

MINUTES REPORT
EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)
Tuesday, July 8, 2025

Committee Members Present:

Edward Elms
Laura Greeno, Chair

Kyle Philpot, Vice Chair
Jacob Taminosian

Members Absent:

Betsie Hiatt

Lee County Government Staff Present:

Nic DeFilippo, Planning
William Lange, Planning

Janet Miller, DCD Admin

Outside Consultants:

Shane Johnson (Passarella & Associates)
Kat Hammond (Passarella & Associates)
Richard Young (Pulte Homes)
Andy Holland (Pulte Homes)

Agenda Item 1 - Call to Order:

Ms. Greeno, Chair, called the meeting to order at 3:00 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 – Shane Johnson with Passarella & Associates to Present Bald Eagle Management Plan for LE-068A Del Webb Oak Creek DOS2024-00032

Mr. Shane Johnson from Passarella & Associates provided an overview of the Bald Eagle Management Plan for LE-068A Del Webb Oak Creek (DOS2024-00032).

When reviewing 2.0 Existing Site Conditions, Mr. Johnson stated that construction activities are not anticipated within 330 feet of the nest. However, if there are existing homes that are already built and they want to build a pool, the work will take place during non-nesting season. He asked Mr. Young and Mr. Holland from Pulte Homes if there were any proposals so far regarding building a pool at this time. They both stated there were no pool proposals as of yet.

Mr. Elms referred to 4.0 Description of the Nest and 6.0 Proposed Eagle Management Plan and noted that both sections have a reference in them regarding “*supplemental plantings*.” Although he realized the plantings would be native plants, he asked if they could add some specifics on what those “*supplemental plantings*” would be in the preserve area (i.e. shrubs, stoppers, wax myrtles, sable palms, slash pines, or live oaks).

Mr. Johnson stated for the record that all of the initial mitigation activities, including exotic removal and plantings, have already been completed. The “*supplemental plantings*” language was included in these two sections in case there are any sort of compliance issues in the future and areas that may need to be replanted. He offered to add language such as “*The plantings will*

adhere to the Plan that was approved by Lee County as part of the Development Order approval.” He noted it includes all native plants such as Slash Pines and possibly some Cypress.

Mr. Elms stated that if the plantings are to eventually provide areas for the eagles to perch, the plantings would need to be along the lines of Slash Pines, Sable Palms, or Live Oaks, etc.

Mr. Johnson stated he would add some specifications to Conditions 4 and 6 that if additional plantings are needed in the future, they will adhere to the County approved plan.

Mr. Philpot referred to earlier discussion regarding existing homes that have the option to install a pool in the future. He asked if the homeowners are under a homeowner's ownership or if they were still under Pulte Homes ownership.

Mr. Young stated they are individual homeowners.

Mr. Philpot asked for clarification on whether the Management Plan provides approval for separate property owners.

Mr. DeFilippo stated the Management Plan would apply to the community so the homes in question would fall under this Management Plan. However, Mr. DeFilippo felt this should be expanded beyond pools and should include situations where a homeowner needs a new roof, are installing pavers, or some other type of outside work. Any outside work within 330 feet of the nest will wait until the end of nesting season. Mr. DeFilippo stated this would make his job much easier.

Ms. Greeno stated it helps clarify things for the homeowners as well.

Mr. Johnson agreed to clarify that further.

Mr. Holland asked if there could be exceptions in the event of a hurricane where someone's roof is torn off.

Mr. DeFilippo stated the county has had much experience with this over the last few years. He handles it on a case-by-case basis. He works with the homeowners to help them get their permit as soon as possible.

Mr. Elms stated that although there will be an education component with the public, he suggested that some signage be included similar to what Cape Coral does. He distributed a sample. He was concerned about the homes that are between 330 and 660 feet from the nest area. There are some that are 150 feet away. Although the sample sign from Cape Coral would not be the same as what we would do, it provides a general idea of what the sign should be. Although the sign would not be a fence or physical deterrent, it is a psychological deterrent. People who see the sign will be less likely to approach the tree to get a closer look. Photographers are particularly guilty of this kind of conduct. Mr. Elms stated there would not need to be a large number of signs, but there should be some between the homes and the end of the preserve or where the nest is located.

Mr. Johnson noted that the information is included in the Management Plan and that the nests are heavily screened. He noted the nests were not visible due to thick vegetation.

