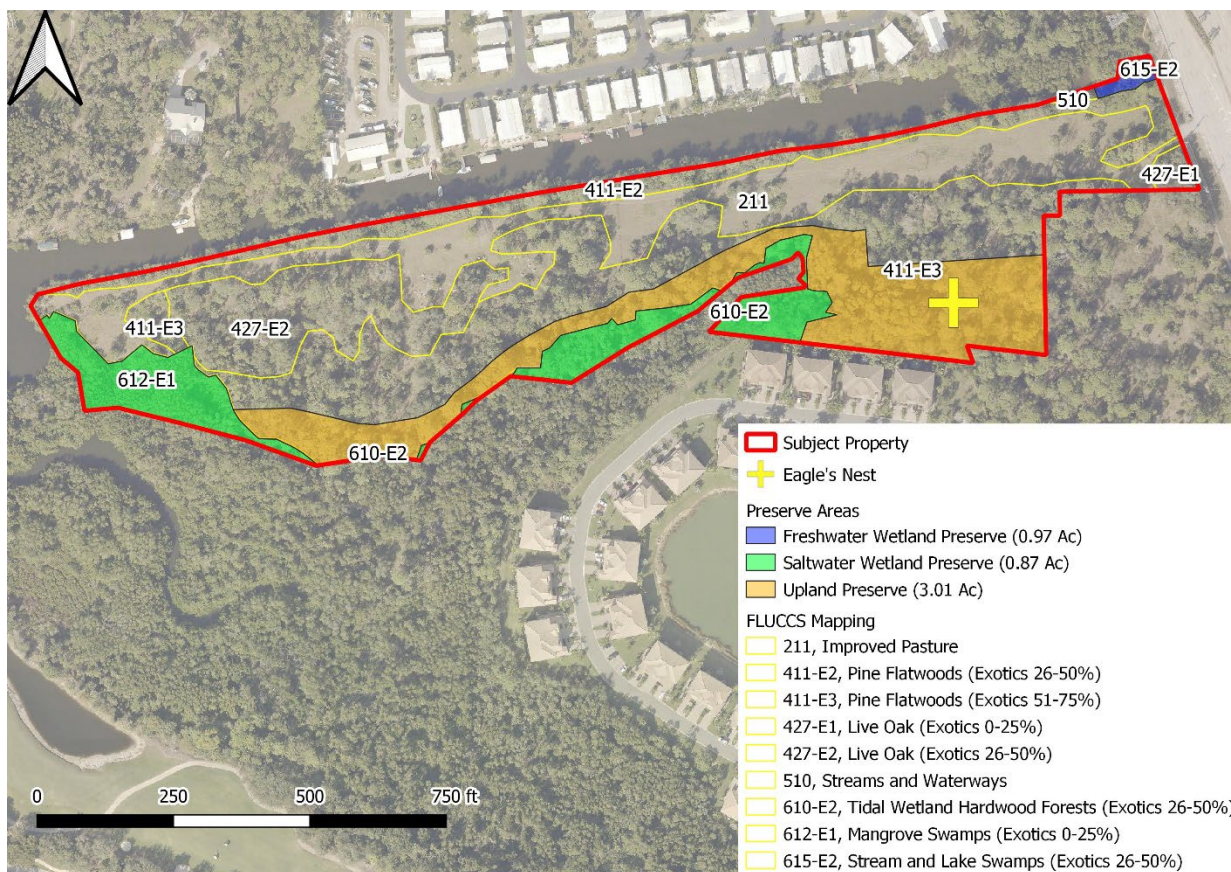


Figure 2. Preserve Areas with FLUCCS mapping.

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
610-E2	Tidal Wetland Hardwood Forests (Exotics 26-50%)	0.89
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.10
	Total	15.75

The majority of preserve area on the Subject Property is located between the planned development and the natural waterways along the southern border, which includes the historic Mullock Creek to the west and south. The current placement of the preserves provides a natural landscape buffer and will protect the future development from coastal flooding during extreme weather. The native preserve barrier will also shield these natural waterways and mangrove forests from runoff or disturbance from the planned development by acting as a physical barrier and nutrient uptake filter. The preserves are adjacent to submerged state lands and will create a larger contiguous preserved area when accounting for the submerged land and the neighboring preserve established by the neighborhood to the south (Creeside Preserve), as seen in Figure 3. An increase in contiguous protected habitat increases the quality of the landscape and will benefit wildlife as well as the community as a whole.

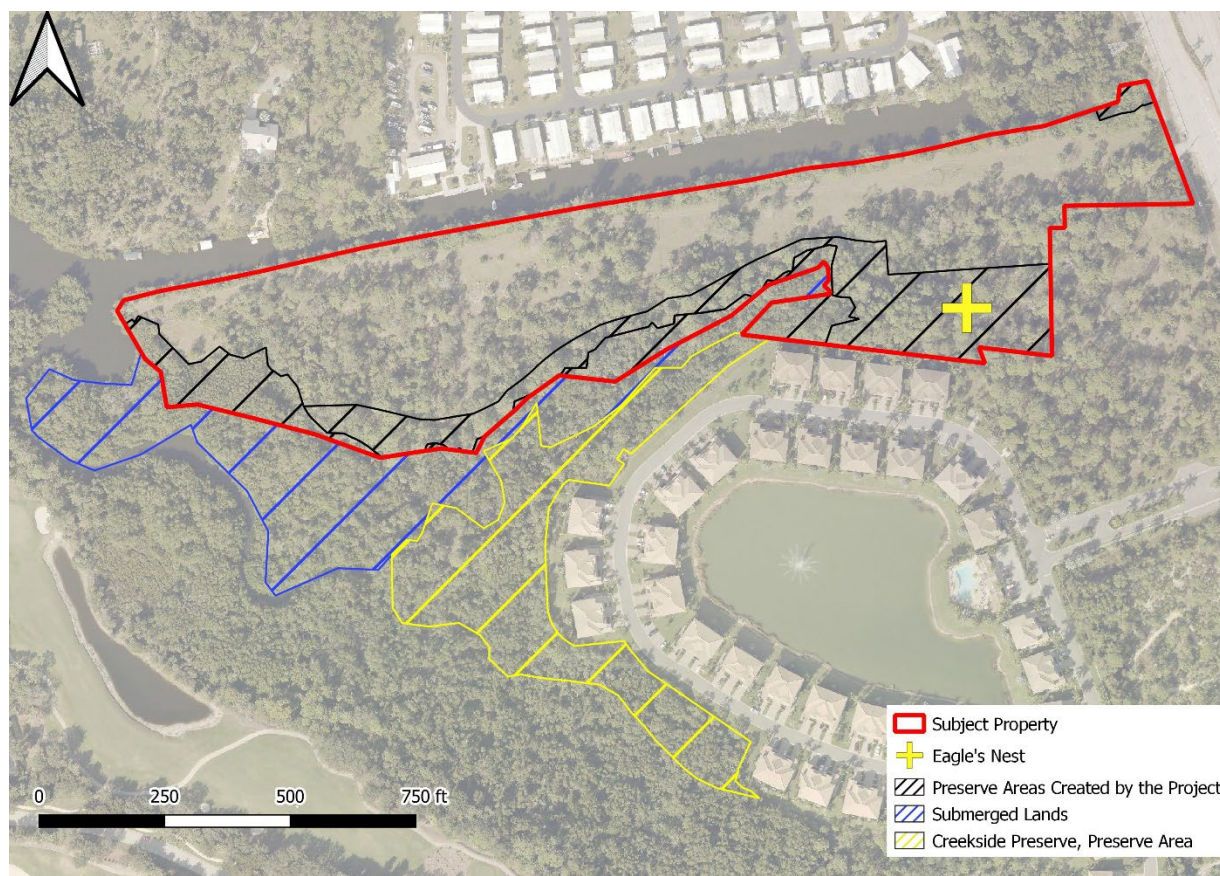


Figure 3. Contiguous Preserve Areas Surrounding the Property.

The placement of these preserves ensure that development occurs in the previously impacted areas and along the manmade drainage canal, now known as Mullock Creek.

The preserves on the Subject Property will be improved through preservation, enhancement, and some supplemental plantings. These actions meet the criteria of Lee Plan policy 101.1.1 and 101.1.2.

Existing Conditions and Enhancement of the Preserve Areas:

Four preserves will be established based on their habitat type and location. Locations, preserve numbers, and FLUCCS codes can be seen in Figure 4. Preserves 1,2, and 3 are contiguous but will be referenced as separate preserves due their different habitat types.

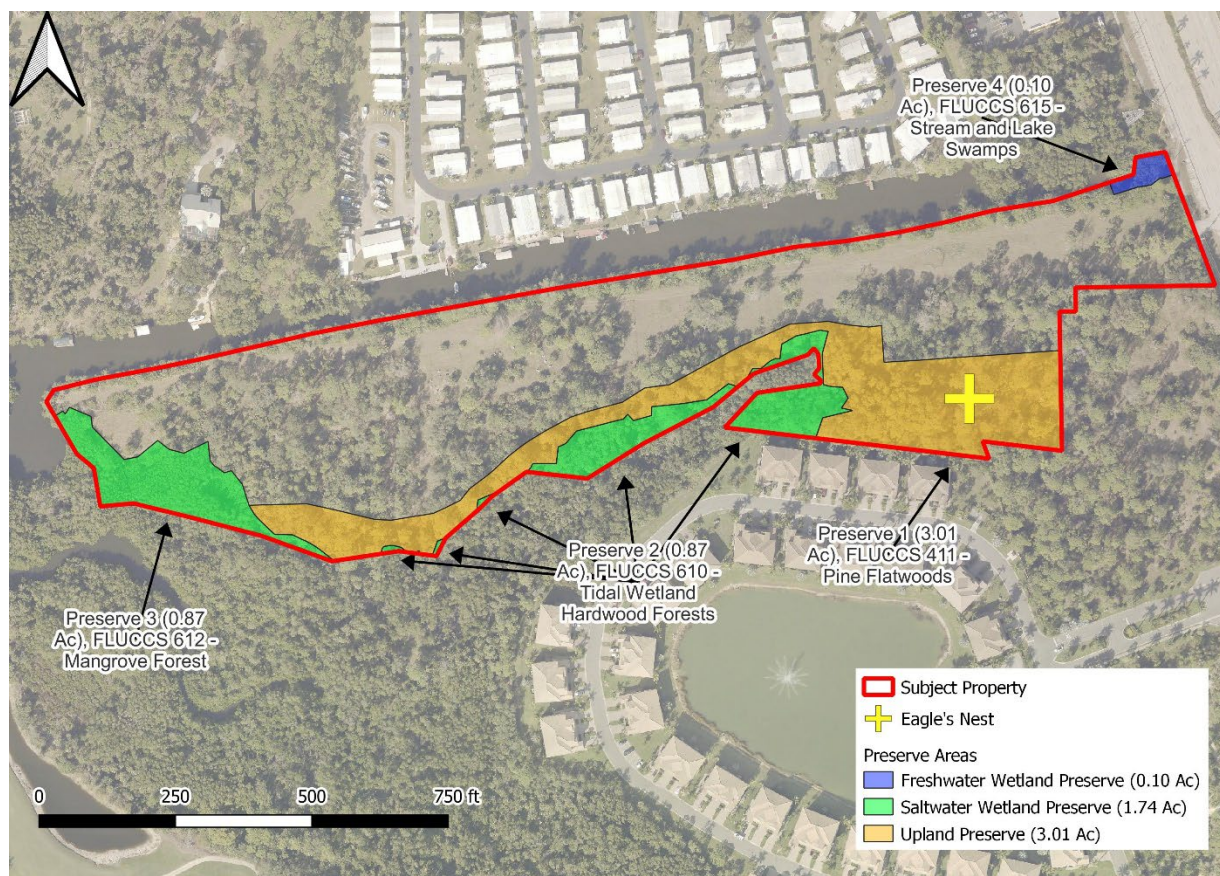


Figure 4. Preserve Map with Preserve Numbers

Preserve 1:

Preserve 1 consists entirely of a single upland community, FLUCCS Code 411 – Pine Flatwoods. This preserve nearly stretches the length of the property near the southern property boundary and provides an upland preservation buffer to the freshwater wetland preserve. This preserve contains the bald eagle's nest in the eastern portion of the preserve. It is dominated by slash pine (*Pinus elliottii*) and contains a large percentage of exotics. Present native species include saw palmetto (*Serenoa repens*), cabbage palm (*Sabal palmetto*), myrsine (*Myrsine cubana*), swamp fern (*Telmatoblechnum serrulatum*), grape vine (*Vitus rotundifolia*), and poison ivy (*Toxicodendron radicans*). The exotic species include large patches of Brazilian pepper (*Schinus terebinthifolia*), java plum (*Syzygium cumini*), Caesar weed (*Urena lobata*), earleaf acaia (*Acacia auriculiformis*), Cogan grass (*Imperata cylindrica*), Australian pine (*Casuarina equisetifolia*), and a few melaleuca (*Melaleuca quinquenervia*) which are spread throughout the community. This preserve will border the planned development.

Preserve 2:

Preserve 2 is located along the southern property boundary and consists of a freshwater wetland. The preserve is encapsulated by Preserve 1 to the north and by the Subject Property Boundary to the south, which borders submerged state lands. This community borders mangrove forest

and consists of slash pine, laurel oak (*Quercus laurifolia*), cabbage palm, and Brazilian pepper. The ground cover consists of swamp fern and giant leather fern (*Acrostichum danaeifolium*).

