



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

**TUESDAY, MAY 14, 2024
3:00 P.M.**

AGENDA

- 1) Call to Order
- 2) Christian Casey with Atwell LLC to Present Bald Eagle Management Plan for LE-124 Park 41 Gardens DOS2007-00201
- 3) Approval of Meeting Minutes from April 9, 2024
- 4) Member Reports
- 5) Public Input
- 6) Adjournment – Next Tentative Meeting Date: June 11, 2024

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 Raphaela Morais-Peroba, (239) 533-8782, 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.

**PARK 41 GARDENS
Bald Eagle Management Plan
Nest LE124**

Sections 34 and 35, Township 43 South, Range 24 East
Lee County, Florida

March 2024

Prepared for:

**Uniland Development Company
University Corporate Center
100 Corporate Parkway, Suite 500
Amherst, NY 14226**

Prepared by:

**Atwell
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680**

I. INTRODUCTION

The Park 41 Gardens project is located in Sections 34 and 35, Township 43 South, Range 24 East, Lee County, Florida (Figure 1). The site is bordered to the north by Littleton Road, to the east by North Tamiami Trail, to the south by single family homes, commercial property, and undeveloped land. Lands to the west include commercial development, undeveloped land, and North Cleveland Avenue. North of the property, nest LE124 is in a communications tower within 660' of the subject property.

A bald eagle management plan will need to be approved for the LE124 nest by Lee County as a portion of the proposed Park 41 Gardens project will be within the 330' eagle buffer zone.

This management plan has been created to outline the project's proposed protection measures for Nest LE124.

II. SITE CONDITIONS

The Park 41 Gardens property is a mosaic of native pine flatwoods, palmetto prairie, impacted wet prairies, and freshwater marshes (Figure 2). The majority of this site has been disturbed by permitted development activities and off-road vehicle traffic. A substantial number of homeless camps are present and large amounts of trash has been dumped on the parcel. South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) 36-04782-P has been issued for this project and expires August 8, 2026. The property on which Nest LE124 is located (16021 Oneal Drive, North Fort Myers) consists of developed land.

