

Summary of Hearing Examiner Recommendation

THE NEST SWFL

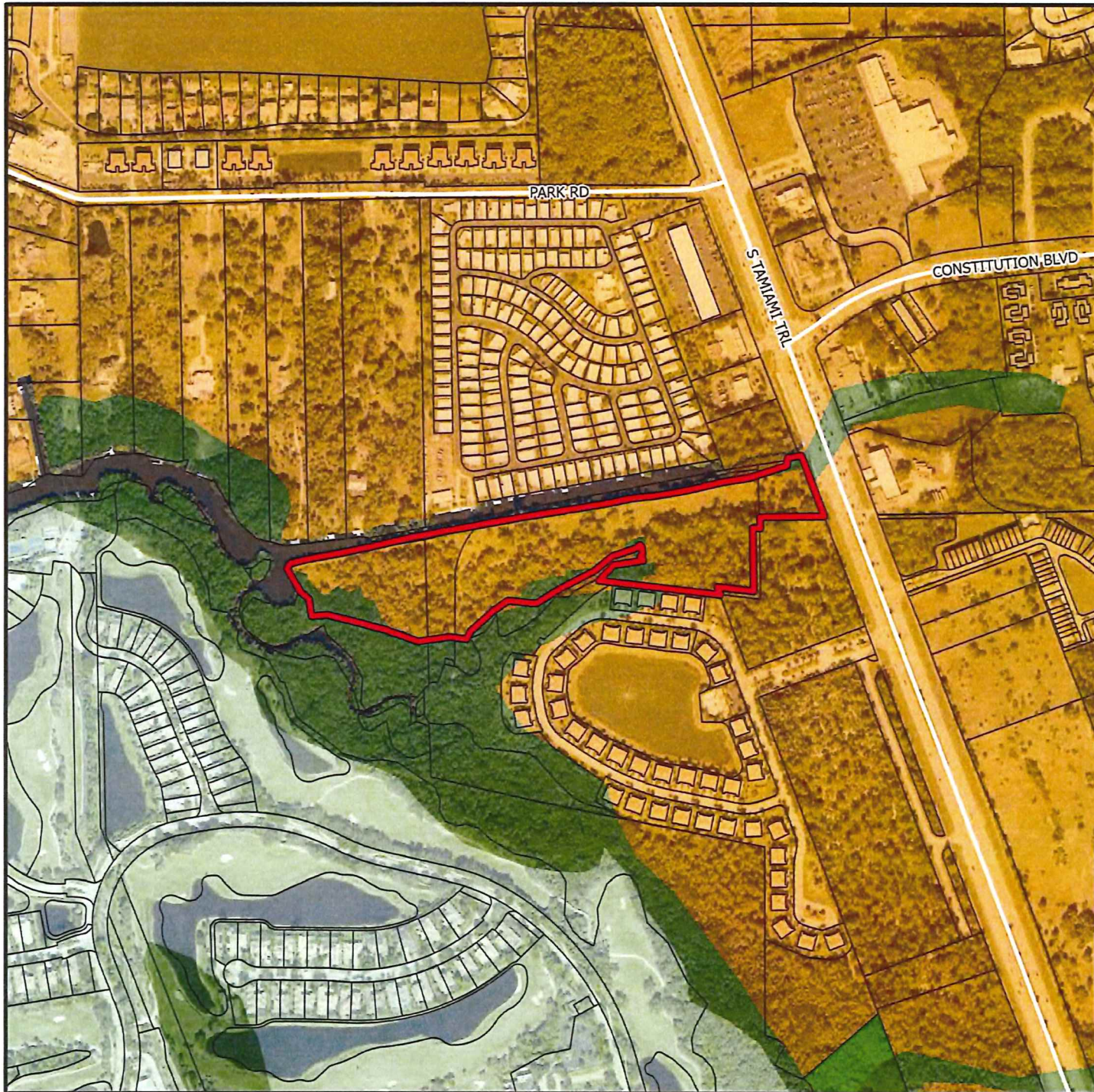
Applicant seeks to rezone property west of US 41 in South Fort Myers to RPD/CPD. Proposed site design places commercial development along US 41 with multi-family residential buildings behind. Commercial uses encourage public access to county waterways in furtherance of Lee Plan directives.

Proposed development protects environmentally sensitive areas including an eagle's nest and wetlands under a conservation easement.

Detailed recommendation follows

DCI2022-00004

Future Land Use



 Subject Property

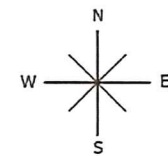
 Urban Community

 Rural

 Conservation Lands - Upland

 Wetlands

 Conservation Lands - Wetland



0 500 1,000
Feet



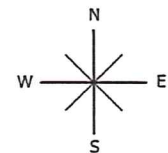


DCI2022-00004

Aerial

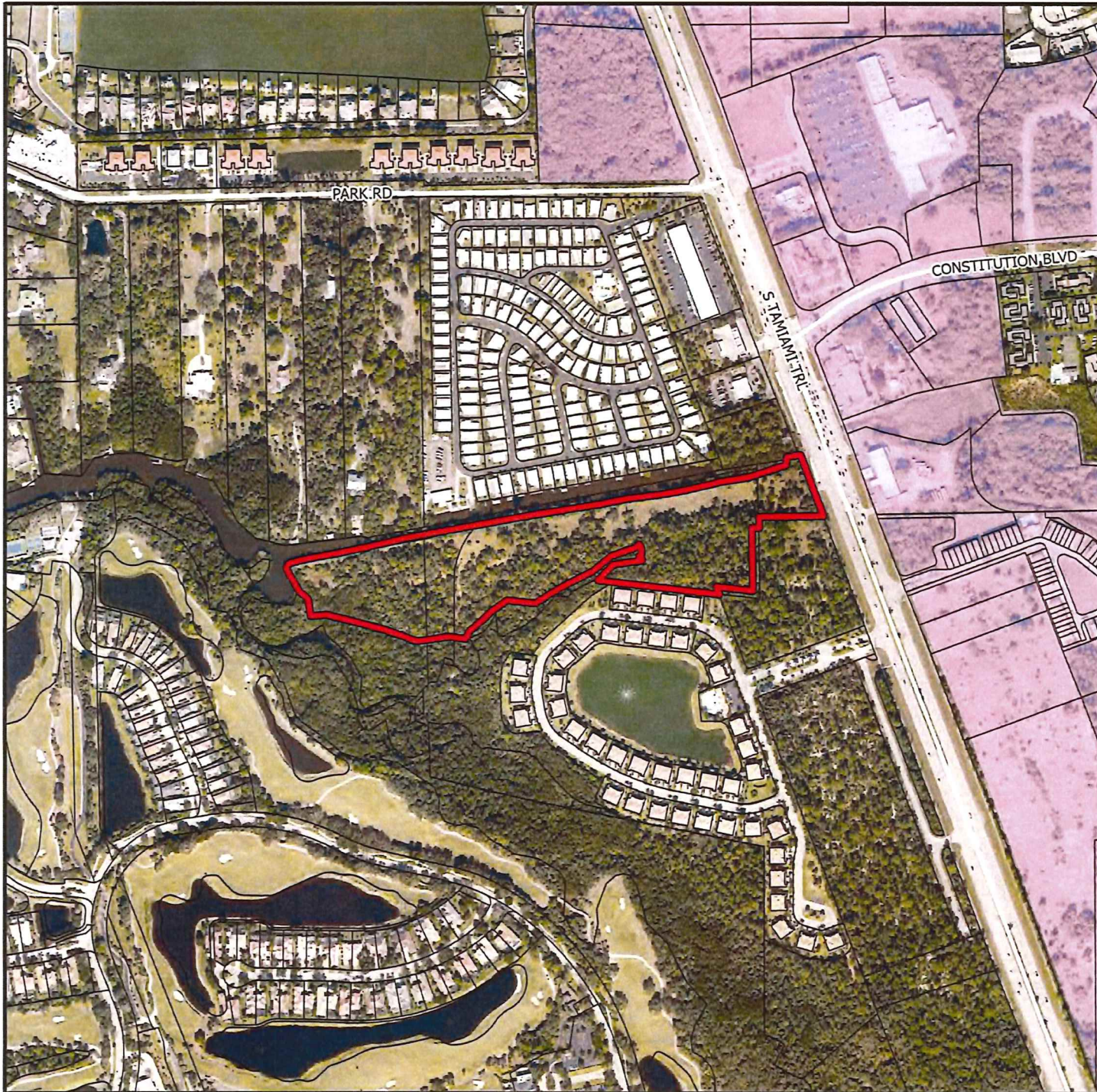
 Subject Property

ATTACHMENT B



0 500 1,000
Feet

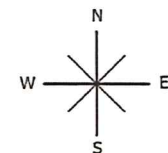




DCI2022-00004

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay



0 500 1,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00004

Regarding: THE NEST SWFL

Location: West Side of South Tamiami Trail, South of Constitution Boulevard
South Fort Myers Planning Community
(District 5)

Hearing Date: June 8, 2023

I. Request

Rezone 15.75± acres from Agricultural (AG-2) to Commercial Planned Development (CPD) and Residential Planned Development (RPD) to allow 10,000 square feet of commercial uses and 62 residential dwellings units.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to RPD/CPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to such items as transportation facilities, natural resources, and urban services.³ The Hearing Examiner may take judicial notice of previous Board decisions.⁴ The

¹ LDC §34-145(d)(1)(a) & (2)(a).

² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

⁴ Lee Co. Admin. Code 2-6, 2.3.D(4)(b).

Hearing Examiner's recommendation must be based on competent and substantial evidence.⁵

Discussion supporting the recommendation of approval of the proposed RPD/CPD follows below.

Synopsis of Request and Zoning History

The 15.75± acre property is comprised of four parcels in the South Fort Myers/San Carlos Planning Community. It is located west of US 41, north of San Carlos Boulevard

The property is zoned AG-2 and remains vacant, except for cattle grazing.⁶ An eagle's nest occupied the site until it was destroyed by Hurricane Ian.⁷ The Eagle Technical Advisory Committee approved Applicant's Bald Eagle Management Plan.⁸

Applicant seeks to develop 62 multi-family units and 10,000 square feet of commercial uses along US 41/Tamiami Trail. Multi-family residential buildings will sit behind commercial parcels, with preserve areas along the western and southern boundaries.

Commercial portions will be open to the public while residential areas will be gated to restrict access to residents/guests. Applicant proposes commercial uses aimed to provide public access to the county's waterways consistent with Lee Plan directives.⁹ Slated uses include kayak/canoe rentals and waterfront dining.¹⁰

Site design reserves most of the southern boundary for open space/preservation. Applicant will place wetlands and preserves under conservation easement, bolstering protection of the historically occupied eagle's nest.

Staff recommended approval, finding the proposed RPD/CPD satisfies LDC review criteria.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;

⁵ Lee Co. Admin. Code 2-6, 3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).

⁶ See Staff Report (Attachment I: Agricultural Use Affidavit with map).

⁷ Emblidge Testimony (Transcript pg. 10).

⁸ See *Id.*; Staff Report (Attachment H).

⁹ See Lee Plan Goals 79 & 82.

¹⁰ Emblidge Testimony (Transcript pg. 13).

- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. Addresses impacts on transportation facilities by County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and
- G. Will be served by urban services if located in a Future Urban area.¹¹

When the requested zoning action is a planned development, the Hearing Examiner must also find:

- H. The proposed use/mix of uses is appropriate at the proposed location;
- I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and
- J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) promote the LDC's intent to protect public health, safety, and welfare.¹²

Character of the Area

The property is generally located on US 41 between Alico Road and San Carlos Boulevard. Commercial and residential developments characterize the area. Mullock Creek runs along the property's northern boundary. The Coach Light Manor Mobile Home Park, Creekside Preserve multi-family development, Shadow Wood Preserve Golf Course community, a hotel/motel, auto service center, and retail uses are proximate to the site.

¹¹ LDC §34-145(d)(4)(a)(1).

¹² LDC §34-145(d)(4)(a)(2).

Lee Plan Consistency and Compatibility

Planned developments must be consistent with the Lee Plan.¹³ Rezoning requests must be compatible with existing/planned uses in the surrounding area.¹⁴ Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.¹⁵

The Lee Plan Future Land Use Map classifies the site as Urban Community and Wetlands in the South Fort Myers/San Carlos Planning Community.¹⁶

Urban Community lands are characterized by a mix of relatively intense commercial and residential uses.¹⁷ The standard density range is one to six dwelling units per acre, with a maximum density of 10-15 units per acre.¹⁸ The Lee Plan encourages mixed use development in the Urban Community.¹⁹ The request combines multi-family buildings with commercial uses consistent with the Urban Community designation. Proposed density remains within permitted ranges.

Wetlands consist of very low density residential/recreational uses without adverse effect to ecological function.²⁰ The site plan preserves wetlands subject to a conservation easement.²¹

The requested RPD/CPD is consistent with the Lee Plan and compatible with the surrounding area.²²

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²³ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²⁴

¹³ LDC §34-411(a).

¹⁴ LDC §34-145(d)(4)(a).

¹⁵ LDC §34-411(c) and (i).

¹⁶ See Lee Plan Map 1-A, Policy 1.1.4, 1.4.1, 1.5.1; Staff Report (pg. 1-2, Attachment B).

¹⁷ Lee Plan Policy 1.1.4.

¹⁸ *Id.* Maximum density is 10 units per acre, with the ability to increase to 15 units per acre with Greater Pine Island Transfer of Development Units.

¹⁹ Lee Plan Policy 1.1.4, referencing Objective 11.1.

²⁰ Lee Plan Policy 1.5.1.

²¹ See Condition 6(c)(iv).

²² Lee Plan Objective 2.1, 2.2, 11.1, 61.3, 101.1, Policy 1.1.4, 1.4.1, 1.5.1, 2.1.1, 1.4.1, 5.1.3, 5.1.5, 5.1.6, 6.1.6, 6.1.7, 101.1.1, 101.1.2, 101.3.2, 125.1.2, 125.1.3.

²³ LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).

²⁴ LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).

The site plan reflects access to US 41 via an easement through property to the south.²⁵ FDOT controls access to US 41.

Applicant demonstrated the request provides sufficient access to support proposed development.²⁶

The Traffic Impact Statement (TIS) evaluated transportation impacts and concludes the request will not degrade levels of service on affected roadways/intersections.²⁷

Site related impacts will be evaluated during development order review.²⁸ Applicant indicated it would provide traffic mitigation measures including right-in and left-in turn lanes on US 41.²⁹

Environmental and Natural Resources

Planned development design should reflect creative use of open space.³⁰ Developers must make an effort to protect and preserve natural site features.³¹

The site is vegetated with indigenous habitats, including wetlands and uplands.³² The South Florida Water Management District issued a jurisdictional wetland determination for the site.³³ Applicant is placing wetlands/preserve areas under a conservation easement.³⁴

Current stormwater conditions include gravity sheet flow from east to west. Applicant's engineer concluded the project will improve drainage in the area by retaining surface waters on-site before discharging directly to Mullock Creek.³⁵

²⁵ Applicant provided a temporary easement demonstrating legal access to US 41. See Applicant's Ex. 5. Hearing testimony reflects a permanent easement will replace the temporary easement after project approval. Emblidge Testimony (Transcript pg. 13).

²⁶ LDC §34-145(d)(4)(a)(1)(d); Staff Report (pg. 2, Attachment E, M).

²⁷ See Staff Report (pg. 2, Attachment E, M).

²⁸ Site related improvements include capital improvements and right-of-way dedications for "direct access" improvements to the project. Direct access improvements include site driveways/roads, median cuts made necessary by driveways/roads, right-turn, left-turn and deceleration/acceleration lanes serving driveways/roads, traffic control measures, and roads/intersection improvements whose primary purpose at the time of construction is to provide access to the development. See, Lee Plan Glossary and LDC §2-264; Lee Plan Objective 39.1, Policy 39.1.1. LDC §2-66 *et. seq.*

²⁹ *Id.*

³⁰ LDC §34-411(h).

³¹ LDC §34-411(g).