Mr. Elms stated that even though there will be language included in the Management Plan, the general public has a way to find these nests and tell others about them. He recommended the signs because most likely if they see the sign as they are walking in that direction, they are less likely to disrupt activity.

Mr. Young stated he had no issue with erecting some signage.

Ms. Greeno asked if the signs were already up for the conservation easement.

Mr. Johnson stated they were and that the language for the conservation easement signs are outlined in the Development Order.

Ms. Greeno asked for clarification that the signs along the boundary of the conservation easement are delineated for the public not to enter.

Mr. Johnson stated that was correct. It is a conservation easement not a passive recreation use.

Mr. Elms stated that signs are not a complete answer, but they will serve as a deterrent for the public to a large extent.

Ms. Greeno asked for clarification that they would not be using any chemicals around the nest tree. She noted that, oftentimes, there is a ring of exotics growing around a nest tree. If no chemicals are put on them, they take over the tree. She felt this fact was particularly relevant in this case because this nest tree is a Cypress.

Mr. Johnson stated that exotics are required to be removed whether by chemicals or physical removal. All of the language is included in the Management Plan and has been approved by the various agencies.

Ms. Greeno did not feel it was clear in this Management Plan on how it will be dealt with. She suggested they add something along the lines of *"Per permit requirements, all the exotics will be taken care of up to the tree."* She believed that if someone from the public reads this, they may not understand it, so she felt it would be nice to incorporate something more in case anyone questions it.

The Committee had no further questions.

Mr. Taminosian announced that he had a voting conflict on this matter and would recuse himself from voting in favor or against this Bald Eagle Management Plan. The voting conflict is due to having business associations with the representative. The voting conflict form has been completed and submitted to Ms. Miller for the county's records.

Mr. Elms made a motion to approve the Bald Eagle Management Plan for Bald Eagle nest LE-068A, but the Management Plan is to include some physical signage as an added measure of protection for the eagles.

Mr. Philpot made an amendment to the motion by adding *"as well as adjusting protection measures in 2.0 to incorporate not just the construction of pools, but any exterior work done within 330 feet."* Mr. Elms accepted the amendment.

Ms. Greeno asked if Mr. Elms wanted to include verbiage to 4.0 and 6.0 regarding the *“supplemental plantings.”* He previously mentioned wanting more specifics on what the *“supplemental plantings”* would be in the preserve area (i.e. shrubs, stoppers, wax myrtles, sable palms, slash pines, or live oaks). Mr. Elms stated he wanted that included in the motion, so he accepted the amendment.

The final motion is as follows:

Mr. Elms made a motion to approve the Bald Eagle Management Plan for Bald Eagle nest LE-068A with the following additions: 1) to include some physical signage as an added measure of protection for the eagles; 2) adjusting protection measures in 2.0 to incorporate not just the construction of pools, but any exterior work done within 330 feet; and 3) include additional language to 4.0 and 6.0 regarding *“supplemental plantings,”* by specifying what those plantings will be in the preserve area (i.e. shrubs, stoppers, wax myrtles, sable palms, slash pines, or live oaks). The motion was seconded by Mr. Philpot. The Chair called the motion, and it passed 4-0.

Ms. Greeno thanked the applicant for not putting a USFWS Incidental Take Permit option in the Management Plan and for not depending on getting an Incidental Take Permit, which is the opposite of what others tend to do in their management plans. She appreciated that they were putting forth some effort to not only protect the eagles, but to also keep them there.

Agenda Item 3 – Approval of Meeting Minutes from May 13, 2025

Mr. Taminosian referred to the section entitled *“Lexington Middle School”* on Page 7 of 9. He asked that the paragraph be changed to: *“Mr. Taminosian stated that he saw one chick and an adult. When he looked east, there were two more chicks. He had originally documented one chick, but now there are three chicks confirmed fledged, and the nest was successful.”*

Mr. Taminosian referred to the section entitled *“Sora Drive/Ovenbird Drive”* on Page 8 of 9. He asked that additional verbiage be added before the section on *“Tortuga”* as follows: *“Mr. Taminosian stated that the Sora Drive/Ovenbird Drive nest was successful for the nesting season.”*

Ms. Greeno referred to the section entitled *“Wild Turkey Strand, Yellow Fever, A& W (Tortuga), Lehigh Acres WWTP”* on Page 5 of 9. The last sentence says, *“They fly across to the golf course...”* She asked that the word *“disc”* be inserted before the words *“golf course”* to eliminate any confusion as it is not a standard golf course; it is a disc golf course.

