



**EAGLE TECHNICAL ADVISORY COMMITTEE  
Community Development/Public Works Center  
1500 Monroe Street, Ft. Myers, Florida 33901  
First Floor Conference Room 1B**

**TUESDAY, FEBRUARY 10, 2026  
3:00 P.M.**

**AGENDA**

- 1) Call to Order
- 2) Chair and Vice Chair Elections
- 3) Bridgette Theriault with Passarella & Associates to Present Bald Eagle Management Plan for LE-093B Eagle Crest Estates
- 4) Approval of Meeting Minutes from October 14, 2025
- 5) Member Reports
- 6) Public Input
- 7) Adjournment – Next Tentative Meeting Date: March 10, 2026

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 Ranice Monroe, (239) 533-0255, [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.

**EAGLE CREST ESTATES  
BALD EAGLE MANAGEMENT PLAN  
FOR BALD EAGLE NEST LE-093B  
LEE COUNTY, FLORIDA**

**Revised January 2026**

Prepared For:

***Aerie 100, LLC***  
*2970 Luckie Road*  
*Weston, Florida 33331*  
*(305) 992-8467*

Prepared By:

***Passarella & Associates, Inc.***  
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*Fort Myers, Florida 33912*  
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## LIST OF EXHIBITS

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## **1.0 INTRODUCTION**

This Bald Eagle Management Plan (BEMP) has been prepared for Bald Eagle (*Haliaeetus leucocephalus*) Nest LE-093B, located at Eagle Crest Estates (Project) within Buckingham, Lee County. The Project site is located in Sections 6 and 7, Township 44 South, Range 26 East, Lee County (Exhibit 1). The Project site totals 104.73± acres and is bordered to the north by Orange River Boulevard and to the east, west, and south by single-family residences and undeveloped land. The majority of the boundary abuts single-family homes (Exhibit 2).

The proposed Project consists of a single-family residential development with associated infrastructure and a surface water management system. Construction of the Project is anticipated to commence in 2026 and will continue for a period of no more than five years. An incidental take permit from the U.S. Fish and Wildlife Service (USFWS) is not required for Project activities since the applicant will follow the USFWS Bald Eagle Management Guidelines (2007a) and no construction will occur within the 330-foot buffer zone of the nest.

This BEMP is proposed as part of the Project and is intended to facilitate construction and preserve restoration activities on the site while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles that could occur as a result of the proposed Project activities. A description of Nest LE-093B and a summary of the proposed minimization measures are provided below.

## **2.0 EXISTING SITE CONDITIONS**

The Project site is currently an agricultural property utilized for cattle production within improved pastures. As such, agricultural activities such as tractor operation, plowing, and grazing have historically occurred within the 330-foot and 660-foot buffer zones of the nest. The 330- and 660-foot buffer zones are depicted in Exhibit 3.

Other land uses on-site include scattered pockets of upland forest, freshwater marshes, and wetlands. The native vegetation areas contain various degrees of exotic vegetation, including, but not limited to, caesarweed (*Urena lobata*), spermacoce (*Borreria verticillata*), torpedograss (*Panicum repens*), West Indian marsh grass (*Hymenachne amplexicaulis*), and Brazilian pepper (*Schinus terebinthifolia*).

As depicted on Exhibit 3, the nest is located within one of the Project's proposed on-site preserve areas. The preserve area contains a mixture of slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), and cabbage palm (*Sabal palmetto*) trees and will be routinely maintained free of exotic vegetation once construction activities commence.

## **3.0 BALD EAGLE BIOLOGY AND PROTECTION**

The following information on the biology of the bald eagle is excerpted from the South Florida Multi-Species Recovery Plan (USFWS 1999).

Bald eagles are considered a water-dependent species typically found near estuaries, large lakes, reservoirs, major rivers, and some seacoast habitats (Robards and King 1966, King *et al.* 1972, Weekes 1974, Whitfield *et al.* 1974, Gerrard *et al.* 1975, Grier 1977, Anthony and Isaacs 1989, Wood *et al.* 1989). Their distribution is influenced by the availability of suitable nest and perch sites near large, open water bodies, typically with high amounts of water-to-land edge. Bald eagles demonstrate a remarkable ability to tolerate perturbations to their habitat throughout their range.

