



**EAGLE TECHNICAL ADVISORY COMMITTEE
Community Development/Public Works Center
1500 Monroe Street, Ft. Myers, FL
First Floor Conference Room 1B**

**TUESDAY, SEPTEMBER 12, 2023
3:00 P.M.**

AGENDA

- 1) Call to Order
- 2) Laura Herrero with Johnson Engineering, Inc. to Present Revised Bald Eagle Management Plan for LE-093 Formosa Commerce Center Phase 1
- 3) Approval of Meeting minutes from July 11, 2023
- 4) 2022-2023 Nesting Season Summary
- 5) Nest Assignments
- 6) Chair and Vice Chair Elections
- 7) Member Reports
- 8) Public Input
- 9) Adjournment – Next Tentative Meeting Date: October 10, 2023

To view a copy of the agenda, go to www.leegov.com/dcd/calendar. For more information, contact Janet Miller (239) 533-8583 or jmiller@leegov.com. In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

FORMOSA COMMERCE CENTER - PHASE 1

Bald Eagle Management Plan LE-093

August 2023

Prepared for:

**Quattrone & Associates, Inc.
4301 Veronica S Shoemaker Blvd B
Fort Myers, FL 33916**

Prepared by:

JOHNSON
ENGINEERING
2122 Johnson Street
Fort Myers, Florida 33901

TABLE OF CONTENTS

	<u>PAGE</u>
1.0 INTRODUCTION/BACKGROUND	1
2.0 EXISTING CONDITIONS.....	3
3.0 PROPOSED ACTIVITIES & EAGLE MANAGEMENT PLAN	
3.1 Proposed Activities	5
3.2 Eagle Management Plan	5
4.0 MONITORING & REPORTING REQUIREMENTS	7
5.0 REFERENCES	8

FIGURES

Figure 1-1 Project Location Map.....	2
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ATTACHMENTS

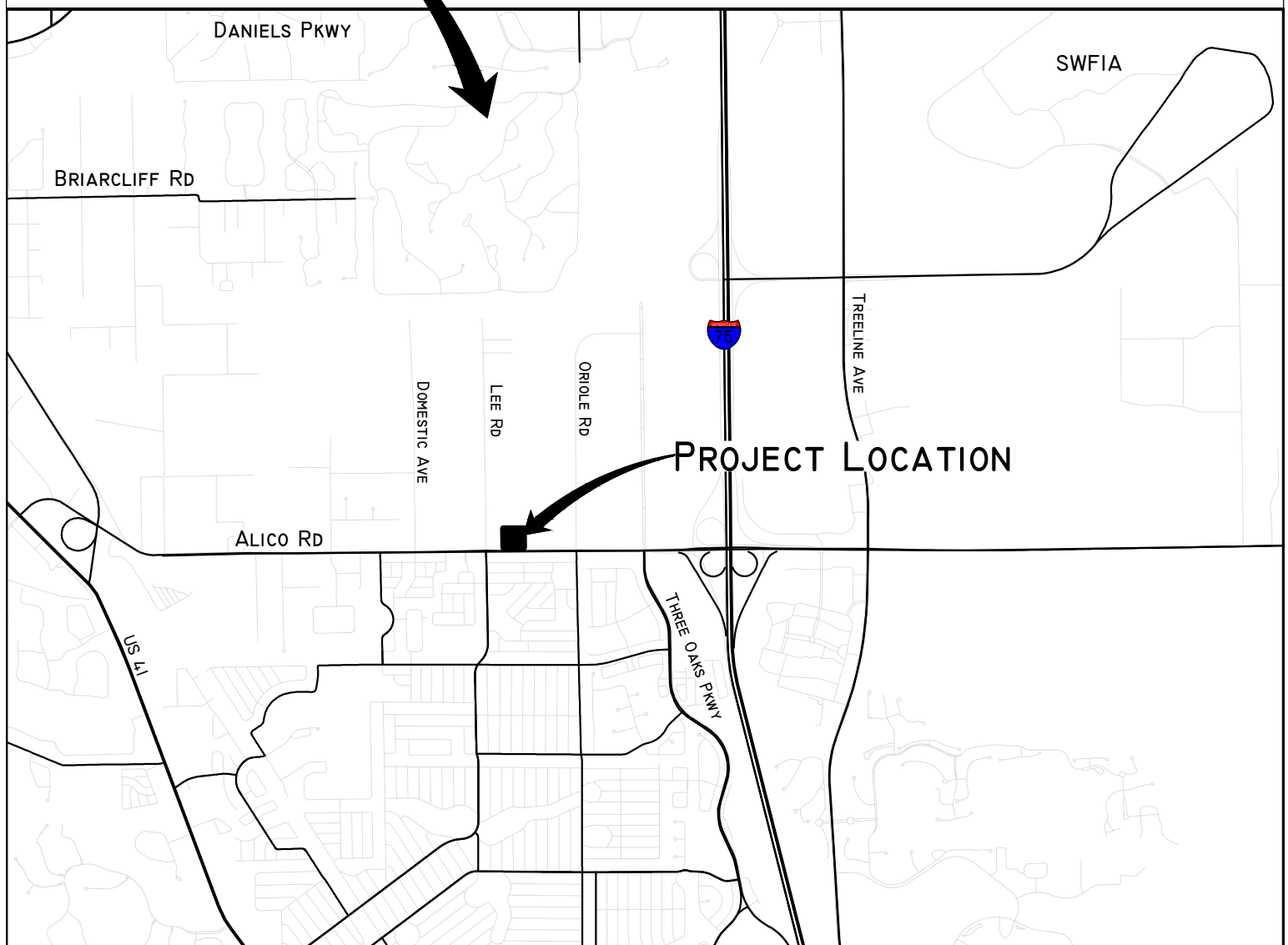
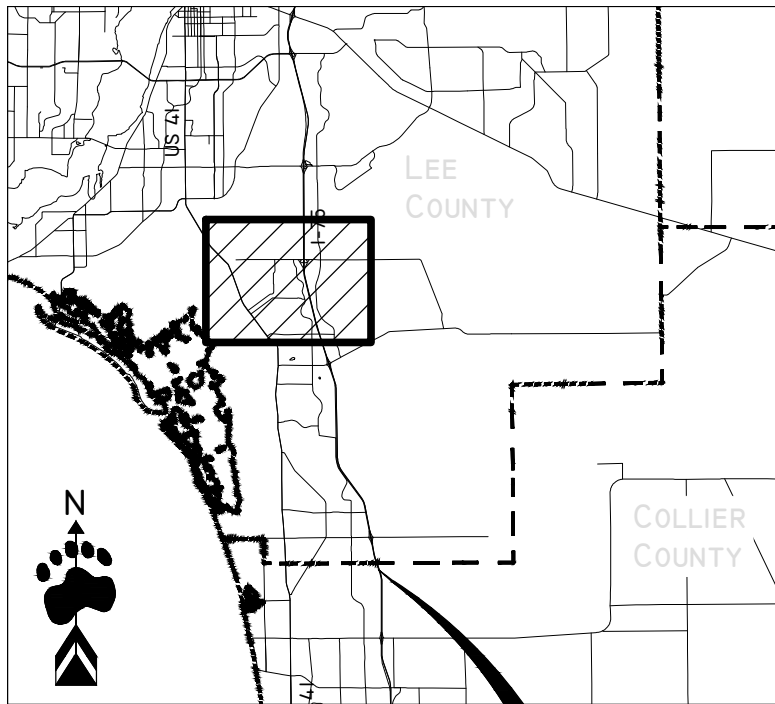
- ATTACHMENT 1. Phase I Proposed Site Plan
- ATTACHMENT 2. Email Correspondence with USFWS
- ATTACHMENT 3. BearPaws FLUCFCS Map
- ATTACHMENT 4. Bald Eagle Nest LE-093 Map

1.0 INTRODUCTION / BACKGROUND

Quattrone & Associates, Inc. is assisting with the design and permitting of a commercial development on a ±5.68-acre parcel (STRAP # 04-46-25-L3-13000.0020) in Lee County, Florida (Location Map prepared by BearPaws Environmental Consulting is provided as **Figure 1-1**). Land uses surrounding the project area include commercial to the north and west, residential to the south, and an improved pasture containing a wetland preserve to the east. All prior wetland impacts for the subject parcel were previously addressed as part of a larger permitting effort for the Three Oaks Parkway – Oriole Road Extension and McGarvey Research Park project [South Florida Water Management District (SFWMD) Permit No. 36-05268-P]. Based on review of historic aerial imagery, the subject parcel was previously cleared and filled in 2008. Since then, the site has remained undeveloped and has been maintained as improved pasture.