III. SITE OBSERVATIONS

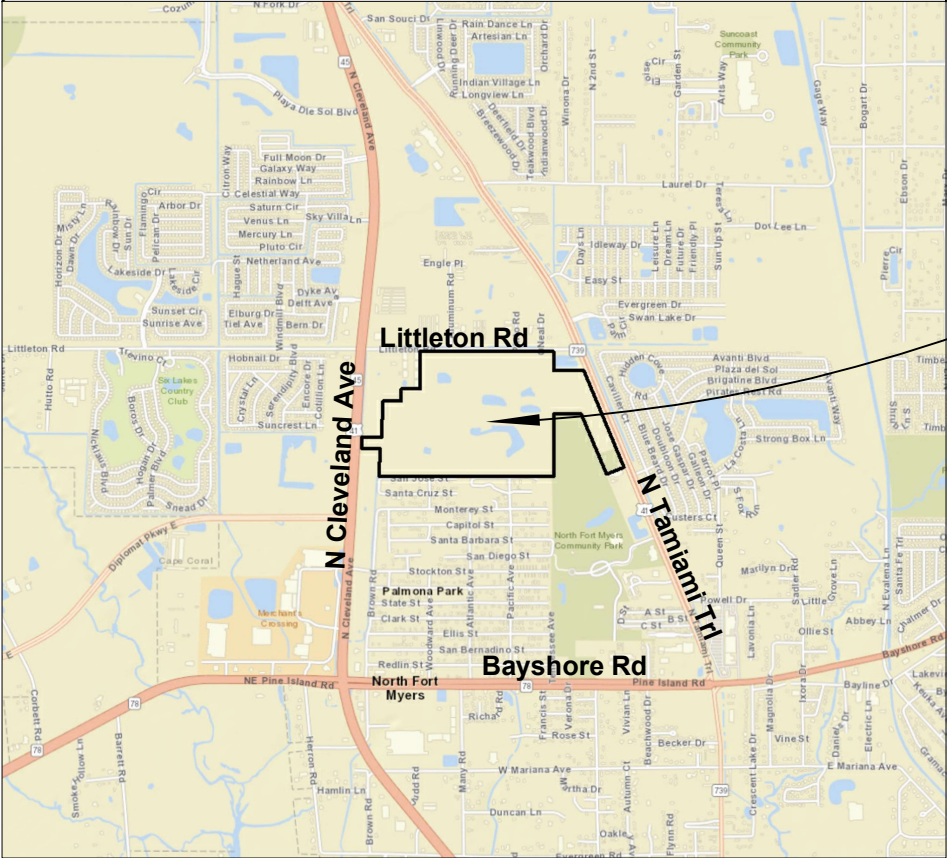
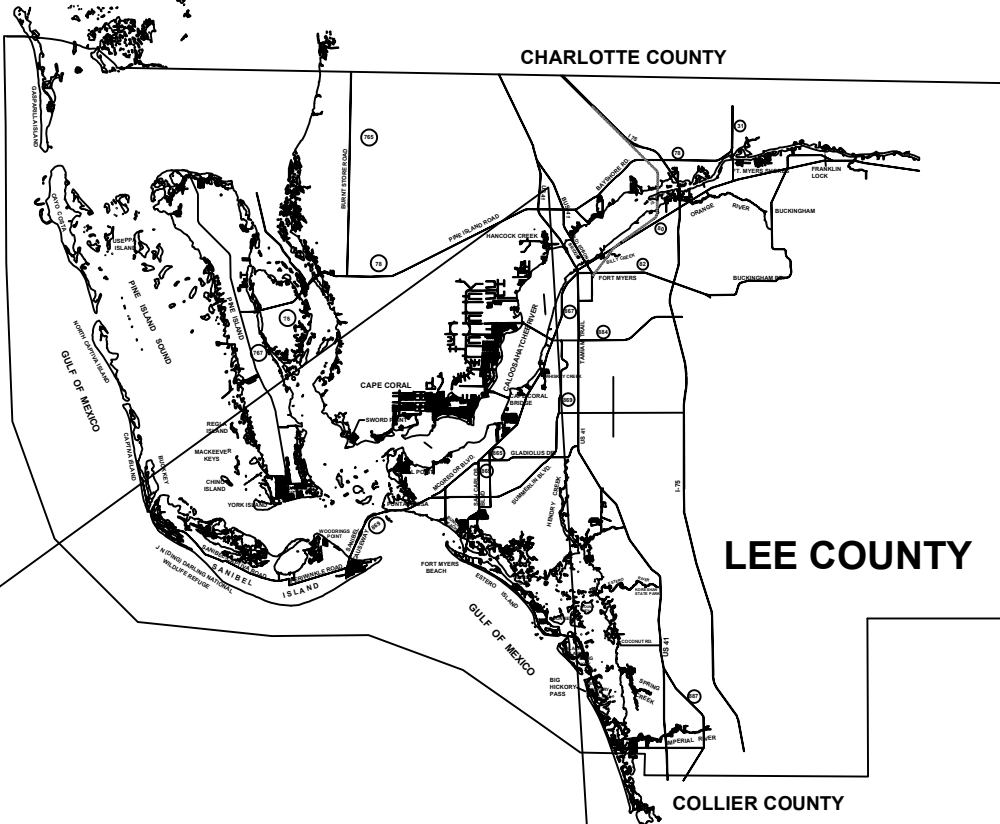
The eagles constructed a nest (LE124) in a communications tower located approximately 270± feet north of the northern property line. The nest was active during the 2018-2019, 2019-2020, 2020-2021, 2021-2022, and 2022-2023 nesting seasons. No evidence of nesting during the 2023-2024 season has been observed.

IV. GENERAL DEVELOPMENT GUIDELINES

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 Park 41 Gardens project and are not binding on any other property in the vicinity of Bald Eagle Nest LE124.

