



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

**TUESDAY, APRIL 9, 2024  
3:00 P.M.**

**AGENDA**

- 1) Call to Order
- 2) Cathy Olson with Pennoni to Present Bald Eagle Management Plan for LE-120 South Seas Island Resort MPD DCI2023-00051
- 3) Approval of Meeting Minutes from December 12, 2023
- 4) Member Reports
- 5) Public Input
- 6) Adjournment – Next Tentative Meeting Date: May 14, 2024

To view a copy of the agenda, go to [www.leegov.com/dcd/calendar](http://www.leegov.com/dcd/calendar). For more information, contact Janet Miller (239) 533-8583 or [jmiller@leegov.com](mailto: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](mailto: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.



# South Seas Island Resort MPD

Captiva, FL 33924



## Submitted To:

Mr. David Henson  
Development Manager  
WS SSIR Owner LLC  
306 Tamiami Trail Suite 201  
Naples, FL 33924

**Bald Eagle Management Plan**  
WSSSI24001  
February 2024



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## ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Aerial Map
- Attachment 3: FLUCFCS Map
- Attachment 4: Bald Eagle Nest Buffer Zone Map
- Attachment 5: Photographs

## Introduction

This bald eagle management plan has been prepared for South Seas Island Resort MPD (DCI2023-00051) for bald eagle (*Haliaeetus leucocephalus*) nest LE-120. The nest is located on Captiva Island in Section 26, Township 45S, Range 21E. The nest tree is located east of the Gulf of Mexico and the beach and west of South Seas Plantation Road. The proposed work includes the redevelopment of South Seas Island Resort. None of the proposed redevelopment is within the 330 or 660-foot buffer zones. Mangroves, which will be preserved, are within the 660 zone (Attachments 1-3) and the MPD.

## Land Use and Natural Communities

A Pennoni environmental scientist conducted a site inspection on February 2, 2024 to document the nest status and surrounding natural communities and land uses. The nest is located in a heavily damaged, but live Australian pine (*Casuarina equisetifolia*) within the beach dune between the Gulf of Mexico and existing beach cottage buildings. Additional native communities include beach west of the nest and mangroves east of the nest. South Seas Plantation Road is located between the mangroves and the beach cottages (Attachment 4).

## Bald Eagle Protection

Although the bald eagle is no longer listed as a threatened or endangered species by the United States Fish and Wildlife Service (FWS) or the Florida Fish and Wildlife Conservation Commission (FWC), it is still protected by the Federal Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, by Florida's eagle rule (68A-16.002 F.A.C.) and the Lee County Land Development Code (Chapter 14-111). The FWS has established guidelines for protective buffers around nests to best protect nesting eagles.

## Description of Bald Eagle nest LE-120

Bald Eagle nest LE-120 is within a live but heavily storm damaged Australian pine approximately 150 feet west of South Seas beach cottages which, at the time of the 2024 site visit, were being repaired post Hurricane Ian. The nest has been active since the 2019-2020 nesting season. The nest was destroyed by Hurricane Ian in September 2022, but rebuilt in October 2022, successfully hatching young in 2023 (Audubon Eagle Watch). A site visit on February 2, 2024 revealed an active nest with two young eaglets in the nest and both adults perched within the nest tree (Attachments 5). Neither adult bald eagle seemed stressed by construction workers nor Pennoni staff presence.

## Proposed Project and Bald Eagle Protection Zones

The project area for South Seas Island Resort is located within Sections 15, 22, 26 and 27, Township 45S, Range 21E. No redevelopment associated with the South Seas Island Resort MPD (DCI2023-00051) is proposed within the 330 or 660-foot buffer zones. The only portion of the South Seas Island Resort MPD within the 660-foot buffer zone are the mangroves east of the existing road which will be preserved as part of the indigenous open space preserve. No alterations to South Seas Plantation Road within the eagle buffer zones are currently planned and no staging of construction equipment will occur.

## Bald Eagle Management Plan

No development or construction staging is proposed within the 330 or 660-foot buffer zones. The only part of the project area within the 660-foot buffer zone are the mangroves located east of the road. The mangroves will be preserved as part of the Lee County required indigenous open space preserve. The only activity that may occur within the area is periodic exotic plant control.