The bald eagle (*Haliaeetus leucocephalus*) was delisted by the U.S. Fish and Wildlife Service (USFWS) in 2007 and the Fish and Wildlife Conservation Commission (FWC) in 2008. However, they continue to be afforded protection under the Bald and Golden Eagle Protection Act (BGEPA), Migratory Bird Treaty Act (MBTA), and Lee County Land Development Code (LDC) Division 3 Section 14-119. Per the referenced Lee County LDC, consultation with the Eagle Technical Advisory Committee (ETAC) regarding a Bald Eagle Management Plan (BEMP) is required for projects located within 660' of an active bald eagle nest to support a local development order application. As illustrated on the site plan (**Attachment 1**), portions of the proposed development cross into the USFWS established primary (0' – 330') and secondary (330' – 660') protection/buffer zones of Bald Eagle Nest LE-093.

The proposed development is split into two phases. It is the intent of this BEMP to serve Phase I of the proposed development. Phase II of the development will require a USFWS Incidental Take Permit. Following issuance of the incidental take permit, this BEMP will be revised to incorporate full development of the site in accordance with the USFWS permit and Eagle Technical Advisory Committee (ETAC) comments, as applicable. A stormwater detention area and offsite drainage pipe connection within 330' of the subject eagle nest is included in Phase I. USFWS determined that the detention area and offsite connection would not necessitate an incidental take permit, provided USFWS Monitoring Guidelines were followed. Email correspondence with USFWS staff is provided as **Attachment 2**.



DRAWN BY:	DATE:	CATEGORY
BWS	6/10/23	LOCATION
JOB NUMBER		SCALE:
		NTS
S/T/R		COUNTY
4/46S/25E		LEE

Formosa - Lot 2

Location Map



PAGE

EXHIBIT

1599 COWINGTON CIRCLE EAST, FORT MYERS, FL 33919
(239) 340-0678 BEARPAWS.ENV.CONULTING@GMAIL.COM

Eagle Nest LE-093 was first documented during the 2012-2013 nesting season, during which time the pair successfully fledged one young. The next successful nesting season for the pair was 2015-2016. Then from 2018-2022 (four consecutive nesting seasons) the pair consistently fledged 1-2 young. Following Hurricane Ian, 2022-2023 nesting season, the pair reconstructed their nest, but was unsuccessful in fledging young.

2.0 EXISTING CONDITIONS

Habitat types within the subject parcel were classified by BearPaws Environmental Consulting on June 8, 2023, in accordance with the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS) [Florida Department of Transportation (FDOT) 1999] (**Attachment 3**). The bald eagle nest tree is located just east of the proposed development parcel and therefore is not illustrated on the FLUCFCS map in Attachment 3. Please refer to **Attachment 4** for an illustration of the subject nest location in relation to the project area.

The following descriptions of the habitat types within 660' of the subject nest tree were previously prepared by BearPaws Environmental for the subject development parcel.

FLUCFCS 211 – Improved Pastures

This upland habitat type occupies approximately 4.49± acres of the property. This community contains several shallow ditches/swales that were part of the previous historical land use of the property as agricultural fields. The canopy and subcanopy are open, with scattered live oak (*Quercus virginiana*), slash pine (*Pinus elliottii*), and cabbage palm (*Sabal palmetto*), along the southern portion of this community. The groundcover is dominated by bahia grass (*Paspalum notatum*), with Spanish needle (*Bidens alba*), false buttonweed (*Spermacoce floridan*), ragweed (*Ambrosia artemisiifolia*), broomsedge (*Andropogon virginicus*), Caesarweed (*Urena lobata*), dog fennel (*Eupatorium capillifolium*), smutgrass (*Sporobolus* spp.), and other various opportunistic weedy species.

FLUCFCS 310/743 – Herbaceous Berm

This upland habitat occupies approximately 0.46± acres of the property. It consists of open trails, as well as berms that run along the southern property line abutting the ditch. The canopy and subcanopy are open. The ground cover is dominated by bahia grass, and includes false buttonweed, broomsedge (*Andropogon glomeratus*), dog fennel, ragweed, Caesarweed, Spanish needles, and flattop goldenrod (*Euthamia caroliniana*), with various other opportunistic weedy species.

FLUCFCS 814 – Roadway

This upland community type includes a paved access road to the property off Alico Road and occupies 0.07± acres of the property. The canopy and subcanopy are open. The groundcover along the edges included bahia grass, with broom sedge, Spanish needle, ragweed, Caesarweed, and other opportunistic weedy species. Commonly observed vines include grapevine (*Vitis rotundifolia*).

FLUCFCS 510 – Shallow Swale

This “other surface water” (OSW) community occupies approximately 0.30± acres of the property and consists of a shallow swale east and north within the pasture area. This shallow ditch/swale was part of the previous historical land use of the property as agricultural fields. The canopy and subcanopy are open. The ground cover includes pennywort (*Centella asiatica*), spikerush (*Eleocharis interstincta*), smart weed (*Polygonum hydropiperoides*), yellow-eyed grass (*Xyris floridana*), tickseed (*Coreopsis floridana*), torpedo grass (*Panicum repens*), white-top sedge (*Rhynchospora colorata*), maidencane (*Panicum hemitomon*), mermaid weed (*Proserpinaca pectinata*), and water hyssop (*Bacopa monnieri*).

FLUCFCS 514 – Ditch (Surface Water Management System)

This “other surface water” (OSW) community occupies approximately 0.36± acres of the property and appears to be part of the previously permitted water management system for the overall development. The canopy and subcanopy are open. The ground cover includes widely scattered cattail (*Typha latifolia*), with smartweed, water hyssop, Cyperus (*Cyperus* spp.), and torpedo grass.

3.0 PROPOSED ACTIVITIES & EAGLE MANAGEMENT PLAN

3.1 Proposed Activities

Activities associated with Phase I proposed between 330' – 660' of Eagle Nest LE-093 include the construction of one \pm 1,000 square foot single story building as well as parking, internal roadways, and detention areas (Attachment 1). Activities associated with Phase I proposed within 330' of the eagle nest are consistent with the activities approved by the USFWS (Attachment 2) and include the alteration of a pasture to a detention pond with a berm and pipe installation connecting existing drainage features. USFWS confirmed that the proposed activities associated with Phase I would not require an Incidental Take Permit, given work occurring within 330' of the subject nest occurs outside of the nesting season when the nest is not “in use” [Note: nest in use generally refers to the bald eagle nesting season (October 1 – May 15) but use may occur earlier if nesting is initiated prior to October 1 and may end earlier or later than May 15, dependent upon date of successful fledging of young or documented nest failure.]