Their adaptability to a variety of habitat conditions makes generalizations about habitat requirements and nesting behavior difficult. Though variable, eagles have basic habitat requirements that must be met in order to successfully reproduce and survive during the winter or non-nesting season. Florida bald eagle nests are constructed in dominant or codominant living pines (*Pinus* spp.) or bald cypress (*Taxodium distichum*) and are often located in the ecotone between forest and marsh or water (McEwan and Hirth 1979). Approximately ten percent of eagle nests are located in dead pine trees, while two to three percent occur in other species such as Australian pine (*Casuarina equisetifolia*) and live oak. The stature of nest trees decreases from north to south (Wood 1987, Wood *et al.* 1989), and in extreme Southwest Florida, eagles nest in black mangroves (*Avicennia germinans*) and red mangroves (*Rhizophora mangle*), half of which are snags (Curnutt and Robertson 1994). Nest trees in South Florida are smaller and shorter than reported elsewhere; however, comparatively, they are the largest trees available (Wood *et al.* 1989, Hardesty 1991). The small size of nest trees in South Florida relative to other nest sites throughout the eagle's range is due to the naturally smaller stature of slash pine, loblolly pine (*Pinus taeda*), longleaf pine (*P. palustris*), and sand pine (*P. clausa*) in South Florida and to the lack of pines in extreme Southern Florida.

Bald eagles are monogamous, and annual courtship behavior reinforces pair bonds (Palmer 1988). Pair bond formation includes dramatic pursuit flights, high soaring, talon locking, and cartwheeling (Johnsgard 1990). Eagles may also fly around the perimeter of their nesting areas, visually communicating their presence and further establishing their territories. Pair bond behavior, as well as territory establishment and defense, probably occur concurrently throughout much of the eagle's range. Successful pair bonding ultimately leads to nest-site selection and nest construction for newly formed pairs or established pairs without nests. Pairs that have previously nested may repair established nests or construct an alternate nest concurrent with copulation.

Nesting activities generally begin in early September in South Florida, with egg-laying occurring as early as late October and peaking in the latter part of December. Incubation may be initiated from as early as October through as late as March, depending upon latitude. Clutches usually consist of one or two eggs, but occasionally three or four are laid. Incubation takes approximately 35 days, and fledging occurs within 10 to 12 weeks of hatching. Parental care may extend 4 to 6 weeks after fledging, even though young eagles are fully developed and may not remain at the nest after fledging (USFWS 1989).

The Florida Fish and Wildlife Conservation Commission (FWCC) documented 88 active bald eagle nesting territories in Florida during their initial surveys of this species in 1973; by 1987, when the USFWS implemented the Habitat Management Guidelines for the Bald Eagle in the Southeast Region (Guidelines), that number had increased to 391 active territories (USFWS 1987). By 1999, the 1,000-breeding pair recovery goal for Florida had been achieved, and by 2012, there

were 1,511 breeding pairs (Brush *et al.* 2012). Peterson and Robertson (1978) reported that historical numbers of breeding pairs of bald eagles in Florida were likely “in excess of 1,000 breeding pairs.”

The bald eagle was a federally and state-listed threatened species that had been protected since the mid-1970s under the Endangered Species Act of 1973 and Chapter 68A-27.004, Florida Administrative Code. Management and recovery efforts for the species generally have included actions to improve reproductive success and survival by 1) reducing levels of persistent organochlorine pesticides, such as Dichlorodiphenyltrichloroethane (i.e., DDT), in the environment; and 2) protecting habitat. Habitat protection measures in Florida have primarily focused on the protection of nesting territories through the implementation of the 1987 Guidelines. Recovery goals for the bald eagle have been achieved as a result of these and related management actions throughout the United States, and the USFWS subsequently published a proposed rule in July 1999 to remove the bald eagle in the lower 48 states from the list of threatened or endangered wildlife. The bald eagle was subsequently delisted by the federal government in August 2007 and by the State of Florida in April 2008. The Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act provide continued federal protection for bald eagles. State Rule 68A-16.002 establishes rules for the continued protection and conservation of eagles in Florida.

## **4.0 DESCRIPTION OF LE-093B**

### **4.1 Location and Landscape Information**

Nest LE-093B is located in the western portion of the Project site in a live slash pine tree, approximately 55 feet tall. Specifically, Nest LE-093B is located approximately 1,083 feet south of the northern property boundary and approximately 225 feet east of the western property boundary (Exhibit 2). The nest is established near the top of the tree, approximately 48 feet above ground. The nest tree is surrounded by woodland pastures, freshwater marsh, and improved pastures.

The surrounding land uses include Orange River Boulevard and single-family residences to the north and single-family residences and undeveloped land to the east, south, and west. The surrounding land uses are depicted on Exhibit 2.