SECTIONS: 34 & 35
 TOWNSHIP: 43 S
 RANGE: 24 E

Park 41 Gardens



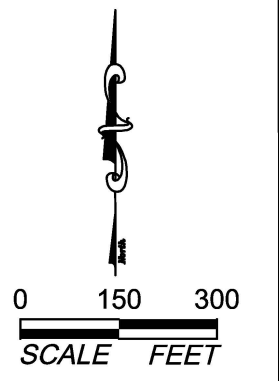
Project Location

*PERMIT USE ONLY,
 NOT FOR CONSTRUCTION*

March 11, 2024 10:35:55 a.m.
 Drawing: UNILAND1LOCATION.DWG

Figure 1. Location Map





SECTIONS: 34 & 35
TOWNSHIP: 43 S
RANGE: 24 E

- Notes:
1. Property boundary and wetland lines were obtained from Banks Engineering.
 2. Mapping based on photointerpretation of 2023 aerial photography and ground truthing in January 2024.
 3. Delineation of jurisdictional wetlands approved during review of SFWMD Permit No. 36-04782-P.

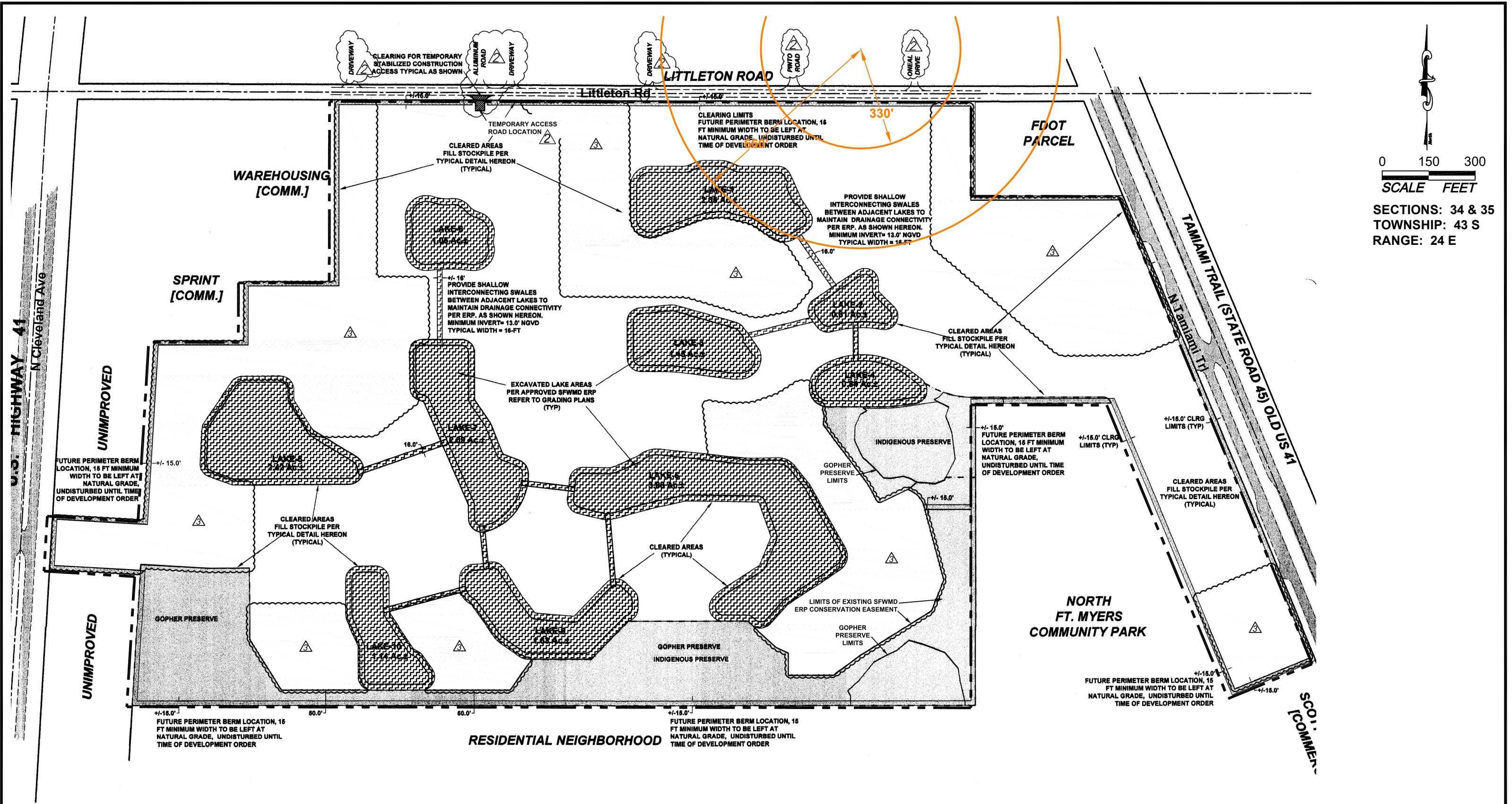
PERMIT USE ONLY, NOT FOR CONSTRUCTION

March 12, 2024 2:41:26 p.m.
Drawing: UNILAND-1 EAGLE LOCATION.DWG

Eagle Nest Location Map

Park 41 Gardens

ATWELL
866.850.4200 www.atwell-group.com
4470 CAMINO REAL WAY, SUITE 101
FORT MYERS, FL 33908
239.334.5660



0 150 300
SCALE FEET

SECTIONS: 34 & 35
TOWNSHIP: 43 S
RANGE: 24 E

Note: Site plan obtained from Gulfshore Engineering, Inc.

PERMIT USE ONLY, NOT FOR CONSTRUCTION

April 23, 2024 3:02:14 p.m.
Drawing: UNILAND-1 EAGLE LOCATION.DWG

Eagle Nest Location and DO Site Plan

Park 41 Gardens



If Nest LE124 is vacated before the end of the nesting season (May 15th) or if Lee County Division of Environmental Sciences (DES) determines that Nest LE124 has been abandoned, construction activities may commence upon confirmation of those conditions by DES. If the nest is not active by March 15th or as confirmed by DES, then the nesting season for Nest LE124 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).

A. 330 Feet Zone Activities and Restrictions

Approximately 1.32 acres of the property are within the 330' buffer of Nest LE124. This area will consist of land clearing and construction of a berm. The restrictions described below are only applicable to the portion of the property within the 330 feet of nest LE124.

1. Major construction activities such as initial site clearing, construction of the berm, and grading, shall only be conducted during the non-nesting season (i.e., May 16th - September 30th).

B. 660 Feet Zone Activities and Restrictions