³² See Staff Report (Attachment G).

³³ See *Id.* (referencing SFWMD ERP No. 36-105405-P).

³⁴ Emblidge Testimony (Transcript pg. 14-16, 18); Owen Testimony (Transcript pg. 57).

³⁵ Jones Testimony (Transcript pg. 51-54).

The request also improves water quality.³⁶ Conditions of approval impose a water quality monitoring program.³⁷

The site is located within the Coastal High Hazard Area.³⁸ The site plans reflect compliance with Lee Plan directives to protect and conserve this environmentally sensitive area and buffer impacts from future flooding.³⁹

Applicant's ecologist identified no protected species during site review.⁴⁰ Additional species review will occur at the development order stage. State and federal agencies will address permits as needed.⁴¹

Notably, the project offers several methods to address environmental concerns. Site design protects wetlands by clustering development. The water management system is designed to provide water quality treatment and control the flow of water.⁴² The MCP exceeds code required open space and offers enhanced buffers close to residents.⁴³

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.⁴⁴ The Lee Plan requires an evaluation of available urban services during the rezoning process.⁴⁵

A host of urban services and infrastructure serve the property including roads, transit, potable water, sanitary sewer, police, fire, and emergency medical services.⁴⁶

³⁶ *Id.* at 54.

³⁷ Condition 4.

³⁸ Lee Plan Map 5-A; Staff Report (pg. 3).

³⁹ Lee Plan Goal 101, Objective 101.1, Policy 101.1.1, 101.1.2.

⁴⁰ Owen Testimony (Transcript pg. 55-57); Staff Report (Attachment G).

⁴¹ *Id.*

⁴² Lee Plan Policies 28.5.3, 60.4.1, 60.4.2. Jones Testimony.

⁴³ The LDC requires 0.75 acres of open space for the CPD and 4.8 acres for the RPD. The MCP reflects 1.79 acres and 8 acres, respectively. See Applicant's Ex. 3.

⁴⁴ Lee Plan Glossary: Public services include public water/sewer, paved streets/roads, public transit, parks/recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.

⁴⁵ Lee Plan Policy 2.2.1.

⁴⁶ See Staff Report (pg. 3-4, Attachment L). The site is serviced by San Carlos Park Fire Protection & Rescue Service. The nearest Lee County Sheriff's office is the South District office.

Deviations

“Deviations” are departures from LDC regulations.⁴⁷ The request proposes five deviations.⁴⁸ The deviations relate to access and landscaping/buffers. Staff supports the requested deviations.⁴⁹

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.⁵⁰

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes requested deviations meet approval criteria.⁵¹

Conditions

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on the public health, safety, and welfare.⁵²

The RPD/CPD will be subject to conditions of approval. The conditions relate to impacts anticipated from the project.⁵³ The Hearing Examiner recommends:

1. Revisions to conditions to improve clarity; and
2. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.

Public

Several members of the public spoke at hearing. Speakers were generally supportive of the request, with questions aimed at streetlighting, future access to southern properties, and wildlife identification/protection.⁵⁴ The parties provided rebuttal to address the issues raised.⁵⁵

⁴⁷ LDC §34-2.

⁴⁸ Applicant originally sought six deviations but withdrew Deviation 1.

⁴⁹ See Staff Ex. 2 (slides 17-19).

⁵⁰ LDC §34-145(d)(4).

⁵¹ LDC §34-377(a)(4).

⁵² LDC 34-932(b).

⁵³ LDC §34-83(b)(4)a.3.

⁵⁴ Public testimony (Transcript pg. 33-46).

⁵⁵ Witnesses confirmed streetlights are governed by FDOT, outside the scope of county review. Access to southern properties is premature and will be determined at the time of future development. Applicant's

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. *As conditioned herein*, the proposed Nest RPD/CPD:

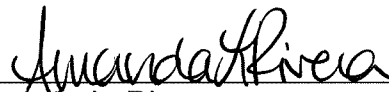
1. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 6, 39, 59, 60, 61, 77, 79, 82, 101, 124, Objectives 1.5, 2.1, 2.2, 60.3, 61.3, 101.1, and Policies 1.1.4, 1.5.1, 2.1.1, 2.2.1, 4.1.4, 5.1.2, 5.1.5, 5.1.6, 5.1.10, 6.1.1, 6.1.3, 6.1.4, 6.1.6, 6.1.7, 59.1.9, 101.1.2, 101.1.1, 101.3.2, 123.6, 124.1.2, 125.1.2, 125.1.3, Standards 4.1.1, 4.1.2; Lee Plan Maps 1A-B, 2A, 5A.
2. Complies with the LDC and other County regulations or qualifies for deviations. See, LDC Chapters 10 and 34.
3. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.4, 1.4.1, 1.5.1, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 6.1.4, 6.1.8; LDC 34-411(c), (i), and (j).
4. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities addressed by existing County regulations or conditions of approval. See Lee Plan Policy 6.1.5.
5. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, 124, 125, Objectives 1.5, 4.1, 77.1, Policy 1.5.1, 6.1.6, 124.1.2, Standard 4.1.4, LDC 34-411(h).
6. Will be served by urban services. See, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC 34-411(d).

- B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Objective 39.1; LDC 34-411(d).

ecologist confirmed no protected species have been observed on site but will be studied further prior to site development. Staff confirmed the nearest residence to commercial development is nearly 1,000 feet away, assuaging questions of noise or uses on the commercial tract. Rebuttal testimony (Transcript pg. 46-58).

- C. The proposed mix of uses is appropriate at the proposed location. See, Lee Policies 1.1.4, 1.4.1, 1.5.1, 2.1.1, 6.1.4, 6.1.7.
- D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, LDC Chapters 10 and 34.
- E. As conditioned herein, the deviations:
 - 1. Enhance the objectives of the planned development; and
 - 2. Promote the intent of the LDC to protect the public health, safety, and welfare. See, 34-377(b)(4).

Date of Recommendation: August 2, 2023.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

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 TAMAMI 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.

REVIEWED
DCI2022-00004
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/3/2023



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

SURVEYOR'S NOTES

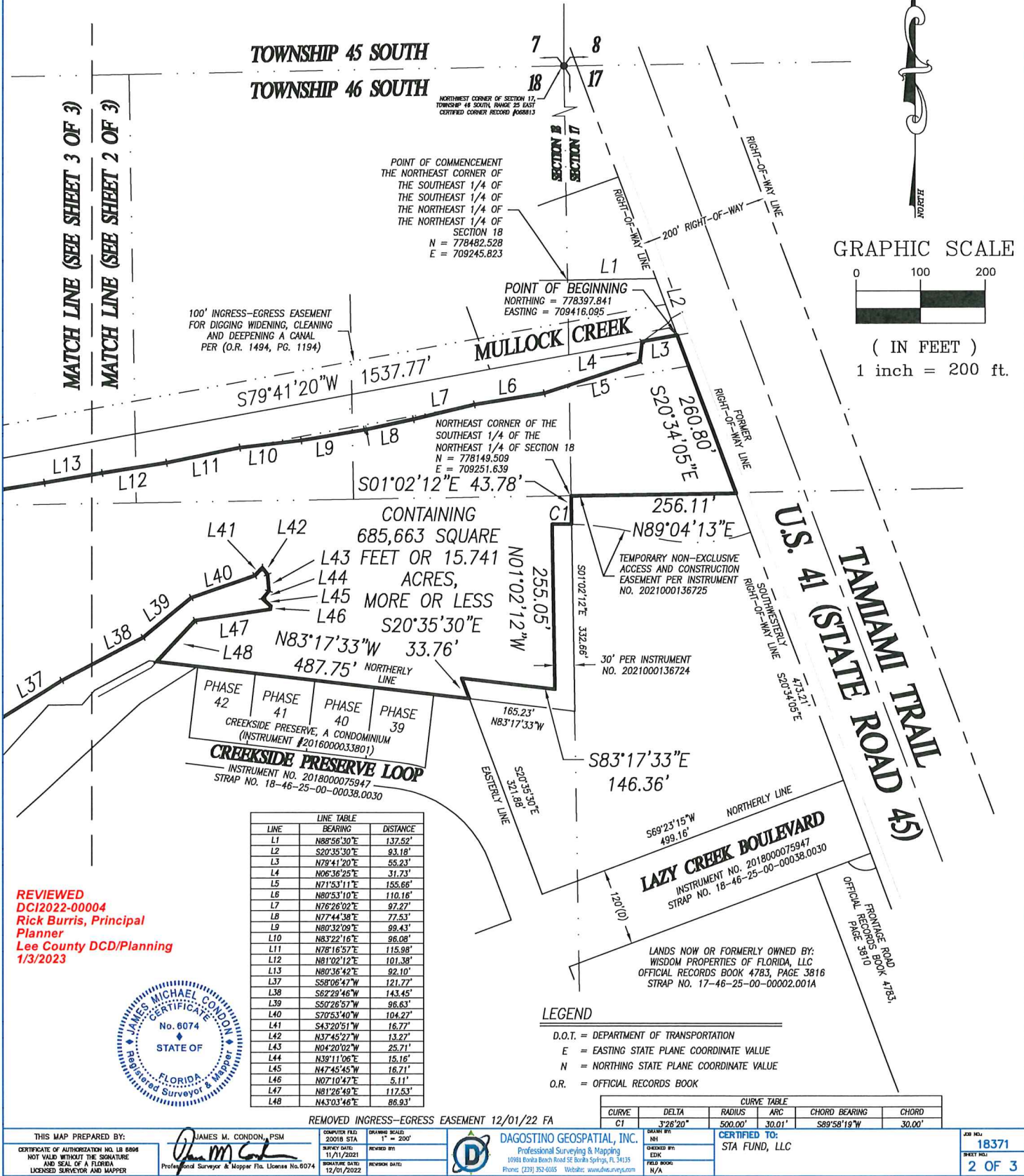
1. BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTHWESTERLY RIGHT OF WAY LINE OF TAMAMI TRAIL (U.S. 41, STATE ROAD 45) HAVING A BEARING OF SOUTH 20°34'05" EAST. BEARINGS AND COORDINATES SHOWN ARE GRID BASED UPON THE NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT (NAD 83/2011 NSRS), FLORIDA WEST ZONE.
2.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

THIS IS NOT A SURVEY

REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA

THIS MAP PREPARED BY: JAMES M. CONDON, PSM Professional Surveyor & Mapper Florida License No. 8074	COMPUTER FILED: 2022.12.01 11/11/2021 REVISION DATE: 12/01/2022	DRAWING SCALE: NOT TO SCALE REVISION DATE:	DA GOSTINO GEOSPATIAL, INC. Professional Surveying & Mapping 10981 Bonita Beach Road SE Bonita Springs, FL 34135 Phone: (239) 352-6085 Website: www.dgsurveys.com	CERTIFIED TO: STA FUND, LLC	JOB NO.: 18371 SHEET NO.: 1 OF 3
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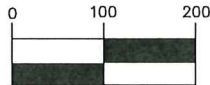
SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



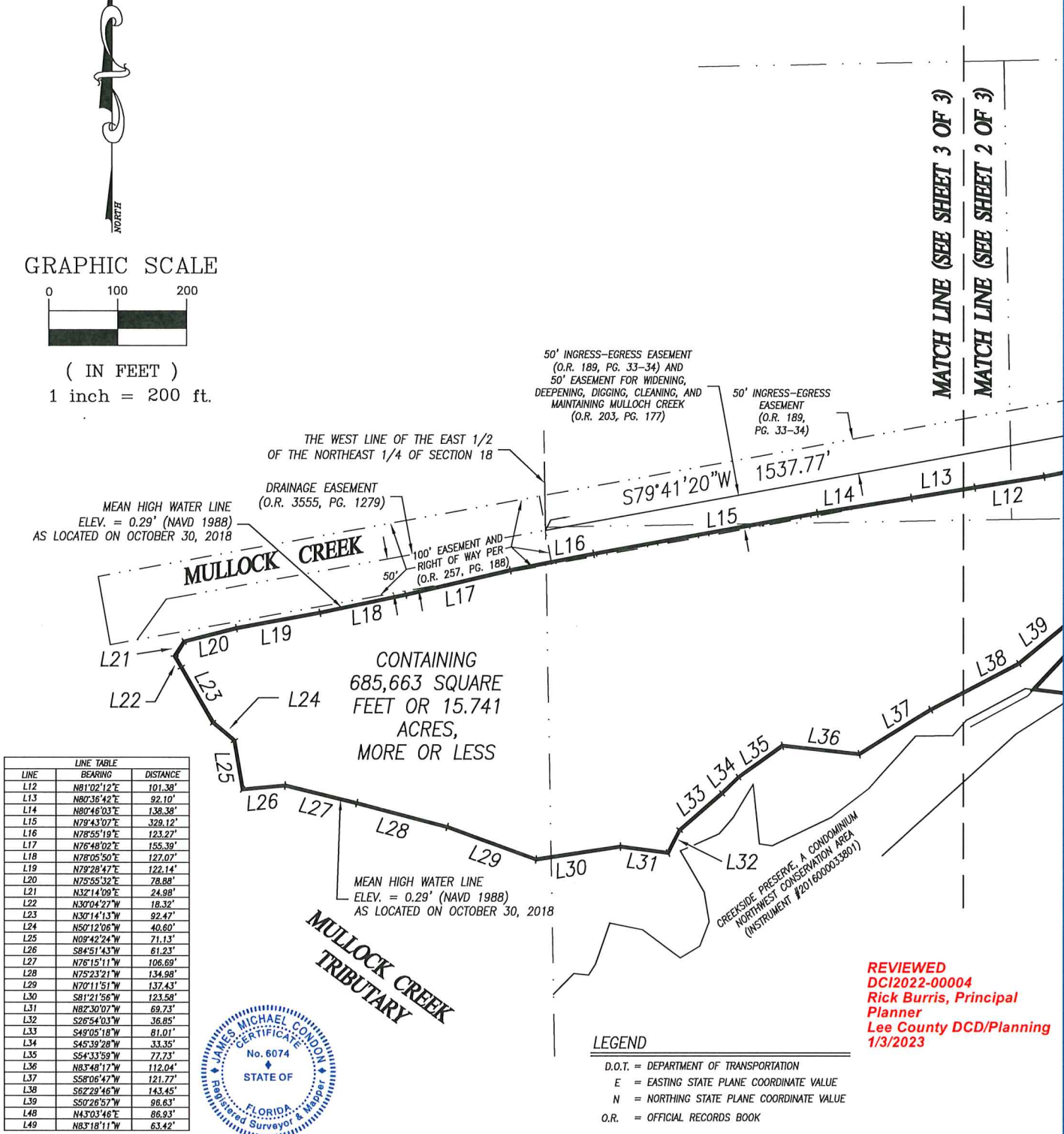
SKETCH OF DESCRIPTION OF A TRACT OR PARCEL OF LAND LYING IN SECTION 17 AND 18, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



LINE TABLE		
LINE	BEARING	DISTANCE
L12	N81°02'12"E	101.38'
L13	N80°36'42"E	92.10'
L14	N80°46'03"E	138.38'
L15	N78°43'07"E	329.12'
L16	N78°55'19"E	123.27'
L17	N76°48'02"E	155.39'
L18	N78°05'50"E	127.07'
L19	N79°28'47"E	122.14'
L20	N75°55'32"E	78.88'
L21	N32°14'09"E	24.98'
L22	N30°04'27"W	18.32'
L23	N30°14'13"W	92.47'
L24	N50°12'08"W	40.60'
L25	N09°42'24"W	71.13'
L26	S84°51'43"W	61.23'
L27	N78°15'11"W	106.69'
L28	N75°23'21"W	134.98'
L29	N70°11'51"W	137.43'
L30	S81°21'56"W	123.58'
L31	N82°30'07"W	69.71'
L32	S26°54'03"W	36.65'
L33	S49°05'16"W	81.01'
L34	S45°39'28"W	33.35'
L35	S54°33'59"W	77.73'
L36	N83°48'17"W	112.04'
L37	S58°06'47"W	121.77'
L38	S62°29'46"W	143.45'
L39	S50°26'57"W	98.63'
L40	N43°03'46"E	86.93'
L49	N83°18'11"W	63.42'



LEGEND
D.O.T. = DEPARTMENT OF TRANSPORTATION
E = EASTING STATE PLANE COORDINATE VALUE
N = NORTHING STATE PLANE COORDINATE VALUE
O.R. = OFFICIAL RECORDS BOOK

THIS IS NOT A SURVEY

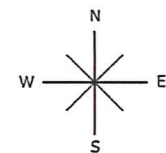
REMOVED INGRESS-EGRESS EASEMENT 12/01/22 FA



DCI2022-00004

Zoning

 Subject Property



0 500 1,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP)/Development Parameters

- a. MCP. Development must be substantially consistent with the one-page MCP entitled "The Nest SWFL," last revised on 4/24/2023 (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of local development order approval, except where deviations are approved herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.
- c. Development Parameters. The RPD/CPD allows a maximum of 62 dwelling units in the RPD Tract and up to 10,000 square feet of commercial floor area in the CPD Tract.