Required indigenous open space management / non-native invasive control will be scheduled outside of the bald eagle nesting season (generally considered October 1 – May 15, however it may start earlier or last longer). Should unforeseen circumstances necessitate indigenous open space management during the nesting season, monitoring and reporting to FWS and Lee County staff will be initiated in accordance with the Bald Eagle Monitoring Guidelines (USFWS 2007a).

Road maintenance on the existing road, although not proposed as part of the current plan, will occur outside of nesting season. If road maintenance must occur during nesting season a qualified eagle monitor will be on site to ensure that the eagles are unharmed in accordance with USFWS bald eagle guidelines.

No specific monitoring is proposed since no activity is being proposed within the 330 or 660-foot buffer zones.

## References

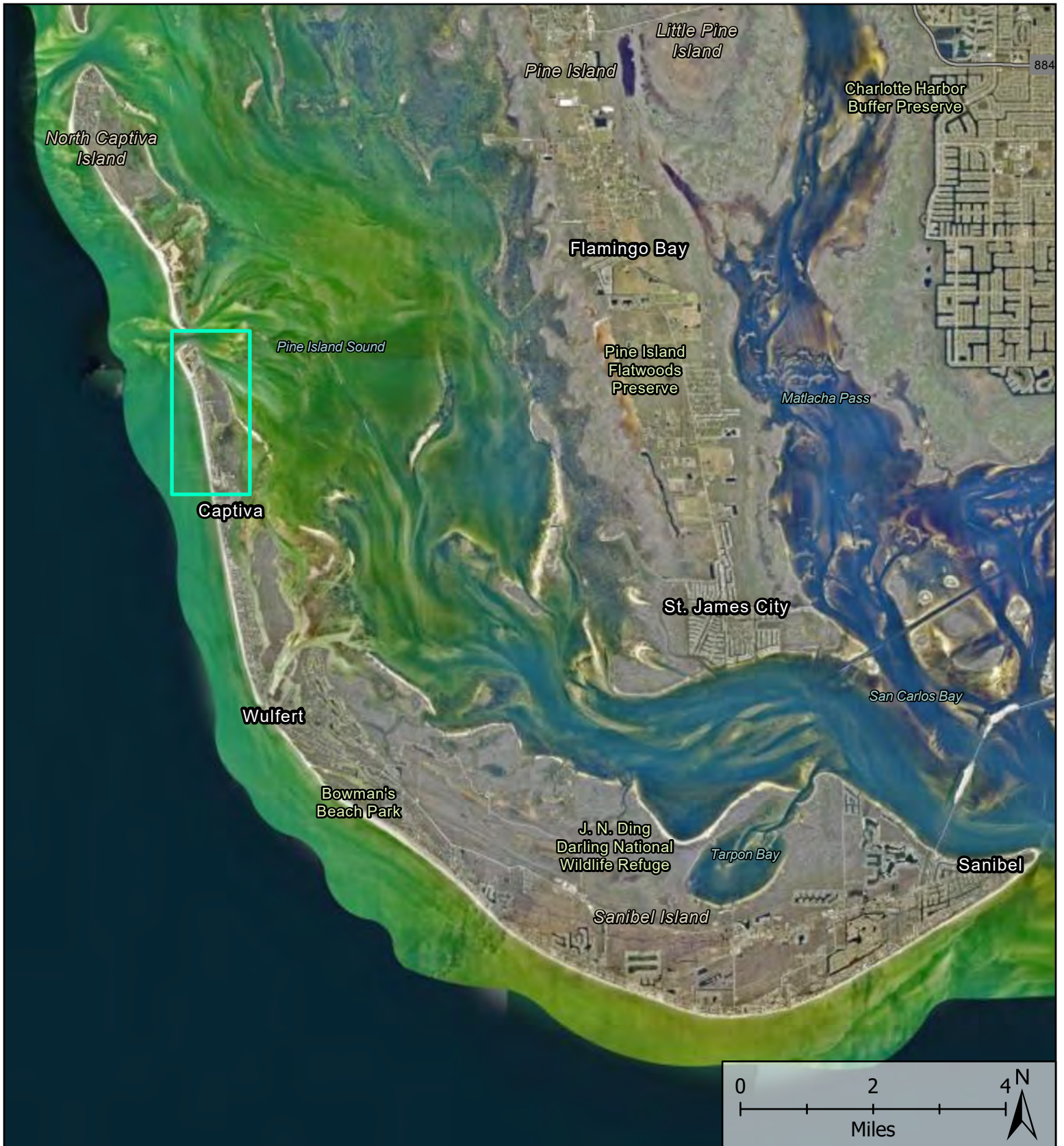
Audubon Center for Birds of Prey. (2023). Audubon Florida EagleWatch Public Nest Map.  
<https://cbop.audubon.org/conservation/about-eaglewatch-program>.