Activities Proposed within 150' – 330' of LE-093

Phase I limits are located approximately 150' west of eagle nest LE-093. Proposed work within this area includes the conversion of an existing disturbed area with no canopy or subcanopy vegetation into a detention pond with a berm and a drainage pipe connecting existing drainage features. Although not the primary purpose of this design, it is believed the proposed detention pond will provide additional foraging opportunities for the bald eagle pair.

Activities Proposed within 330' – 660'

Activities proposed within this area include the construction of a portion of the singular structure and parking, internal roadways, and stormwater management features, as shown on Attachment 1.

3.2 Eagle Management Plan

This BEMP is applicable only to activities associated with construction within 660' of Bald Eagle Nest LE-093 that may occur during the bald eagle nesting season or when the nest is in use. Based on the proposed site plan (Attachment 1), three distinct zones around the bald eagle nest will be established. Each zone will have differing levels of restrictions as to the proposed development and time of construction. The restrictions associated with each zone are outlined

below. Phase I of the proposed development does not include landscape buffers for the subject bald eagle nest. Landscape buffers will be proposed in Phase II and will be designed to match the site directly north (i.e., a visual buffer of native trees and shrubs will be installed along the eastern project boundary).

Outside the 660' Buffer of LE-093

No development restrictions are required outside of the 660' buffer of Eagle Nest LE-093.

Between the 330' – 660' Buffer of LE-093

If any exterior construction or project activities within this zone need to occur when the nest is in use, the following restrictions/management practices will be utilized.

- A traffic/noise abatement program will be initiated for construction personnel, which includes: no excessive and/or sudden loud noise, including engine braking, tailgate banging, loud radios, shouting, singing, etc.; all motorized equipment, including saws or other hand held power tools must be moved indoors if possible or placed to minimize noise at and reflect noise away from the direction of the eagle nest tree; minimize the need for “reverse” indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns; and provide signage in English and Spanish, if applicable, indicating the need for quiet to the extent practicable.
- A staging area for equipment and parking/carpool location for construction or project personnel will be established outside of 330' of the eagle nest tree.
- Monitoring will be conducted by a qualified observer to assess the nest for signs of disturbance in accordance with USFWS Bald Eagle Monitoring Guidelines (USFWS, 2007). Monitoring will occur three times per week for a minimum of four hours beginning 30 minutes before sunrise through the fourth week post-hatching and care of eaglets. Monitoring frequency for activities may be reduced to one per week beginning five weeks post-hatching and continue until fledgling occurs or May 15, whichever occurs first. At least one of the monitoring events will take place in the late afternoon. Monitoring will occur on days that construction activities are ongoing and include time while work is in process to the extent possible.
- Monitoring data sheets summarizing the monitoring activities will be prepared and can be submitted to ETAC, USFWS, and FWC, if needed.

Within the 330' buffer of LE-093

It is proposed that Phase I development may encroach within the primary zone up to $\pm 150'$ of the nest tree. However, no exterior construction, heavy equipment landscaping, and associated activities are proposed within 330' of the nest tree when the nest is in use. All exterior construction, heavy landscaping, and associated activities will only occur within the zone when the nest is not actively being used for nesting.

4.0 MONITORING AND REPORTING REQUIREMENTS

A qualified monitor will be required to monitor the nesting territory, which is defined as up to a 1.5-mile radius of eagle nest tree LE-093, on property that is legally accessible by the developer and where the activities occur. The monitor will be experienced in recognizing specific patterns and changes of eagle behavior and employed by or contracted by the permittee, landowner, company, or entity responsible for having the activity monitored. The monitor will be as inconspicuous as possible, so not to cause a disturbance with his/her presence, and when applicable, a wildlife blind or viewing location out of direct sight of the eagle will be utilized. The monitor will have the authority to halt all exterior construction within the 660' zone should disturbance related to ongoing construction be observed.

Monitoring will be conducted at a distance that allows for observation without an interruption in the eagle's normal behavior. If the eagles do not return to the known nest tree location (LE-093), the property will be monitored to assess whether the pair has established a new nest location onsite.

If a new eagle nest is not built on the original nesting tree, the monitor will report the new eagle nest location within 10 days to the USFWS Southeast Region Eagle Biologist and ETAC through the assigned Lee County personnel.

Monitoring will be conducted in the methodology previously described under the monitoring requirements for work within the 330' – 660' buffer zone of the eagle nest, with the monitor using the USFWS Bald Eagle Monitoring Data Report to record ongoing construction activities and eagle behaviors observed during each monitoring event. This information may be submitted to ETAC, USFWS, and FWC, if needed.

5.0 **REFERENCES**

Bald and Golden Eagle Protection Act, *United States Code* – title 16 (1940): 668 et seq.
<https://uscode.house.gov/browse/prelim@title16&edition=prelim>

Eagle Permits, *Code of Federal Regulations* – title 50 (2018): 4-17.
<https://www.govinfo.gov/content/pkg/CFR-2018-title50-vol9/xml/CFR-2018-title50-vol9-part22.xml#seqnum22.21>

Audubon Florida EagleWatch Nest Map. 2023. Bald Eagle Nest Locator.
<https://audubon.maps.arcgis.com/apps/SimpleViewer/index.html?appid=75ea06f653f847658c908634ffc6f640> (Site accessed August 2023)

Migratory Bird Treaty Act, *United States Code* – title 16 (1916): 703-711.
<https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title16-chapter7-subchapter2&saved=%7CKHRpdGxlOjE2IHNIY3Rpb246NzAzIGVkaXRpb246cHJlbGltKSBPUiAoZ3JhbnVsZWlkOlVTQy1wcmVsaW0tdGl0bGUxNi1zZWNOaW9uNzAzKQ%3D%3D%7CdHJlZXNvcnQ%3D%7C%7C0%7Cfalse%7Cprelim&edition=prelim>

U.S. Fish and Wildlife Service. Bald Eagle Monitoring Guidelines. 2007. Washington, D.C.

U.S. Fish and Wildlife Service. National Bald Eagle Management Guidelines. 2007. Washington, D.C.

ATTACHMENT 1

Phase I Proposed Site Plan

LOCATED IN SECTION 04, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA

This map displays the coastal region of Florida, specifically Charlotte County, Lee County, and Collier County. The Gulf of Mexico is to the west. Major roads are shown with route numbers: 1, 10, 19, 24, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. Water bodies include the Gulf of Mexico, Charlotte Harbor, and various rivers and bays. An inset map in the bottom right corner shows the location of the 'SITE' within the larger context of the counties. The site is located in Lee County, near the intersection of Lee Road and Allico Rd.

PROJECT SUMMARY:

IPD - INDUSTRIAL PLANNED DEVELOPMENT

04-46-25-L3-13000.0020

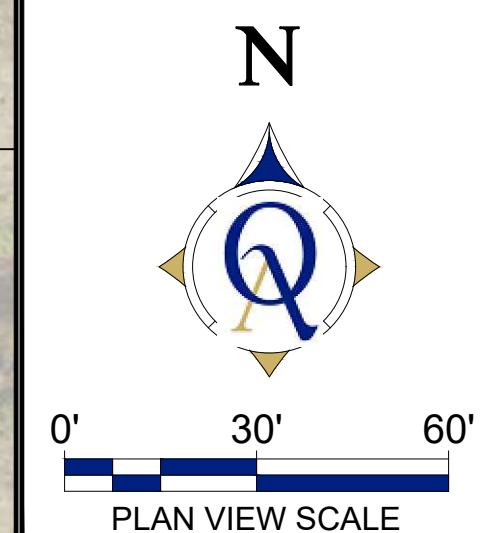
5.69 ACRES (±248,000 SF)

REQUIRED: BEVERAGE SERVICE BUSINESS (1,000 SQ. FT.)
1 SPACE / 200 SQ. FT. OF TOTAL FLOOR AREA
 $1,000 / 200 = 5$ SPACES (MIN.)