2. Uses And Site Development Regulations

a. Schedule of Uses

CPD Tract "A" (3.75± Acres)

Accessory uses and structures

Administrative Offices

Animals: Clinic or Kennel (Indoor only)

Auto parts store

Bait and Tackle shop

Banks and financial establishments, Groups I & II (no drive-thru)

Bar or Cocktail lounge

Boats,

Ramps and dockage (not marinas), limited to a kayak and canoe launch and a temporary tie up dock

Business Services, Group I

Cleaning and Maintenance services

Clothing Stores, general

Consumption on premises in conjunction with a restaurant, bar, or cocktail lounge including outdoor seating

Contractors and builders, group I

Convenience food and beverage store (no fuel pumps)

Day care center, child, adult

Drugstore, pharmacy (no drive-thru)

Essential Services

Essential Service Facilities: Group I

Excavation: water retention
Fences, Walls
Gift and Souvenir shop
Hardware Store
Hobby, Toy, and Game Shops
Medical Office
Parking lot, Accessory
Personal Services, Groups I and II
Recreational facilities, Commercial,
 Group III Outdoor Facilities, limited to passive and active recreational
 and educational activities including hiking, nature trails and
 nonmotorized water vessel use
 Group IV Indoor Facilities, limited to Health Clubs
Rental and Leasing, Group I (including Kayak and Canoe rental)
Restaurants, Groups I, II and III
Signs
Specialty Retail, Groups I & II
Studios
Temporary Uses, limited to construction trailers and associated parking for
 purposes of managing on-site construction activities
Variety Store

RPD Tract "B" (12± Acres)

Accessory uses and structures, including fishing piers, observation decks
 or kayak/canoe structures
Administrative Offices
Dwellings:
 Multiple family
Entrance Gate and Gatehouse
Essential Services
Essential Service Facilities: Group I
Excavation: water retention
Fences and Walls
Home Occupations
Models:
 Units
Parking lot, Accessory
Real Estate Sales Office
Recreational facilities – Private on-site
Residential Accessory Uses
Signs
Temporary Uses, limited to construction trailers and associated parking for
 purposes of managing on-site construction activities

b. Site 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 from MHWL	25 ft from MHWL	25 ft ¹ from MHWL	25 ft from MHWL
	South	25 ft	25 ft	25 ft ¹	10 ft
	East	25 ft	25 ft	25 ft ¹	10 ft
	West	25 ft	25 ft	50 ft	25 ft
	Upland Preserve	30 ft	30 ft	30 ft	30 ft
		Wetland Preserve	25 ft	50 ft	25 ft
Minimum distance between structures:		20 ft	-	20 ft	-
Maximum Building Height:		35 ft	25 ft	62 ft	25 f
Minimum Open Space:		20%		40%	

¹The north, south, and east setbacks in the RPD Tract must be increased by one-half foot for every one foot over the height of 35 feet.

3. Agricultural Uses

Existing bona fide agricultural uses (livestock pasture/grazing) may continue subject to the following:

- a. Termination of Agricultural Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.
- b. Additional Clearing Prohibited. Additional clearing of trees or vegetation in an agricultural area is prohibited. Existing areas of bona fide agricultural use may be maintained, (i.e. mowed). But not cleared or expanded. This prohibition does not preclude County approval of requests to remove invasive exotic vegetation.

- c. Proof of Termination. Upon approval of local development order for vertical development and prior to the issuance of vegetation removal permit, the property owner must provide written proof of the following, SUBJECT TO review/approval by the County Attorney's Office:

- i. Affidavit. Sworn affidavit from the property owner confirming:

- a) Date agricultural uses ceased.
- b) Legal description of the property SUBJECT TO development order approval for vertical development.
- c) Affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property. Further that the property owner covenants with the County not to resume agricultural uses until the property is rezoned to permit agricultural.

The affidavit constitutes a covenant between the property owner and Lee County binding on the owner and its successors. The covenant must be properly recorded in public record of Lee County at the owner's expense.

- ii. Termination of Tax Exemption. Termination of the agricultural tax exemption for portions of the property subject to a development order for vertical development. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the Lee County Property Appraiser.

4. Natural Resources

- a. Developer must revise the Surface Water Quality Monitoring Plan and submit for approval by the Lee County Division of Natural Resources prior to development order issuance. The draft Surface Water Quality Monitoring Plan must be modified to establish, at a minimum:
- i. The overall Goals and Objectives of the Surface Water Monitoring Plan;
 - ii. A baseline monitoring event to be part of the monitoring plan that must be completed prior to construction commencement;
 - iii. An outfall monitoring schedule conducted three times annually (June, August, October) for Total Kjeldahl Nitrogen, Total Nitrogen, Nitrite, Nitrate, Chlorophyll A, Total Phosphorus, Total Dissolved Solids, Enterococci, Iron, Enterococci, Total Hardness, Field Temperature, Specific Conductance, pH and Dissolved Oxygen;

- iv. Water quality monitoring data must be provided to the Division of Natural Resources annually following the issuance of the first Certificate of Occupancy and must include a report with a comparison of State surface water quality standards, plots of parameters, and recommendations. Five years after issuance of final Certificate of Occupancy and after meeting/exceeding state water quality monitoring standards, Developer may amend water quality monitoring and reporting after written request, review, and approval by the Division of Natural Resources. Results must be reported as an Electric Data Deliverable (EDD), in a format approved by the Division of Natural Resources; and
 - v. A contingency plan in the event an exceedance of State Surface Water Quality Standards is discovered. The plan must include notification to impacted residents and applicable authorities.
- b. Developer must adhere to the Bald Eagle Management Plan (Exhibit B2, dated February 15, 2023) for proposed impacts within 660 feet of the bald eagle nest. The 660-foot buffer zone and the activities/restrictions outlined in the Plan must be shown on development order plans.
 - c. Developer must (i) depict the upland preserve surrounding the bald eagle nest on development order plans, and (ii) provide a draft conservation easement for the upland preserve surrounding the bald eagle nest.
 - d. Developer must record a conservation easement over the upland preserve surrounding the bald eagle nest prior to issuance of the project's certificate of completion.

5. Transportation

The maximum permissible development density/intensity is determined by the following development scenario based on the Institute of Transportation Engineers (ITE) Trip Generation Manual effective at the time of the local development order. The scenario includes the following elements of development and their respective trip generation rates:

- a. 62 low-rise units for multiple-family residences;
- b. A public park covering an area of 2 acres;
- c. A variety store occupying 5,000 square feet of the area; and
- d. A high-turnover restaurant also occupying 5,000 square feet of floor area.

6. Environmental

- a. Development order plans must depict the following open space areas:
 - Commercial (CPD):
 - Provided: 1.79 acres
 - Indigenous wetland preserve: 0.10 acres
 - Residential (RPD):
 - Provided: 8 acres
 - Indigenous Upland Preserve: 3.01 Acres
 - Indigenous Wetland Preserve: 1.74 acres
 - Non-indigenous Open Space: 3.25 acres
- b. Development order plans must demonstrate a total of 4.85 acres of indigenous preserve.
- c. Development order plans must demonstrate the following:
 - i. Substantial compliance with the Indigenous Management Plan (Exhibit B3).
 - ii. Removal of exotics within indigenous habitat concurrently with improvements to land.
 - iii. A schedule for the indigenous preservation/restoration to be completed within the first five years.
 - iv. A recorded conservation easement over the preserve areas within the residential tract, dedicated to Lee County.
- d. Prior to the issuance of a vegetation removal permit, Developer must include a map depicting where mechanical and hand-removal methods of exotic vegetation removal will be located. Mechanical clearing must be limited to non-indigenous areas and native vegetation must be protected by tree barricades.
- e. Developer must submit an indigenous monitoring plan for ten years after the initial time zero report.
- f. Developer must depict a 30-foot setback surrounding the upland preserve areas for firebreak relief.
- g. Development order plans must demonstrate a minimum 15-foot-wide Type C buffer along the CPD's western tract line.

- h. Development order plans must depict a 15-foot Type D right-of-way buffer with clustering of landscaping to allow view windows, subject to approval by environmental staff.
- i. Development order plans must depict a 30-foot-wide landscape blind along the CPD's southern tract line.
- j. Development order plans must depict the 50-foot natural waterway setback.

7. Use Limitation in the RPD

Commercial uses are prohibited in the RPD, including but not limited to recreational uses (passive and active), canoe and kayak rental, etc. Ancillary and accessory uses are for exclusive use by RPD residents/guests.

8. Gate and Gatehouse

The RPD entrance gate/gatehouse must contain a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition on the ingress side of the gate or gatehouse.

9. State and Federal Permits

- a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.
- b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

DEVIATIONS

- 1. **Withdrawn**
- 2. **Access.** Deviation (2) seeks relief from LDC §10-291(3), which requires residential developments more than five acres or commercial/industrial developments more than 10 acres to provide, where practical, two or more means of ingress/egress, to allow one entrance as depicted on the MCP.

HEX Recommendation: Approval, subject to the following conditions:

(a) Developer must record a notice to future property owners in the public records, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of the plan may be obtained from the developer/developer's successor.

(b) Developer must demonstrate that a Crime Prevention Through Environmental Design (CPTED) report was provided to the Lee County Sheriff's Office.

(c) Development order plans must depict access to the property to the south, as shown on the MCP, and a draft cross access easement must be submitted for review.

3. **Landscape Standards.** Deviation (3) seeks relief from LDC §10-416(d)(3), which 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.

HEX Recommendation: Approval

4. **North/South Buffer.** Deviation (4) requests relief from LDC §10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow a 15-foot-wide Type C buffer on the CPD/RPD north-south tract boundary line.

HEX Recommendation: Approval, subject to the following condition:

Development order plans must demonstrate a 15-foot-wide Type C buffer along the CPD tract. Vegetation must be planted within the commercial tract boundaries, exterior to the required wall.

5. **Creekside Preserve Buffer.** Deviation (5) requests relief from LDC §10-416(d), which requires a Type C or Type F buffer between multiple family residential and commercial development, to allow the existing preserve areas to fulfill the buffer requirement along the south property line of the CPD tract adjacent to Creekside Preserve.

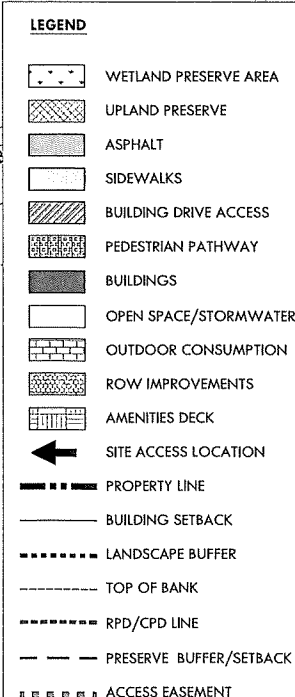
HEX Recommendation: Approval, subject to Condition 6(i).

6. **Waterway Buffer.** Deviation (6) seeks relief from LDC §10-416(d)(9), which requires a 50-foot-wide buffer for Development abutting a natural waterway, to allow the existing preserve areas to fulfill the buffer requirement.

HEX Recommendation: Approval

Exhibits to Conditions:

- B1 MCP last revised 4/24/23
- B2 Bald Eagle Management Plan
- B3 Indigenous Management Plan



Deviations Locations



Note

 Building footprints are illustrative. All buildings will meet required setbacks.

LAND USE SUMMARY

RPD
 ± 12 ac.
 62 Multi-Family Units

CPD
 ± 3.75 ac.
 10,000 sf. Commercial Uses

TOTAL RPD/CPD ACREAGE **± 15.75 ac.**

**ABRAGNOLI
BARBER &
BRUNDAGE, Inc.**
Professional engineers, planners,
& land surveyors
Certificate of Authorization No.
18 3584 and ES 5084
Collier County:
7400 Trail Blvd., Suite 200
Naples, FL 34108
Phone: (813) 937-3111
Fax: (813) 938-7822

STA FUND LLC.
NAPLES, FL 34108

THE NEST SWFL

WASTE CONCEPT PLAN

DESIGN BY: ABB
DRAWN BY: BLD
CHECKED BY: .
REVIEWED BY: .
HORIZ. SCALE: 1" = 100'
VERT. SCALE: NA
DATE: SEPTEMBER 2023

INVESTOR	01/23/2023
01/26/2022	01/23/2023
10/18/2022	04/21/2023
10/15/2022	04/24/2023
10/24/2022	
12/09/2022	
01/12/2023	
01/12/2023	
01/19/2023	
01/26/2023	
01/23/2023	
01/26/2023	
02/06/2023	
02/15/2023	

ACAD FILE NAME:

ASS PROJECT #
20-0017

PLOT VIEW \ LAYOUT

Master Concept Plan

SHEET
OF

Acrid File #

The Nest

Bald Eagle Management Plan

February 15, 2023

Prepared by:



WETLAND
CONSULTANTS

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and



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
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Figure 3. FLUCCS Map

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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

Figure 10. Bald Eagle Buffer Zones on Aerial

Figure 11. Bald Eagle Buffer Zones on Master Concept Plan

Figure 12. Location of Proposed Landscape Blind

Figure 13. Photo of Proposed Upland Preserve

List of Appendices:

Appendix A: Bald Eagle Monitoring Data Sheets

Appendix B: Master Concept Plan

Appendix C: Schedule of Uses

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.

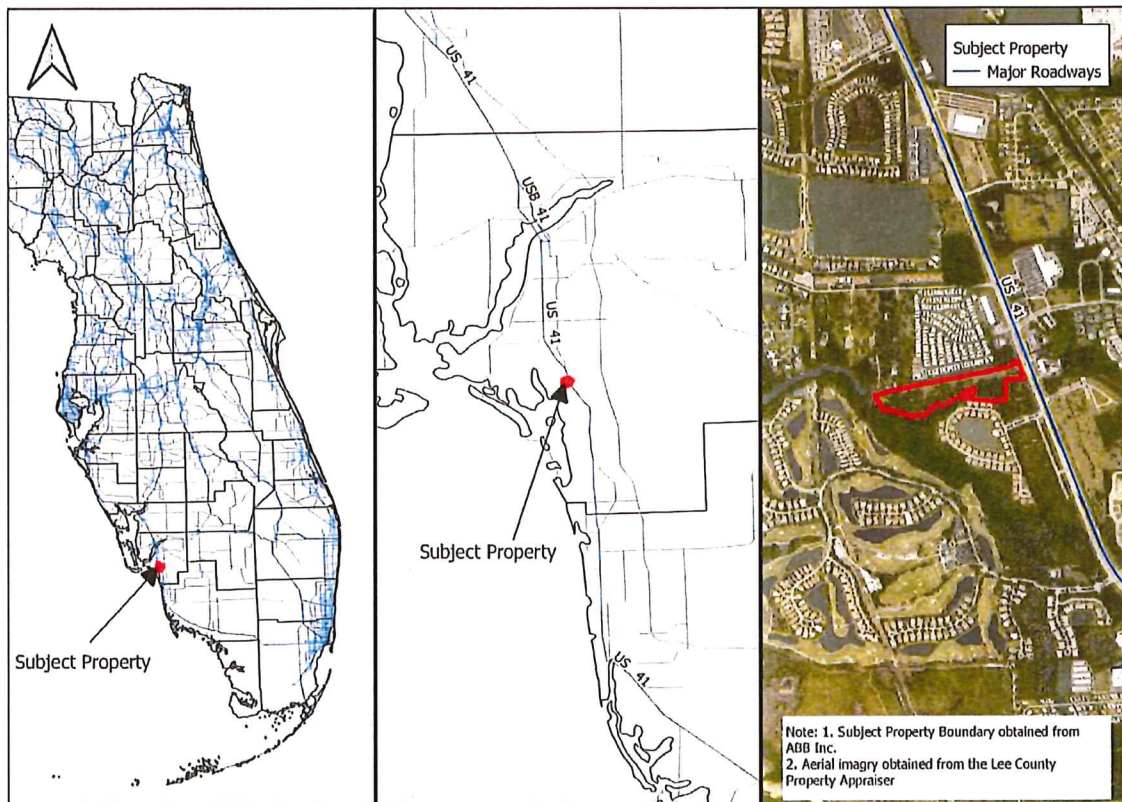


Figure 1. Location Map

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.