Preserve 3:

Preserve 3 consists entirely of mangrove forest. It will border the residential planned development with a 25' upland buffer. The canopy is dominated by all three mangrove species: red mangroves (*Rhizophora mangle*), black mangroves (*Avicennia germinans*), and white mangroves (*Laguncularia racemosa*) with some buttonwood (*Conocarpus erectus*) also present. The ground cover is mainly giant leather ferns.

Preserve 4:

Preserve 4 is located in the northeast corner of the property. This area contains a slope downwards from the improved pasture to Mullock Creek. This preserve consists of muck soil and herbaceous wetland plants and would be considered bottomland.

General Enhancement Actions:

Enhancement will occur through preservation, exotic removal, supplemental plantings, monitoring, signage, and continuous exotic maintenance.

Preserve activities will commence upon the completion of clearing for the planned developments. This will allow ease of access to preserve areas for the crew and will eliminate the need for access trails.

The following activities may occur to achieve success criteria.

Chemical Treatment:

Chemical treatments will be required to eradicate the presence of exotic vegetation. All chemical treatments will be performed by a pesticide applicator, licensed by the state of Florida through the Florida Department of Agriculture and Consumer Services (FDACS). Pesticide applicators will be required to hold certifications which allow treatment in aquatic and natural areas (Aquatic Pest Control and Natural Areas Weed Management).

A map of exotic vegetation hot spots will be provided to the licensed pesticide applicator to focus their efforts on. Crews must be overseen by the licensed pesticide applicator and all chemicals must be mixed and used in accordance with label specifications and regulatory guidelines. Treatment and kill-in-place applications will be preferred but manual removal of dead material may be necessary.

Mechanical Treatment:

Mechanical treatment may occur in areas of exotic monoculture or with 75% or greater exotic coverage. A brush-hog or similar equipment may be used to clear large areas of Brazilian pepper to aid in the enhancement of the preserve. Mechanical treatments will be accompanied by chemical treatments to ensure a lower risk of regrowth in the cleared areas.

Other means of mechanical treatment, such as chainsaws, may be used in all preserve areas to remove exotic species. The use of side-by-side ATVs or similar vehicles may be used to haul debris from the preserve areas.

Supplemental Plantings:

Supplemental plantings may be used in areas in which the removal of exotic species leaves the area looking barren or sparse. Plantings will match their respective habitats and include canopy, shrub, and ground cover plants installed at varying densities.

Monitoring:

Monitoring will occur yearly and be compiled into a report submitted to Lee County. Monitoring will continue for five years after the initial exotic removal. Monitoring will include vegetation plots which will double as photo stations. 8 monitoring plots are proposed, scattered throughout the preserve areas. Vegetation plots will be 5x5 meter plots where canopy and sub-canopy species composition and percent coverage will be recorded. Ground cover species composition and percent coverage will consist of a 1x1 meter plot in the center of the larger vegetation plot. The location of monitoring plots can be seen in Exhibit 2.

Installation of Preserve Signs:

"Nature Preserve Area" signs shall be installed along the boarder between the proposed development and the preserve as well as facing adjacent land that is not the submerged state land. The signs will state "Nature Preserve Area No Clearing or Dumping Allowed". Theses signs will be spaced a maximum of 300' apart along the preserve boundary. The signs will be a maximum of 4 feet high, with a sign surface area of 2 square feet. The location of the signs can be seen in Exhibit 2.

Preserve Specific Management:**Preserve 1:**

Preserve 1 consisting of upland pine flatwoods will be enhanced through preservation, the removal of exotics, and a supplemental planting. A landscape blind, consisting of a densely canopy planning will be constructed along the northern boundary of Preserve 1, nearest the eagle's nest. This landscape blind is part of the Bald Eagle Management Plan and aims to obstruct the view of construction and future commercial use from the eagle's nest. A supplemental planting plan can be found below.

Preserve 1 Upland Planting Plan – Target 411 – Pine Flatwoods				
Stratum	Common Name	Scientific Name	Size	Spacing
Canopy	Slash Pine	<i>Pinus elliottii</i>	3 gal	20'
Shrub	Cabbage Palm	<i>Sabal palmetto</i>	3 gal	20'
	Wax Myrtle	<i>Morella cerifera</i>	1 gal	15'
Ground	Saw Palmetto	<i>Serenoa repens</i>	1 gal	10'
	Wiregrass	<i>Aristida stricta</i>	1 gal	10'
	Gallberry	<i>Ilex glabra</i>	1 gal	10'

The landscape blind will consist of canopy stratum native trees or palms planted in a dense row and will not be factored into the planting plan. The planting plan will be assessed after the initial exotic removal, and existing vegetation will be deducted from planting totals. Some areas may not require supplemental planting if the native community appears dense.

Initial exotic removal and supplemental planting will occur outside of bald eagle nesting season. Yearly monitoring will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair. If the bald eagle nest is considered “lost”, these conditions do not apply.

Location of the densely planted landscape blind can be seen in Figure 5.

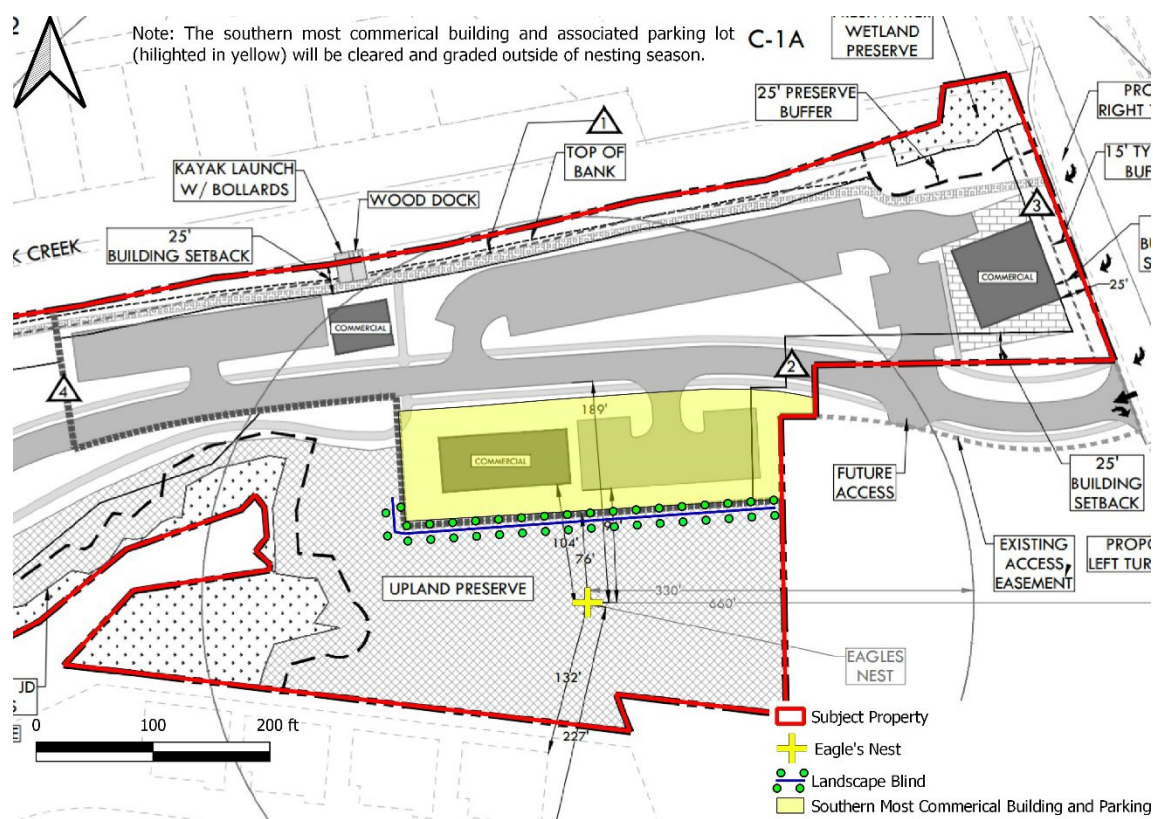


Figure 5. Location of the Landscape Blind on the Master Concept Plan

Preserve 2:

Preserve 2 consists of a forested freshwater wetland. The area is dominated by cabbage palms and live oaks. Preserve 2 will be enhanced through preservation and the removal of exotics. Preserve 2 contains a dense canopy and sparse understory. Supplemental plantings will not be necessary

Preserve 3:

Preserve 3 consists of a forested saltwater wetland. It is dominated by a mangrove canopy. This area will be enhanced through preservation and exotic removal. Exotics are sparse in the mangrove forest and enhancement will involve little impact. Removal of fringe Brazilian pepper by hand using chainsaws may be required. Cut debris will be removed from the wetland. Due to the density of mangroves currently in the preserve area, a supplemental planting will not be necessary.

Preserve 4:

Preserve 4 consists of a sloped surface to a bottomland area located adjacent to Mullock Creek. This preserve will be enhanced through preservation, exotic removal, and supplemental plantings. The sloped area will be planted with various wetland tolerant grasses at 5' on-centers while the bottom land will be allowed to revegetate naturally. The bottomland appears as though it may flood regularly. If native vegetation can not take hold, adaptive management may be used and deep-water shrubs, such as Carolina willow (*Salix caroliniana*), will be planted in the bottomland area.

Success Criteria:

Success criteria will vary depending on the need for supplemental plantings. The general criteria are as follows:

1. Completion of initial exotic removal where the preserve area is entirely exotic free after the removal activities.
2. Exotic vegetation will constitute an average not to exceed five percent of the ground cover, shrub, or canopy stratum at the end of the fifth year of monitoring.
3. Preserves with supplemental plantings will have an 80% survival rate of installed plants at the end of the first year of monitoring following the initial planting. If 80% is not achieved the preserve will be partially replanted.

Protected Species:**Wading Birds:**

While no nesting areas for any listed wading birds have been observed onsite during any site visits, the following species recognized as Species of Special Concern (SSC) by the State may forage on the subject property. Little blue herons (*Egretta caerulea*), roseate spoonbills (*Ajaia*

ajaja), snowy egrets (*Egretta thula*), and tricolored herons (*Egretta tricolor*), may forage in wetland areas and the edges of the canal on the property.

Big Cypress Fox Squirrel:

The subject property contains habitat that may be used by the Big Cypress Fox Squirrel (*Sciurus niger avicennia*). No day beds, nests, or signs of the fox squirrel have been observed on the subject property but the pine flatwood vegetative community and large open spaces of improved pasture are their preferred habitat. Given the habitat types present there is a potential for Big Cypress fox squirrels to utilize the property. These squirrels, listed as threatened by the Florida Fish and Wildlife Conservation Commission (FWC), are typically found nesting in melaleuca trees in areas with sparse or open ground cover.

Bald Eagle:

The subject property contains a bald eagle (*Haliaeetus leucocephalus*) nest in the southeast corner of the property. The bald eagle was removed from the Endangered Species Act (delisted) by the U.S. Fish and Wildlife Service (FWS) in August 2007. The FWC also delisted the bald eagle at the state level in April 2008. However, the FWS continues to regulate development activities in the vicinity of bald eagle nests. Current FWS policies are summarized below.

The FWS continues to regulate activities that could potentially harm bald eagles pursuant to the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. This nest was not active during the 2021-2022 nesting season. Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

Wood Stork:

The wood stork (*Mycteria americana*) is listed as threatened by the FWC and the FWS. Although no wood storks were observed they may forage in the wetlands and ditches. Nesting has not been documented onsite, nor do wood storks appear there in the most recent FWC listed species occurrence database. Wood stork colony locations provided by FWC show two colonies within a 25-mile radius of the property. The closest colony location is approximately three miles to the west of the subject parcel.

American Alligator/American Crocodile:

Neither the American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*) or their nest have been observed onsite, however, the canal and wetlands provide potential habitat. Both species are listed by FWS and FWC as listed.

Gopher Tortoise:

Neither gopher tortoises (*Gopherus polyphemus*), their burrows or their signs have been observed onsite during any site visit. The gopher tortoise is listed as threatened by the FWC but not listed by the FWS. Given the pine flatwood vegetative community onsite, there is potential habitat present for this species.

Florida Bonneted Bat:

The Florida bonneted bat (*Eumops floridanus*) is listed as endangered by the FWS and the FWC. The FWS established a Consultation Area for this species in its October 22, 2019 letter to the COE. The Subject Property falls within the Florida bonneted bat FWS consultation area. A total of five (5) potential Florida bonneted bat cavity roost tree snags were observed during the listed species survey.

Florida Black Bear:

The Florida black bear (*Ursus americanus floridanus*) was delisted by FWC in 2012, however, is still protected by the Florida Black Bear Management Plan and is not listed by the FWS. Although Florida black bears have not been observed onsite, the subject property is within the "abundant" area of FWC's black bear distribution data. There have also been some black bear related phone calls near the subject property.

Protected Species Management Plans

Several measures have been taken to reduce potential impact to wildlife onsite. Adverse impacts to wildlife including listed wildlife are not anticipated as a result of the proposed residential project. All agricultural activities will cease in the preserve areas once construction commences, with human disturbance in those areas limited to activities consistent with the conservation easement.