Approximately 7.65 acres of the property are between the 330 feet and 660 feet buffer of Nest LE124. This area will consist of work including excavation of the storm water lake, and land clearing. The restrictions described below are only applicable to the portion of the property within 660' of Nest LE124.

1. Major exterior construction activities, such as initial site clearing, major earth work, grading, and lake excavation 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 *Bald Eagle Monitoring Guidelines* shall be required during these construction activities.
2. 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 chemical will be in accordance with labeling instructions.
3. Outdoor lighting installed within 660± feet of the bald eagle nest shall be subdued, shielded, and directed away from the nest tree.

C. Greater Than 660 Feet Zone Activities and Restrictions

The proposed uses of the property more than 660 feet of Bald Eagle Nest LE124 consist of the remainder of site clearing for future development. Construction activities and activities will be allowed outside of 660± feet of the bald eagle nest throughout

the year.

VI. IMPLEMENTATION

The land owner/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 LE124 (if work as described by Item IV.B.1 above is undertaken during the nesting season) consistent with the *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.

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 these management practices 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.

At the time when additional improvements are proposed within the 660 feet zone, this Bald Eagle Management Plan will be amended and re-submitted to Lee County for review.

VII. BALD EAGLE MANAGEMENT PLAN MODIFICATIONS

Any changes to this Bald Eagle Management Plan must be reviewed and approved by DES staff through the planned development administrative amendment process. Any future owners of the Park 41 Gardens project that are affected by this Bald Eagle Management Plan will be provided with a copy of this plan. At the time of platting, the Bald Eagle Management Plan will be included in the property association documents.