WAREHOUSING/SHOWROOM (40,000 SQ. FT.)
 1 SPACE / 1,000 SQ. FT. FOR 1ST 20,000 SQ. FT.
 1 SPACE / 2,000 SQ. FT. FOR 2ND 20,000 SQ. FT.
 1ST 20,000 / 1,000 = 20 SPACES (MIN.)
 2ND 20,000 / 2,000 = 10 SPACES (MIN.)

30 SPACES + 5 SPACES = TOTAL 35 SPACES (MIN.)

PROVIDED: 129 SPACES (INCLUDING 6 H.C. SPACES)



 **Quattrone & Associates, Inc.**
Engineers, Planners & Development Consultants

P:\2023 Projects\230501 FORMOSA COMMERCE CENTER - WEN WU\01-CADD FILES\00-QAI CADD - CONCEPTS\230501-FORMOSA COMMERCE CENTER-CONCEPT C-PHASE2

ATTACHMENT 2

Email Correspondence with USFWS

From: [Kirkpatrick, Ulgonda](#)
To: [Kyle R. Philpot](#)
Subject: Re: [EXTERNAL] Incidental Take Permit - Lot 2 Formosa
Date: Friday, August 18, 2023 9:59:04 AM

Nice speaking with you. The project as described and the approach being taken (avoid exterior work within 330ft of the nest while the nest is in use; and monitor/avoid disturbance for work between 330ft and 660ft) is reasonable for phase 1 of this site. It is understood that you will likely submit an Incidental Take application for phase 2 within the next 6 months.

Please avoid impacts to listed species during the course of the work, as we discussed.

If you need anything further please let me know.

Ulgonda Kirkpatrick
[USFWS Southeast Region](#)
Migratory Bird Permitting Office
Science Applications & Migratory Birds
1875 Century Blvd
Atlanta, GA 30345
352-406-6780 Office/Cell

USFWS Eagle Library

<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

From: Kyle R. Philpot <krp@johnsoneng.com>
Sent: Tuesday, August 15, 2023 3:52 PM
To: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Subject: RE: [EXTERNAL] Incidental Take Permit - Lot 2 Formosa

Good afternoon Ulgonda,

I am reaching out to discuss a project off of Alico Road in Lee County, Florida that is directly south of the Lot 2 Formosa project (please see email correspondence below). This project is planned in two phases to allow the start of construction while we apply for an incidental take permit for structures proposed within 330' of eagle nest LE-093.

I attached the site plan for **Phase I** of the project which is the purpose of this email. Phase I includes all infrastructure outside of 330'. Work associated with Phase I within 330' of the nest includes the alteration an improved pasture to a detention pond with a berm and pipe connecting existing

drainage features. This is the same proposal and the same distances for the previous project to the north and is only intended to allow the contractor to begin work while we apply for an incidental take permit necessary for final build out.

If this work within 330' associated with Phase I occurs outside of the nesting season when the nest is inactive, and the property owner agrees to adhere to FWS monitoring guidelines will an incidental take permit for **Phase I** be necessary? The client intends to submit an incidental take permit application for the final build out once Lee County approves the Phase I Bald Eagle Management Plan.

Thank you again for your assistance. Of course, should you have any questions please feel free to call me 239-850-8696.

Kyle R. Philpot

Ecologist

JOHNSON ENGINEERING, INC.

2122 Johnson Street

Fort Myers, Florida 33901

Direct Line: (239) 461-2466

Cell: (239) 850-8696

krp@johnsoneng.com

www.johnsonengineering.com

From: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>

Sent: Wednesday, November 30, 2022 6:08 PM

To: Kyle R. Philpot <krp@johnsoneng.com>

Subject: Re: [EXTERNAL] Incidental Take Permit - Lot 2 Formosa

Hi Kyle,

So long as they avoid disturbance to the nesting pair, which it sounds like they are willing to do, a permit would not be needed. Please keep the monitoring reports in-house and contact me right away if you start detecting disturbance issues, otherwise I do not need to review monthly reports.

Please let me know if you need anything else.

Ulgonda Kirkpatrick

USFWS Southeast Region

Migratory Bird/Science Applications Division

1875 Century Blvd

Atlanta, GA 30345

352-406-6780 Office/Cell

For more information about eagle management, please see:
<https://www.fws.gov/library/collections/bald-and-golden-eagle-management>

From: Kyle R. Philpot <krp@johnsoneng.com>
Sent: Wednesday, November 30, 2022 3:51 PM
To: Kirkpatrick, Ulgonda <ulgonda_kirkpatrick@fws.gov>
Subject: [EXTERNAL] Incidental Take Permit - Lot 2 Formosa

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

Good afternoon, Ulgonda,

We spoke briefly before Thanksgiving regarding the potential need for a Bald Eagle Incidental Take Permit for a project off Alico Road in Fort Myers, Florida.

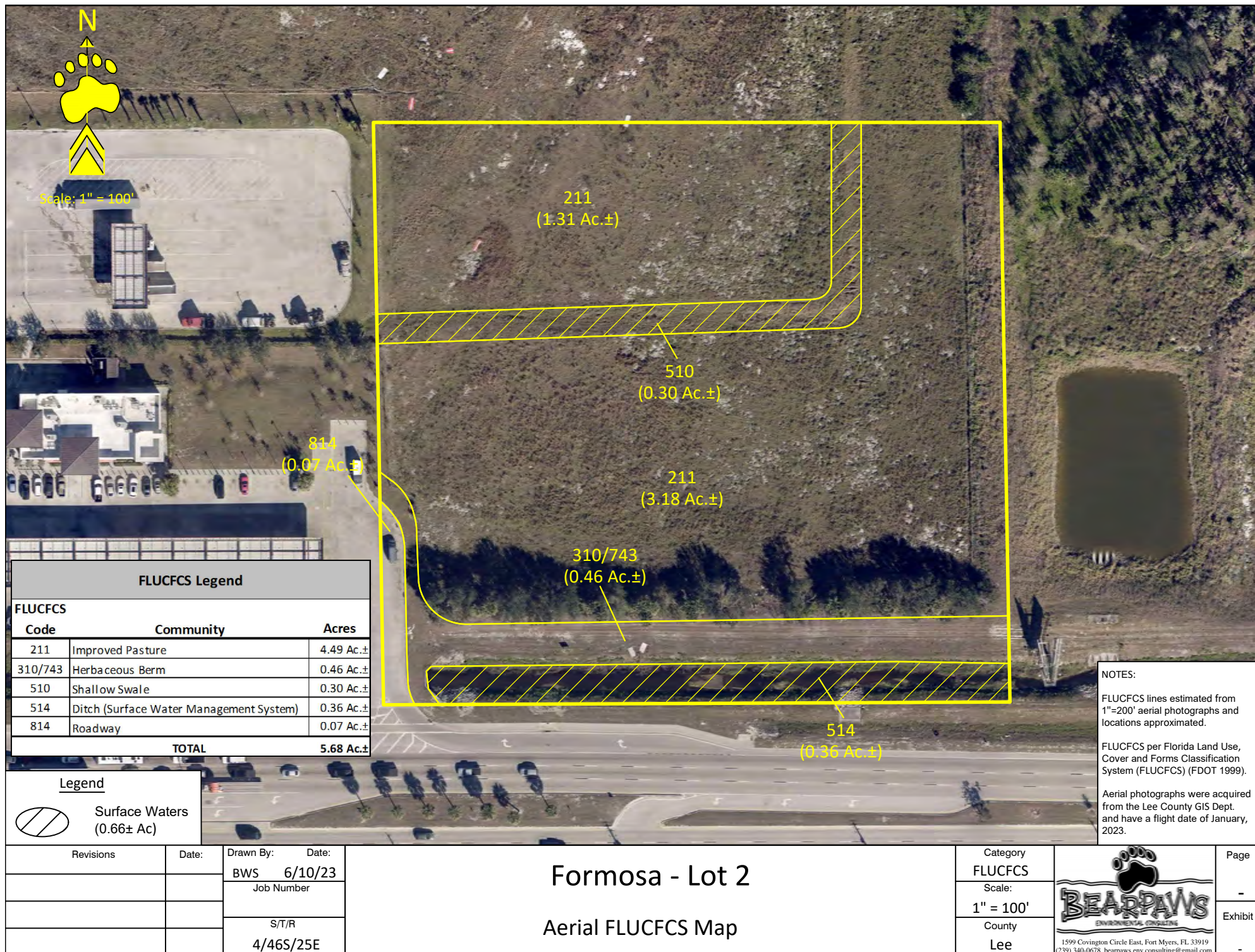
As we discussed, the work proposed within 330' will alter an improved pasture to a detention pond with a berm and pipe connecting existing drainage features. If this work (within 330') occurs outside of the nesting season when the nest is inactive, and the property owner agrees to adhere to FWS monitoring guidelines will an incidental take permit be necessary? I attached a copy of the preliminary site plan.