Florida Department of Transportation. (1999). Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a.

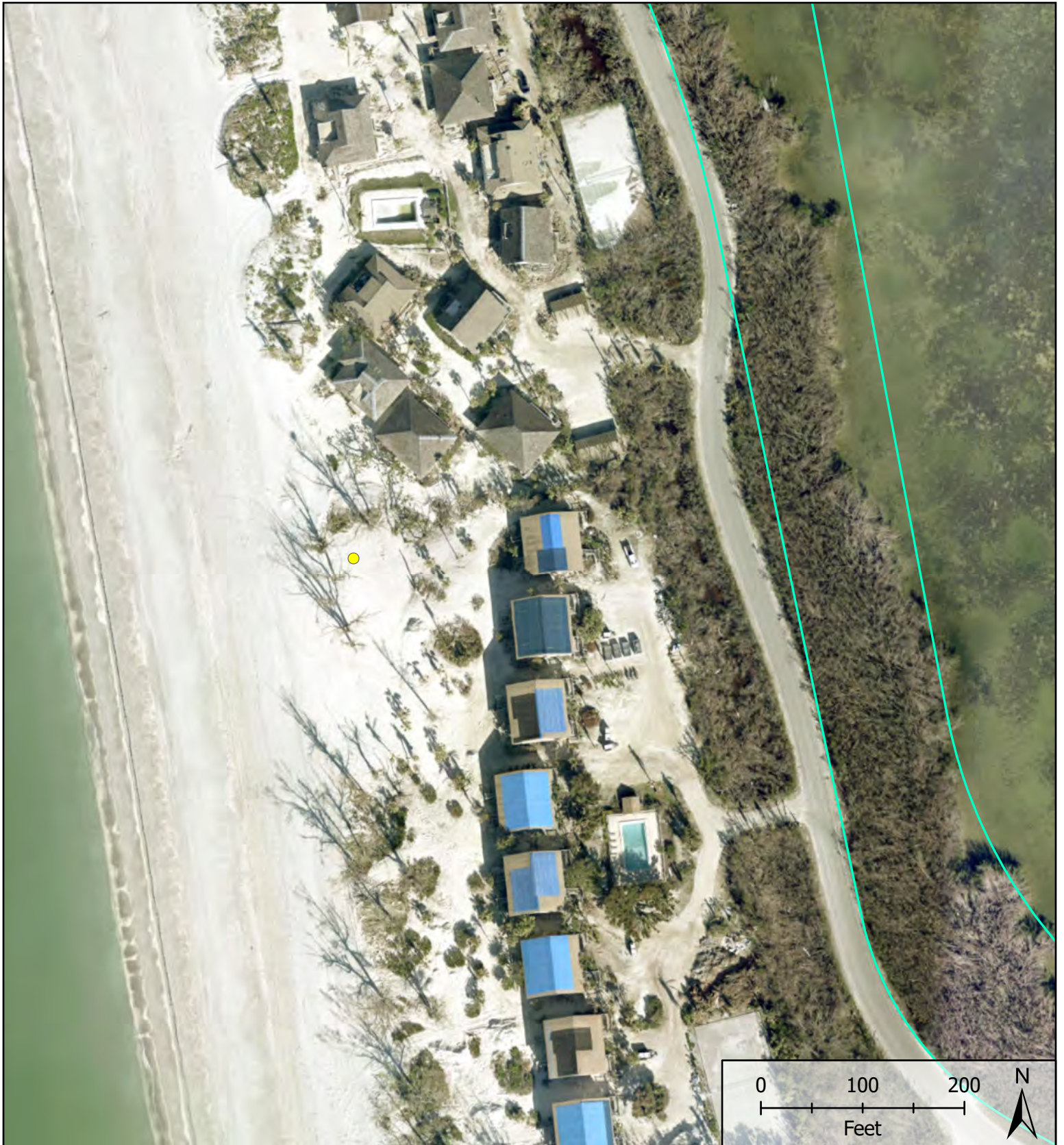
Florida Fish and Wildlife Conservation Commission. (2017). Florida's Official Endangered and Threatened Species List (Updated January 2017).