The habitat improvements and preservation resulting from implementation of this plan are expected to encourage transient wildlife species to utilize the preserve areas onsite as shown on the Preserve Map with Preserve Numbers (Figure 4). The applicant has committed to placing the preservation areas under a conservation easement prior to construction of the project, consistent with state law, as a condition of the zoning approval, which means 4.85+/- acres of native upland and wetland habitats of this area will be permanently protected for wildlife usage. This preservation will enhance the value of the preserve areas for wildlife and provide a permanent link between the surrounding wildlife habitat and a permanent refuge for wildlife if the project is approved as proposed. (See Figure 3).

If the zoning is approved as proposed, additional wildlife surveys will be conducted as required by state, federal, and county requirements when the plans are submitted for permitting/development approval.

Should the zoning be approved as proposed, both FWC and FWS will be consulted relative to any state or federally listed species potentially occurring on site and listed species guidelines implemented as applicable prior to any construction.

Wading Bird and Wood Stork:

All 1.84 acres of existing onsite wetlands along with the shoreline of the canal to the north for the wood stork will be preserved and improved by the removal and maintenance of invasive exotic plants.

The enhancement of the property will ultimately provide increased acreage of higher quality habitat for wading birds in the wetland portion of the preservation areas. Additionally, protection provided by the wetland preservation plan will provide long-term viability for wading birds.

Big Cypress Fox Squirrel:

Prior to clearing the site, a qualified biologist will survey the construction limits for the presence of Big Cypress fox squirrels or their nests. Any potential nests will be monitored to determine if they are currently being utilized by Big Cypress fox squirrels. Nests found to be utilized by a Big Cypress fox squirrel will be temporarily protected from clearing by a 125 foot radius undisturbed buffer. These nests will be taken outside of the February 1st to May 30th nesting season once the absence of young fox squirrels within the nests is confirmed. The required authorization from the FWC will be obtained prior to removing the nest tree.

Forested habitat suitable for this species will be improved via treatment of invasive exotic plant species in 3.01 acres of the preserved pine flatwoods onsite. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the Big Cypress fox squirrel and would assure that any potential impacts to this species are offset.

Bald Eagle:

Consultation with the USFWS and the Lee County Eagle Technical Advisory Committee will be necessary for the bald eagle. A Bald Eagle Management Plan has been developed to protect the onsite habitat of this species. A total of 3.01 acres of bald eagle nesting habitat consisting of pine flatwoods will be preserved (see Figure 4).

American Alligator/American Crocodile Management Plan:

Potential habitat for American alligators and American crocodiles onsite and adjacent to the site consists of the open water canal area and wetlands. The property was thoroughly inspected for alligator and crocodile nests, which are often conspicuous on the bank of waterways. No alligator or crocodile nests were ever found on the property during listed species surveys. If the proposed project is approved, the wetland preservation described in this Indigenous Habitat Management Plan will ultimately provide increased acreage of higher quality habitat for the alligator and

crocodile. The proposed site conditions will result in a total of over 1.84 acres of preserved wetland habitat on the property.

Alligators will commonly move from water body to water body in response to factors such as season, disturbances, food supply, etc. In the event that an alligator or crocodile is present within the limits of construction at the time of site clearing, work within the immediate vicinity of the alligator or crocodile will be halted and the animal will be allowed to move out of harm's way. Once the animal has moved, work can be restarted. The protection provided by implementation of the Indigenous Habitat Management Plan will provide long-term viability for the American alligator and American crocodile onsite.

Gopher Tortoise

Prior to the initiation of development activities a gopher tortoise burrow survey of the development footprint will be conducted in accordance with current Florida Fish and Wildlife Conservation Commission (FWC) guidelines. If the survey determines there are ten or fewer potentially occupied gopher tortoise burrows that will be impacted by development activities, the land owner will obtain a 10 or Fewer Burrows permit from the FWC and relocate the gopher tortoises to the upland preserve in the eastern portion of the upland preserve area. In the event there are more than ten potentially occupied gopher tortoise burrows that will be impacted by development activities, the land owner will obtain a Conservation permit from the FWC and relocate the gopher tortoises to the FWC approved off-site recipient site as specified by the FWC permit. Lee County Environmental Sciences will be provided a copy of the FWC gopher tortoise permit prior to excavation of the burrows. With the exception of potentially occupied gopher tortoise burrows located within 25 feet of the development footprint, all gopher tortoise burrows within the upland preserves will remain undisturbed. The management of the upland preserves are anticipated to improve the quality of gopher tortoise habitat within those preserves.

Florida Bonneted Bat:

Prior to the initiation of development activities a cavity tree survey of the development footprint will be conducted. The five (5) trees containing potential Florida bonneted bat roost cavities will be visually inspected (peeped) using a small high resolution wide angle video camera capable of operating in low light conditions mounted on an extendable pole. All videos will be carefully examined for evidence of Florida bonneted bats or their guano. In the event that evidence of Florida bonneted bat utilization of a roost cavity is detected, the landowner will coordinate with the FWS on appropriate additional surveys and conservation measures that are required to prevent a "take" of this species. Lee County Environmental Sciences will be provided a copy of the cavity tree survey and FWS's recommendations (if any) on required future conservation.

Florida Black Bear Management Plan:

It is expected that existing forage and prey habitat for the Florida black bear will be enhanced through the removal and maintenance of invasive exotic plants and protected by implementation

of this Indigenous Habitat Management Plan. Some best management practices may be required after development to dissuade black bear and human interactions (e.g. bear proof dumpsters, educational material for residents, etc.).

The preservation of 3.01± acres of uplands and 1.84 acres of wetlands will link the surrounding conservation lands, restoring a link that has been disrupted by the extensive exotic vegetation infestation in that area and will allow movement of wildlife across the property. Please see Figure 4.

Human Coexistence with Wildlife Plan:

The following Human Coexistence with Wildlife Plan will be incorporated into the project's Homeowners Association documents.

Residential Areas:

American Alligator/American Crocodile:

Signs will be posted on the subject property adjacent to the water management lakes and bodies of water advising residents that feeding or harassing American alligators and American crocodiles is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Appendix B), will be provided to residents. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present within the lakes.

Florida Black Bear:

An educational brochure, such as the attached "A Guide to Living in Bear Country" (Appendix C) prepared by the FWC, will be provided to residents and commercial tenants. Residents will be instructed to contact the FWC for assistance in the event a nuisance black bear is present on-site.

Kayak Launch:

American Alligator/American Crocodile

Signs will be posted on the subject property adjacent to the kayak launch advising the public that feeding or harassing American alligators and American crocodiles is punishable by state law. An educational brochure, such as the attached "A Guide to Living with Alligators" prepared by the FWC (Appendix B), will be provided to the public at the launch. Residents, commercial tenants, and property maintenance staff will be instructed to contact the FWC for assistance in the event a nuisance alligator is present at the Kayak launch.

West Indian Manatee

At least one manatee educational sign or a kiosk will be placed at the kayak launch.

Appendix A
Master Concept Plan

Appendix B

A Guide to Living with Alligators

■ Never feed alligators – it's dangerous and illegal. When fed, alligators can overcome their natural wariness and learn to associate people with food. When this happens, some of these alligators have to be removed and killed.

■ Dispose of fish scraps in garbage cans at boat ramps and fish camps. Do not throw them into the water. Although you are not intentionally feeding alligators when you do this, the result can be the same.

■ Seek immediate medical attention if you are bitten by an alligator. Alligator bites can result in serious infections.

■ Observe and photograph alligators only from a distance. Remember, they're an important part of Florida's natural history as well as an integral component of aquatic ecosystems.



Janice Plain

To report nuisance alligators call
866-FWC-GATOR (866-392-4286).



MyFWC.com/Alligator



Tim Donovan, FWC

Call 866-FWC-GATOR (392-4286) to report nuisance alligators.

A Guide to Living with **Alligators**



Jamie Feddersen



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Lizabeth West, FWC

Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

Living with Alligators

In Florida, the growing number of people living and recreating near water has led to a steady rise in the number of alligator-related complaints. The majority of these complaints relate to alligators being where they simply aren't wanted. Because of these complaints, the Florida Fish and Wildlife Conservation Commission's Statewide Nuisance Alligator Program permits the killing of approximately 7,000 nuisance alligators each year. Using this approach, and through increased public awareness, the rate of alligator bites on people has remained constant despite the increased potential for alligator-human interactions as Florida's human population has grown.

Alligators are an important part of Florida's landscape and play a valuable role in the ecology of our state's wetlands. Alligators are predators and help keep other aquatic animal populations in balance. A better understanding of the facts and information presented in this brochure will help ensure that people and alligators can continue to coexist.

Visit MyFWC.com/Gators for more information about alligators and the latest nuisance alligator program statistics.



Tim Donovan, FWC

Alligators and People

Alligators are a fundamental part of Florida's wetlands, swamps, rivers and lakes, and they are found in all 67 counties. Florida continues to experience human population growth. Many new residents seek waterfront homes, resulting in increased interactions between people and alligators.

Although most Floridians understand that we have alligators living in our state, the potential for conflict exists. Because of their predatory nature, alligators may target pets and livestock as prey. Unfortunately, people also are occasionally bitten. Since 1948, Florida has averaged about five unprovoked bites per year. During that period, a little more than 300 unprovoked bites to people have been documented in Florida, with 22 resulting in deaths.

In the past 10 years, the Florida Fish and Wildlife Conservation Commission has received an average of nearly 16,000 alligator-related complaints per year. Most of these complaints deal with alligators occurring in places such as backyard ponds, canals, ditches and streams, but other conflicts occur when alligators wander into garages, swimming pools and golf course ponds. Sometimes, alligators come out of the water to bask in the sun or move between wetlands. In many cases, if left alone, these alligators will eventually move on to areas away from people.

Safety Tips

■ Generally, alligators less than four feet in length are not large enough to be dangerous unless handled. However, if you encounter any alligator that you believe poses a threat to people, pets or property,

call the Nuisance Alligator Hotline at 866-FWC-GATOR (866-392-4286). Please be aware, nuisance alligators are killed, not relocated.

■ Be aware of the possibility of alligators when you are in or near fresh or brackish water. Bites may occur when people do not pay close enough attention to their surroundings when working or recreating near water.

■ Do not swim outside of posted swimming areas or in waters that might be inhabited by large alligators.

■ Alligators are most active between dusk and dawn. Therefore, avoid swimming at night.

■ Dogs and cats are similar in size to the natural prey of alligators. Don't allow pets to swim, exercise or drink in or near waters that may contain alligators. Dogs often attract an alligator's interest, so do not swim with your dog.

■ Leave alligators alone. State law prohibits killing, harassing or possessing alligators. Handling even small alligators can result in injury.



Tim Donovan, FWC

A young alligator wanders onto a porch in a residential neighborhood.

Appendix C

A Guide to Living in Bear Country



Milt Fox

Discouraging bears from visiting your home

Properly storing or securing residential garbage and other attractants is a proven method of discouraging bears and preventing bear conflicts around homes, farms and neighborhoods. The following items attract bears and should be protected by an electric fence, wildlife resistant container, or stored in a secure place, such as a garage or sturdy shed:

- Trash and recycling containers
- Bird and squirrel feeders
- Game feeders
- Pet foods and bowls
- Barbeque grills and smokers
- Pets and small livestock
- Livestock feed
- Compost piles
- Beehives
- Fruit and nut-bearing trees and shrubs

Funds from the “Conserve Wildlife” license plate help support efforts to reduce human-bear conflicts. Buy one today at your local tax collector’s office or online at BuyAPlate.com.

Secure common bear attractants

- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock feed in bear-resistant containers or inside a secure area.
- Remove bird and wildlife feeders. Ensure the area is free of all seed, corn, or other wild animal feed.
- Keep gardens and fruiting trees and shrubs tidy. Remove rotten fruit and harvest ripe nuts, fruits and vegetables.
- Clean meat smokers and barbeque grills with a degreasing detergent. Properly dispose of food remnants after each use.

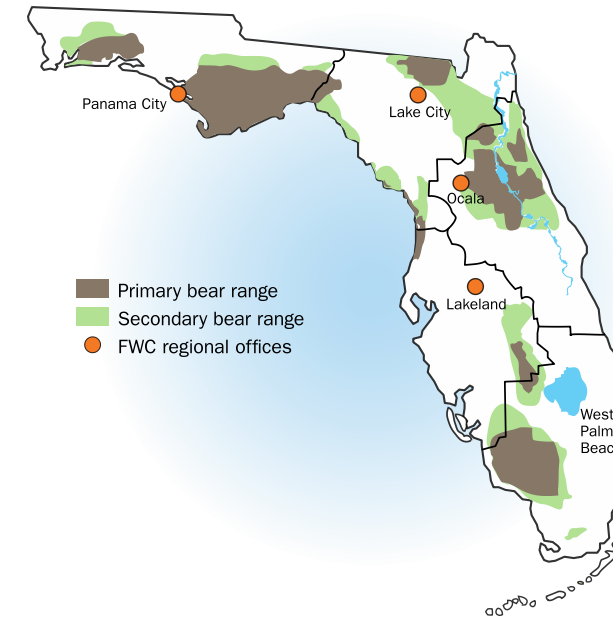
Learn more about black bears with the Florida Black Bear Curriculum Guide. The guide is designed to educate teachers and students in 3rd to 8th grade and offers a comprehensive series of lessons on Florida’s black bear.

To get tips on how to secure bear attractants, watch videos about bears or how to install electric fencing, and learn more about bear-resistant containers, visit MyFWC.com/Bear.



Rick Sinnott

Bear range in Florida



If you are experiencing bear problems, please contact the nearest FWC regional office.