Thank you for taking the time to look this over. If you have any questions, please call me at 239-850-8696.

Kyle R. Philpot
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ATTACHMENT 3

BearPaws FLUCFCS Map



ATTACHMENT 4

Bald Eagle Nest LE-093 Map

O:\2023\20236071-000\Environmental\Bald Eagle Nest LE-093 Map.mxd Date: 8/10/2023 Time: 12:29:03 PM User: san



Formosa Commerce Center

Parcel ID: 04-46-25-L3-13000.0020
Lee County, Florida

JOHNSON
ENGINEERING

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E.B. #642 & L.B. #642

Bald Eagle Nest LE-093 Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
August 2023	20236071-000	--	As Shown	--

MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)
Tuesday, July 11, 2023

Committee Members Present:

Ed Elms

Betsie Hiatt, Vice-Chair

Kyle Philpot

Jacob Taminosian

Excused/Absent:

Laura Greeno, Chair

Lee County Government Staff Present:

Nic DeFilippo, DCD Planning

Janet Miller, DCD Admin

Camryn Siverson, DCD Zoning

Amanda Swindle, Asst. County Attorney

Outside Consultants/Members of the Public Present:

Mr. Brown Collins, Ecological Analyst

Alan Freeman, Property Owner

Al Quattrone, Quattrone & Associates, Inc.

Call to Order:

Ms. Betsie Hiatt, Vice Chair, called the meeting to order at 2:58 pm in the First Floor Conference Room 1B, of the Community Development/Public Works Building, 1500 Monroe Street, Ft. Myers, Florida. Introductions were made.

Agenda Item 2) Al Quattrone with Quattrone & Associates, Inc. to Present Revised Bald Eagle Management Plan for LE-093 Alico Oriole West, MPD DCI2022-00061

Mr. DeFilippo stated this item was a continuation from last month because at last month's meeting this Committee made recommendations for a few changes. The applicant and their team are in attendance today to review their revised plan.

Mr. Brown Collins stated he was available for any questions the Board may have.

Mr. DeFilippo asked that someone in their team review the changes in the plantings.

Mr. Freeman stated the following: 1) The planting plan has changed to include indigenous trees (pines and sable palms) as requested by this Committee last month; 2) The planting plan includes a table in the report that indicates where the plantings are being placed as well as the spacing between each tree. The plan includes 15 pines and 30 sable palms that are spaced with clumps of three pines and five sable palms; 3) Mr. Freeman reviewed with the Committee the visual screening that would be between the development and the eagle's nest, which will help the development have the least impact to the eagles as possible; and 4) there were stringent monitoring requirements in the Eagle Management Plan requiring them to monitor the nest three times per week; however, at the end of the document there was reference to the monitoring requirements from the Federal Permit, which was contradictory and confusing, so it was removed.

Ms. Hiatt stated she had noticed there was a land use table proposed for the zoning that has several uses that are precluded within the eagle buffer zone as well. Those precluded uses seem to be ones that would promote outdoor activity where there would be people around, which is what the eagles tend to be sensitive to.

Mr. Freeman stated that was correct. The plan has been marked and asterisked next to those uses so that it is easy to see because previously there was no reference.

Mr. Elms stated he felt the revised plan addressed this Committee's concerns.

Mr. Taminosian concurred and stated it looked as if most of the changes were implemented. He referred to Condition Number 5 on Page 8 under the "*Management Plan*" section where it states, "*No active external construction within 330' of the nest when the nest is active (nesting season historically Oct 1 through May 15).*" He asked if they could possibly incorporate language from Condition Number 1 which is more specific. It says "*(Note: nest in-use generally refers to the bald eagle nesting season (October 1 – May 15), but use may occur earlier if nesting is initiated prior to October 1 and may end earlier or later than May 15, dependent upon date of successful fledging of young or documented nest failure).*"

Ms. Hiatt noted that in Condition Number 5 they use the term "*historically,*" which she felt alludes that the use may occur earlier if nesting is active.

Mr. Taminosian asked whether Condition Number 5 should be between the 200' and 300' Buffer of the LE093 Section on Page 9 or if this language is mimicking the Incidental Take Permit.

Mr. Collins stated it was consistent with the Federal Take Permit.

Mr. Taminosian stated his comments were minor comments that he did not feel needed to be made.

Mr. Philpott made a motion to approve the Revised Bald Eagle Management Plan for LE-093 Alico Oriole West, MPD DCI2022-00061. The motion was seconded by Mr. Taminosian. The Vice Chair called the motion and it passed 4-0.

Ms. Hiatt thanked the applicant and their representatives for addressing this Committee's concerns and for attending today's meeting with a revised plan.

Agenda Item 3) Approval of Meeting Minutes from June 13, 2023

The Committee discussed some revisions to Mr. Taminosian's motion on Page 6 of 8. The revised motion will read:

Mr. Taminosian made a motion to continue review of the Bald Eagle Management Plan for Nest LE-093 for Alico Oriole West to: 1) incorporate or consider updates including the planting list (by removing bamboo); 2) update the line of site figure to match engineering drawings within the Bald Eagle Management Plan; 3) remove references to bamboo where applicable and ensure that the monitoring requirements are as presented in accordance with what the Eagle Technical Advisory Committee typically approves; 4) ensure that drawings that may depict or suggest construction within the 200 foot buffer of the eagle nest are clarified in some capacity; 5) include a new planting plan with species such as slash

pinus (*Pinus elliottii densa variety*), sable palmetto and shrub species including, but not limited to, Walter's Viburnum and Wax Myrtle. The motion was seconded by Ms. Hiatt.

Mr. Elms made a motion to approve the June 13, 2023 meeting minutes as amended, seconded by Mr. Taminosian. The motion was called and passed 4-0.

Mr. Taminosian stated that since the applicant has a Federal Take Permit, they still committed to the more stringent monitoring, which he felt was above and beyond what they technically are required to do. He asked if they could have merely monitored in accordance with the Federal Take Permit.

Ms. Hiatt stated that the Fish and Wildlife Service is issuing an Incidental Take Permit; however ETAC is trying to do what they can for the eagles. In past instances, the Committee has felt that if an applicant follows the monitoring according to the normal protocol, which is three times a week during construction, there is a better chance of not impacting eagles. If an applicant is adamant that they only want to monitor according to what the Incidental Take Permit requires, the item would be voted on by this Committee. Some of the members who have served on ETAC for a long time would most likely not agree to minimum monitoring. It would then become a debate in the zoning process or at the Board level.