REFERENCES

Florida Fish and Wildlife Conservation Commission. 2008. Bald Eagle Management Plan. 60p.

U.S. Fish and Wildlife Service. 2007a. National Bald Eagle Management Guidelines. 23p.

U.S. Fish and Wildlife Service. 2007b. Bald Eagle Monitoring Guidelines. 20p.

MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)
Tuesday, April 9, 2024

Committee Members Present:

Edward Elms
Laura Greeno, Chair

Betsie Hiatt, Vice-Chair
Kyle Philpot

Excused/Absent:

Jacob Taminosian

Lee County Government Staff Present:

Nic DeFilippo, Planning
Janet Miller, DCD Admin

Amanda Swindle, Assistant County Attorney

Outside Consultants

Cathy Olson (Pennoni)

Call to Order:

Ms. Greeno, Chair, called the meeting to order at 3:02 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 – Cathy Olson with Pennoni to Present Bald Eagle Management Plan for LE-120 South Seas Island Resort MPD DCI2023-00051

Ms. Greeno announced that Ms. Hiatt had a conflict of interest, submitted her Voting Conflict Form 8B to DCD staff, and would not be voting on this item. Ms. Hiatt concurred.

Mr. Cathy Olson with Pennoni gave an overview of Bald Eagle Management Plan for LE-120.

Ms. Hiatt stated that since they were part of the preserve for the development, they would wait until after the nesting season to do any exotic removal within the small preserve area. She also noted that ETAC previously reviewed a management plan for this same pair of eagles. She referred the Board to the Eagle Nest Buffer Zone Map where there are blue tarps on various roofs depicted on the map. The management plan included the restoration of the houses and roofing. Ms. Hiatt noted that when Ms. Olson was on-site during the construction phase of the previous management plan, she observed that the eagles did not seem to be phased by the construction activity.

Mr. Elms stated that the documentation in the packet for today's meeting mentions repairs to cottages within 150 feet of the nest. He asked if those were indoor repairs.

Ms. Olson stated they were not indoor repairs and that the cottage repairs were not part of today's application. It was a prior approval. Ms. Olson stated she had only mentioned it in order to point out that neither the eaglets nor the adult pair seemed disturbed by the construction activity.

Ms. Hiatt clarified that the cottages were under a separate management plan that this Board previously approved. The property is owned by a different property owner.

Mr. Philpot stated that although the project's purpose seems to be to preserve maintenance, there is also mention of resurfacing a road.

Ms. Olson stated she only included that in case a road repair is needed.

Ms. Hiatt stated there may be instances where a repair is needed on the road, for instance, if there was a post hurricane situation.

Mr. DeFilippo stated it was included as part of this plan so that if a road repair was needed, they would not have to come back before this Committee.

Mr. Philpot made a motion to approve the Bald Eagle Management Plan for LE-120 South Seas Island Resort MPD DCI2023-00051, seconded by Mr. Elms. The motion was called and passed 4-0.

Agenda Item 3 – Approval of Meeting Minutes from December 12, 2023

Ms. Greeno referred to Page 1 under "Call to Order" and noted it should say Ms. Greeno, Chair, not Vice Chair.

Mr. Elms made a motion to approve the December 12, 2023 ETAC minutes as amended, seconded by Ms. Hiatt. The motion was called and passed 4-0.

Agenda Item 4 – Member Reports

Mr. DeFilippo stated that he had received a phone call from the resident who abuts the nest, which can be viewed off Orange River Road in Buckingham. He noted that two chicks have fledged from that nest. He also stated there were two fledged chicks from the St. Charles Harbour nest. Mr. DeFilippo stated he received an e-mail regarding the Lakes Park pair. Although they have been seen by several people, no one can locate the nest. The Bird Patrol is involved. They are currently being seen in the Australian Pines at the entrance to Lakes Park on the left by the miniature golf area.

Ms. Hiatt stated her firm is working on a Lee County Project involving some repairs at Lakes Park. She and others from her firm were working on a species survey and engineers were conducting structural inspections. The eagles are spotted regularly, but no one can tell where they are going.