North Central, Lake City	386-758-0525
Northeast, Ocala	352-732-1225
Northwest, Panama City	850-265-3676
South, West Palm Beach	561-625-5122
Southwest, Lakeland	863-648-3200

If you suspect illegal activity, call FWC’s Wildlife Alert Hotline at 1-888-404-3922.

Follow us on:



Cover photo by Ashley Hockenberry



Florida Fish and Wildlife
Conservation Commission
MyFWC.com

printed on recycled paper

A guide to living in bear country



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



Ashley Hockenberry

If you live in Florida, you should know

Florida black bear populations have been recovering from historically low numbers in most areas of the state. At the same time, the human population is rapidly expanding in and around bear range. As a result, bears and humans are encountering each other more than ever.

Calls to the Florida Fish and Wildlife Conservation Commission (FWC) about human-bear encounters have increased from 1,000 in 2001 to over 4,000 in 2010. The most common calls refer to bears in yards and getting into garbage.

The mere presence of a black bear does not represent a problem. In fact, living in bear country can provide unique and rewarding experiences for residents.

While feeding bears is illegal in Florida, bears are still often fed by humans, either intentionally or unintentionally. When black bears have access to pet food, garbage, birdseed, livestock feed or other human-provided items, they quickly learn to associate people with food. Bears that have become

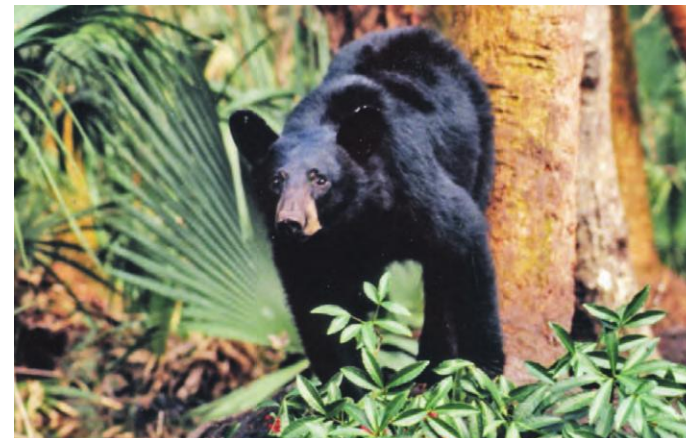
too comfortable around people are more likely to be killed, either by vehicle collisions, illegal shooting, or as a result of bear management actions.

People ask why problem bears can't simply be relocated to a "wild area where they won't bother anyone." Unfortunately, areas large and remote enough for bears to avoid people are rare in Florida. Also, most relocated bears typically leave the new area, either to return to their original home or to leave an area already occupied by other bears. Some bears will wander through unfamiliar areas and cross busy roads, creating a danger to the bear and to motorists. In addition, bears remaining in the relocation area often exhibit the same, unwanted behavior, thus shifting the problem to a new location. As a result, relocation is not a desirable or effective solution to bear conflicts. Wildlife biologists can provide technical advice to residents who live in bear country to help them take actions to discourage bears from becoming a problem. The FWC is committed to addressing the safety concerns of residents and visitors while ensuring the long-term well-being of black bears.

If a bear comes into your yard

If you encounter a black bear at close range, remain standing upright, back up slowly and speak to the bear in a calm, assertive voice.

- Do not intentionally feed or attract bears. If a bear is eating something on your property, take note of what it is and secure it after the bear has left the area.



Charles Towne



Ashley Hockenberry

- Never approach or surprise a bear. Keep as much distance between you and the bear as possible.
- Make sure you are in a secure area and the bear has a clear escape route to leave the area - then yell, bang pots and pans, or use an air horn to scare the bear away.
- Do not turn your back, play dead or run from a black bear. Back away slowly into a house, car or building.
- Report any bear threatening the safety of humans, pets or livestock, or causing property damage to the FWC (see back panel).
- Warning! It is illegal to injure or kill black bears under Florida state law. If you are found guilty, you could face fines and/or jail time.

Climbing trees is a bear's natural escape route. If the bear climbs a tree, keep people and pets away. The bear will come down the tree and leave when it feels safe, usually after dark.

Did you know?

Black bears are shy animals and generally not aggressive towards people. When a bear stands on its hind legs, it is merely trying to get a better view, rather than acting in a threatening way. Black bears may huff, snap their jaws, swat the ground or "bluff charge" when cornered, threatened or caught stealing food. Stand your ground and then slowly back away. Always respect bears – they are large and powerful wild animals and can act unpredictably. Bears used to getting food from humans may lose their natural fear of people and are more likely to damage property or become a safety threat.

The bear facts

Black bears are the only species of bear in Florida and once roamed the entire state.

- FWC biologists estimate there are 2,500-3,000 black bears in Florida.
- Florida bears are generally black with a brown muzzle and may have a white chest marking called a blaze.
- Adult black bears typically weigh between 150 to 400 pounds; males are usually larger than females.
- Female bears have their first litter at about 3½ years of age and generally have one to three cubs every other year.
- In Florida, the breeding season runs from June to August and cubs are born in late January or early February.
- Bears of all ages are excellent climbers and will climb trees when they are frightened or looking for food (e.g., acorns).
- About 80 percent of a black bear's diet comes from plants (e.g., fruits, nuts, berries), 15 percent from insects (e.g., termites, ants, yellow jackets) and 5 percent from meat (e.g., opossums, armadillos, carrion).

It is illegal to intentionally place food or garbage out that attracts bears and causes conflicts. Anything that attracts dogs, cats or raccoons also will attract bears!



The Nest

Bald Eagle Management Plan

December 7, 2022

Prepared by:



WETLAND
CONSULTANTS

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and



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Introduction:

Wetland Consultants, LLC conducted a Listed Species Survey on the property referred to as The Nest (Subject Property, FKA Eagle's Nest) between April 4th, 2020, and April 9th, 2020. During the listed species survey a Bald Eagle's (*Haliaeetus leucocephalus*) nest was observed on the property. The presence of the nest was known prior to the species survey as a result of older environmental surveys conducted on the property. The property is currently in the process of being rezoned and a bald eagle management plan is required. The future intended use is a commercial planned development closer to US 41, and a residential planned development in the western portion of the property.

Location:

The Subject Property is directly adjacent and west of US 41 and about one mile north of the intersection of US 41 and Sanibel Boulevard. The Subject Property is located in unincorporated Lee County in Sections 17 & 18, Township 46 South, and Range 25 East. The Subject Property is a collection of four separate parcels (STRAPs: 17-46-25-00-01001.0040, 18-46-25-00-00037.0030, 18-46-25-00-00037.0010, 18-46-25-00-00035.0000z). A location map can be seen in Figure 1. A boundary survey of the property has been completed and totals 15.75 acres.

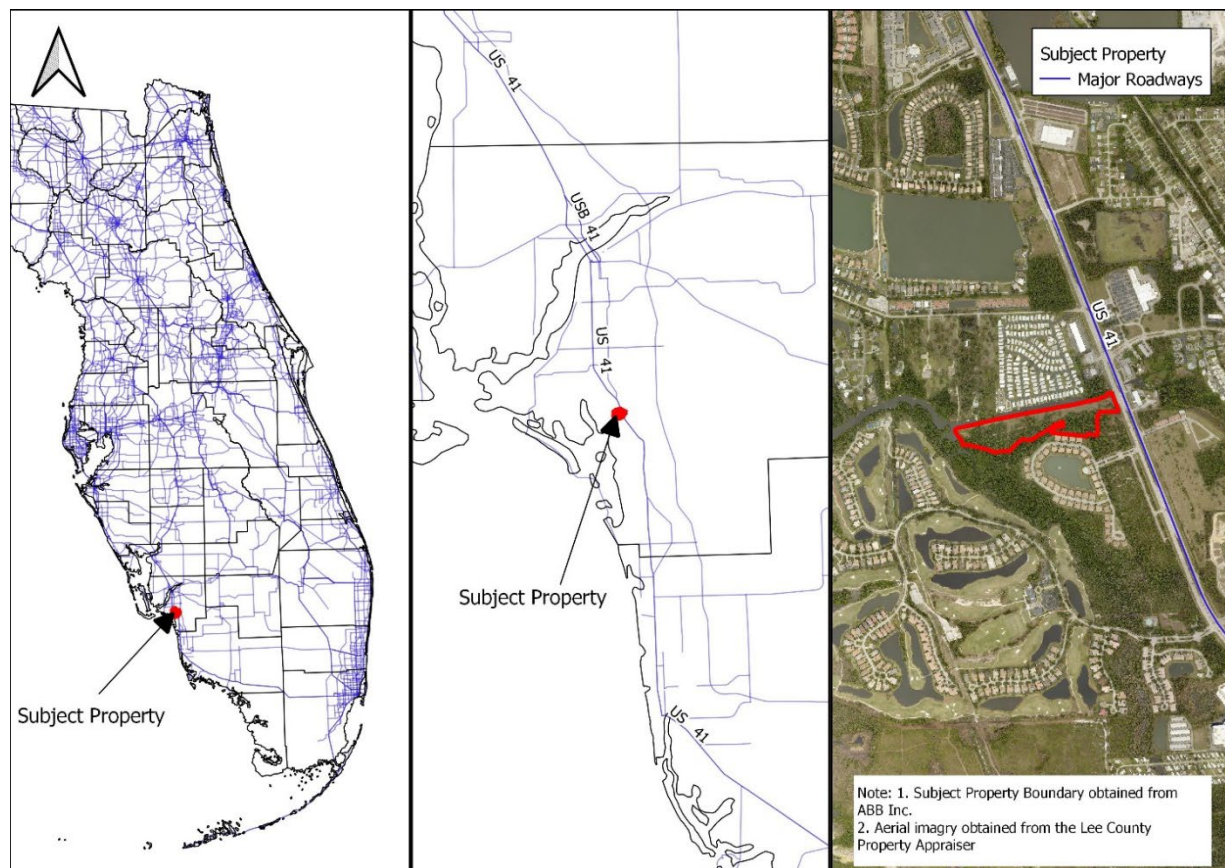


Figure 1. Location Map

Existing Site Conditions:

The Subject Property contains both densely vegetated forests and areas of open improved pasture. Surrounding land use is residential to the north and south, with some commercial property across US 41. An aerial map can be seen in Figure 2.



Figure 2. Aerial Map

The open improved pasture is located towards the northern boundary line and is adjacent to the existing canal. The densely vegetated areas of the Subject Property contain both upland and wetland communities. A FLUCCS map can be seen in Figures 3 and 4 followed by Table 1, FLUCCS communities by acreage.

“E” designators have been appended to the FLUCCS codes to indicate the percentage of exotic coverage located in the FLUCCS community. Exotic plant species are determined by the Florida Exotic Pest Plant Council (FLEPPC) and coverage was determined by field observations and aerial interpretation.

Corresponding percentages are as follows:

E1 = 0-25% Exotic Coverage, E2 = 26-50% Exotic Coverage, E3 = 51-75% Exotic Coverage,
E4 = 76-100% Exotic Coverage