Mr. Philpott felt it showed good faith on the applicant's part. ETAC is merely trying to do what is in the best interest of the eagles.

Ms. Hiatt concurred that ETAC is trying to protect the local population of eagles. She noted that the Fish and Wildlife Service looks at this issue in terms of "*Country-wide*" and "*State-wide*," so they may not be as concerned about a local population in a specific region. The applicant could have resisted, but, fortunately, they are willing to follow the normal protocol of three times per week.

Mr. Taminosian stated it would have been different if this Committee suggested they do additional monitoring, but they broached the subject themselves and put it in their Eagle Management Plan ahead of time.

Ms. Hiatt felt that may be because they already know that the normal protocol of three times per week is what typically happens.

Mr. Elms asked if Lee County staff ensures this is being done.

Mr. DeFilippo stated that was correct and noted there are many conversations that take place between staff and applicants before it gets scheduled to come before this Committee.

Agenda Item 4) Member Reports

Mr. DeFilippo gave an update on some nesting sites per questions by Ms. Greeno and Ms. Hiatt at last month's meeting as follows:

Lehigh Nest

Mr. DeFilippo stated he had spoken to John Curtis with Johnson Engineering and was told that they only performed one monitoring event because there was no construction within the 660'. Therefore, the monitoring was inconclusive and there is not much data this year.

Ms. Hiatt asked if Mr. Curtis had seen any eagles when he monitored the site.

Mr. DeFilippo stated eagles were in the area, so it is known that the eagles must be nearby.

Ms. Hiatt asked if the nest was still there.

Mr. DeFilippo stated he believed it was.

Fort Myers Beach Nest

Mr. DeFilippo stated that although the tree is still in place, the nest came down and has not been rebuilt.

Laredo Nest

Mr. DeFilippo stated this nest falls within the City of Fort Myers. The consultant monitored it through December, but no nest was reconstructed. The consultant monitored the site again at the end of the nesting season in May and the nest was rebuilt; however, no eagles were present.

Mr. Elms stated that hopefully enough Pine trees are left on Pine Island for next year's nesting season.

Ms. Hiatt stated many places were flooded causing many pines to die.

Mr. Elms referred to the Galt Preserve nest and noted that area is an example of where some pine trees are still alive, but the nest tree is dead. The nest tree by the Trailer Park (Vacation Lane) is dead as well.

Ms. Hiatt referred to the Barrancas where the eagles came back, but never rebuilt their nest. The tree is still alive, but it lost one of its major branches. The site did not flood with salt water, so there are still many good pine trees, yet the eagles have not rebuilt a nest. She hoped they would next year. She also noted that many people are replanting pine trees on Pine Island, so hopefully in around 20 years they will be a good source for future eagle nests.

Agenda Item 5 – Public Input

None

Agenda Item 6 – Adjournment – Next Tentative Meeting Date: August 8, 2023

Mr. DeFilippo stated that he did not have any items so far for an August ETAC meeting, so there most likely would not be an August meeting.

The meeting adjourned at 3:18 p.m.

2022-2023 Lee County Eagle Technical Advisory Committte (ETAC) Bald Eagle Nesting Season Summary

Nest Number	Nest Name	Location	Nest Activity	Fledgling #	Nest Condition	Nest Tree Species	Comments
LE-001C	NW 44th Pl	18-43-23	Active	0	Good		Nest rebuilt after Ian but unsuccessful - City of Cape Coral
LE-002	St. Charles Harbor	34-45-23	Active	2	Good	Slash pine	2 fledglings confirmed
LE-006	Bayshore Commons	31-43-25	Inactive	0	Good	Slash pine	Adults came back post Ian. No nesting behavior observed
LE-010	Quail Trail	31-43-22	Active/Failed	0	Gone	Australian pine	Nest rebuilt post Hurricane Ian. Incubation/brooding observed but no chicks.
LE-018A	Manatee Bay	26-45-22	Inactive	0	Poor	Slash Pine	No Activity, nest is in poor shape.
LE-020A	St. Jude	35-45-22	Inactive	0	Gone	Tree gone	Nest tree came down due to Hurricane Ian
LE-022	San-Cap Rd		Active	2	Good		2 fledgling confirmed
LE-023	Post Office/St. James Preserve	26-45-22	Inactive	0	Gone	Slash Pine	Nest declared Abandoned
LE-026B	Donald Rd/Pritchett	30-43-25	Active	2	Good	Slash Pine	2 fledglings confirmed
LE-027	BMX Park	23-44-23	Active	2	Good		2 fledglings confirmed, by City of Cape Coral
LE-028	Coconut Point Timeshare	06-47-25	Unknown	0	Good	Slash Pine	No reports
LE-035D	Gulf Elementary School	04-45-23	Inactive	0	Gone		Nest destroyed by Ian, not rebuilt - City of Cape Coral
LE-038E	Tortuga		Active/Failed	0	Good	Australian Pine	Nest tree intact post Ian but nest came down. New nest material in nest tree. Incubating/brooding observed but nesting was unsuccessful.
LE-042B	Bucaneer Basin	24-45-23	Lost	0	Gone		Nest and tree down from Ian - City of Cape Coral
LE-043	Moody River		Active		Good	Slash Pine	Nest rebuilt post Ian. Two adults observed in nest tree. Fledglings not confirmed.
LE-047	Capri Ln		Active	2	Good		Nest rebuilt at original location. 2 fledglings per Audubon.
LE-047A	Capri Ln	07-44-22	Inactive	0	Gone	Slash Pine	Nest down due to Ian per Audubon
LE-050C	Imperial Boat Ramp		Lost	0	Gone		Nest determined Lost by Bonita Springs
LE-050B	River Park		Inactive	0			
LE-052B	Pompano Ave	19-44-23	Active	1	Good		1 fledgling confirmed - City of Cape Coral
LE-053	5th Street and Palm		Active	2	Good	Slash Pine	2 fledglings confirmed
LE-053A	Vacation Lane	02-46-22	Inactive	0	Gone	Tree gone	Nest tree came down due to Hurricane Ian
LE-056	Lehigh Acres WWTP	30-44-27	Active	0	Good	Slash Pine	Adults at nest during January monitoring event
LE-058	Daniels & I75/ Daniels Marketplace	22-45-25	Inactive	0	Gone	Slash Pine	Nest declared Lost
LE-059	DQ		Active	0	Good		Nest rebuilt post Hurricane Ian. No incubation ever witnessed
LE-061	Gloria & Cubes	16-44-22	Inactive	0	Gone	Slash Pine	Nest down, haven't re-nested in the territory.
LE-062D	Trafalgar Elementary School	28-44-23	Inactive	0	Gone		Nest and Tree destroyed by Ian - City of Cape Coral

2022-2023 Lee County Eagle Technical Advisory Committte (ETAC) Bald Eagle Nesting Season Summary

