

**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. Philpot 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* dense 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. Philpot 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.