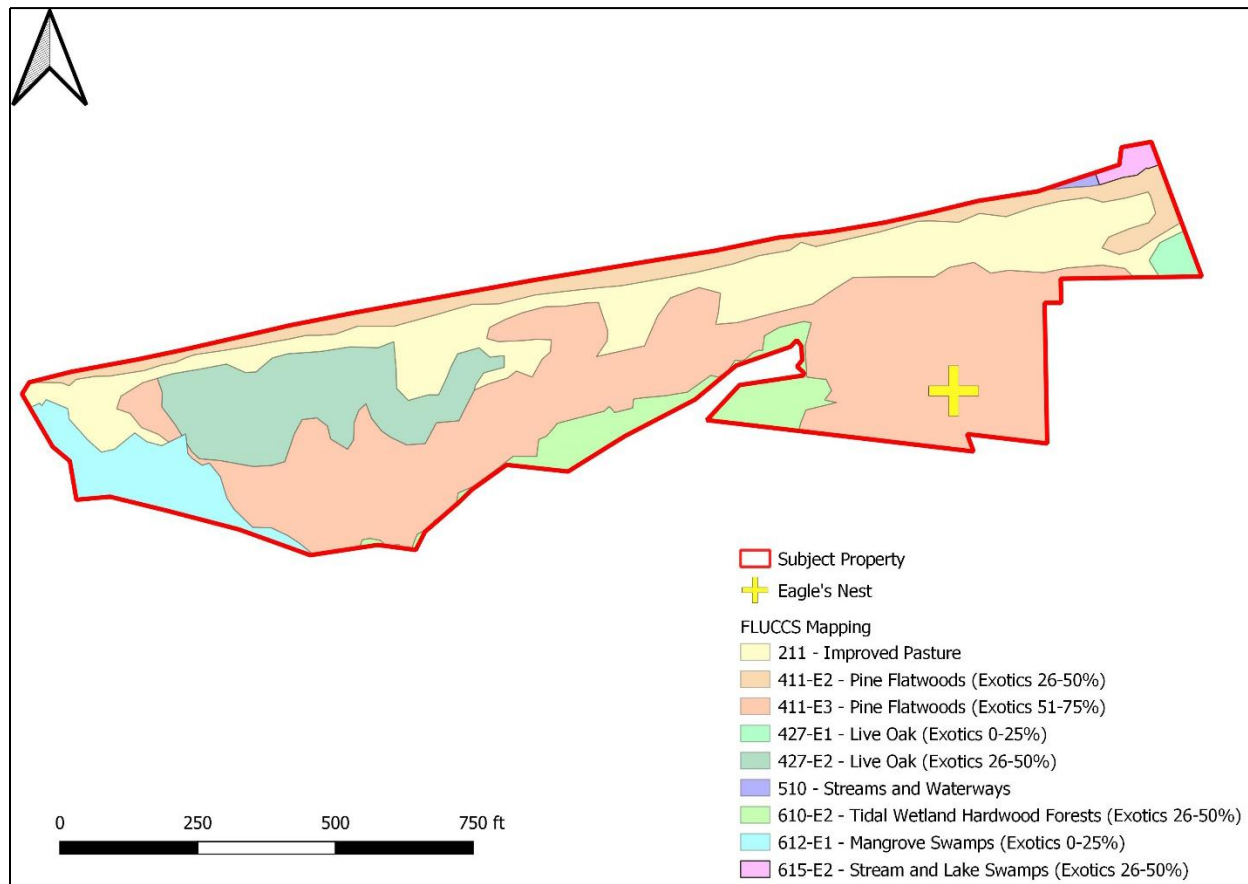


Figure 3. FLUCCS Map

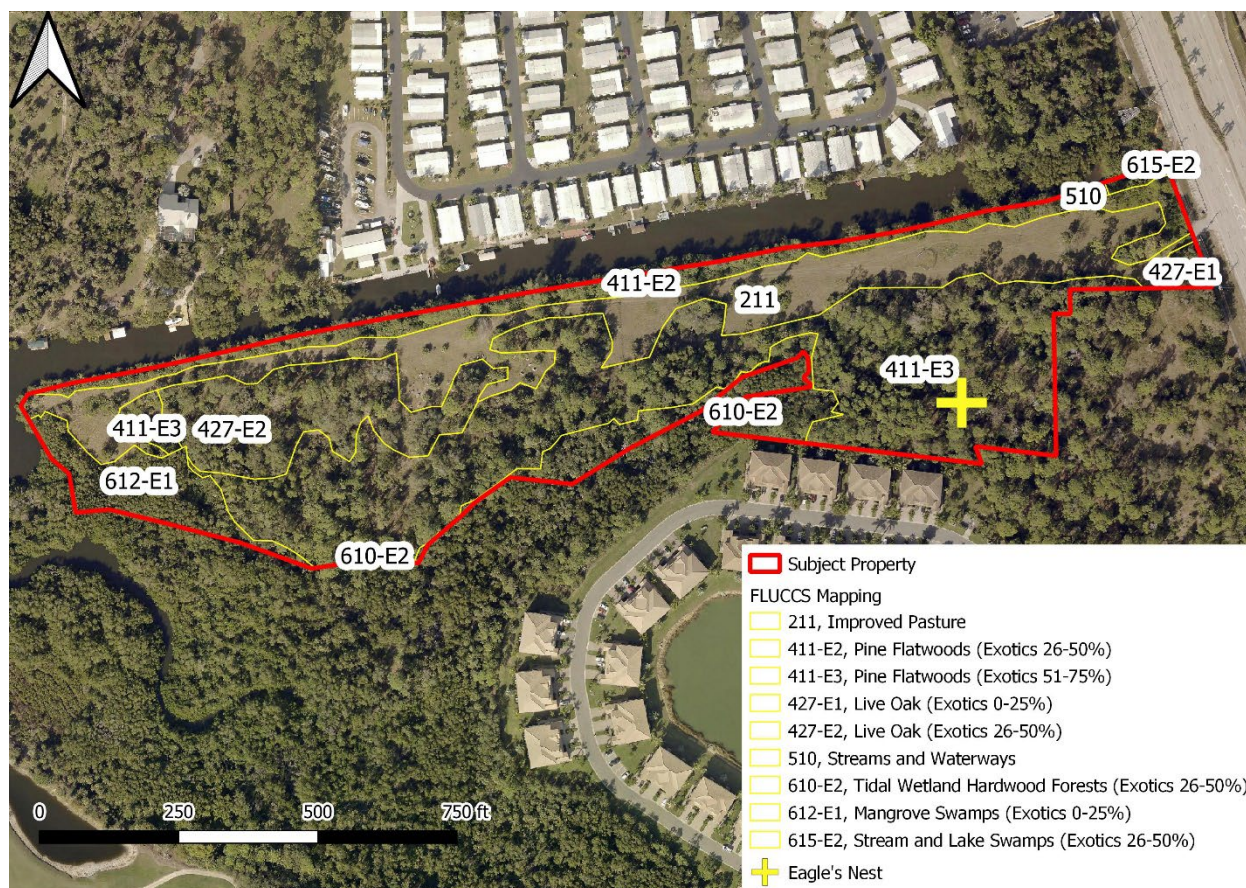


Figure 4. FLUCCS Map with Aerial

Table 1. FLUCCS Communities by Acreage		
FLUCCS Code	FLUCCS Description	Acres
211	Improved Pasture	3.65
411-E2	Pine Flatwoods (Exotics 26-50%)	1.37
411-E3	Pine Flatwoods (Exotics 51-75%)	6.91
427-E1	Live Oak (Exotics 0-25%)	0.12
427-E2	Live Oak (Exotics 26-50%)	1.80
510	Streams and Waterways	0.03
610-E2	Tidal Wetland Hardwood Forests (Exotics 26-50%)	0.89
612-E1	Mangrove Swamps (Exotics 0-25%)	0.88
615-E2	Stream and Lake Swamps (Exotics 26-50%)	0.10
Total		15.75

Nesting Pair History:

Wetland Consultants LLC began monitoring the eagle's nest in April of 2020. The United States Fish and Wildlife Service Bald Eagle Monitoring Guidelines were followed and monthly monitoring events during nesting season began.

No eagles were observed in or around the nest in the months of April and May 2020. It is possible that monitoring began too late in the season and the bald eagle pair had concluded their nesting activities.

Monthly monitoring during nesting season began again in October 2020. An eagle was present in and around the nest in October and November 2020, but it was unclear if both members of the pair were present. In December 2020 the bald eagle pair was observed incubating eggs. The monthly monitoring was ended as these activities qualified the nest as an active nest for the nesting season.

Monthly monitoring began again in October of 2021 and continued monthly throughout the nesting season with the most recent monitoring event occurring on May 14th, 2022. No eagles were observed on or around the property during the 2021-22 nesting season.

Table 2. Bald Eagle Monitoring Summary		
Year	Months	Result
2020	April – May	No eagles observed
	October -December	Eagles Observed Incubating Eggs, Monitoring Ceases for the nesting season.
2021	October – December	No eagles observed
2022	January – May	No eagles observed

Current Nest Condition:

The nest is only visible from a single vantage point to the north located within the improved pasture. Due to the restrictive viewpoints no nearby perch trees (other than the nest tree itself) have been identified during nesting season.

The nest was located in a slash pine (*Pinus elliottii*) surrounded by other slash pines as well as some exotic invasive trees. Invasive trees on the property include java plum (*Syzygium cumini*), earleaf acacia (*Acacia auriculiformis*), and Australian pine (*Casuarina equisetifolia*). The understory density is moderate to high. A handful of similarly sized slash pine trees exist in its immediate vicinity.

Flight paths observed during the 2020-21 nesting season appear to be solely to and from the south. No flight paths have been observed flying from the north, over the improved pasture or the monitoring vantage point.

As of April 2022, the nest itself was small and the nest building that occurred during the 2020-21 season was minimal. The state of the nest was poor as of April 2022. The strong weather events that occurred during 2022 up to April has caused the nest to shift slightly and some of its mass had been lost. On closer inspection it appeared lopsided.

Hurricane Ian made landfall south of Punta Gorda on September 28, 2022. This catastrophic storm caused severe damage to the vegetative communities onsite including the nest tree. The nest tree sustained some damage with a large limb torn from the main trunk. The nest was completely blown down by the high winds.

Photos of the nest can be seen below in Figures 5 - 9.



Figure 5. April 2020 Nest Condition



Figure 6. October 2020 Nest Condition (Eagle in Nest)



Figure 7. April 2022 Nest Condition



Figure 8. April 2022 Close Up of Nest



Figure 9. October 2022 Tree/Nest Condition

Current Buffer Zones and Planned Development:

The nest tree is located 132' from the nearest existing residential building and 225' from the nearest existing road. Both of these activities are located in the neighborhood to the south, Creekside Preserve. Previous permitting for Creekside Preserve does not contain any mention of the nearby eagle's nest. The oldest record of the eagle's nest is from a 2015 listed species survey done on the Subject Property.

The proposed master concept plan would protect the existing eagle's nest by creating an upland preserve surrounding the nest. This upland preserve is shown on the Master Concept Plan. The current buffer zones can be seen overlaid an aerial image in Figure 10. The portion of the master concept plan within the 330' buffer can be seen in Figure 11. The full Master Concept Plan can be found in Appendix A.



Figure 10. Bald Eagle Buffer Zones on Aerial

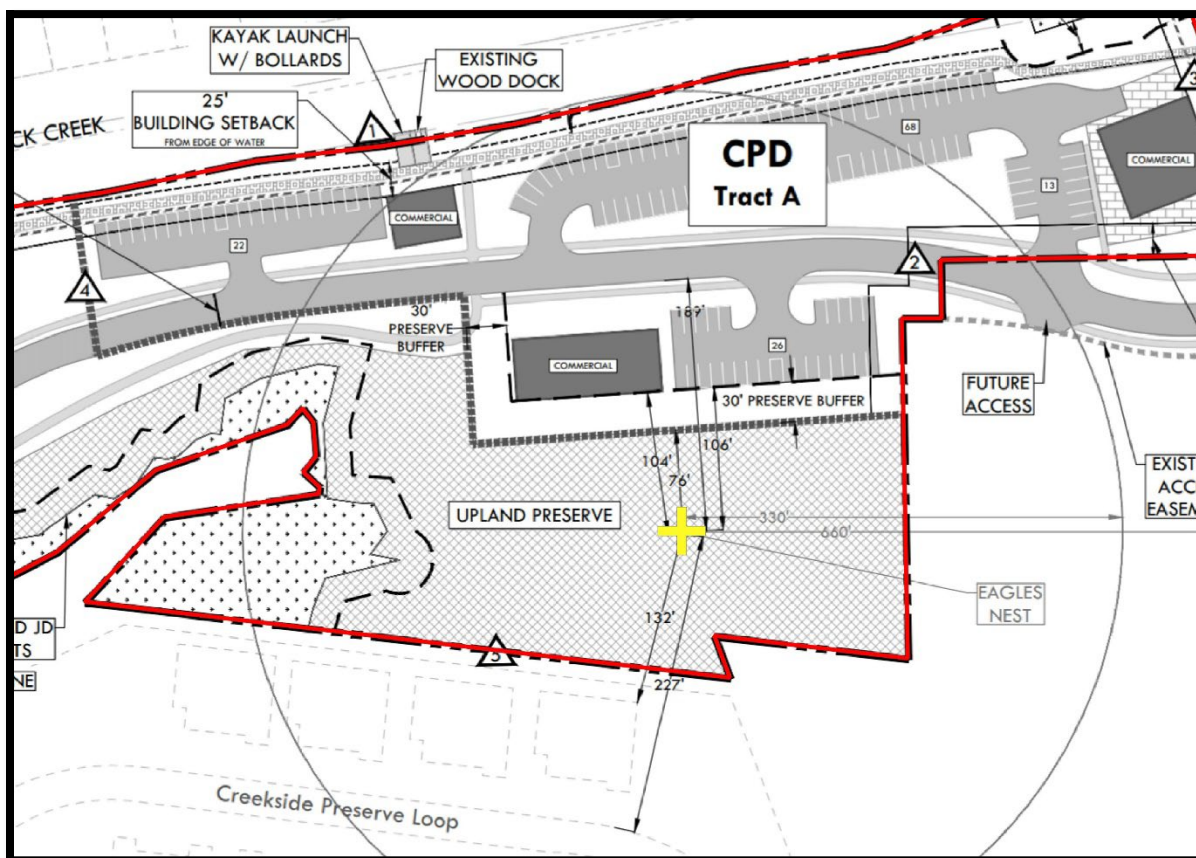


Figure 11. Bald Eagle Buffer Zones on Master Concept Plan

The project consists of a residential planned development and a commercial planned development. The constructed residences will fall outside of the 660' bald eagle buffer zone but will require an access roadway that comes within 330' of the bald eagle nest. The nearest point of the access road to the bald eagle nest is 189' away. The access roadway will be shared with the commercial planned development.

The commercial planned development partially falls within the 330' buffer zone and the nearest proposed structure is 104' from the bald eagle nest. All commercial buildings fall within 660' and are proposed to be one or two stories with a maximum height of 35'. A federal incidental take permit from the United States Fish and Wildlife Service (USFWS) will be obtained, if required, prior to construction to authorize the proposed construction within the 660' buffer zones.

Exterior construction within 660' is proposed during the nesting season only if an incidental take permit is required and is acquired for the construction.

Moving from the eagle's nest to 660' the following construction is proposed:

0'-76': The upland preserve extends 76' from the eagle's nest towards the commercial development. No development will occur within this upland preserve. The preserve will be

cleared of exotics and supplementally planted outside of nesting season unless the nest is considered "lost". The upland preserve boundary can be seen in the Master Concept Plan.

76'- 189': This area will consist of a commercial building with an associated parking lot. No limits on the type of commercial use are proposed. This area will be developed throughout the year and after obtaining a federal incidental take permit for the bald eagle's nest, if required.