Nest Number	Nest Name	Location	Nest Activity	Fledgling #	Nest Condition	Nest Tree Species	Comments
LE-062E	Trafalgar Elementary School	28-44-23	Active	0	Good	Cell Tower	Nest constucted but unsuccessful - City of Cape Coral
LE-069	Robalo	10-45-24	Inactive	0	Gone	Slash Pine gone	Nest tree cut down after Hurricane Ian
LE-070	Jonathon Harbour	10-46-23	Inactive	0	Gone	Slash pine	Nest came down as a result of Hurricane Ian. New nest constructed near Causeway
LE-071A	Pub and Pickle	31-45-24	Active	2	Good	Slash Pine	2 fledglings confirmed. Nest tree cut down after Ian. New nest constructed.
LE-072A	Three Sisters	12-43-20	unknown	0		Australian Pine	No data
LE 073	North Captiva		Active	1	Good		1 fledgling confirmed
LE-074	Gulf Pines		Inactive	0	Gone		Nest gone as a reuslt of Hurricane Ian. Never renested.
LE-080	Creekside		Active	0	Good		Adults present no chicks.
LE-081	Bank of America	28-44-22	Inactive	0	Gone	Australian Pine	Nest came down as a reuslt of Hurricane Ian. No activity observed
LE-082B	Gator Slough + Burnt Store		Inactive	0	Gone		Nest down not rebuilt, Ian - City of Cape Coral
LE-083	Big Hickory Island		Inactive	0			
LE-087	Captiva Dr. (Captiva)	02-46-21	Active	1	Good	Australian Pine	1 fledgling confirmed. Chick fell from nest but will be released once recovered
LE-091	Wildwood Parkway	01-45-23	Active	0	Good	Nesting platform	Nesting Platform damaged by Ian, unsuccessful - City of Cape Coral
LE-092B	Andalusia Blvd	30-43-24	Active	0	Good		Nesting unsuccessful - City of Cape Coral
LE-093	Alico Road		Active	0	Good	Cypress	Adults returned post Ian and reconstructed nest. Appeared to be incubating but nesting was unsuccessful
LE-094	Fort Myers Beach	03-47-24	Inactive	0	Gone	Norfolk Pine	Nest down due to hurricane Ian. Nest not rebuilt, inactive
LE-095	Estero Marsh Preserve		Inactive	0	Good	Slash Pine	No activity
LE-097	Beaumont Rd		Inactive	0	Good		Inactive
LE-097B	St Leo's		Active	1	Good		1 fledgling confrimed by City of Bonita Springs
LE-099B	Mariner High School	10-44-23	Active	2	Good		2 fledglings confirmed - City of Cape Coral
LE-100	Barrancas Dr	31-43-22	Inactive	0	Good	Slash Pine	Nest down as a result of Ian. No activity
LE-102	Galt Preserve	35-45-22	Active	2	Good	Slash Pine	2 fledglings confirmed
LE-103	SE 12th Ave	19-44-24	Active	2	Good	Cell Tower	2 fledglings confirmed - City of Cape Coral
LE-105	Lexington Middle School	04-46-22	Active	1	Good	Slash Pine	1 fledgling confirmed
LE-106	Pelican's nest		Inactive	0	Good		Inactive
LE-106C	Spring Creek Park		Active	1	Good		1 fledgling confirmed
LE-107	Pacosin Dr	06-44-22	Inactive	0	Gone	Australian Pine	Nest not rebuilt, tree down from hurricane Ian

2022-2023 Lee County Eagle Technical Advisory Committte (ETAC) Bald Eagle Nesting Season Summary

Nest Number	Nest Name	Location	Nest Activity	Fledgling #	Nest Condition	Nest Tree Species	Comments
LE-109	West Cape Estates Cir	12-44-22	Lost	0	Gone		Tree and nest taken out by Ian - City of Cape Coral
LE-109B	West Cape Estates Cir	12-44-22	Inactive	0	Good		Taken over by GH0 - City of Cape Coral
LE-109C	West Cape Estates Cir	12-44-22	Active	1	Good		2 hatched but only 1 fledgling - City of Cape Coral
LE-111	Pelican Landing		Active	2	Good		2 fledglings confirmed
LE-113	Puschel Preserve		Active	2	Good		2 fledglings confirmed
LE-114	Laredo		Active	?	Good	Slash Pine	Nest came down due to Hurricane Ian. Nest was rebuilt after December. No fledglings confirmed.
LE-115	Lake Murex		Active/Failed	0	Good		Nest failed, unknown reasons
LE-116	West Rocks		Inactive	0	Gone		Nest destroyed by Ian. No activity
LE-117	Sora Dr.		Active	2	Good	Slash Pine	2 fledgling confirmed
LE-118	Creekside Preserve		Inactive	0	Gone	Slash Pine	Nest down post Ian. Nest not rebuilt no nesting activity observed.
LE-120	South Seas Resort		Active	1			1 fledgling confirmed. Believe this eaglet that was later found entangled in monofilment.
LE-124	Cell Tower Littleton Rd.		Active	1	Good	Cell Tower	1 fledgling confirmed
LE-127	Mastec		Active	0			No fledglings confirmed
LE-128	Oriole Road		Active	2	Good	Slash Pine	2 fledglings confirmed
LE-129	Arnold Bros		Inactive	0	Gone		Nest dstoryed by Ian, not rebuilt - City of Cape Coral
LE-901	Imperial Marsh Preserve		Inactive	0	Good		No activity observed
LE-921	NW 22nd Terrace		Active	0	Good		Nesting unsuccessful - City of Cape Coral
LE-931	Mcgregor Billboard		Active	1	Good		1 fledgling confirmed. New Nest
LE-933	Walmart	03-45-23	Active	0	Good	Cell Tower	Nesting unsuccessful - City of Cape Coral
LE-934	Captiva Copacetic		Active	1	Good		1 fledgling confirmed. New Nest
LE-938	Wild Turkey Strand		Active	2	Good		2 fledglings confirmed
LE-979	Helen Road	31-43-22	Inactive	0	Good	Australian Pine	No nesting observed
LE-982	Pine Island Flatwoods Trail		Active	2	Good	Slash Pine	2 Fledglings confirmed
LE-995	Southern Pines		unknown				No data
LE-125	Esther		Inactive	0	Good		No nesitng observed
?	Rosie		Unknown	?	Good		No observations
LE-93B	Orange River Nest		Unknown	0	Good		Active for last 15 years per resident adjacent to nest.
?	Lakes Park		Inactive	0		Cell Tower	Adult observed on cell tower in November. No other activity.
				43			

Nesting Season	2012-2013	2013-2014	2014-2015	2015-2016*	2015-2016 ETAC	2016-2017 ETAC	2016-2017*	2017-2018 ETAC	2017-2018
Active Nests	43	32	29	30	52	19	47	22	28
Failed Nests	2	5	3	3	6	1	2	0	0
Fledged Chicks	59	39	37	27	39	27	47	30	36
Young fledged per Active Nest	1.37	1.21	1.27	1.11	1.33	1.42	1	1.36	1.28

All Lee County

ETAC Data only

ETAC Data Only

All Lee County

ETAC Data Only

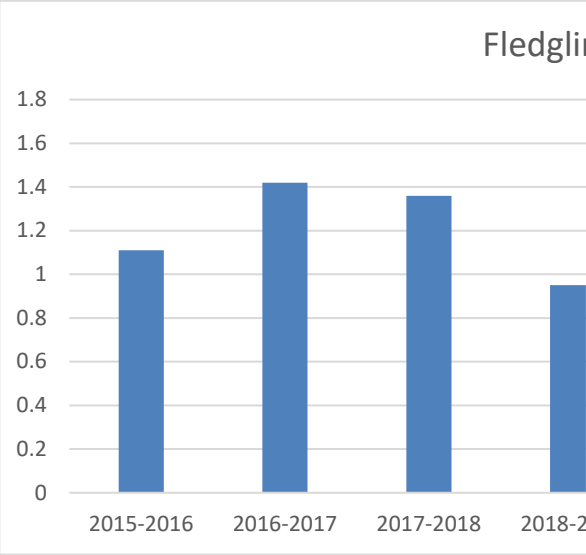
All Lee County

ETAC Nest down

ETAC Tree Down

ETAC

4 St. Jude	Nesting Season	Fledglings per nest
Vacation Lane	2015-2016	1.11
Gloria & Cubles	2016-2017	1.42
Robalo	2017-2018	1.36
	2018-2019	0.95
	2019-2020	0.77
	2020-2021	1.6
	2021-2022	1
	2022-2023	1.2