U.S. Fish and Wildlife Service, 2007a. Bald Eagle Monitoring Guidelines.

U.S. Fish and Wildlife Service, 2007b. National Bald Eagle Management Guidelines.



 <b>PENNONI ASSOCIATES INC.</b> 4706 Chiquita Blvd, #200-E02 Cape Coral, FL 33914 T: 239.202.2195 www.Pennoni.com	South Seas Island Resort, Captiva, FL	 Project Location
	Project: WSSSI24001	



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### South Seas Island Resort, Captiva, FL

Project: WSSSI24001

- Project Boundary
- Eagle Nest LE-120

**Bald Eagle Nest Aerial Map**






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**South Seas Island Resort,  
 Captiva, FL  
 FLUCFCS Map**

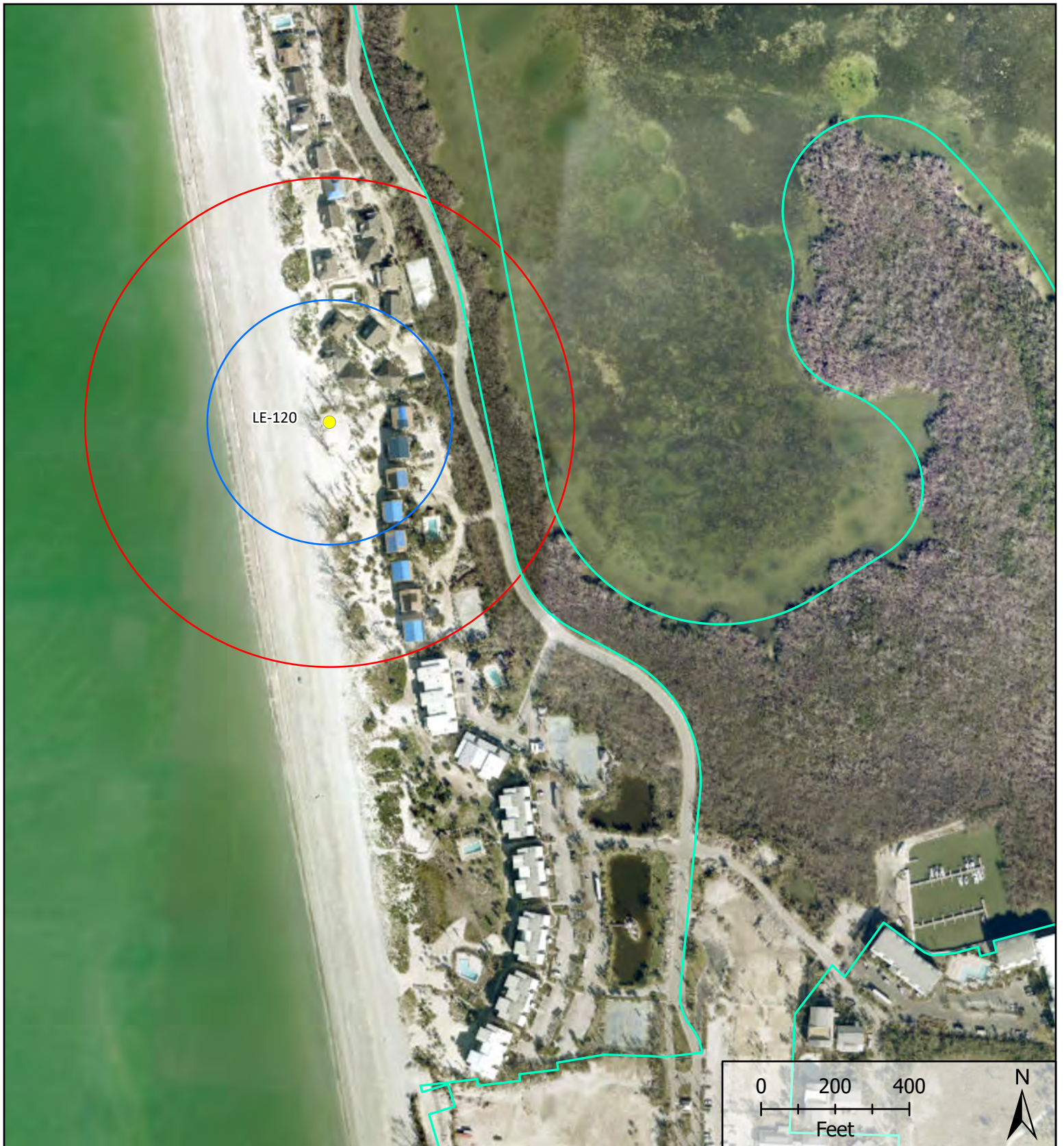
Project: WSSSI24001

  Project Site Outline    ● Bald Eagle Nest LE-120  
  330-ft buffer      660-ft buffer

FLUCFCS Code	Description	Acreage	Federal Status	State Status
100	Urban and Build-Up (Existing Residential and Commercial)	14.23	N	N
181	Beach	6.40	WUS	OSW
570	Chadwick Bayou	4.73	WUS	OSW
572	Gulf of Mexico	6.14	WUS	OSW
612	Mangrove	2.88	W	W
720	Dune	4.74	NJD	OSW

N = Non-Wetland  
 NJD = Non-Jurisdictional Wetlands or Waters of the U.S.  
 W = Wetland  
 OSW = Other Surface Waters/Waters of the U.S.

**Notes:**  
 1. FLUCFCS Lines estimated from 1" = 100' aerial photographs and locations are approximate.  
 2. FLUCFCS per Florida land use, cover and forms classification system (FDOT 1999).