189'-660': This area contains the access roadway and two other commercial buildings. This area will be developed after obtaining a federal incidental take permit for the bald eagle's nest, if required. No limits on the type of commercial use are proposed.

Management:

Construction of commercial planned development will involve the removal of canopy trees within 660' of the eagle's nest. Guidance from USFWS will be adhered to for clearing and construction activities.

An upland preserve will be created that surrounds the eagle's nest. The northern boundary of the preserve will be planted with canopy stratum trees or native palms to create a landscape blind. This canopy screen aims to obscure the view of construction and subsequent use of the commercial area from the eagle's nest. The location of the landscape blind can be seen in Figure 12.

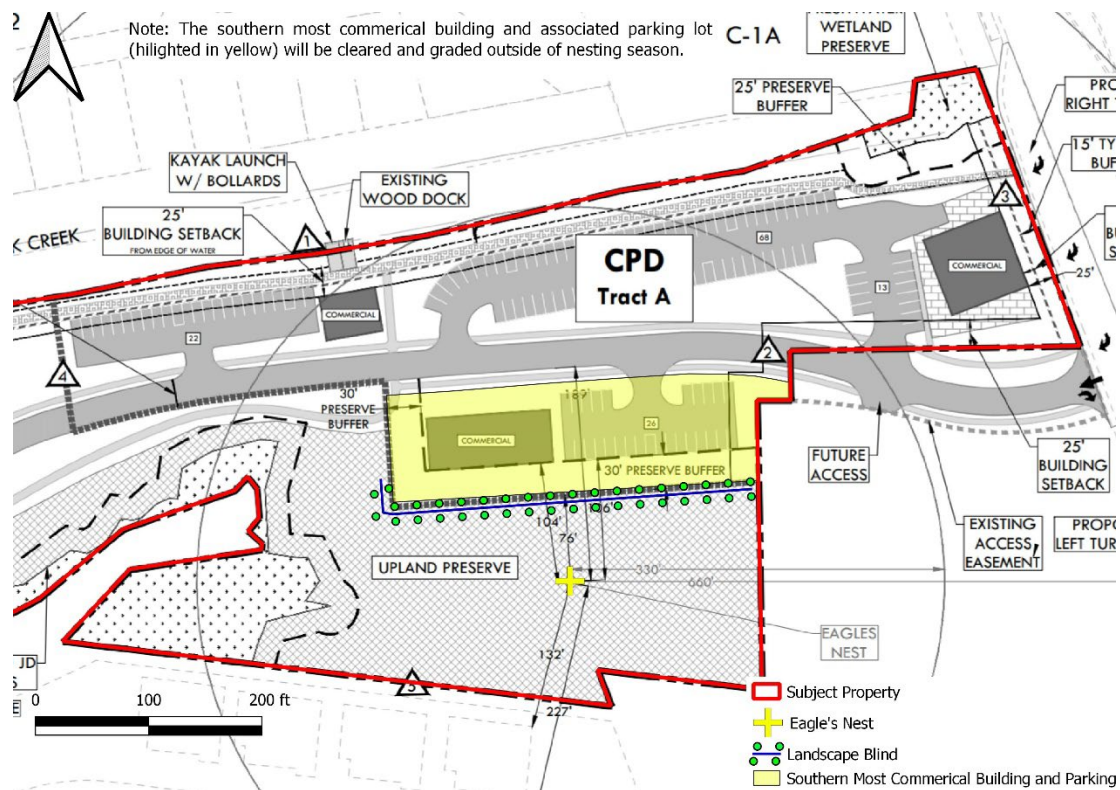


Figure 12. Location of the Proposed Landscape Blind

The landscape blind will consist of a double staggered row of 25-gallon native canopy trees planted on a minimum of 20' centers. The goal of the planting will be to space the trees accordingly so they may grow into a continuous canopy to obscure the view from the eagle nest to the proposed development. The plants will be a minimum of 10' tall.

Planting of the landscape blind will be concurrent or immediately following the exotic removal and supplemental planting.

Species of canopy trees in the landscape blind will be dependent on what is available from local nurseries at the time of planting. The species will determine the required spacing and size of plants. These factors will be determined at a later date and is infeasible to determine it prior to a development order.

The proposed upland preserve will be enhanced through the removal of exotic vegetation and supplemental planting to increase the coverage of native pine flatwoods vegetation. It is proposed that initial exotic removal and supplemental planting occurs outside of nesting season. Exotic removal will occur using a mix of both chemical and mechanical treatment.

The upland preserve contains other suitable nest trees which could provide alternate nesting locations should the current nest deteriorate further.

The upland preserve will be enhanced through preservation, the removal of exotics, and supplemental planting. The supplemental planting plan can be found below.

Preserve 1 Upland Planting Plan – Target 411 – Pine Flatwoods				
Stratum	Common Name	Scientific Name	Size	Spacing
Canopy	Slash Pine	<i>Pinus elliottii</i>	3 gal	20'
Shrub	Cabbage Palm	<i>Sabal palmetto</i>	3 gal	20'
	Wax Myrtle	<i>Morella cerifera</i>	1 gal	15'
	Gallberry	<i>Ilex glabra</i>	1 gal	10'
Ground	Saw Palmetto	<i>Serenoa repens</i>	1 gal	10'
	Wiregrass	<i>Aristida stricta</i>	1 gal	10'

The landscape blind will consist of canopy stratum native trees or palms planted in a dense row and will not be factored into the above planting plan. The planting plan will be assessed after the initial exotic removal, and existing vegetation will be deducted from planting totals. Some of the Upland Preserve may not require supplemental planting if the native community appears dense.

Additionally, a 30' wide sodded separation between the upland preserve and the proposed commercial building and parking lot will be established. This area will meet the required fire break between the building and preserve area.

Initial exotic removal and supplemental planting of the preserve will occur outside of bald eagle nesting season. Yearly monitoring will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair. If the nest is considered “lost” these conditions will not apply.

A photo of the canopy pre-Hurricane Ian within the upland preserve can be seen in Figure 13.



Figure 13. Pre-Ian view of the proposed upland preserve showing adult slash pine canopy. The eagle’s nest is in center frame and the photo was taken from the northeast.

Exterior lighting shall be designed to prevent the glare or spillage of light into the preserve and onto the nest. In order to accomplish this, all exterior lighting shall be directional and use recessed light bulbs, filters, or shielding to conceal the source of illumination.

Nest monitoring will continue at monthly intervals during nesting season to monitor the status of the nest. Thrice weekly monitoring will occur during construction as required by USFWS. If the nest is considered “lost” these conditions will not apply.

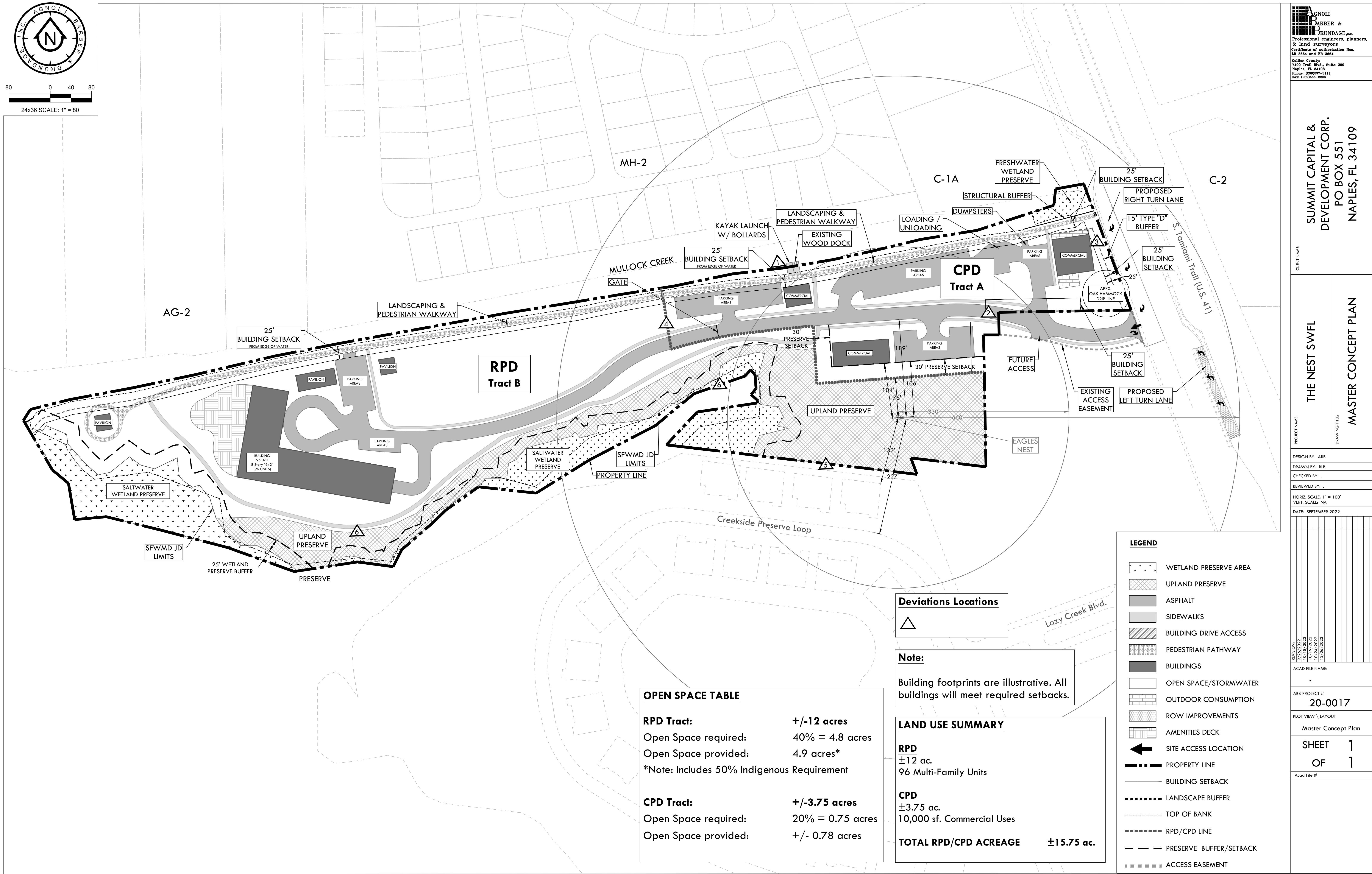
Residents and commercial tenants will be given Lee County ETAC approved literature consisting of the best management practices and information regarding bald eagles.

Summary:

The planned development of the Subject Property consists of a residential planned development as well as a commercial planned development. The residences are located outside of the 660’

bald eagle buffer zone but requires an access roadway that will be shared with the commercial planned development. The commercial planned development is proposed to be within the 660' bald eagle nest buffer zone and a federal incidental take permit from USFWS will be obtained, if required. To protect the habitat of the bald eagle pair, an upland preserve will be created and enhanced through exotic removal and supplemental plantings. A landscape blind will be created along the northern border of the preserve to obscure the eagle's view of the planned future use and a 30' wide preserve buffer will provide additional distance between the eagle nest and the proposed development.

Appendix A
Master Concept Plan



AGNOLI
BARBER &
BRUNDAGE, INC.
Professional engineers, planners,
& land surveyors
Certificate of Authorization No.
LB 3664 and RP 3664
Collier County:
7400 Trail Blvd., Suite 200
Naples, FL 34108
Phone: (239) 997-3111
Fax: (239) 998-2803

SUMMIT CAPITAL &
DEVELOPMENT CORP.
PO BOX 551
NAPLES, FL 34109

THE NEST SWFL

MASTER CONCEPT PLAN

DESIGN BY: ABB
DRAWN BY: BLB
CHECKED BY: .
REVIEWED BY: .
HORIZ. SCALE: 1" = 100'
VERT. SCALE: NA
DATE: SEPTEMBER 2022

REVISION	DATE	BY	DESCRIPTION
1	10/18/2022	BLB	INITIAL DESIGN
2	10/19/2022	BLB	REVISED DESIGN
3	10/20/2022	BLB	REVISED DESIGN
4	10/21/2022	BLB	REVISED DESIGN
5	10/22/2022	BLB	REVISED DESIGN
6	10/23/2022	BLB	REVISED DESIGN
7	10/24/2022	BLB	REVISED DESIGN
8	10/25/2022	BLB	REVISED DESIGN
9	10/26/2022	BLB	REVISED DESIGN
10	10/27/2022	BLB	REVISED DESIGN
11	10/28/2022	BLB	REVISED DESIGN
12	10/29/2022	BLB	REVISED DESIGN
13	10/30/2022	BLB	REVISED DESIGN
14	10/31/2022	BLB	REVISED DESIGN
15	11/01/2022	BLB	REVISED DESIGN
16	11/02/2022	BLB	REVISED DESIGN
17	11/03/2022	BLB	REVISED DESIGN
18	11/04/2022	BLB	REVISED DESIGN
19	11/05/2022	BLB	REVISED DESIGN
20	11/06/2022	BLB	REVISED DESIGN
21	11/07/2022	BLB	REVISED DESIGN
22	11/08/2022	BLB	REVISED DESIGN
23	11/09/2022	BLB	REVISED DESIGN
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25	11/11/2022	BLB	REVISED DESIGN
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34	11/20/2022	BLB	REVISED DESIGN
35	11/21/2022	BLB	REVISED DESIGN
36	11/22/2022	BLB	REVISED DESIGN
37	11/23/2022	BLB	REVISED DESIGN
38	11/24/2022	BLB	REVISED DESIGN
39	11/25/2022	BLB	REVISED DESIGN
40	11/26/2022	BLB	REVISED DESIGN
41	11/27/2022	BLB	REVISED DESIGN
42	11/28/2022	BLB	REVISED DESIGN
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46	12/02/2022	BLB	REVISED DESIGN
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51	12/07/2022	BLB	REVISED DESIGN
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66	12/22/2022	BLB	REVISED DESIGN
67	12/23/2022	BLB	REVISED DESIGN
68	12/24/2022	BLB	REVISED DESIGN
69	12/25/2022	BLB	REVISED DESIGN
70	12/26/2022	BLB	REVISED DESIGN
71	12/27/2022	BLB	REVISED DESIGN
72	12/28/2022	BLB	REVISED DESIGN
73	12/29/2022	BLB	REVISED DESIGN
74	12/30/2022	BLB	REVISED DESIGN
75	12/31/2022	BLB	REVISED DESIGN