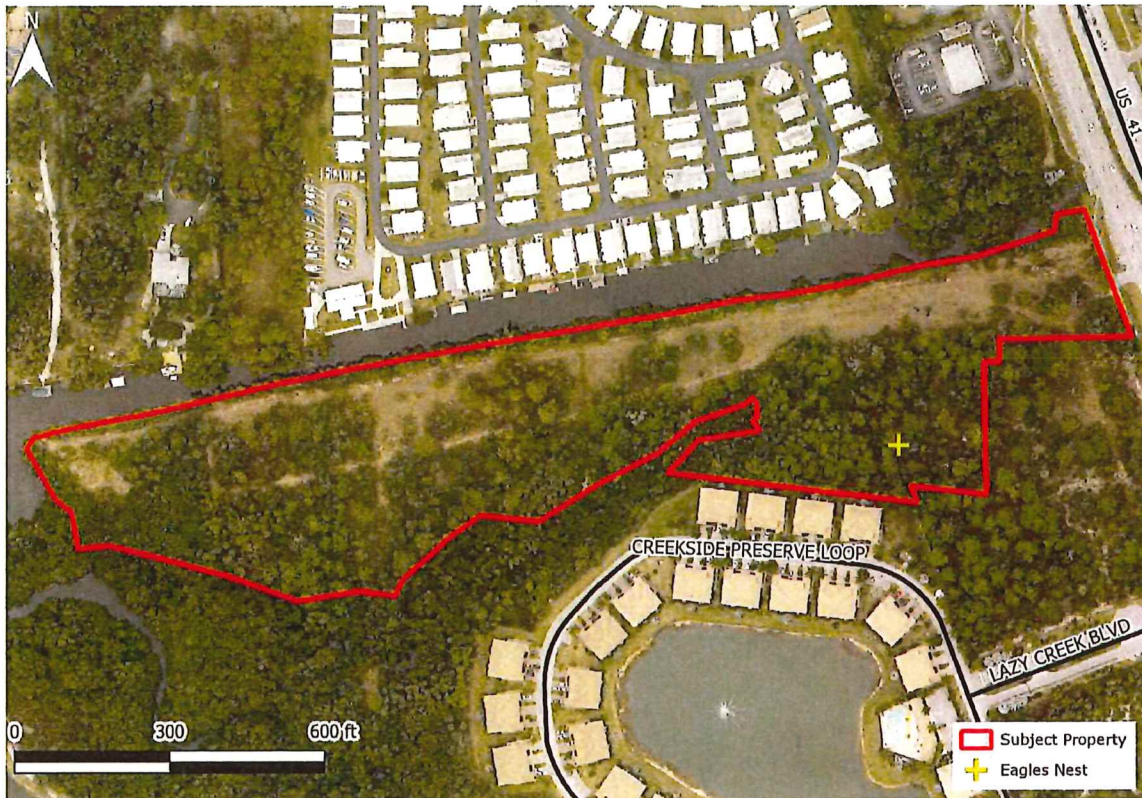


Figure 2. Aerial Map

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

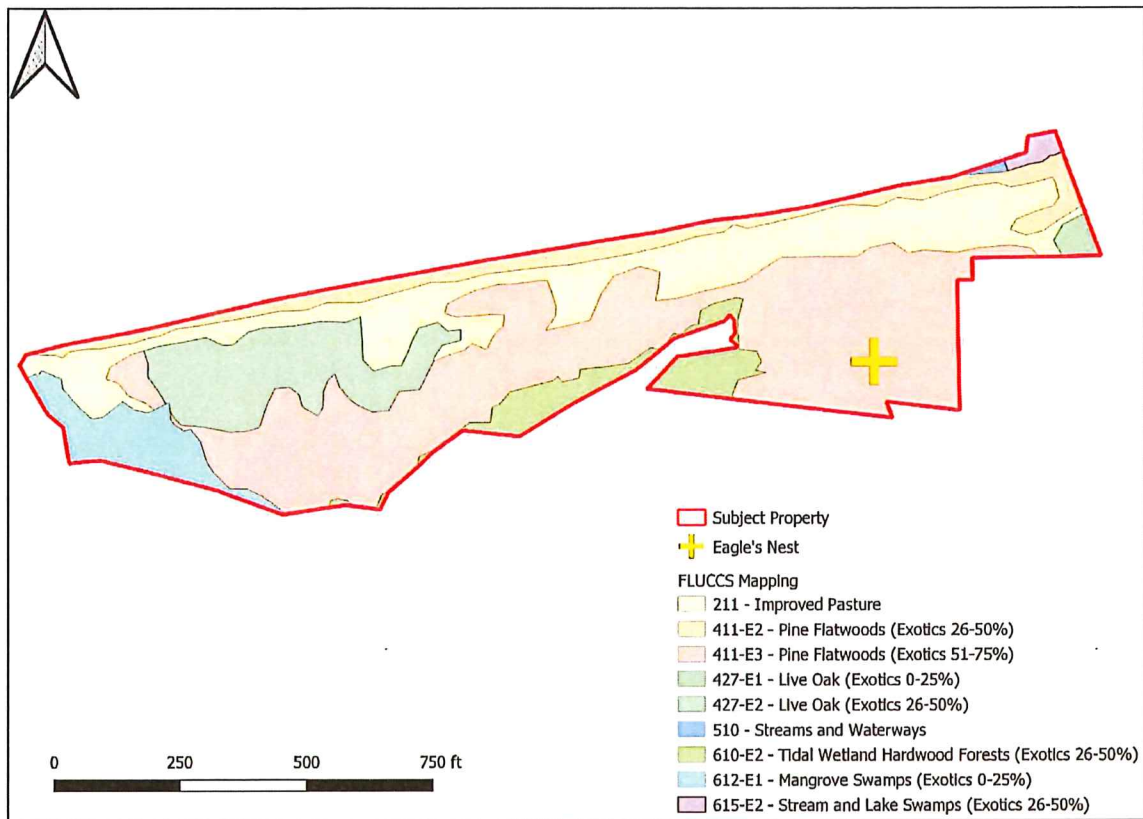


Figure 3. FLUCCS Map

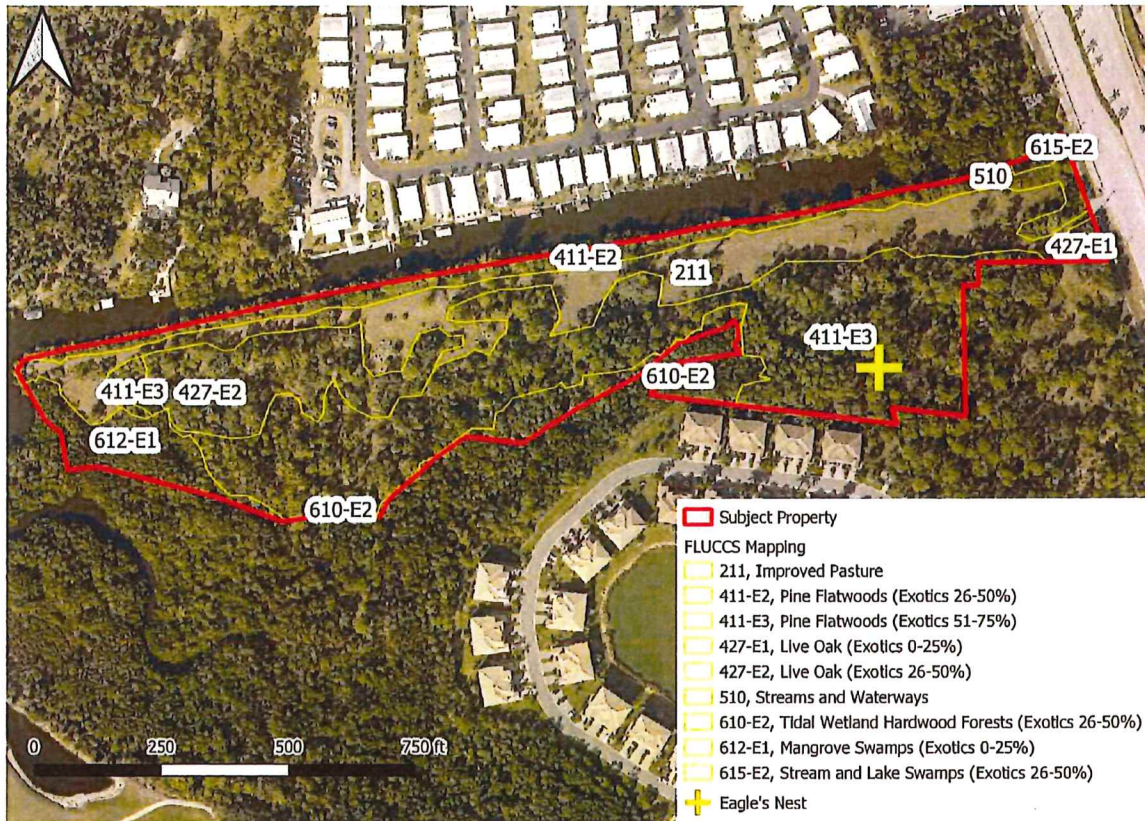


Figure 4. FLUCCS Map with Aerial

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. Owen Environmental Consulting LLC has been monitoring the nest site weekly since December 7, 2022. No eagles have been observed on or in the vicinity of the property. Please see the attached Bald Eagle Monitoring Data Sheets (Appendix A).

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
	December	No eagles observed
2023	January	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

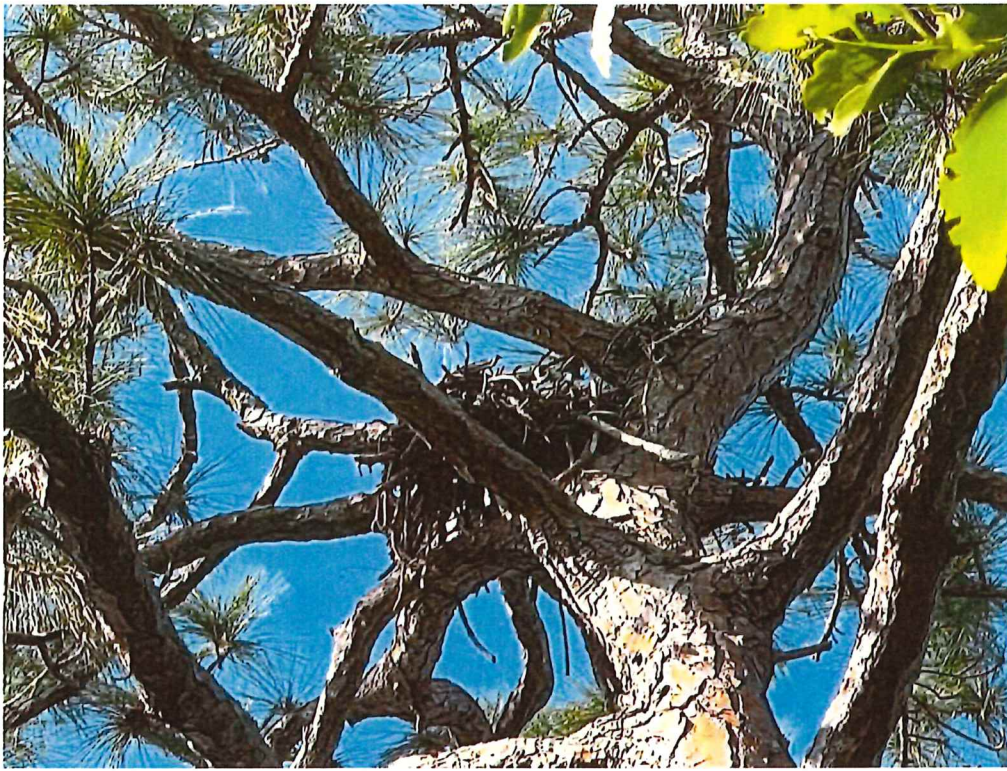


Figure 8. April 2022 Close Up of Nest



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 B.