***Pennoni***  
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**South Seas Island Resort,  
 Captiva, FL**

Project: WSSSI24001

- Project Boundary
- Eagle Nest
- 330-ft buffer
- 660-ft buffer

**Bald Eagle Nest Buffer Zone Map**

**Bald Eagle Nest LE-120 February 2, 2024.**



Two adult bald eagles and the nest with 2 young



Two eaglets within the nest

**MINUTES REPORT**  
**EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)**  
**Tuesday, December 12, 2023**

**Committee Members Present:**

Edward Elms  
Laura Greeno, Chair

Kyle Philpot  
Jacob Taminosian

**Excused/Absent:**

Betsie Hiatt, Vice-Chair

**Lee County Government Staff Present:**

Nic DeFilippo, Planning

Janet Miller, DCD Admin

**Outside Consultants**

Paul Owen (Environmental Consulting, LLC)

Linda Miller (Avalon Engineering)

**Call to Order:**

Ms. Greeno, Vice Chair, called the meeting to order at 3:05 p.m. 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 – Paul Owen with Owen Environmental Consulting, LLC to Present Bald Eagle Management Plan for LE-009 Burnt Store Mixed Use Planned Development DCI2022-00039.**

Mr. Paul Owen with Owen Environmental Consulting, LLC gave an overview of Bald Eagle Management Plan for LE-009. Mr. DeFilippo pulled up a location map (PowerPoint slide).

Mr. Taminosian asked if there would be any mechanical removal in the indigenous preserve. He also asked for confirmation that there were mainly low exotics in the area.