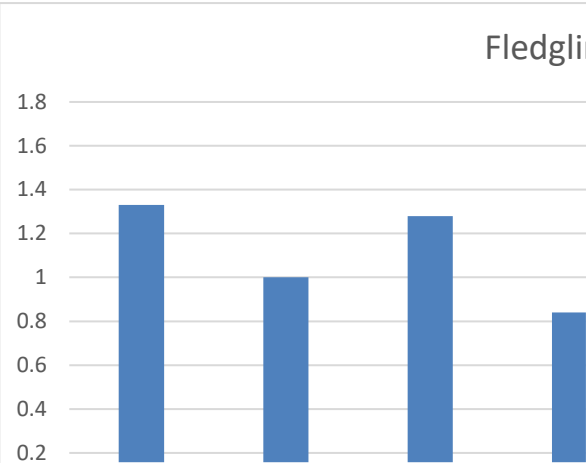


All Lee Nest down

All Lee Tree Down

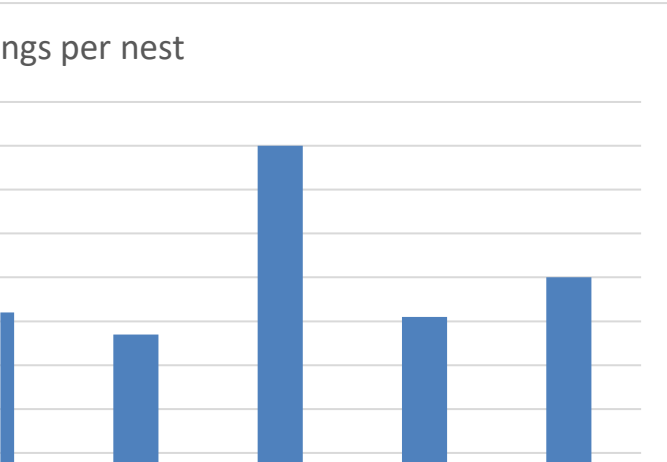
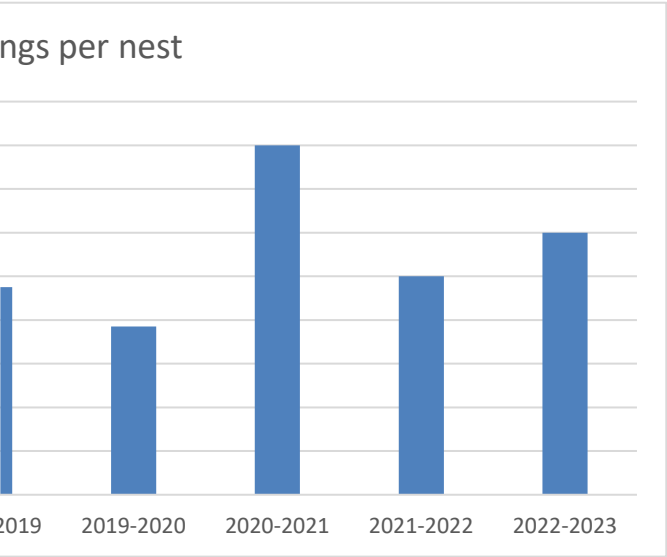
All Lee

8 Bucaneer Basin	Nesting Season	Fledglings per nest
St. Jude	2015-2016	1.33
Trafalgar Eleme	2016-2017	1
Gloria & Cubles	2017-2018	1.28
Vacation Lane	2018-2019	0.84
Robalo	2019-2020	0.74
Gator Slough +	2020-2021	1.6
West Cape Esta	2021-2022	0.82
	2022-2023	1





2018-2019 ETAC	2018-2019	2019-2020 ETAC	2019-2020	2020-2021 ETAC	2020-2021	2021-2022 ETAC	2021-2022	2022-2023 ETAC	2022-2023
23	32	22	35	20	27	24	34	19	43
1	1	1	4	0	2	2	7	2	3
22	27	17	26	32	43	24	28	23	43
0.95	0.84	0.77	0.74	1.6	1.6	1	0.82	1.2	1
ETAC Data Only	All Lee County	ETAC Data Only	All Lee County	ETAC Data Only	All Lee County	ETAC Data Only	All Lee County	ETAC Data Only	All Lee County



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DEFINITIONS FOR USE WITH SUMMARY TABLE:
Nesting Season = Bald Eagle nesting season in Florida is October 1 - May 15. The season may be extended for an individual nest is Bald Eagles begin nesting before October 1 or the young eagles have not fledged by May 15.
Nesting Activity = Bald Eagles observed using the nest.
Inactive Nest = No Bald Eagles observed using the nest.

Nesting Season	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012
Active Nests	39	41	44	41	41	40	49	44
Failed Nests	17	2	1	1	13	5	2	2
Fledged Chicks	36	22	28	25	48	46	70	59
Young fledged per Active Nest	0.92	0.53	0.64	0.6	1.17	1.15	1.42	1.34

2012-2013	2013-2014	2014-2015	2015-2016*	2015-2016 ETAC	2016-2017 ETAC
43	32	29	30	52	19
2	5	3	3	6	1
59	39	37	27	39	27
1.37	1.21	1.27	1.11	1.33	1.42

All Lee County

Unincorporated Lee County

Unincorporated Lee County

2016-2017*		
47		
2		
47		
1		

All Lee County

2023-2024 Nest Assignments

NEST NUMBER	NEST NAME	OBSERVER
LE-02A	St. Charles Harbor	Jacob Taminosian
LE-126	Tortuga	Jacob Taminosian
LE-034	Sora Dr	Jacob Taminosian
LE-58	Daniels I-75	Jacob Taminosian
LE-69	Robalo	Jacob Taminosian
LE-70	Jonathon Harbour	Jacob Taminosian
LE-71	Pub and Pickle	Jacob Taminosian
LE-0983	Sanibel Sunset Villages	Jacob Taminosian
LE-105	Lexington Middle	Jacob Taminosian

NEST NUMBER	NEST NAME	OBSERVER
LE-06	Bayshore Commons	Kyle Philpott
LE-26C	Pritchett Nest	Kyle Philpott
LE-43A	Moody River	Kyle Philpott
LE-124	Littleton Cell Tower	Kyle Philpott
LE-093	Alico Road	Kyle Philpott
LE-128	Oriole Rd	Kyle Philpott
LE-118	Creekside Preserve	Kyle Philpott

NEST NUMBER	NEST NAME	OBSERVER
LE- 979	Helen Road	Betsie Hiatt
LE-10	Quail Trail	Betsie Hiatt
LE- 81	Pine Island Bank of America	Betsie Hiatt
LE- 61	Cubles / Gloria	Betsie Hiatt
LE-100	Barrancas Ave	Betsie Hiatt
LE-125	Esther Dr	Betsie Hiatt
LE-107	Pacosin Dr	Betsie Hiatt

NEST NUMBER	NEST NAME	OBSERVER
LE-20A	St. Jude	Ed Elms
LE-23	Post Office / Eagle Lake / St. James Preserve	Ed Elms
LE-53	Vacation Lane/	Ed Elms

2023-2024 Nest Assignments

LE-18A	Manatee Bay	Ed Elms
LE-102	Galt Preserve	Ed Elms

NEST NUMBER	NEST NAME	OBSERVER
LE-056	Lehigh Nest	Laura Greeno
LE-114	Laredo Ave	Laura Greeno
	Orange River Blvd	Laura Greeno
	Nalle Road	Laura Greeno