Mr. Taminosian made a motion to approve the May 13, 2025 meeting minutes as corrected. The motion was seconded by Mr. Elms. The Chair called the motion, and it passed 4-0.

Agenda Item 4 – Nest Lost Determination for LE-096, Pine Island Flatwoods Preserve Bayside

Mr. DeFilippo stated that he meant to include this nest in the large list he provided to the Committee members at their last meeting. He pulled up an aerial of the site. Mr. DeFilippo stated that he had coordinated with Tyler Marzella, Natural Areas Coordinator, with Parks and Recreation regarding this preserve. He showed the Committee where the nest was originally located and where it was relocated to. Since the previous nesting tree is down and the eagles have relocated, the initial nest (LE-096) qualifies for a lost determination status.

Mr. Elms asked if that area is private land.

Mr. DeFilippo stated it is privately owned but belongs to the Conservation Foundation which is a non-profit. He noted they submitted for a rezoning application to rezone the area to EC, which is "*Environmentally Critical*." The land is not slated for development.

Mr. Elms asked for clarification that the nest is not visible from Stringfellow Road.

Mr. DeFilippo stated that is correct. It is off of a trail that he showed on the aerial and noted it was 2020 property.

Ms. Greeno stated it is a piece called "*Bayside*." The front portion of this parcel was initially used as a dump for the hurricane debris. The original tree was on the boundary of the two properties, but the eagles have officially moved to Lee County's side.

Mr. Taminosian asked if the alternate nest was confirmed.

Mr. DeFilippo stated that Mr. Marzella confirmed it, went out to the field, and sent him the coordinates.

Mr. Taminosian stated that since the tree came down in 2022 (3 nesting seasons ago), it fits the lost nest determination per the Lee County Ordinance. **Mr. Taminosian made a motion to approve the Lost Determination for Bald Eagle Nest LE-096. Mr. Philpot seconded the motion. The Chair called the motion, and it passed 4-0.**

Agenda Item 5 – Season Summary for 2024-2025

Mr. DeFilippo asked the Committee members to advise him if they see anything that is incorrect in this Season Summary. He noted that data from other jurisdictions is included in the Season Summary as well, so the Committee will be able to see how it compares historically.

Mr. Philpot felt the information for his eagle nests seemed to be accurate.

Mr. Elms and Mr. Taminosian felt their information was accurate as well.

Ms. Greeno asked how many nests are in place in Lee County that ETAC does not monitor.

Mr. DeFilippo stated there are 45 nests on the list that either this committee is monitoring, staff monitors, or a resident monitors for Lee County. Cape Coral has 15 nests. The SCCF has 12 nests, and Bonita has 9 nests. This means there are 36 other eagle nests that this Committee does not monitor.

Mr. Elms stated that during one of his monitoring attempts, he came upon someone from Audubon. He believed they may be monitoring some of the same nests.

Mr. DeFilippo acknowledged that Audubon does have some volunteer monitors that overlap with Lee County and possibly SCCF as well.

Mr. DeFilippo referred to the May meeting minutes where there is reference to “*Yellow Fever.*” He pulled up the area on a PowerPoint slide and discussion took place on where the nest on that site is located. Once the location was identified, Ms. Greeno stated that Jeff Anderson (Natural Areas Coordinator with Parks and Recreation) confirmed that the nest is now on Lee County’s property.

Mr. DeFilippo stated he would get in touch with Mr. Anderson to get the exact coordinates and would add this as a new nest to his list. He asked if there was any other information that this Committee felt should be captured in these season summaries.

Mr. Taminosian felt it would be helpful to show if there is a percentage increase or decrease.

Mr. DeFilippo stated the County was doing a better job at identifying where these nest locations are, so that they could compile a more complete picture of the data.

Agenda Item 6 – Member Reports

This item was mistakenly added to the agenda. We are now outside of nesting season, so there are no member reports at this point.

Agenda Item 7 – Public Input

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

Agenda Item 8 – Adjournment – Next Tentative Meeting Date: June 10, 2025

The Committee had no further items to discuss, so the meeting adjourned at 3:34 p.m.