Mr. DeFilippo stated that was exactly what was reported to him as well.

Betsie Hiatt

Quail Trail - Ms. Hiatt stated she only had two active nests this year. One of them is Quail Trail. There are two fledged eagles.

Chelsey Drive in Bokeelia - There are two fledged eagles at this nest. However, one of them is unable to fly. There appears to be something wrong with its left wing. The eagle is observed as being on the ground, strong, and able to walk and hop, but not fly. In contacting CROW, they were told that it is normal for a fledgling to be on the ground, that the parents will feed it, and that they are too busy to investigate it. As a result, they contacted Peace River because they have two individuals that do eagle rescues. They came to the site but did not have the equipment needed and were unable to catch the eagle. They told Ms. Hiatt they would try again in a few days or a week until the eagle might be hungry and has slower responses. The Peace River representatives also stated they had a professional rescuer that they would get involved. In the meantime, Ms. Hiatt noted that she had visited the site. One of the fledglings was in the nest with the parents and they were eating. She was able to hear the second fledgling calling out. One of the adult eagles was flying that way.

New Cape Coral Nest - Ms. Hiatt stated there was a new nest in Cape Coral that was discovered by Passarella last year. There was an adult that appeared to be brooding even though it seemed to be late in the season for that. She noted it was an active nest.

Laura Greeno

Wild Turkey Strand (LE-938) - This is a successful nest that has adults and chicks in it.

Loredo (LE-114) – Last year no activity was observed. Ms. Greeno asked staff if there had been any further monitoring of this nest.

Mr. DeFilippo stated he had not been aware of any monitoring since the conclusion of last nesting season.

Orange River Nest (LE-93B) – Two chicks successfully fledged (reported earlier by Mr. DeFilippo).

Pine Island Flatwoods Trail Bayside (LE-982) – In speaking with Tyler Marzella with Lee County Parks and Recreation, he reported seeing a nest that appeared to be active. He saw adult eagles in it. She asked him to monitor it again to see if there were any chicks.

Rosie's Heritage Farm – Ms. Greeno stated she had not had a chance to monitor this site, but adult eagles have been spotted in the area.

Ms. Hiatt asked if there was a status of the nest near the old shrimp ponds west of the Pine Island Flatwoods Preserve.

Ms. Greeno stated she believed there were a pair of eagles in it.

Kyle Philpot

Bayshore Commons (LE-006) – No eagles have been spotted.

Donald Rd/Pritchett (LE-026B) – This nest has one fledgling.

Moody River (LE-026B) – No eagles have been spotted.

Cell Tower Little Road (LE-124) – The nest is gone.

Alico Road (LE-093) – The adult eagles are bringing food in, but he was unable to spot the fledglings. They may have been in the nest and were not visible.

Oriole Road (LE-128) – Adult eagles have been spotted in the nest, but he has been unable to see any fledglings.

Creekside Preserve (LE-080) – There is no nest at this site.

LE-133 (RV Park in North Fort Myers) – There is a nest at this site, but no eagles have been spotted.

Edward Elms

Pine Island Flatwoods Trail (LE-982) – There are two adult eagles and two fledglings at this site. They appear to be doing well.

Galt Preserve (LE-102) – There were two fledglings at this site. When he monitored it today, one fledgling was in the nest tree and the other was in a neighboring tree. Mr. Elms stated that he estimated they were approximately thirteen weeks old.

Helipad Nest – He assumed this pair was the St. Jude pair. He spotted one fledgling and an adult in the nest this morning. The adult dropped some food in the nest. He previously thought there might have been two fledglings, but there only appears to be one.

5th Street and Palm (LE-053) – Mr. Elms stated this nest was by the trailer park and is the “Vacation Lane” pair. He spotted one in the nest that was being fed in Late January. However, there has been no activity for the entire months of February and March, and nothing was there this morning when he monitored the site.

Manatee Bay (LE-018A) – There is no nest and no trees that would be suitable for nesting. Although he has seen an eagle, he believed it was the one from Galt Preserve.

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: May 14, 2024

The meeting adjourned at 3:26 p.m.