ACAD FILE NAME:

ABB PROJECT #
20-0017

PLOT VIEW: LAYOUT
Master Concept Plan

SHEET 1
OF 1

Acad File #

Appendix B

Bald Eagle Monitoring Data Sheets

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:15 **Name of Monitor:** Nicholas Roach
Date: 05/04/2020 **End Time:** 10:15 **Name of Supervisor:** N/A
Tree Status¹: L **Tree type²:** P **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
06:15	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
06:30	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
06:45	Weather conditions	T: 69	W: SW@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:00	Weather conditions	T: 69	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

05/04/2020

 Date

Nest #:

Monitoring Date: 05/04/2020 Monitor's signature:



Supervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 70	W: S@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 71	W: SE@2	C: SC	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time 08:15	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 71	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time 08:30	Behavioral activity observed (list all that apply): None.				
	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time 08:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 72	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

Page 4

Time	Behavioral activity observed (list all that apply): None				
09:15	Weather conditions	T: 76	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 78	W: S@2	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 78	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

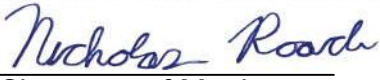
Nest #:

Monitoring Date: 05/04/2020

Page 5

Time	Behavioral activity observed (list all that apply): None.				
10:15	Weather conditions	T: 80	W: NW@3	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				
Time	Behavioral activity observed (list all that apply):				
	Weather conditions	T:	W:	C:	P:
	Description of ongoing construction events:				
	Notes/Comments:				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/22/2020 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: Alive **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
7:00	Weather conditions	T: 73	W: E@ 8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No visible activity. Sunrise was at 7:30. Could not see anything visible in nest.				
Time	Behavioral activity observed (list all that apply): Sitting in nest				
7:15	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 7:27 Eagle spotted sitting in nest. Was not visible until just before sunrise.				
Time	Behavioral activity observed (list all that apply): Sitting in nest, flying, nest building				
07:30	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 07:38: Eagle flew off to the west.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 73	W: E@8	C: Clear	P: None
	Description of ongoing construction events: None				
	Notes/Comments: None				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

10/22/2020
 Date

Page 2

Nest #:

Monitoring Date: 10/22/202

Monitor's signature: Nicholas RoodSupervisor's signature: N/A

Time 08:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 08:15	Behavioral activity observed (list all that apply): Flying, nest building				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: 08:25 Eagle returned to nest from the west with a stick. Brought the stick to the nest. 08:29 Eagle flew off to the southwest.				
Time 08:30	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 08:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 74	W: E@7	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Rood
Signature of Monitor

N/A

Signature of Supervisor

10/22/2020

Date

Page 3

Nest #:

Monitoring Date: 10/22/2020

Monitor's signature:

Nicholas Road

Supervisor's signature: _____

Time 09:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: Sc CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:15	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:30	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time 09:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 75	W: E@8	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road

Signature of Monitor

N/A

Signature of Supervisor

10/22/2020

Date

Nest #:

Monitoring Date: 10/22/2020

Page 4

Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:30	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: N/A				
Time	Behavioral activity observed (list all that apply): None				
10:45	Weather conditions	T: 80	W: E@12	C: SC CL	P: None
	Description of ongoing construction events: None				
	Notes/Comments: No eagles returned after one flew off at 8:29. Monitoring event ended at 11:00.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

10/22/2020

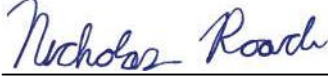
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 11/25/2020 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 1 **# Young Present:** 0

Time 06:30	Behavioral activity observed (list all that apply): <u>Sitting in nest.</u>				
	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: One eagle sitting in nest when monitoring began.				
Time 06:45	Behavioral activity observed (list all that apply): <u>Sitting in nest, flying.</u>				
	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 6:51: Eagle flew off to the South. Sunrise @ 6:53.				
Time 07:00	Behavioral activity observed (list all that apply): <u>None</u>				
	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 07:15	Behavioral activity observed (list all that apply): <u>None</u>				
	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

11/25/2020

 Date

Nest #:

Monitoring Date: 11/25/20

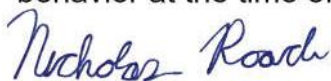
Monitor's signature:



Supervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 68	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
07:45	Weather conditions	T: 69	W: E@9	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:00	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 70	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Supervisor's signature: N/A

Time 08:30	Behavioral activity observed (list all that apply): Flying, perching, vocalizations				
	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 08:38 - Eagle returned from West. Perched for 15 seconds on a dead snag, vocalized, flew off to the South.				
Time 08:45	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 72	W: E@10	C: Clear	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): None				
	Weather conditions	T: 73	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/2020

Page 4

Time	Behavioral activity observed (list all that apply): None				
09:30	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
09:45	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:00	Weather conditions	T: 74	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): None				
10:15	Weather conditions	T: 75	W: E@10	C: SC	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Eagle did not return after 8:38am. Monitoring concluded at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

11/25/2020
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 12/22/2020 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 2 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): None				
06:45	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:00	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen.				
Time	Behavioral activity observed (list all that apply): None				
07:15	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle can not be seen. Sunrise at 7:11am				
Time	Behavioral activity observed (list all that apply): None				
07:30	Weather conditions	T: 55	W: NE@7	C: SCT	P: None
	Description of ongoing construction events: None				
	Notes/Comments: Eagle can not be seen				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

12/22/2020

 Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:



Supervisor's signature: N/A

Time 07:45	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 55	W: NE@5	C: SCT	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: 07:53: One eagle first spotted in nest. Eagle was down low incubating eggs and was not able to be seen until it sat up at 07:53. Eagle is believed to have been in the nest prior to this observation.				
Time 08:00	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 08:15	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 55	W: NE@4	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 08:30	Behavioral activity observed (list all that apply): Incubating, Flying				
	Weather conditions	T: 55	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. 8:42 - One eagle incubating in nest, second eagle lands in nest. Pair swapped incubation duties. Previously incubating eagle left the nest and did not return during the monitoring event.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

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Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time 08:45	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 09:00	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 58	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 09:15	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 60	W: NE@5	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time 09:30	Behavioral activity observed (list all that apply): Incubating				
	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

12/22/20
Date

Nest #:

Monitoring Date: 12/22/2021

Page 4

Time	Behavioral activity observed (list all that apply): Incubating				
09:45	Weather conditions	T: 61	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:00	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:15	Weather conditions	T: 63	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs.				
Time	Behavioral activity observed (list all that apply): Incubating				
10:30	Weather conditions	T: 65	W: NE@6	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: Eagle observed continuously sitting on eggs. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 7:00 **Name of Monitor:** Nick Roach
Date: 10/30/21 **End Time:** 11:00 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 81	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 80	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

N/A
 Signature of Supervisor

10/30/21
 Date

Page 2

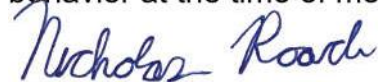
Nest #:

Monitoring Date: 10/30/21 Monitor's signature:

Supervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Began to drizzle				
Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 82	W: E@13	C: OVR	P: Rain
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Rain Stopped.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

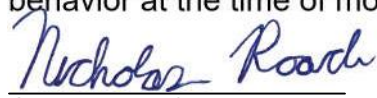
Monitor's signature:



Supervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 82	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:45	Weather conditions	T: 83	W: E@13	C: OVR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey concluded at 11:00				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:30 **Name of Monitor:** Nick Roach
Date: 11/23/21 **End Time:** 10:30 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 58	W: N@10	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 58	W: N@11	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

N/A

 Signature of Supervisor

11/23/2021

 Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 59	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:15	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/2021

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): N/A				
8:30	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:45	Weather conditions	T: 60	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:00	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

Date

Nest #:

Monitoring Date: 11/23/21

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 61	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply):				
9:45	Weather conditions	T: 62	W: N@13	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 63	W: N@14	C: CLR	P: None
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Survey ended at 10:30.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road

Signature of Monitor

N/A

Signature of Supervisor

11/23/2021

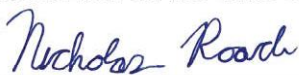
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 01/29/2022 **End Time:** 10:45 **Name of Supervisor:** N/A
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 52	W: N@16	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

01/29/2022

 Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 07:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 51	W: N@14	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

01/29/2022

Date

Nest #:

Monitoring Date: 1/29/22

Monitor's signature: Nicholas Roach

Supervisor's signature: _____

Time 08:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 53	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

Date

Nest #:

Monitoring Date: 1/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 54	W: N@15	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 55	W: N@17	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 55	W: N@17	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring concluded at 10:45am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

01/29/2022

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:30 **Name of Monitor:** Nick Roach
Date: 02/22/2022 **End Time:** 10:30 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
06:30	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
06:45	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:00	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:15	Weather conditions	T: 66	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

 Signature of Supervisor

02/22/2022

 Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature:

Nicholas Road

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:30	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
07:45	Weather conditions	T: 67	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:00	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:15	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road

Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature: Nicholas Road

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
08:30	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
08:45	Weather conditions	T: 68	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:00	Weather conditions	T: 70	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:15	Weather conditions	T: 70	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road
Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Nest #:

Monitoring Date: 2/22/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:30	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 73	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 75	W: E@7	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:30am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

Signature of Supervisor

02/22/2022

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:45 **Name of Monitor:** Nick Roach
Date: 03/30/2022 **End Time:** 10:45 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time 06:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 07:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 07:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 07:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



 Signature of Monitor

 Signature of Supervisor

03/30/2022

 Date

Nest #:

Monitoring Date: 3/30/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 07:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 65	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 66	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 08:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Page 3

Nest #:

Monitoring Date: 3/30/22

Monitor's signature: Nicholas Roach

Supervisor's signature: _____

Time 08:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 68	W: SE@4	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 70	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 09:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

03/30/2022

Date

Nest #:

Monitoring Date: 3/30/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
09:45	Weather conditions	T: 72	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:15	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:30	Weather conditions	T: 76	W: SE@6	C: CLR	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended 10:45				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

Signature of Supervisor

03/30/2022

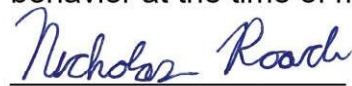
Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 6:15 **Name of Monitor:** Nick Roach
Date: 04/29/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

04/29/2022

 Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature:



Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 71	W: E@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Monitor's signature:

Nicholas Roach

Supervisor's signature: _____

Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 71	W: NE@3	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Nest #:

Monitoring Date: 4/29/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 73	W: E@5	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@6	C: PC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:15am.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Road
Signature of Monitor

Signature of Supervisor

04/29/2022

Date

Bald Eagle Monitoring Data Report

Nest #: _____ **Start Time:** 06:15 **Name of Monitor:** Nick Roach
Date: 05/14/2022 **End Time:** 10:15 **Name of Supervisor:** _____
Tree Status¹: A **Tree type²:** SP **# Adult Present:** 0 **# Young Present:** 0

Time	Behavioral activity observed (list all that apply): N/A				
6:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:30	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
6:45	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:00	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


 Signature of Monitor

Signature of Supervisor

05/14/2022

 Date

Page 2

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:



Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
7:15	Weather conditions	T: 67	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:30	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
7:45	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
8:00	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

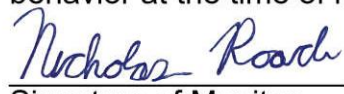
Monitor's signature:



Supervisor's signature: _____

Time 8:15	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:30	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 69	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 8:45	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time 9:00	Behavioral activity observed (list all that apply): N/A				
	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.



Signature of Monitor

Signature of Supervisor

05/14/2022

Date

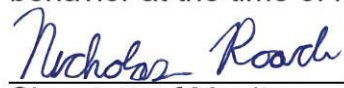
Nest #:

Monitoring Date: 5/14/22

Page 4

Time	Behavioral activity observed (list all that apply): N/A				
9:15	Weather conditions	T: 73	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:30	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
9:45	Weather conditions	T: 75	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present.				
Time	Behavioral activity observed (list all that apply): N/A				
10:00	Weather conditions	T: 76	W: E@3	C: SC	P: N/A
	Description of ongoing construction events: N/A				
	Notes/Comments: No eagles present. Monitoring ended at 10:15.				

Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.


Signature of Monitor

Signature of Supervisor

05/14/2022

Date

From: [Kirkpatrick, Ulgonda](#)
To: powen@owenenv.com
Cc: [Collins, Resee](#)
Subject: Re: [EXTERNAL] The Nest
Date: Wednesday, December 14, 2022 9:25:50 AM
Attachments: [image001.png](#)
[image001.png](#)

Hi Paul,

The guidelines advise that the eagles are likely to rebuild after a nest is lost for up to 3 seasons post loss. However there are no legal prohibitions on clearing an area that no longer has an eagle nest present.