Mr. Owen confirmed they were low exotics and that he did not foresee there being any mechanical removal taking place as the vegetation could simply be chopped and removed.

Mr. Taminosian asked for confirmation that there has been no nesting history since 2016-2017.

Mr. Owen confirmed that he had no new information beyond that.

Mr. Taminosian asked for confirmation that they conducted a site visit in November.

Mr. Owen stated they did conduct a site visit. At that time, the nest was still there. Even though it appears that they have not reestablished the nest since Hurricane Ian, the nest is still there and seemed to be somewhat intact.

Mr. Philpot stated that whether the nest is occupied or not, the 660-foot monitoring rule still applies.

Mr. Owen stated that was correct. Per the guidelines, major exterior work will be monitored during the nesting season.

Ms. Linda Miller stated that in the 44 feet that is outside of the native buffer area, there will be a berm and detention area, so the building is set back further than that.

**Mr. Philpot made a motion to approve the Bald Eagle Management Plan for LE-009 Burnt Store Mixed Use Planned Development DCI2022-00039, seconded by Mr. Taminosian. The motion was called and passed 4-0.**

### **Agenda Item 3 – Approval of Meeting Minutes from November 14, 2023**

Mr. Taminosian referred to Page 1 of 6 where it states, *“Mr. Taminosian referred to Page 3 of 7 where it states, “Mr. Philpot stated there was not.”* He noted that his name should be replaced with Mr. Philpot.

It should read, *“Mr. Philpot referred to Page 3 of 7 where it states, “Mr. Philpot stated there was not.”*

**Mr. Taminosian made a motion to approve the November 14, 2023 ETAC minutes as amended, seconded by Mr. Elms. The motion was called and passed 4-0.**

### **Agenda Item 4 – Member Reports**

#### **Edward Elms**

**Pine Island Flatwoods Trail (LE-982)** – An adult eagle is on the eggs. If everything goes well, the eggs should hatch before the next ETAC meeting. He has not seen both adults; only the one on the eggs.

**Galt Preserve (LE-102)** – An adult eagle is on the eggs. He anticipated the eggs might hatch after Christmas or before the next ETAC meeting. He has not seen both adults; only the one on the eggs.

Mr. Elms asked if this is what Ms. Greeno observed when she has visited the sites.

Ms. Greeno confirmed that both nests are incubating on the Pine Island Flatwoods Trail.

Mr. Elms stated he was not aware of the second nest.

Ms. Greeno stated it was located near the Mosquito Control helicopter pad.

Mr. Elms asked where the best place was to view the nest.

Ms. Greeno stated most people seem to be viewing it from Stringfellow Road.

Mr. Elms stated that the reason he was unaware of this nest is because last year it was decided that nothing was taking place there.

Ms. Greeno stated that was correct, but this year they are officially in that nest.

Mr. Elms asked if it was set back 100 feet.

Ms. Greeno stated it was and noted it is just off the helicopter landing pad.

Mr. DeFilippo pulled up a PowerPoint slide to show the Board the location.

**5<sup>th</sup> Street and Palm (LE-053)** – This is the pair that used to be located on Vacation Lane. This nest is on 5<sup>th</sup> Street and Palm near the Trailer Park. It has been approximately two weeks that they are on the eggs. The timing seems to be the same as the others where the eggs might hatch after Christmas or early January. Like the others, he only sees the adult eagle that is on the eggs.

**Manatee Bay (LE-018A)** – He spotted an eagle last month at the top of the cell tower across Stringfellow Road, but there is no nest tree or eagles in this nest area.

### **Kyle Philpot**

**Bayshore Commons (LE-006)** – The nest appears to be in good shape. No construction is taking place within 330 feet. He did not spot any eagles, but eagles have been in this area in the past. It may be that he is unable to see them if they are incubating because it is a deep nest.

**Donald Rd/Pritchett (LE-026B)** – The eagles are incubating.

**Moody River (LE-043)** – He did not spot any eagles at this site.

**Cell Tower Littleton Road (LE-124)** – He did not spot any eagles at this site. Also, there was no nest the month before.