### **4.2 Nesting History and Observations**

Nest LE-093B was first documented by the Audubon Center for Birds of Prey (2024) and is believed to have been constructed during the 2023 through 2024 nesting season; however, the exact time period is unknown. Observations of Nest LE-093B were first conducted by Passarella & Associates, Inc. (PAI) on December 6, 2023. At that time, one adult bald eagle was observed incubating in the nest, while another adult was perched in a nearby snag tree. On February 1, 2024, two chicks were observed in the nest, and by March 28, 2024, the chicks had fledged.

Observations were also conducted by PAI during the 2024 through 2025 nesting season. On November 15, 2024, two adult bald eagles were observed bringing nesting material to Nest LE-093B and perching in the nest tree. On December 20, 2024, two adult bald eagles were observed incubating eggs within Nest LE-093B, and on March 18, 2025, one fledgling was observed.

## **5.0 PROPOSED SITE PLAN AND EAGLE PROTECTION ZONES**

The USFWS and the FWCC recognize 330- and 660-foot protection zones around an active eagle nest. Additionally, Lee County's Eagle Ordinance (08-25) states that no construction (structures or site work) may occur within 660 feet of an eagle nest without an approved BEMP.

The Project's site plan consists of a residential development with associated infrastructure, stormwater management system, and amenities. The nest tree and 330-foot protection zone are located within a preserve area, offering a visual buffer of slash pine trees between the nest and the development footprint that obstructs the view of the nest. Thus, there is a minimal risk of disturbance to the eagles.

Although the eagle nest is located within an area proposed for preservation, the 660-foot buffer zones overlap a portion of the proposed development area (Exhibit 3). To minimize impact to bald eagles to the extent practicable, the applicant has committed to providing protection measures for Nest LE-093B, including monitoring and limitations on construction activities. The specific protection measures are provided in Section 6.0. Given the proposed protection measures, impacts to bald eagles due to Project-related activities are anticipated to be relatively low.

## **6.0 PROPOSED EAGLE MANAGEMENT PLAN**

This BEMP is proposed as part of the Project and is intended to facilitate construction of the Project while providing sufficient measures to minimize the potential for adverse impacts to nesting bald eagles that could occur as a result of the proposed activities. As a management instrument, the BEMP is only applicable to the Project. It is the responsibility of the property owner to retain and implement this plan for as long as it is required, including educating others (i.e., contractors, future owners, tenants, etc.) about the specific requirements of this BEMP and the state and federal eagle protection laws. Any amendment to this management plan shall require review and approval by Lee County's Eagle Technical Advisory Committee (ETAC) or any successor body.

### **6.1 Bald Eagle Protection Measures for Nest LE-093B**

Specific elements of the BEMP are as follows:

1. Infrastructure (i.e., grading; clearing; filling; paving; laying foundation; guttering; excavating; and installing underground utilities, street lighting, and stormwater management facilities, etc.) that will be constructed within 660 feet of the nest tree shall be installed during the non-nesting season (i.e., May 16 through September

30). Construction may commence sooner in a given nesting season if Nest LE-093B is inactive or if confirmation of fledging occurs prior to May 16. In either case, the applicant will coordinate with Lee County Department of Community Development staff and ETAC prior to commencing construction within 660 feet of the nest. Infrastructure installation shall begin early during the non-nesting season, and any portion of such infrastructure installation that may require completion activities to extend into the following nesting season (i.e., October 1 through May 15) and/or at such time as the nests are active (e.g., courtship, nest tending, egg-laying, incubation, and brooding and/or the fledging of the young is occurring), such activities shall be accomplished in accordance with provisions of the Bald Eagle Monitoring Guidelines (USFWS 2007b).

2. Interior and finish construction may occur during the non-nesting season as needed without monitoring. Vertical construction (e.g., framing, laying foundation, siding, installing windows, roofing, etc.) and heavy construction (e.g., grading, pouring concrete (including driveways), painting other than by hand, etc.) occurring between 330 feet and 660 feet of the nest during an active nesting season shall be accomplished in accordance with provisions of the Bald Eagle Monitoring Guidelines (USFWS 2007b). No heavy, vertical, or finish construction shall be conducted within 330 feet of a bald eagle nest containing viable eggs or young.
3. Completion of the Project will provide 16.87± acres of enhanced and restored conservation area that could be utilized for nesting and foraging by bald eagles. The enhancement and restoration activities include removing exotic vegetation and installing native supplemental plantings.
4. Preserve restoration activities (e.g., exotic removal and treatment, supplemental plantings, etc.) within 330 feet of Nest LE-093B will be conducted in the bald eagle non-nesting season.
5. The use of any chemicals that are known to be toxic to wildlife shall be prohibited at all times in close proximity to the nest tree and within the on-site preserve areas. Chemicals used for the purpose of controlling exotic plants shall be prohibited around the base of the nest tree. Exotic vegetation near the nest tree will be removed by hand.
6. The applicant will monitor Nest LE-093B in accordance with the USFWS's 2007 Bald Eagle Monitoring Guidelines during the bald eagle nesting season (i.e., October 1 through May 15) for Project activities, including construction and preserve restoration and maintenance activities, occurring within 660 feet of Nest LE-093B (2007b).
7. Bald eagle nest protection signage will be established approximately 100 to 200 feet apart along the conservation easement line within 660 feet of the nest to prevent human interactions with nesting bald eagles.