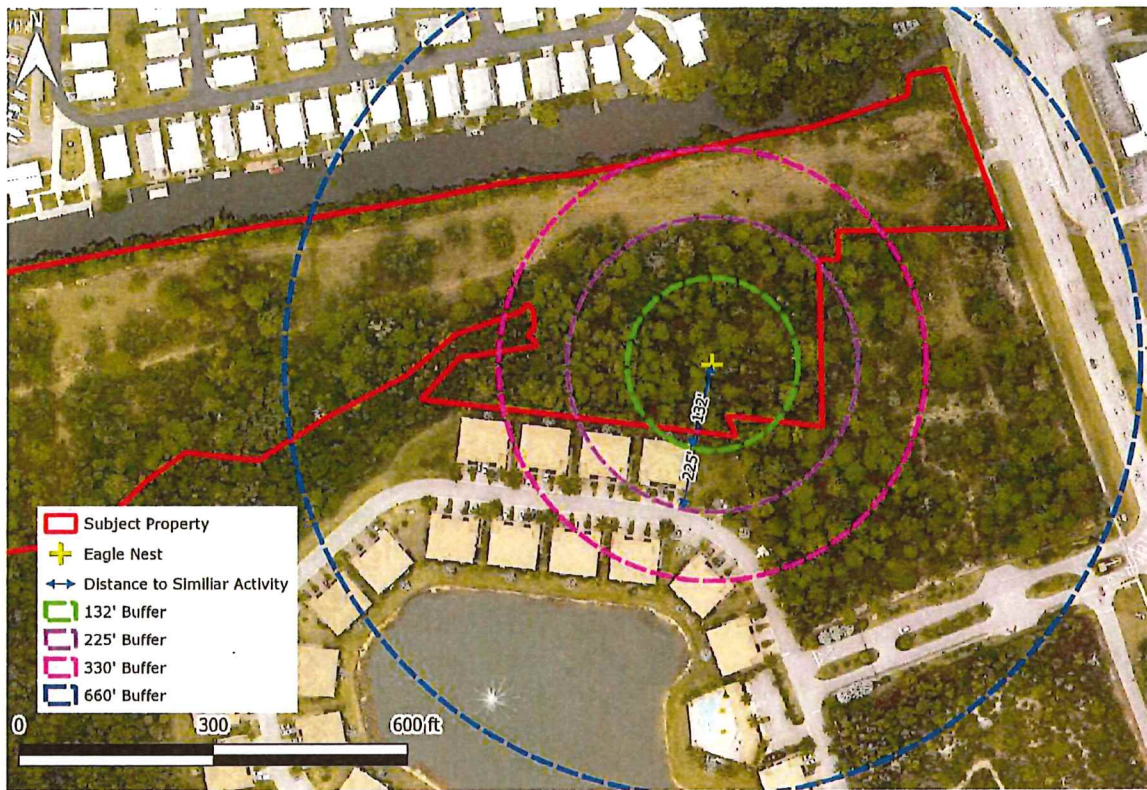


Figure 10. Bald Eagle Buffer Zones on Aerial

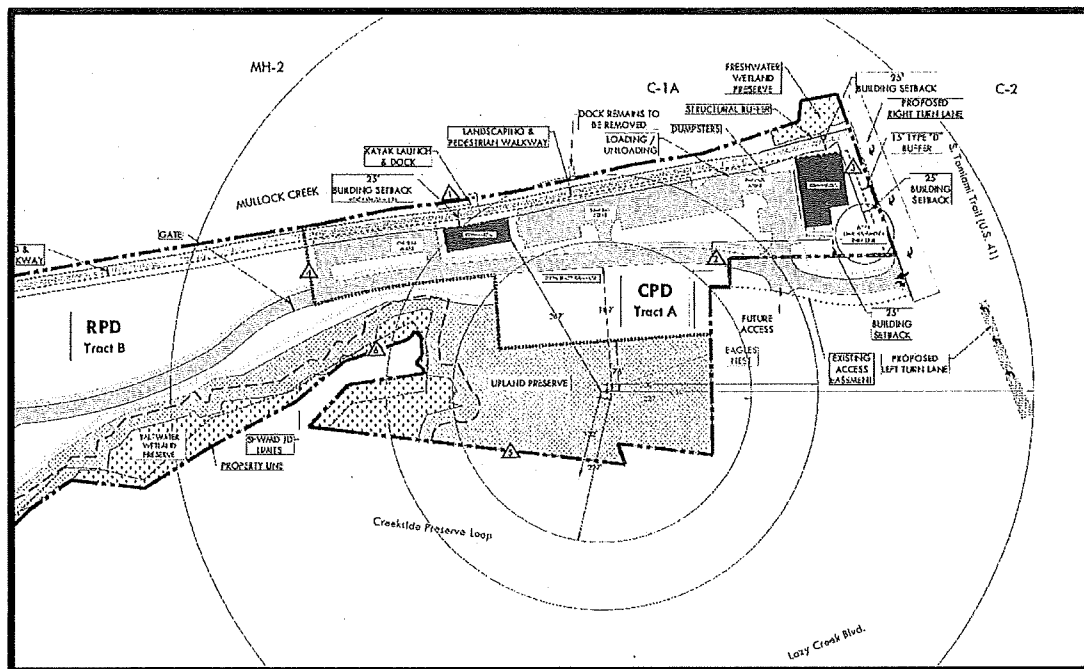


Figure 11. Bald Eagle Buffer Zones on Master Concept Plan

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. A west building will be a maximum size of 3,500 square feet and an east building will be a maximum size of 6,500 square feet. If the nest is determined to be lost by ETAC, 2 or more commercial buildings will total a maximum of 10,000 square feet within the CPD portion of the site. The nearest point of the proposed access road to the bald eagle nest is 189' away. The access roadway will be shared with the commercial planned development.

The master concept plan has incorporated the nest and surrounding habitat into the overall design to the greatest extent possible given the physical constraints of the narrow site. This includes establishing preserve areas, buffered open spaces and orienting buildings away from the nest.

The commercial planned development partially falls within the 330' buffer zone and the nearest proposed building structure is 267' 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.

The protection measures outlined below have been designed utilizing the FWS's *National Bald Eagle Management Guidelines* (FWS 2007a) and Section 14-111 through 14-120 of the Lee County Land Development Code. These proposed restrictions and requirements apply only to

The Nest project and are not binding on any other property in the vicinity of Bald Eagle Nest LE118.

If Nest LE118 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE118 has been lost, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 1st or as confirmed by DES, then the nesting season for Nest LE118 shall be considered over and the construction restrictions shall not apply. A determination that the nest is not active shall be consistent with the *Bald Eagle Monitoring Guidelines* (FWS 2007b).

The restrictions described below are only applicable to the portion of the property within 660' of Nest LE118.

1. The use of any chemicals that are known to be toxic to wildlife shall be prohibited within 660± feet of the bald eagle nest. The use of all chemicals will be in accordance with labeling instructions.
2. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.
3. After construction is completed, normal commercial and residential activities will be allowed throughout the year.

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

0'-76': The upland preserve extends 76' from the eagle's nest toward 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 (Appendix B).

76'- 189': This area will consist of sodded open space and/or dry detention. To minimize potential disturbances to the nest, no buildings or parking lot will be constructed in this area.

This area will be cleared and filled during the non-nesting season (i.e., May 16th - September 30th) and sodded, landscaped, and sidewalk constructed throughout the year provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. As the existing building to the south is 132' from the nest and there is residential uses and activities such as landscaping, minor outdoor construction is not anticipated to cause any disturbance to the eagle pair. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during any construction activities.

189'-330': This area contains the access roadway and a commercial building with associated parking. If a federal incidental take permit is required (nesting is re-established), then it will be obtained prior to any construction activities. The restrictions below will remain for this area until the nest is determined to be lost by ETAC.

The CPD Schedule of Uses was revised by eliminating Automobile Service Station and vehicle drive throughs, and outdoor recreational facilities/uses will be limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use (Appendix C). This schedule is incorporated into the overall rezoning of the property and limits the intensity of noise producing activity for the entire tract.

In addition, since the rear building is located at the edge of the 330' radius the following limitations will apply until such time as the nest is deemed lost: The rear building's business operating hours will be limited to open one hour before sunrise and closed one hour after sunset. Additionally, no outdoor sound system will be installed and a south facing open air patio will not be built.

The portion of the proposed access road inside of the distance radius from the existing road to the south (227' from the nest) will only be cleared and filled during the non-nesting season. The portion of the proposed access road between the distance of the existing road to the south (227' from the nest) and the 330' protection zone can be cleared and filled during the nesting season. Paving, sodding, road marking, and construction of sidewalks can take place throughout the year. As the existing building to the south is 132' from the nest and there are residential uses and activities ongoing, street and sidewalk paving, landscape installation and maintenance, exterior stucco application, and painting activities are not anticipated to cause any disturbance to the eagle pair.

All major exterior construction activities outside of the 227' zone, including initial site clearing, major earth work, grading, commercial building construction, and access road construction as described above may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities. Interior construction (i.e., electrical, drywall, carpeting, etc.) may occur at any time, including during the nesting season without implementing monitoring so long as reasonable measure to reduce noise audible outside of the building are taken (i.e., keep windows and doors closed during finishing activities). DES will be notified when exterior and interior construction activities will occur. No eagle monitoring is required for interior construction during the nesting season.

330'-660': This area contains the access roadway and a commercial building with associated parking. 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. All major construction may occur during the nesting season provided that the activities do not disturb the nesting bald eagles as defined by the Bald Eagle Monitoring Guidelines. Monitoring consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines shall be required during these construction activities.

Best Management Practices

Construction of the 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, specifically in the mid-story due to the relatively open existing conditions of this stratum. The location of the landscape blind can be seen in Figure 12.

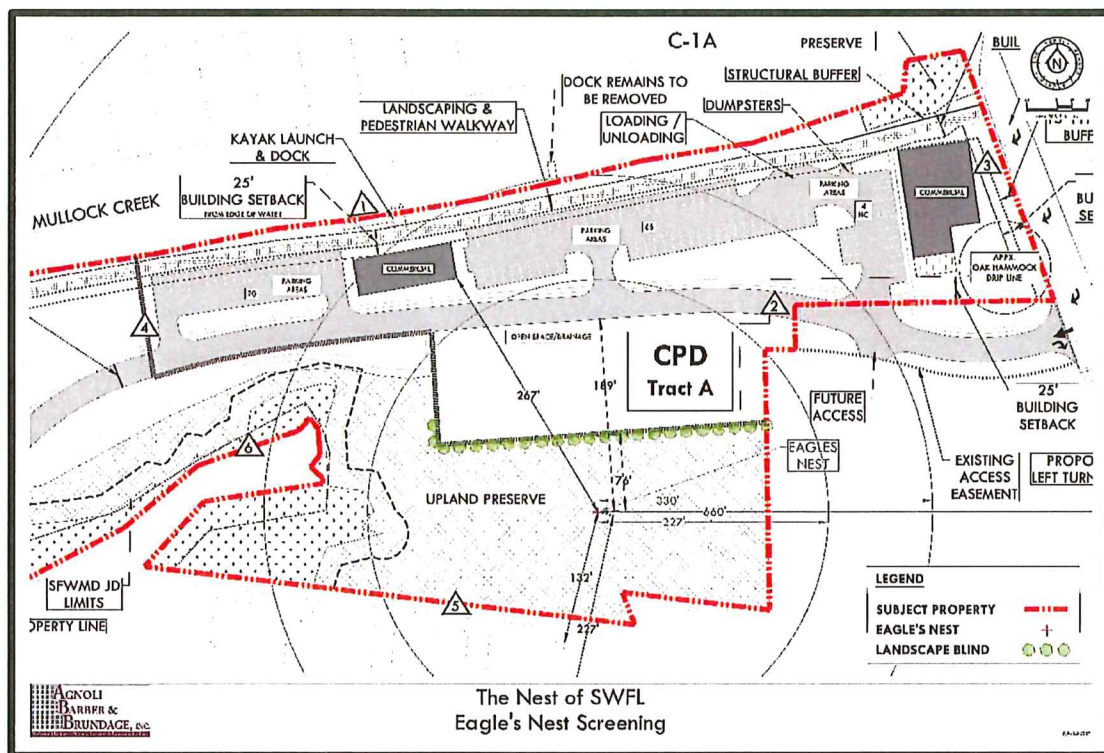


Figure 12. Location of the Proposed Landscape Blind

The landscape blind will consist of a double staggered row of 25-gallon slash pine trees planted on a minimum of 20' centers. The landscape blind will not be factored into the upland preserve planting plan. 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.

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 hand 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 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.

Initial exotic removal and supplemental planting of the preserve will occur outside of bald eagle nesting season. Yearly maintenance treatments will occur outside of bald eagle nesting season to avoid any disturbance to the nesting pair.

If the nest is considered “lost” this Bald Eagle Management Plan and its 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-lan 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.

The shoreline of the canal will be left natural and will have rip rap installed as needed for stabilization and erosion control. The pedestrian walkway will consist of paved sidewalk and/or crushed shell/drainage stone with sodded side slopes as necessary for stabilization and erosion control.

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

Implementation

The landowner/developer and the future Property Owners Association (if any) will be responsible for following this Bald Eagle Management Plan. A qualified ecologist will monitor Nest LE118 (if work as described above is undertaken during the nesting season) consistent with the USFWS 2007 Bald Eagle Monitoring Guidelines and will submit the reports to DES on a monthly basis. DES staff will review these reports and may also inspect the site to verify compliance with the conditions of this Bald Eagle Management Plan. Any violation of these conditions may result in

a Stop Work Order being issued to halt all construction activity during the bald eagle nesting season, including building inspections, until the violation is resolved. The eagle nest monitor will be authorized to direct the landowner/developer to halt any and up all construction activity if a disturbance to the nesting eagles is observed.

All of the management practices will remain in effect until the nest is deemed abandoned or lost by DES pursuant to Section 14-112 of the Land Development Code. None of the Bald Eagle Management Plan and its conditions will be required after the nest is deemed abandoned or lost. The nest will be defined as abandoned if the nest is intact or partially intact but has been inactive through five or more consecutive nesting seasons. The nest will be defined as lost if the nest or nest tree is destroyed by natural causes (e.g., nest that fell apart or was blown out of a tree, or the tree itself was lost) and is not rebuilt in the same tree within three nesting seasons.

Summary

The planned development of The Nest project 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.

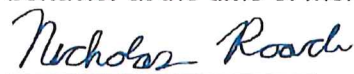
Appendix A
Bald Eagle Monitoring Data Sheets

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

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	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.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

05/04/2020

Date

Nest #:

Monitoring Date: 05/04/2020

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

Time	Behavioral activity observed (list all that apply): None				
08:15	Weather conditions	T: 71	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.				
08:30	Weather conditions	T: 72	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				
08:45	Weather conditions	T: 72	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				
09:00	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 Road
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

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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.

Nicholas Roach
Signature of Monitor

N/A
Signature of Supervisor

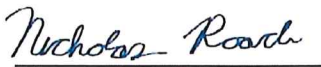
05/04/2020
Date

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

Nest #:

Monitoring Date: 10/22/2020 Monitor's signature: Nicholas RoadSupervisor'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 Road
Signature of Monitor

N/A
Signature of Supervisor

10/22/2020
Date

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

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

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

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas RoachSupervisor'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.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

11/25/2020

Date

Nest #:

Monitoring Date: 11/25/20

Monitor's signature:

Nicholas Roach

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.

Nicholas Roach
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.

Nicholas Roach
 Signature of Monitor

N/A
 Signature of Supervisor

12/22/2020
 Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas RoachSupervisor's signature: N/A

Time	Behavioral activity observed (list all that apply): Incubating				
07:45	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	Behavioral activity observed (list all that apply): Incubating				
08:00	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	Behavioral activity observed (list all that apply): Incubating				
08:15	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	Behavioral activity observed (list all that apply): Incubating, Flying				
08:30	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.

Nicholas Roach
Signature of Monitor

N/A

Signature of Supervisor

12/22/20

Date

Nest #:

Monitoring Date: 12/22/20

Monitor's signature:

Nicholas Road

Supervisor'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 Road
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

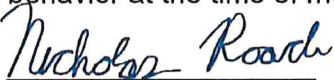
12/22/20
Date

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

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas RoachSupervisor'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.

Nicholas Roach

Signature of Monitor

N/A

Signature of Supervisor

10/30/21

Date

Nest #:

Monitoring Date: 10/30/21

Monitor's signature:

Nicholas RoachSupervisor'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.

Nicholas Roach
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

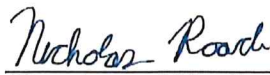
10/30/21
Date

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 R. Rode
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	Behavioral activity observed (list all that apply): N/A				
07:45	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	Behavioral activity observed (list all that apply): N/A				
08:00	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	Behavioral activity observed (list all that apply): N/A				
08:15	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	Behavioral activity observed (list all that apply): N/A				
08:30	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.

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.

Nicholas Roach
 Signature of Monitor

 Signature of Supervisor

02/22/2022

 Date

Nest #:

Monitoring Date: 2/22/22

Monitor's signature:

Nicholas Roach

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 Roach

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.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

02/22/2022

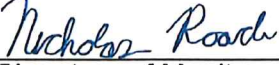
Date

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	Behavioral activity observed (list all that apply): N/A				
06:45	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	Behavioral activity observed (list all that apply): N/A				
07:00	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	Behavioral activity observed (list all that apply): N/A				
07:15	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	Behavioral activity observed (list all that apply): N/A				
07:30	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 Road

Supervisor's signature: _____

Time	Behavioral activity observed (list all that apply): N/A				
07:45	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	Behavioral activity observed (list all that apply): N/A				
08:00	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	Behavioral activity observed (list all that apply): N/A				
08:15	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	Behavioral activity observed (list all that apply): N/A				
08:30	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 Road

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 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.

Nicholas Roach

Signature of Monitor

Signature of Supervisor

03/30/2022

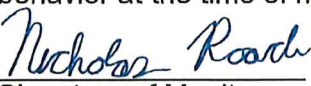
Date

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:

Nicholas Roach

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.

Nicholas Roach
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	Behavioral activity observed (list all that apply): N/A				
8:15	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	Behavioral activity observed (list all that apply): N/A				
8:30	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	Behavioral activity observed (list all that apply): N/A				
8:45	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	Behavioral activity observed (list all that apply): N/A				
9:00	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 Roach
Signature of Monitor

Signature of Supervisor

04/29/2022

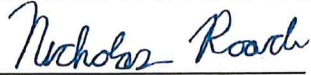
Date

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

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:

Nicholas Roach

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.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Nest #:

Monitoring Date: 5/14/22

Monitor's signature:

Nicholas Roach

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.

Nicholas Roach
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.