**Alico Road (LE-093)** – The eagles are incubating.

**Oriole Road (LE-128)** – The eagles are incubating.

**Creekside Preserve (LE-080)** – This is only a territory, but there is no nest.

### **Jacob Taminosian**

**St. Charles Harbor (LE-002)** – Mr. Taminosian stated that as he arrived an eagle flew away from the nest. He was unable to see what they were doing or if they had been incubating. The nest looks good.

**Robalo (LE-069) and Jonathan Harbour (LE-070)** – He had not visited these sites, but he previously sent photos of these two territories to Becky Sweigert and Nic DeFilippo. The trees have been cut down in proximity to them after Hurricane Ian.

**Lakes Park Cell Tower (LE-?)** – He did not visit this site but noted there had been no activity at this site last month.

**Pub & Pickle (LE-071A)** – He only spotted one adult, not the second adult. He believed they were likely incubating.

Lexington Middle School (LE-105) – There has been no activity at this site. He noted they are normally an early pair, so it may be that he is visiting the site at the wrong time of day. The nest appears to be in good condition. He also noted it is a deep nest, so it is possible that he is unable to see the eagles in the nest while they are incubating.

Sora Drive (LE-117) – Even though this nest is in poor condition, he spotted an eagle around dusk as he was leaving the site. It appears that an adult is incubating. It remains to be seen.

### Laura Greeno

Wild Turkey Strand (LE-938) – She believes they are incubating.

Pine Island Flatwoods Trail Bayside (LE-982) – This nest is located on the bayside across the fence on the other conservancy property. The nest was knocked down from Hurricane Ian. There have been no eagles in that area.

Prairie Pines – This nest has not been rebuilt and there are no eagles at this site.

Orange River Nest (LE-93B) - There are eagles flying in the area, but a nest has not been spotted. She is uncertain whether there is a nest or not.

Lehigh Acres WWTP (LE-056) – She did not visit the site this week, but there has been an eagle there.

Rosie's Heritage Farm – This property has been sold. As a result, she has been unable to get onto the property to see if there is any activity.

Laredo (LE-114) – She did not visit this site this week, but last year no activity was sited. It did not appear that eagles have been working on the nest. She planned to visit the site over the weekend.

Mr. DeFilippo referred to the Orange River nest and stated that he had been provided with the contact information for the new owner that owns the property that abuts this nest through Audubon. He visited the site in October but has not had a chance to revisit the site. The new owner contacted him and stated that eagles are there, and it appears they are incubating. Mr. DeFilippo stated he would contact the new owner to see if they would allow Ms. Greeno to enter the property. He showed the Committee the location on a PowerPoint slide. He also showed them another nest that was reported by Audubon on the other side of the river. According to Audubon, it was active as of last year.

Ms. Greeno stated that she had informed Ms. Sweigert last year that there were some eagles by Pondella and US 41.

Mr. DeFilippo believed that pair was mating.

Mr. Taminosian referred to the pair that used to be at the Cell Tower Littleton Road and wondered if they may have built an alternate nest in this location.

Mr. Philpot asked if staff wanted him to make this his Moody River nest.

Mr. DeFilippo stated he would appreciate that. He noted there should be no issues when entering the property as he was able to drive in with no issues when he last visited the site. Mr. DeFilippo stated he would provide Mr. Philpot with the GPS point.

Mr. Philpot asked if it should be called the Moody River pair.

Mr. DeFilippo stated he would prefer to use whatever name the Audubon uses. He did not have the LE number or name, but stated he would provide the Committee with that at a future time.

#### **Agenda Item 5 – Public Input**

No members of the public were present, so there was no public input.

#### **Agenda Item 6 – Adjournment – Next Tentative Meeting Date: January 9, 2024**

Mr. DeFilippo stated no other Bald Eagle Management Plans have been submitted to-date. He asked if the Committee would agree to cancel the January meeting if no one submits a new Bald Eagle Management Plan.

The Committee was in agreement to cancel the January meeting if no plans are submitted. It was agreed that the Committee would still send staff their monitoring reports.

The meeting adjourned at 3:25 p.m.