Our guidance as you laid out is correct. We can hang on to the application in case the birds renest. If they do not rebuild there would be nothing we could issue permit wise.

Ulgonda Kirkpatrick
USFWS Migratory Birds and Science Applications
1875 Century Blvd, Atlanta, GA, 30345
352-406-6780

Eagle Management Information:

<https://fws.gov/library/collections/eagle-management-library>

On Dec 5, 2022, at 10:13 AM, powen@owenenv.com wrote:

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good Morning Ulgonda,

Thank you for clarifying the options that the applicant for this project now has due to the bald eagle nest tree being blown down by Hurricane Ian. To summarize, the federal regulations are that if there isn't a nest, FWS can't issue a permit. You suggested we keep the incidental take application open in case the eagles return and make a new nest.

You recommended that we monitor the nest tree per the 2007 nest monitoring guidelines and take pictures of the nest tree. If the eagles do not return by Feb 14, then the nest is considered lost by FWS and site development can occur. As I understood our conversation, if a bald eagle nest is blown down (by natural causes), it is considered lost after one season by the Service. If they return before or during development, we should coordinate with the Service.

Lost means there are no development restrictions as I understand our conversation. Please confirm that this is an accurate summary of our conversation let me know if I misunderstood or misstated anything.

Thank you,

Paul K. Owen, M.S., P.W.S.
Principal Ecologist/President



15957 Tropical Breeze Drive
Fort Myers, FL 33908
(239) 994-9007
<http://owenenv.com>

DCI2022-00004 The Nest
CPD Schedule of Uses
Revised 12/1/2022

USES:

1. Accessory uses and structures customarily associated with the permitted principal uses and structures
2. Administrative Offices
3. Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)
4. Animals:
 - a. Clinic or Kennel
5. ATM (automatic teller machine)
6. Auto parts store
7. Automobile Service Station
8. Bait and Tackle shop
9. Banks and financial establishments
 - a. Group I
 - b. Group II
10. Bar or Cocktail lounge
11. Business services
 - a. Group I
12. Cleaning and Maintenance services
13. Clothing Stores, general
14. Consumption on premises of any sit-down restaurant, bar, or cocktail lounge limited to inside the establishment and outdoor patio space
15. Contractors and builders, group I
16. Convenience food and beverage store
17. Day care center, child, adult
18. Drugstore, pharmacy
19. Entrance gates and gatehouse
20. Fences, Walls

21. Gift and Souvenir shop
22. Hardware Store
23. Hobby, toy and game shops
24. Personal Services
 - a. Group I
25. Signs (including off-site signage for the Nest RPD)
26. Recreational facilities, Commercial Group III Outdoor Facilities
27. Kayak Launch and existing dock
28. Specialty Retail, Group I & II
29. Studios
30. Rental and Leasing, Group I
31. Business Services, Group I
32. Medical Office
33. Restaurants (Groups I - III)
34. Variety Store

DCI2022-00004 The Nest
RPD Schedule of Uses
Revised 12/1/2022

USES:

1. Dwelling Units:
 - a. Multiple-family Dwelling Units
2. Accessory uses and structures
3. Administrative Offices
4. Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)
5. Gates and Gate Houses
6. Fences and Walls
7. Signs
4. Parks - Group 1
5. Real Estate Sales Office
6. Recreational facilities – Private on-site
7. Residential Accessory Uses
8. Signs - on site and off site

**BONA FIDE
AGRICULTURAL USES
AT TIME OF ZONING APPLICATION**

I, Matthew Slaughter, as authorized representative of, STA FUND, LLC, a Florida Limited Liability Company, after having been duly sworn in accordance with law, hereby depose and say:

A bona fide agricultural use, livestock grazing, exists on the property known as 18200 Tamiami Trail, Fort Myers, FL 33967, and was in existence at the time the application for this project was filed.

A total of 7.89 acres of the property (as described in the attachment Exhibit A) is utilized for cattle grazing.



(Signature)

12/6/22

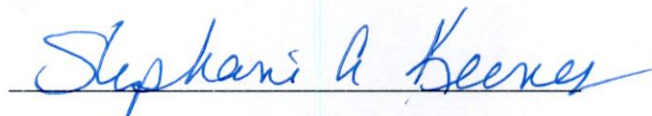
(Date)

Matthew Slaughter, Authorized Representative

STATE OF FLORIDA

COUNTY OF Collier

The foregoing instrument was SUBSCRIBED AND SWORN before me this 6 day of December 2022, by Matthew Slaughter who is (personally known) or (has provided _____ as identification.)



Notary Public

Print Name: Stephanie A. Keeney

My Commission expires: 02/20/2023



APPLICATION AND RETURN FOR AGRICULTURAL CLASSIFICATION OF LANDS

 DR-482
R. 12/00

Section 193.461, Florida Statutes

 This form must be signed and returned on or before **March 1**.

The undersigned, hereby requests that the lands listed hereon, where appropriate, be classified as agricultural lands for property tax purposes, by the property appraiser of the county in which the lands are located.

Applicant name	STA FUND LLC		Return to (address of property appraiser)
Address	181 CARICA RD NAPLES FL 34108		
Phone	239-677-2040		
Parcel ID, legal description:	17-46-25-00-01001.0040, 18-46-25-L2-U1631.2844, 18-46-25-00-00037.0010, AND 18-46-25-00-00035.0000		
Lands Used Primarily for Agricultural Purposes	Number of acres	How long in this use	Agricultural Income from this Property Complete for the past 4 years.
Citrus		yrs	Year Crop or Use Gross Income Expense Net Income
Cropland		yrs	20
Grazing land			20
Number of livestock	VARIES	20 + OR - 1 yrs	20
Timberland		yrs	20
Poultry, swine, or bee yards		yrs	
Other :		yrs	
			Date purchased 1/31/2020 Purchase price 1,350,000.00

 Has a Tangible Personal Property Tax Return been filed with the county property appraiser for machinery and equipment? If yes, what name was the tangible return filed under? ☐ yes ☒ no

 Is the real property leased to others? If yes, attach copy of lease agreement. ☒ yes ☐ no

 Has the real property been zoned to a nonagricultural use at the request of the owner? ☐ yes ☒ no

As of January 1 of this year, 2022 the lands listed above were used primarily for "bona fide" agricultural purposes. Bona fide agricultural purpose means "good faith commercial agricultural use of the land."

I understand that the property appraiser may require supplemental and additional information, other than the application, and I am willing to comply with any reasonable request to furnish such information.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true. If prepared by someone other than the applicant, his/her declaration is based on all information of which he/she has any knowledge.

X

Signature

 3/1/22
Date

For Record Purposes Only This acknowledges receipt of your Application for Agricultural Classification of Lands on 2022 for the above described property. (Date)

Signature

 Lee
County

Record of Action of County Property Appraiser

Check the appropriate box below.

- ☐ 1. Application approved and all lands are classified agricultural
- ☐ 2. Application disapproved and agricultural classification of lands denied on all lands
- ☒ 3. Application approved in part and disapproved in part. Agricultural classification of lands approved on the following described portion. (Use the space below only for item 3. Space online will expand, if needed.)

(See Attached)

Signature, property appraiser

 6/01/22
Date



NOTICE OF DISAPPROVAL OF APPLICATION FOR PROPERTY TAX EXEMPTION OR CLASSIFICATION BY THE COUNTY PROPERTY APPRAISER

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 17-46-25-00-01001.0040
YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED	
EXEMPTION DENIED	
☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Deployed military	☐ Veteran's service connected (total and permanent disability)
☐ Other exemptions, explain:	☐ Disabled veteran discount
CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation	
OTHER DENIAL ☐ describe:	
THIS DENIAL IS ☐ Total ☒ Partial If partial, explain. SEE BELOW	

REASON FOR DENIAL OR PARTIAL DENIAL	On January 1 of the tax year you did not:
☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.)
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically: -- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on .76 acre and denied on .34 acre for non-ag use.	

If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.

Signature, property appraiser or deputy

Lee

County

7/1/2022

Date

PROPERTY APPRAISER CONTACT

Print name Paul Everhart

Web site <http://leepa.org>

Mailing address PO BOX 1546
Fort Myers, FL 33902

Email agriculture@leepa.org

Phone 239-533-6162

Fax 239-533-6091

VALUE ADJUSTMENT BOARD CONTACT

Web site <http://www.leeclerk.org>

Phone 239-533-2328

Email infovab@leeclerk.org

Fax 239-485-2038



NOTICE OF DISAPPROVAL OF APPLICATION FOR PROPERTY TAX EXEMPTION OR CLASSIFICATION BY THE COUNTY PROPERTY APPRAISER

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 18-46-25-00-00035 0000
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YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED

EXEMPTION DENIED

☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500 ☐ Blind - \$500	☐ Veteran's service connected (total and permanent disability)
☐ Disabled - \$500 ☐ Disabled veteran - \$5,000	☐ Disabled veteran discount
☐ Deployed military	
☐ Other exemptions, explain:	

CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation

OTHER DENIAL ☐ describe:

THIS DENIAL IS ☐ Total ☒ Partial If partial, explain.
SEE BELOW

REASON FOR DENIAL OR PARTIAL DENIAL

On January 1 of the tax year you did not:

☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.).
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically:	

After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on 88 acre and denied on 5.85 acres for non-ag use.

If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.

Signature, property appraiser or deputy

Lee

7/1/2022

County

Date

PROPERTY APPRAISER CONTACT

Print name Paul Everhart	Web site http://leepa.org
Mailing address PO BOX 1546 Fort Myers, FL 33902	Email agriculture@leepa.org
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NOTICE OF DISAPPROVAL OF APPLICATION FOR PROPERTY TAX EXEMPTION OR CLASSIFICATION BY THE COUNTY PROPERTY APPRAISER

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108	County Lee Parcel ID or property description 18-46-25-00-00037.0010
--	---

YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED

EXEMPTION DENIED

☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)
☐ Widowed - \$500	☐ Blind - \$500
☐ Disabled - \$500	☐ Disabled veteran - \$5,000
☐ Deployed military	☐ Veteran's service connected (total and permanent disability)
☐ Other exemptions, explain:	☐ Disabled veteran discount

CLASSIFICATION DENIED ☒ Agricultural ☐ High-water recharge ☐ Historic ☐ Conservation

OTHER DENIAL ☐ describe:

THIS DENIAL IS ☐ Total ☒ Partial If partial, explain.
SEE BELOW

REASON FOR DENIAL OR PARTIAL DENIAL

On January 1 of the tax year you did not:

☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.).
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically:	

-- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on .51 acre and denied on 1.01 acres for non-ag use.

If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.

Signature, property appraiser or deputy

Lee

County

7/1/2022

Date

PROPERTY APPRAISER CONTACT

Print name Paul Everhart	Web site http://leepa.org
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NOTICE OF DISAPPROVAL OF APPLICATION FOR PROPERTY TAX EXEMPTION OR CLASSIFICATION BY THE COUNTY PROPERTY APPRAISER

DR-490
R. 11/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

To: STA FUND LLC 181 CARICA RD NAPLES FL 34108		County Lee
		Parcel ID or property description 18-46-25-L2-U1631.2844
YOUR APPLICATION FOR THE ITEM(S) BELOW WAS DENIED		
EXEMPTION DENIED		
☐ Homestead – up to \$50,000	☐ Total and permanent disability (quadriplegics)	
☐ Additional homestead – age 65 and older	☐ Total and permanent disability (paraplegic, hemiplegic, wheelchair required for mobility, legally blind)	
☐ Widowed - \$500	☐ Blind - \$500	☐ Veteran's service connected (total and permanent disability)
☐ Disabled - \$500	☐ Disabled veteran - \$5,000	☐ Disabled veteran discount
☐ Deployed military		
☐ Other exemptions, explain:		
CLASSIFICATION DENIED	☒ Agricultural	☐ High-water recharge ☐ Historic ☐ Conservation
OTHER DENIAL ☐ describe:		
THIS DENIAL IS ☐ Total ☒ Partial If partial, explain. SEE BELOW		

REASON FOR DENIAL OR PARTIAL DENIAL	On January 1 of the tax year you did not:
☐ Make the property claimed as homestead your permanent residence. (ss. 196.011 and 196.031, F.S.)	☐ Meet income requirements for additional homestead, age 65 and older. (s. 196.075, F.S.)
☐ Have legal or beneficial title to your property.	☐ Use the property for the specified purpose. (Ch. 193, F.S.)
☒ Meet other statutory requirements, specifically: -- After considering all factors contained in Florida Statute §193.461, we determined that only a portion of the above referenced parcel was used for bona fide commercial agricultural purposes. Agriculture Classification has been granted on 5.74 acres and denied on 5.42 acres for non-ag use.	
If you disagree with this denial, the Florida Property Taxpayer's Bill of Rights recognizes your right to an informal conference with the local property appraiser. You may also file an appeal with the county value adjustment board, according to sections 196.011 and 196.193, Florida Statutes. Petitions involving denials of exemptions or classifications are due by the 30th day after the mailing of this notice, whether or not you schedule an informal conference with the property appraiser.	
Signature, property appraiser or deputy	Lee County Date 7/1/2022

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Application: 20221092288AA



Legend

- Application Boundary
- Approved
- Denied

6/27/2022