Nicholas Roach
Signature of Monitor

Signature of Supervisor

05/14/2022

Date

Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/7/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, N\o nest Tree Type²: Pine # Adult Present: 0 # Young Present: 0

Time:	Behavioral activity observed (list all that apply):				
6:30 AM	Weather conditions	T: 65	W: 5mph W	C: Clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time:	Behavioral activity observed (list all that apply):				
8:45 AM	Weather conditions	T: 75	W: 5mph W	C: Clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
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.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/7/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30

Name of Monitor: Nicholas Bratton-Cox

Date: 12/12/2022

End Time: 8:30

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 60	W: 3mph SW	C: foggy	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
8:30 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 62	W: 3mph SW	C: foggy	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
	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.

Nicholas Bratton-Cox

Signature of Monitor

Paul Owen

Signature of Supervisor

12/12/2022

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/19/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

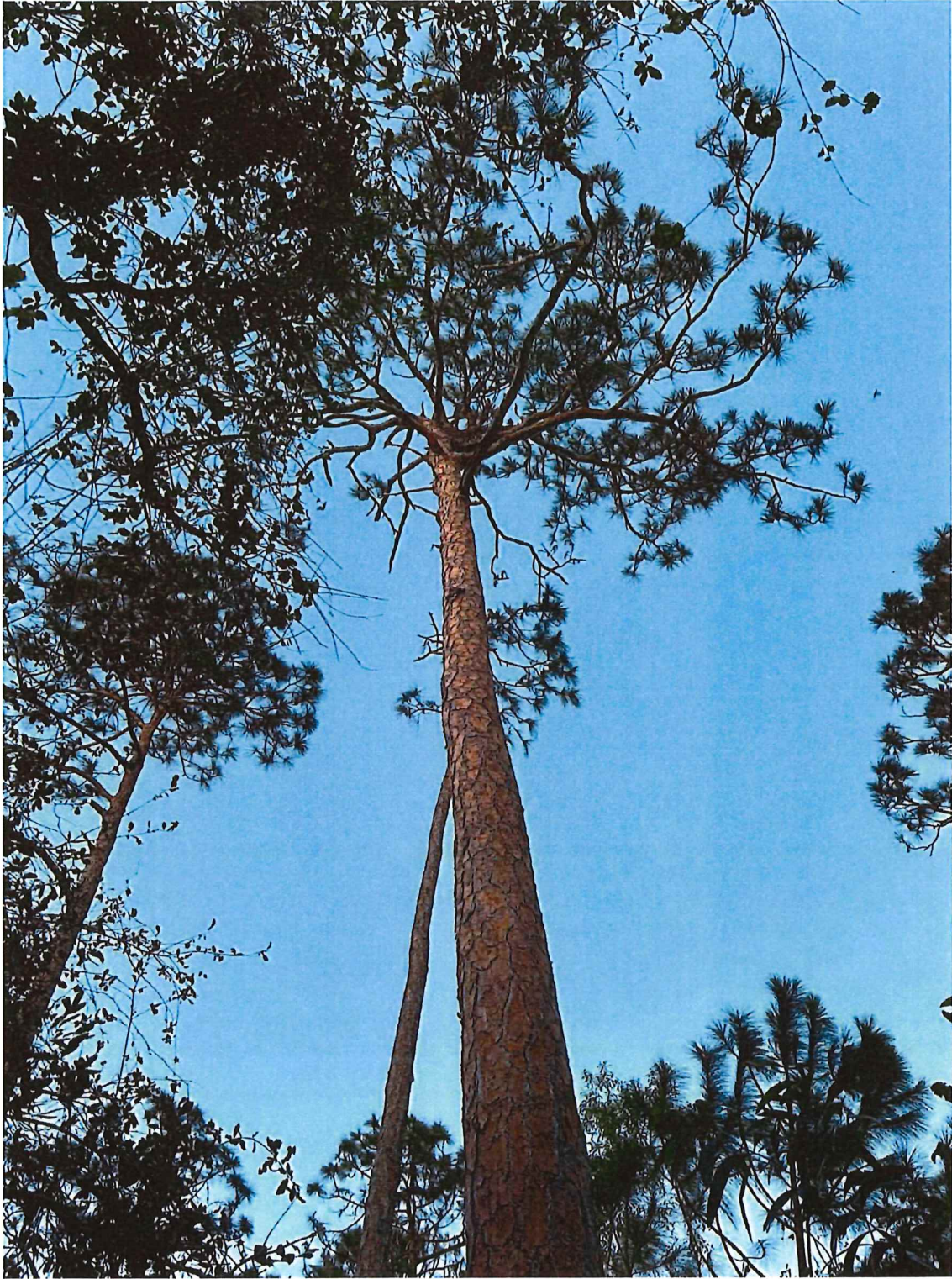
6:30 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 58	W: 3mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
8:30 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 5mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
	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.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/19/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 12/28/2022

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

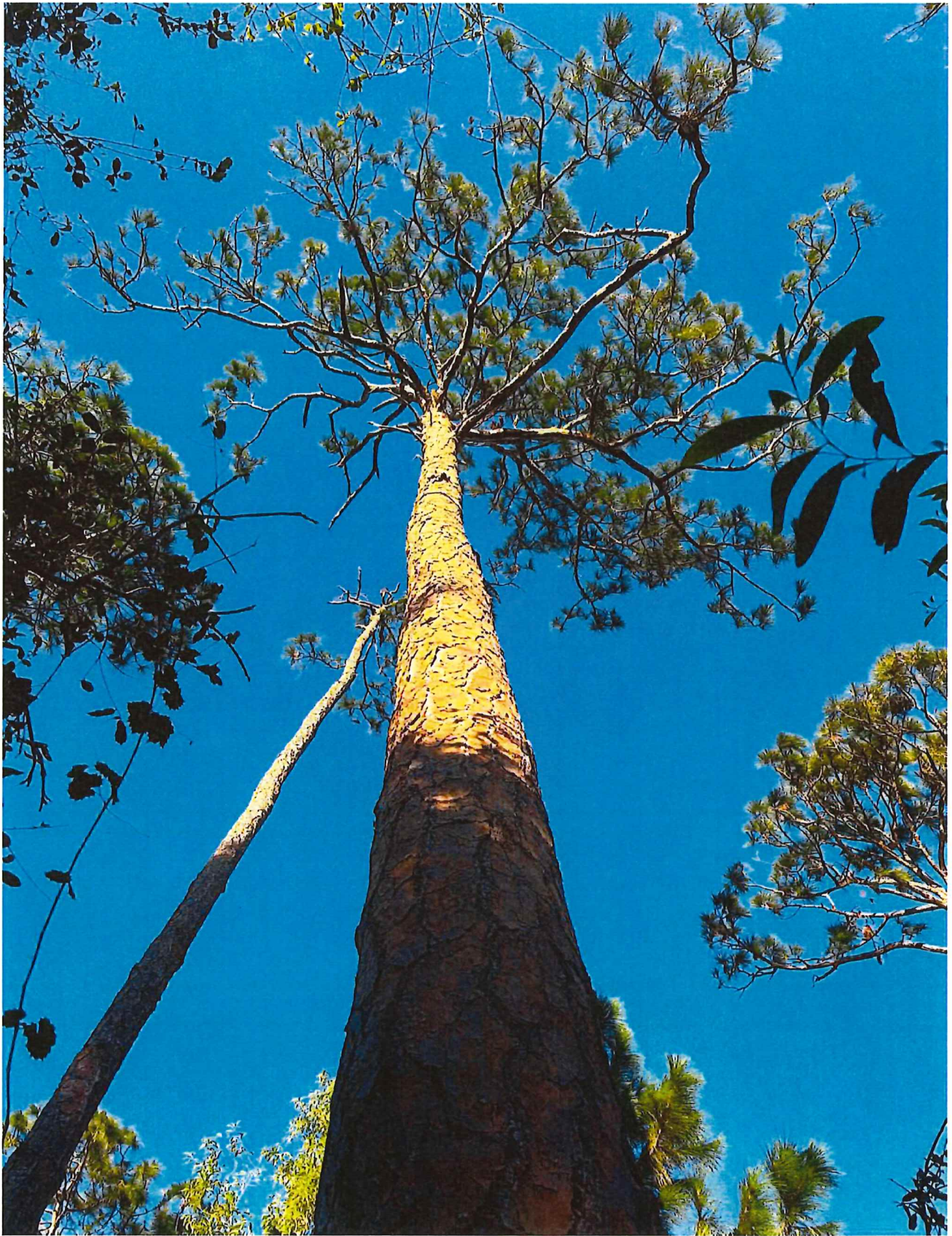
6:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 50	W: 2 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 57	W: 4 mph SW	C: clear	P: No rain	
	Description of ongoing construction events:					
	Notes/Comments: No eagles, No nest.					
	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.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

12/28/2022
Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/06/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 61	W: 1 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 64	W: 2mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
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.

Nicholas Bratton-Cox
Signature of Monitor

Signature of Supervisor

01/06/2023

Date



Bald Eagle Monitoring Data Report

Start Time: 6:30 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/13/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:30 AM	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T: 64	W: 3 mph SW	C: clear	P: No rain
		Description of ongoing construction events:				
		Notes/Comments: No eagles, No nest.				
8:30 AM	Time:	Behavioral activity observed (list all that apply):				
		Weather conditions	T: 67	W: 1 mph SW	C: clear	P: No rain
		Description of ongoing construction events:				
		Notes/Comments: No eagles, No nest.				
	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.

Nicholas Bratton-Cox
 Signature of Monitor

 Signature of Supervisor

1/13/2023
 Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/20/2023

End Time: 8:45 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 65	W: 2 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:45 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 68	W: 3 mph SW	C: clear	P: No rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
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.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/20/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 01/26/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

Time: 6:15 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 63	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
Time: 8:30 AM	Behavioral activity observed (list all that apply):				
	Weather conditions	T: 67	W: 1 mph N	C: clear	P: light rain
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
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.

Nicholas Bratton-Cox
Signature of Monitor

Paul Owen
Signature of Supervisor

1/26/23

Date



Bald Eagle Monitoring Data Report

Start Time: 6:15 AM

Name of Monitor: Nicholas Bratton-Cox

Date: 02/02/2023

End Time: 8:30 AM

Name of Supervisor: Paul Owen

Tree Status¹: Tree present, no nest

Tree Type²: Pine

Adult Present: 0

Young Present: 0

6:15 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 66	W: 2 mph N	C: clear	P: None
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
8:30 AM	Time: Behavioral activity observed (list all that apply):				
	Weather conditions	T: 71	W: 2 mph N	C: clear	P: None
	Description of ongoing construction events:				
	Notes/Comments: No eagles, No nest.				
	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:				

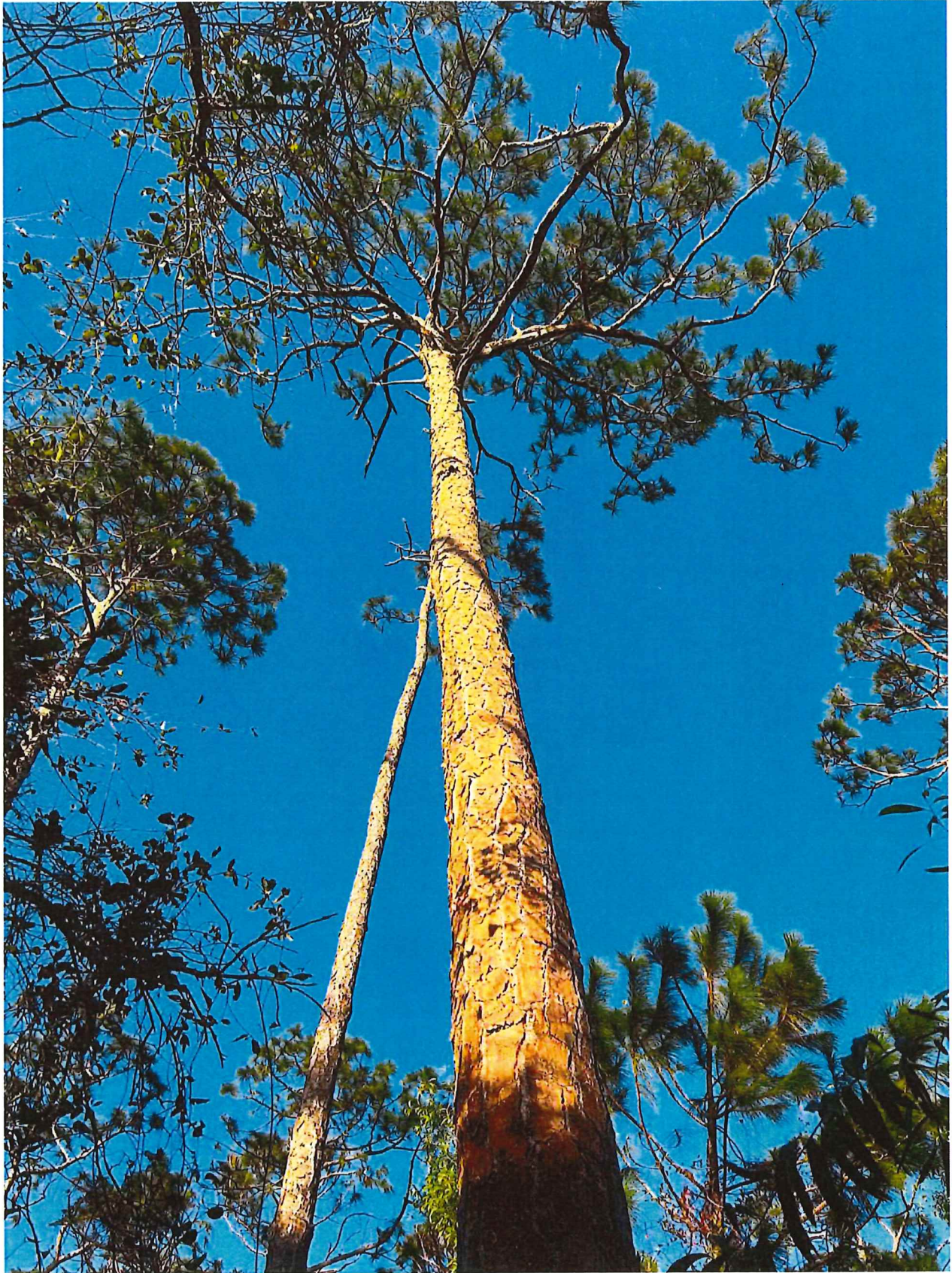
Sworn Affidavit: I have read and understand the USFWS Bald Eagle Monitoring Guidelines. This report represents a true, accurate, and representative description of the site conditions and eagle behavior at the time of monitoring.

Nicholas Bratton-Cox
Signature of Monitor

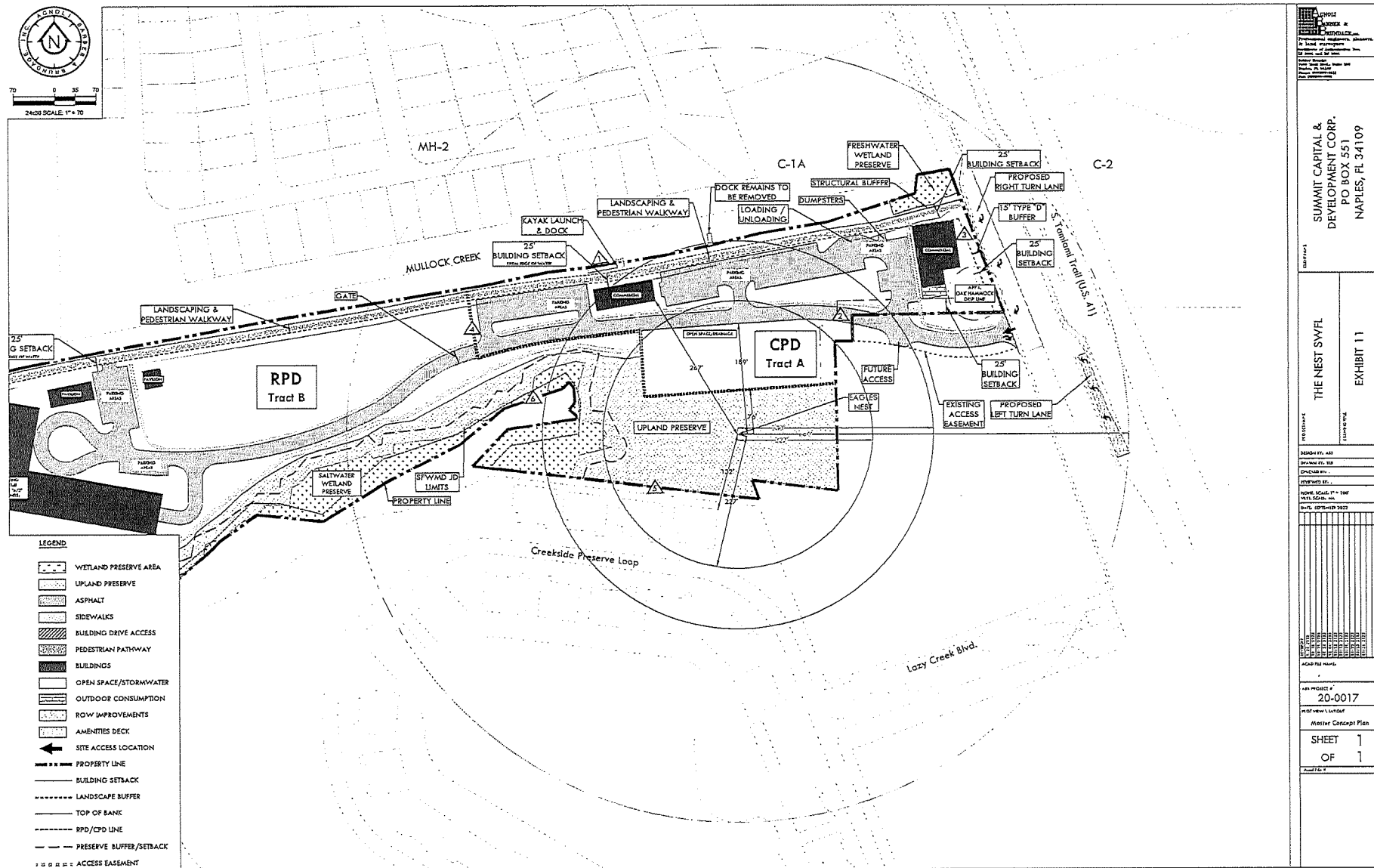
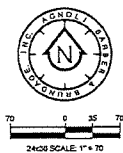
Signature of Supervisor

2-2-2023

Date



Appendix B
Master Concept Plan



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

THE NEST SWFL

EXHIBIT 11

7-1	7-2	7-3	7-4	7-5	7-6	7-7	7-8	7-9	7-10	7-11	7-12	7-13	7-14	7-15	7-16	7-17	7-18	7-19	7-20	7-21	7-22	7-23	7-24	7-25	7-26	7-27	7-28	7-29	7-30	7-31	7-32	7-33	7-34	7-35	7-36	7-37	7-38	7-39	7-40	7-41	7-42	7-43	7-44	7-45	7-46	7-47	7-48	7-49	7-50	7-51	7-52	7-53	7-54	7-55	7-56	7-57	7-58	7-59	7-60	7-61	7-62	7-63	7-64	7-65	7-66	7-67	7-68	7-69	7-70	7-71	7-72	7-73	7-74	7-75	7-76	7-77	7-78	7-79	7-80	7-81	7-82	7-83	7-84	7-85	7-86	7-87	7-88	7-89	7-90	7-91	7-92	7-93	7-94	7-95	7-96	7-97	7-98	7-99	7-100	7-101	7-102	7-103	7-104	7-105	7-106	7-107	7-108	7-109	7-110	7-111	7-112	7-113	7-114	7-115	7-116	7-117	7-118	7-119	7-120	7-121	7-122	7-123	7-124	7-125	7-126	7-127	7-128	7-129	7-130	7-131	7-132	7-133	7-134	7-135	7-136	7-137	7-138	7-139	7-140	7-141	7-142	7-143	7-144	7-145	7-146	7-147	7-148	7-149	7-150	7-151	7-152	7-153	7-154	7-155	7-156	7-157	7-158	7-159	7-160	7-161	7-162	7-163	7-164	7-165	7-166	7-167	7-168	7-169	7-170	7-171	7-172	7-173	7-174	7-175	7-176	7-177	7-178	7-179	7-180	7-181	7-182	7-183	7-184	7-185	7-186	7-187	7-188	7-189	7-190	7-191	7-192	7-193	7-194	7-195	7-196	7-197	7-198	7-199	7-200	7-201	7-202	7-203	7-204	7-205	7-206	7-207	7-208	7-209	7-210	7-211	7-212	7-213	7-214	7-215	7-216	7-217	7-218	7-219	7-220	7-221	7-222	7-223	7-224	7-225	7-226	7-227	7-228	7-229	7-230	7-231	7-232	7-233	7-234	7-235	7-236	7-237	7-238	7-239	7-240	7-241	7-242	7-243	7-244	7-245	7-246	7-247	7-248	7-249	7-250	7-251	7-252	7-253	7-254	7-255	7-256	7-257	7-258	7-259	7-260	7-261	7-262	7-263	7-264	7-265	7-266	7-267	7-268	7-269	7-270	7-271	7-272	7-273	7-274	7-275	7-276	7-277	7-278	7-279	7-280	7-281	7-282	7-283	7-284	7-285	7-286	7-287	7-288	7-289	7-290	7-291	7-292	7-293	7-294	7-295	7-296	7-297	7-298	7-299	7-300	7-301	7-302	7-303	7-304	7-305	7-306	7-307	7-308	7-309	7-310	7-311	7-312	7-313	7-314	7-315	7-316	7-317	7-318	7-319	7-320	7-321	7-322	7-323	7-324	7-325	7-326	7-327	7-328	7-329	7-330	7-331	7-332	7-333	7-334	7-335	7-336	7-337	7-338	7-339	7-340	7-341	7-342	7-343	7-344	7-345	7-346	7-347	7-348	7-349	7-350	7-351	7-352	7-353	7-354	7-355	7-356	7-357	7-358	7-359	7-360	7-361	7-362	7-363	7-364	7-365	7-366	7-367	7-368	7-369	7-370	7-371	7-372	7-373	7-374	7-375	7-376	7-377	7-378	7-379	7-380	7-381	7-
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ACAD FILE NUMBER	
APP PROJECT # 20-0017	
PROJECT NUMBER, LOCATION Master Concept Plan	
SHEET OF	1 1
Appended to File #	

Appendix C
Schedule of Uses

DCI2022-00004 The Nest
Revised CPD Schedule of Uses
February 2, 2023

USES:

1. Accessory uses and structures customarily associated with the permitted principal uses and structures.
2. Administrative Offices
3. Animals: Clinic or Kennel
4. ATM (automatic teller machine)
5. Auto parts store
6. Bait and Tackle shop
7. Banks and financial establishments, Groups I & II (no drive thru)
8. Bar or Cocktail lounge
9. Business Services, Group I
10. Cleaning and Maintenance services
11. Clothing Stores, general
12. Consumption on premises of any sit-down restaurant, bar, or cocktail lounge limited to inside the establishment and outdoor patio space
13. Contractors and builders, group I
14. Convenience food and beverage store
15. Day care center, child, adult
16. Dock (temporary tie up for nonmotorized vessels only)
17. Drugstore, pharmacy (no drive thru)
18. Entrance gates and gatehouse
19. Existing Agricultural Uses, Pursuant to LDC Section 34-934(48)
20. Fences, Walls
21. Gift and Souvenir shop
22. Hardware Store
23. Hobby, toy and game shops
24. Kayak Launch

25. Medical Office
26. Personal Services
27. Recreational facilities, Commercial, Group III Outdoor Facilities limited to passive and active recreational and educational activities including hiking, nature trails and nonmotorized water vessel use; Group IV Indoor Facilities limited to Health Clubs
28. Rental and Leasing, Group I
29. Restaurants, Groups I - III
30. Signs (including off-site signage for the Nest RPD)
31. Specialty Retail, Groups I & II
32. Studios
33. Variety Store
34. Uses that are not specifically listed may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use. This will only be allowed when the eagle's nest is deemed lost.

The Nest

Indigenous Habitat & Protected Species Management Plan

Prepared by:



Wetland Consultants LLC

239-595-1292

www.FloridaWetlandConsultants.com



ENVIRONMENTAL CONSULTING, LLC
15957 Tropical Breeze Drive, Fort Myers, FL 33908
(239) 994-9007

December 6th, 2022

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- Figure 2. Preserve Area with FLUCCS Mapping
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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.

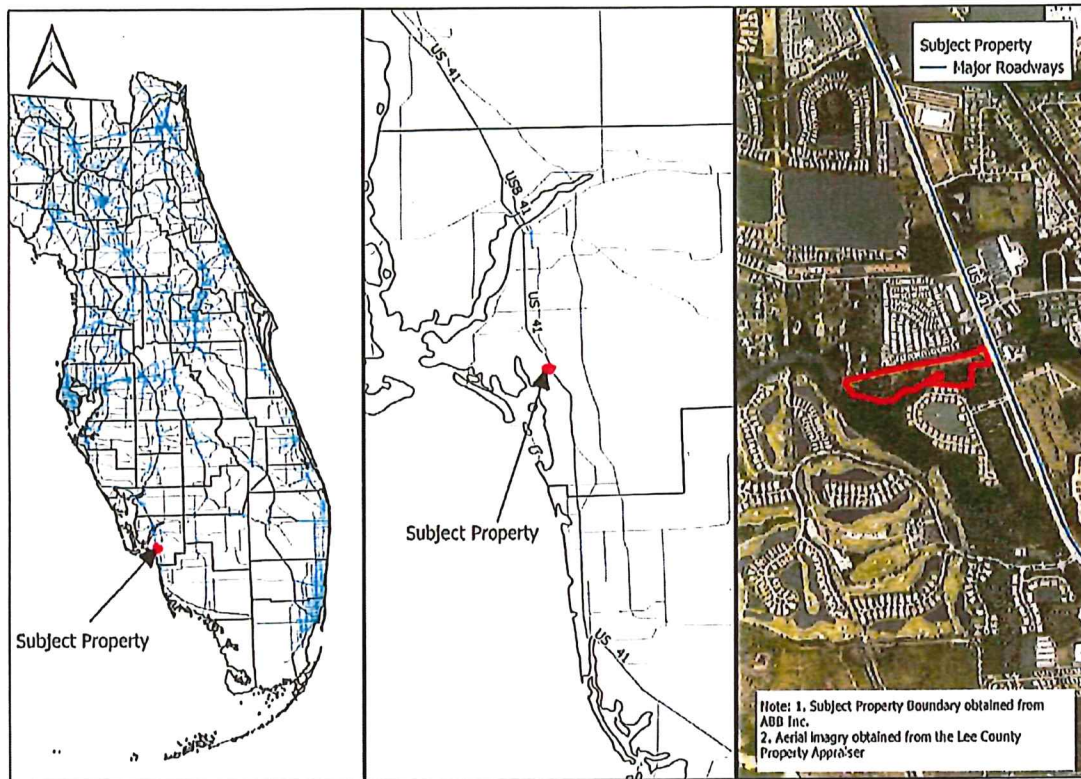


Figure 1. Location Map

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.

- o 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.

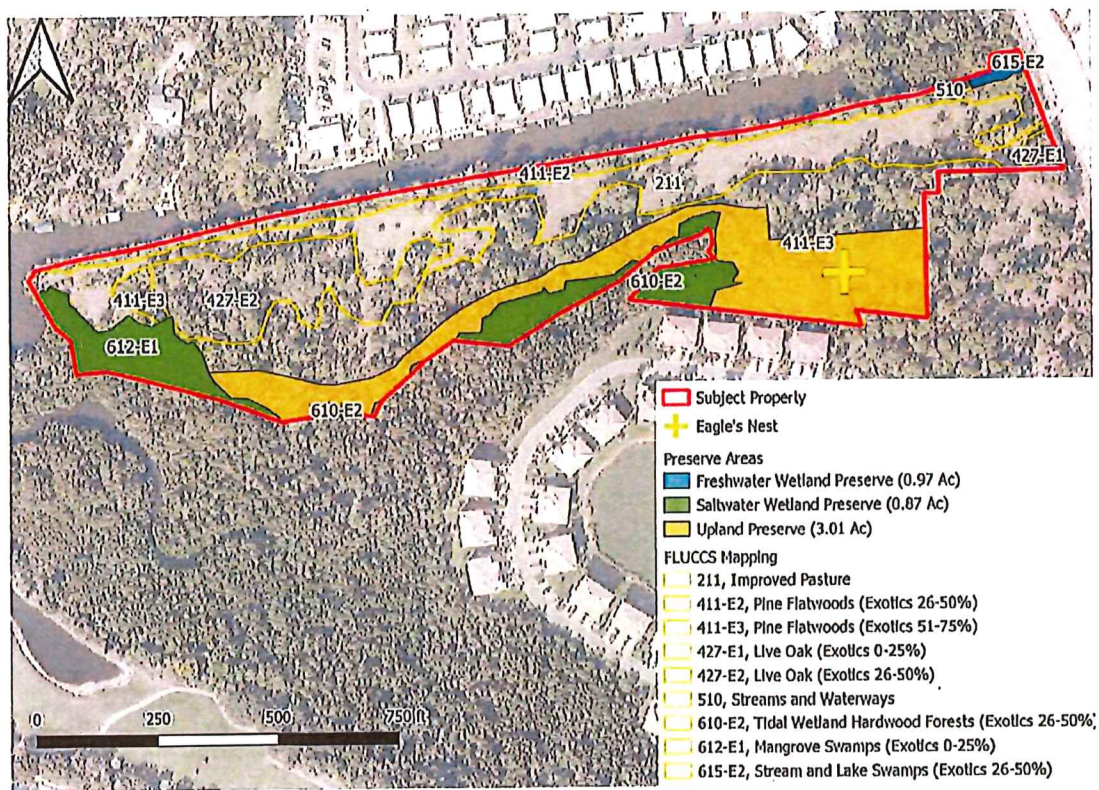


Figure 2. Preserve Areas with FLUCCS mapping.

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 (Creekside 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.

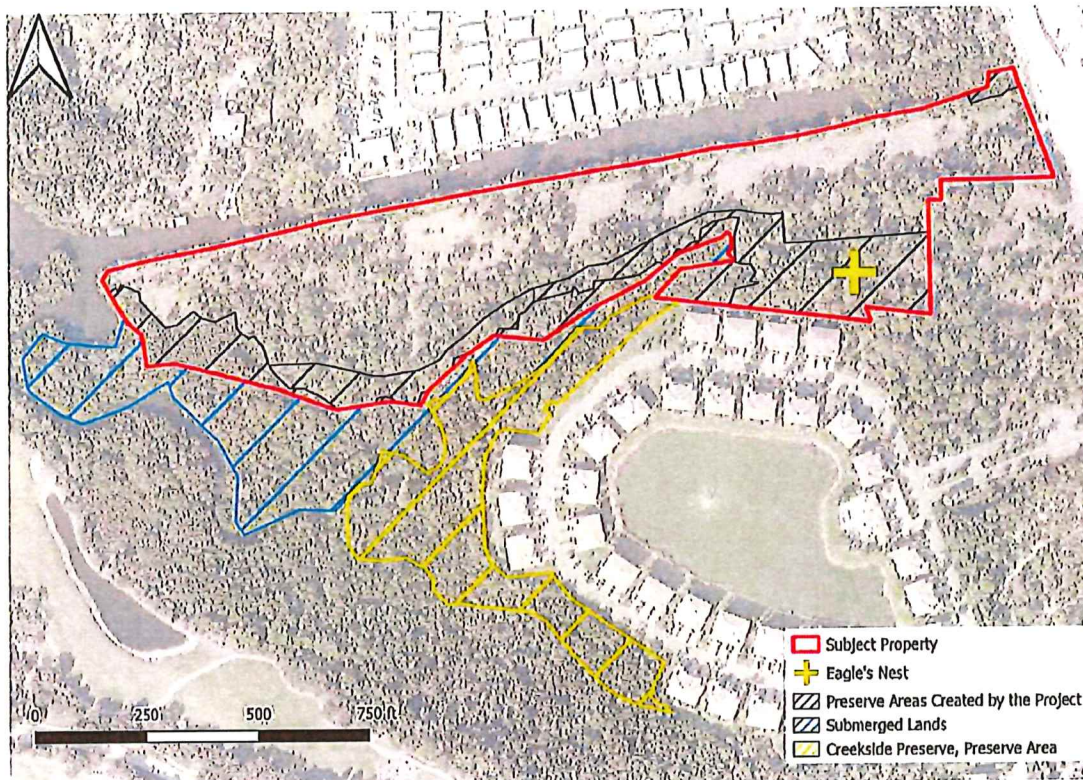


Figure 3. Contiguous Preserve Areas Surrounding the Property.

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.

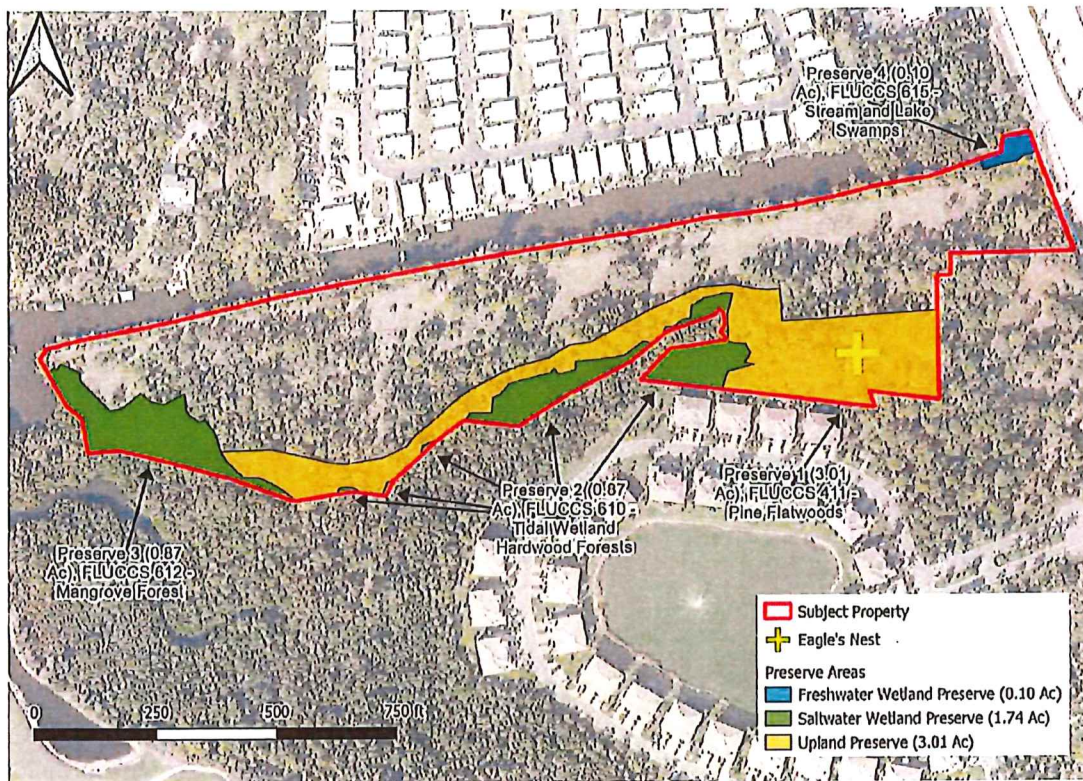


Figure 4. Preserve Map with Preserve Numbers

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 elliotii</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.

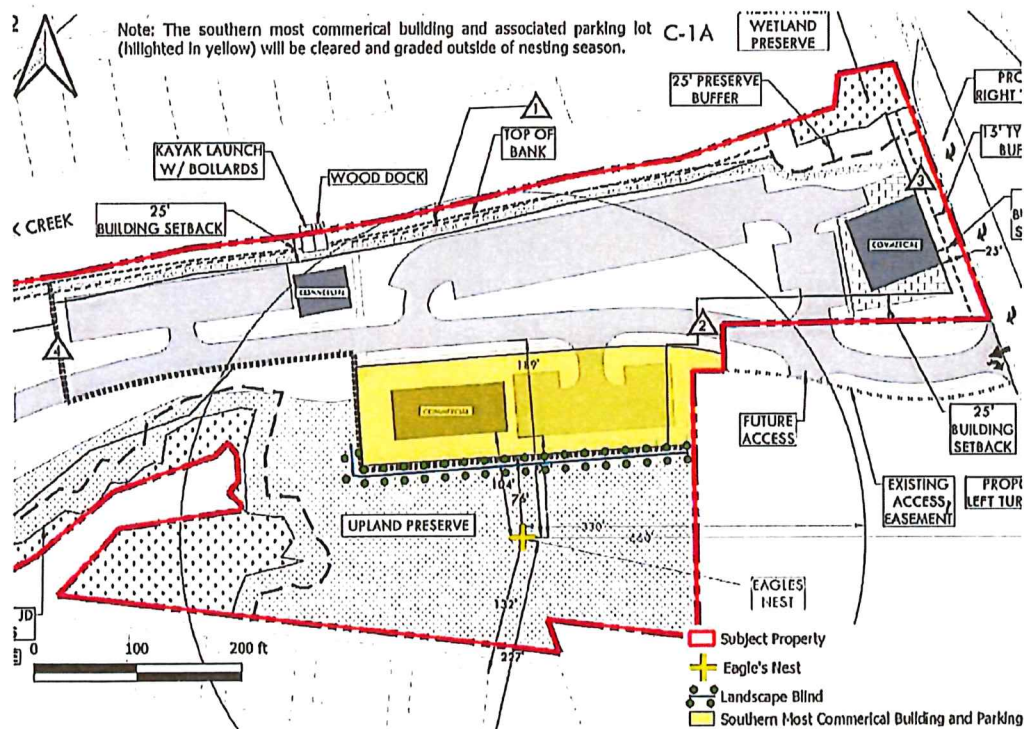


Figure 5. Location of the Landscape Blind on the Master Concept Plan

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:

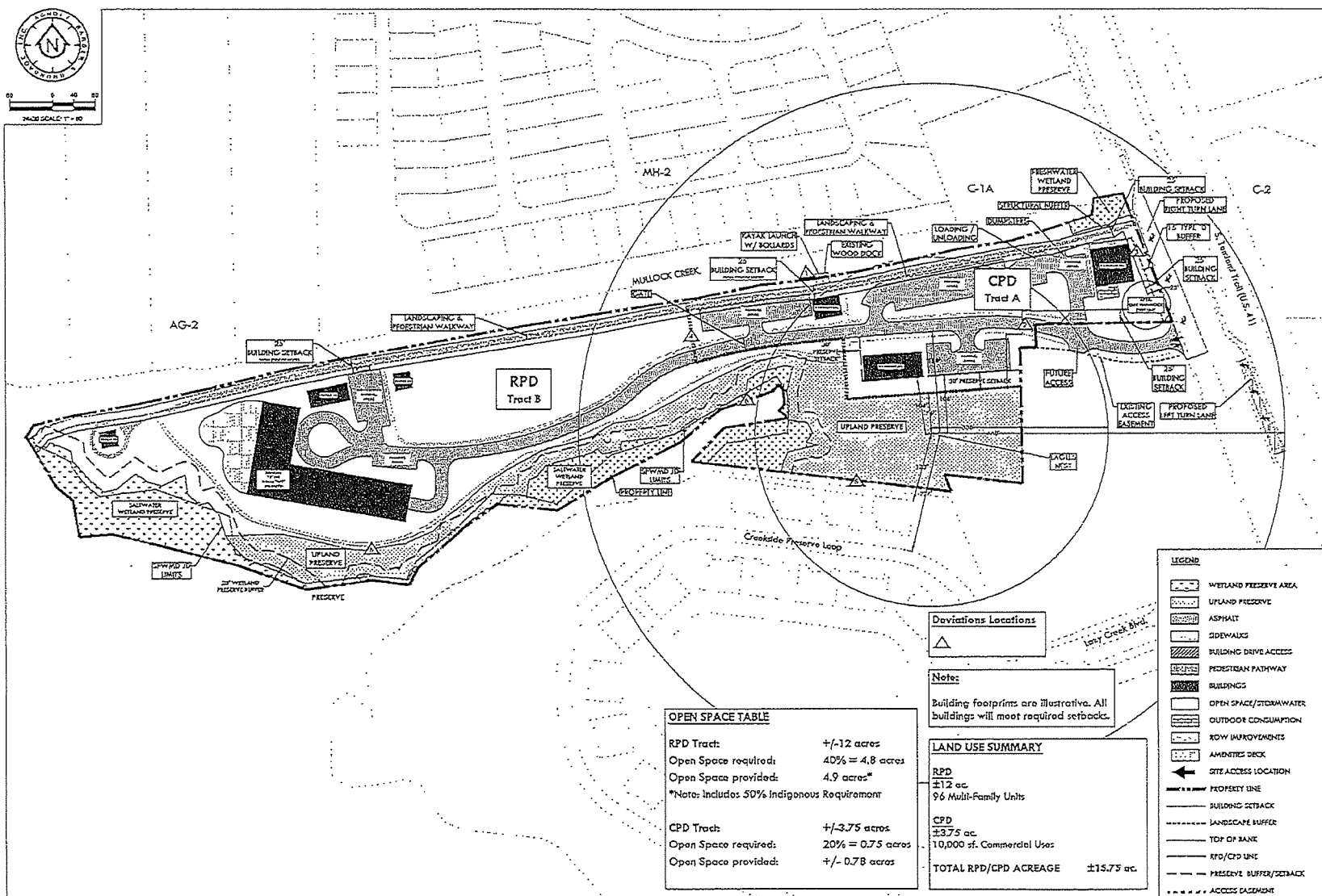
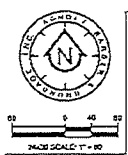
American Alligator/American Crocodile

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



OPEN SPACE TABLE	
RPD Tract:	+/-12 acres
Open Space required:	40% = 4.8 acres
Open Space provided:	4.9 acres*
*Note: Includes 50% Indigenous Requirement	
CPD Tract:	+/-3.75 acres
Open Space required:	20% = 0.75 acres
Open Space provided:	+/- 0.78 acres

Deviations Locations

△

Note:
Building footprints are illustrative. All buildings will meet required setbacks.

LAND USE SUMMARY	
RPD	±12 ac.
96 Multi-Family Units	
CPD	±3.75 ac.
10,000 sq. ft. Commercial Uses	
TOTAL RPD/CPD ACREAGE	±15.75 ac.

- LEGEND**
- WETLAND PRESERVE AREA
 - UPLAND PRESERVE
 - ASPHALT
 - SIDEWALKS
 - BUILDING DRIVE ACCESS
 - PEDESTRIAN PATHWAY
 - BUILDINGS
 - OPEN SPACE/STORMWATER
 - OUTDOOR CONSUMPTION
 - ROW UNIMPROVED
 - AMENITIES DECK
 - SITE ACCESS LOCATION
 - PROPERTY LINE
 - BUILDING SETBACK
 - LANDSCAPE BUFFER
 - TOP OF BANK
 - RPD/CPD LINE
 - PRESERVE BUFFER/SETBACK
 - ACCESS EASEMENT

OWNER
SUNAIT CAPITAL & DEVELOPMENT CORP.
PO BOX 551
NARLES, FL 34109

THE NEST SWFL

MASTER CONCEPT PLAN

20-0017

SHEET 1 OF 1

Appendix B

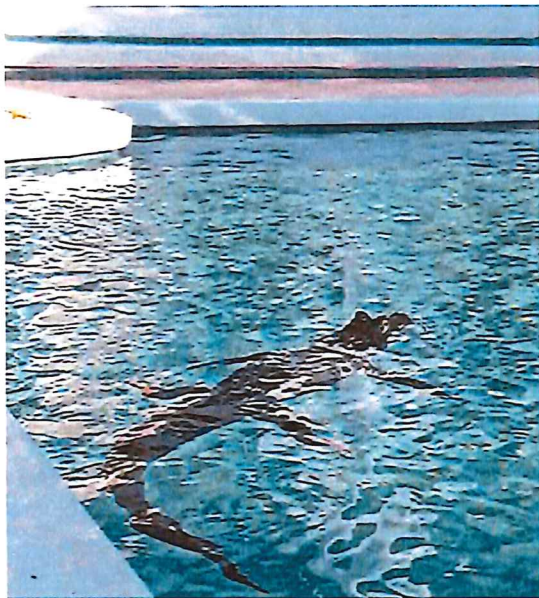
A Guide to Living with Alligators

■ 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.



Tina Donovan, FWC

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



Janice Plain

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



MyFWC.com/Alligator



Jamie Feddersen

A Guide to Living with **Alligators**



Florida Fish and Wildlife
Conservation Commission
MyFWC.com



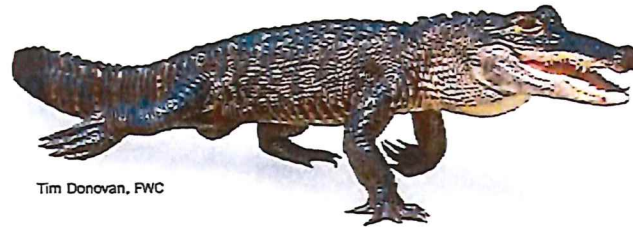
Do not swim outside of posted swimming areas or in waters that may be inhabited by alligators.

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.



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

Tim Donovan, FWC

Appendix C

A Guide to Living in Bear Country



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

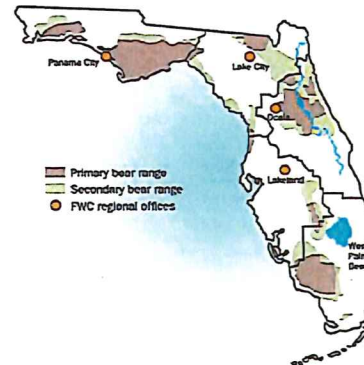
- Use electric fencing to protect gardens, compost piles, apiaries, fruit trees and livestock.
- Store garbage and recyclables in bear-resistant containers or in a secure area until the morning of pick up.
- Feed pets indoors or bring food dishes (even if empty) inside before dark.
- Store pet and livestock 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.



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.



Chad Brown



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!



Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received May 24, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Chahram Badamtchian, to Maria Perez, dated Wednesday, June 7, 2023, 7:53 AM, forwarding Margaret Emblidge's email dated Friday, June 2, 2023, 4:12 PM (4 pages – 8.5"x11")
- 1(a). *Résumé:* For Margaret Emblidge, AICP, Planning Director (1 page – 8.5"x11")[color]
- 1(b). *Résumé:* For Barry E. Jones, P.E., Senior Project Engineer (1 page – 8.5"x11")[color]
2. *PowerPoint Presentation:* Prepared by Agnoli, Barber and Brundage, Inc., for The Nest SWFL, DCI2022-00004, HEX Presentation (multiple pages – 8.5"x11")[color]
3. *Enlarged Master Concept Plan:* Prepared by STA Fund, Inc., for The Nest SWFL, last revised April 24, 2023 (1 page – 11"x17")
4. *Permanent Access and Utility Easement Agreement and Signage Agreement:* Between Janice Albion, as Trustee of the J.E.M. Realty Trust, and STA Fund, LLC, dated April 26, 2021 (multiple pages – 8.5"x11")
5. *Temporary Non-Exclusive Access and Construction Easement Agreement:* Between Janice Albion, as Trustee of the J.E.M. Realty Trust, and STA Fund, LLC, dated April 23, 2021 (multiple double-sided pages – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian
2. Camryn Siverson

Applicant Representatives:

1. Jim Banks
2. Margaret Emblidge
3. Barry Jones
4. Paul Owen
5. Jeff Wright

Public Participants:

1. John Albion
2. Ralph Czekalinski
3. Kris Kern
4. Tom Kern
5. Diana O'Shea

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.
- C. Participants may not submit documents to the Board of County Commissioners unless they were marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.