## 7.0 REFERENCES

- Anthony, R.G. and F.B. Isaacs. 1989. Characteristics of bald eagle nest sites in Oregon. *Journal of Wildlife Management* 53(1): 148-159.
- Audubon Center for Birds of Prey. 2024. Audubon Florida EagleWatch Public Nest Map. <https://cbop.audubon.org/conservation/about-eaglewatch-program>.
- Brush, Janell M., K. Rogers, and E. Leone. 2012. Annual Report 2011-2012. Fish and Wildlife Research Institute, Wildlife Research Section, Avian Research Subsection; Gainesville, Florida.
- Curnutt, J.L and W.B. Robertson, Jr. 1994. Bald eagle nest site characteristics in south Florida. *Journal of Wildlife Management* 58(2):218-221.
- Gerrard, J.M., P.N. Gerrard, W.J. Maher, and D.W.A. Whitfield. 1975. Factors influencing nest site selection of bald eagles in northern Saskatchewan and Manitoba. *Blue Jay* 33(3): 169-176.
- Grier, J.W. 1977. Quadrat sampling of a nesting population of bald eagles. *Journal of Wildlife Management* 41:438-443.
- Hardesty, J.L. 1991. Conservation of coastal nesting bald eagles in Florida: history, demography, and habitat use. Unpublished Masters Thesis, University of Florida; Gainesville, Florida.
- Johnsgard, P.A. 1990. Hawks, Eagles, and Falcons of North America. Smithsonian Institution Press; Washington, D.C.
- King, J., F. Robards, and C. Lensink. 1972. Census of the bald eagle breeding population in southeast Alaska. *Journal of Wildlife Management* 36:1292-1295.
- McEwan, L.C. and D.H. Hirth. 1979. Southern bald eagle productivity and nest site selection. *Journal of Wildlife Management* 43:585-594.
- Palmer, R.S. 1988. Handbook of North American Birds, Volume 4. Yale University Press; New Haven, Connecticut.
- Peterson, D.W. and W.B. Robertson, Jr. 1978. Threatened southern bald eagle. Pages 27-30 *in*: H.W. Kale II, ed. Rare and endangered biota of Florida: volume two, birds. University Presses Florida; Gainesville, Florida.
- Robards, R.C. and J. G. King. 1966. Nesting and productivity of bald eagles, southeast Alaska, 1966. U.S Fish and Wildlife Service; Juneau, Alaska.
- U.S. Fish and Wildlife Service. 1999. Multi-Species Recovery Plan for South Florida. U.S. Fish and Wildlife Service, Vero Beach, Florida.

- U.S. Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeast Region.
- U.S. Fish and Wildlife Service. 1989. Southeastern states bald eagle recovery plan, U.S. Fish and Wildlife Service; Atlanta, Georgia.
- U.S. Fish and Wildlife Service. 2007a. National Bald Eagle Management Guidelines.
- U.S. Fish and Wildlife Service. 2007b. Bald Eagle Monitoring Guidelines.
- Weekes, F.M. 1974. A survey of bald eagle nesting attempts in southern Ontario, 1969-1973. *Canadian Field Naturalist* 88(4):415-419.
- Whitfield, D.W.A., J.M. Gerrard, W.J. Maher, and D.W. Davis. 1974. Bald eagle nesting habitat, density and reproduction in central Saskatchewan and Manitoba. *Canada Field Naturalist* 88(4):399-407.
- Wood, P.B. 1987. Distribution, ownership status, and habitat characteristics of bald eagle nest sites in Florida. Final report Nongame Wildlife Project 85-020, Florida Game and Fresh Water Fish Commission; Tallahassee, Florida.
- Wood, P.B., T.C. Edwards, and M.W. Collopy. 1989. Characteristics of bald eagle nesting habitat in Florida. *Journal of Wildlife Management* 53(2): 441-449.

**EXHIBIT 1**

**PROJECT LOCATION MAP**



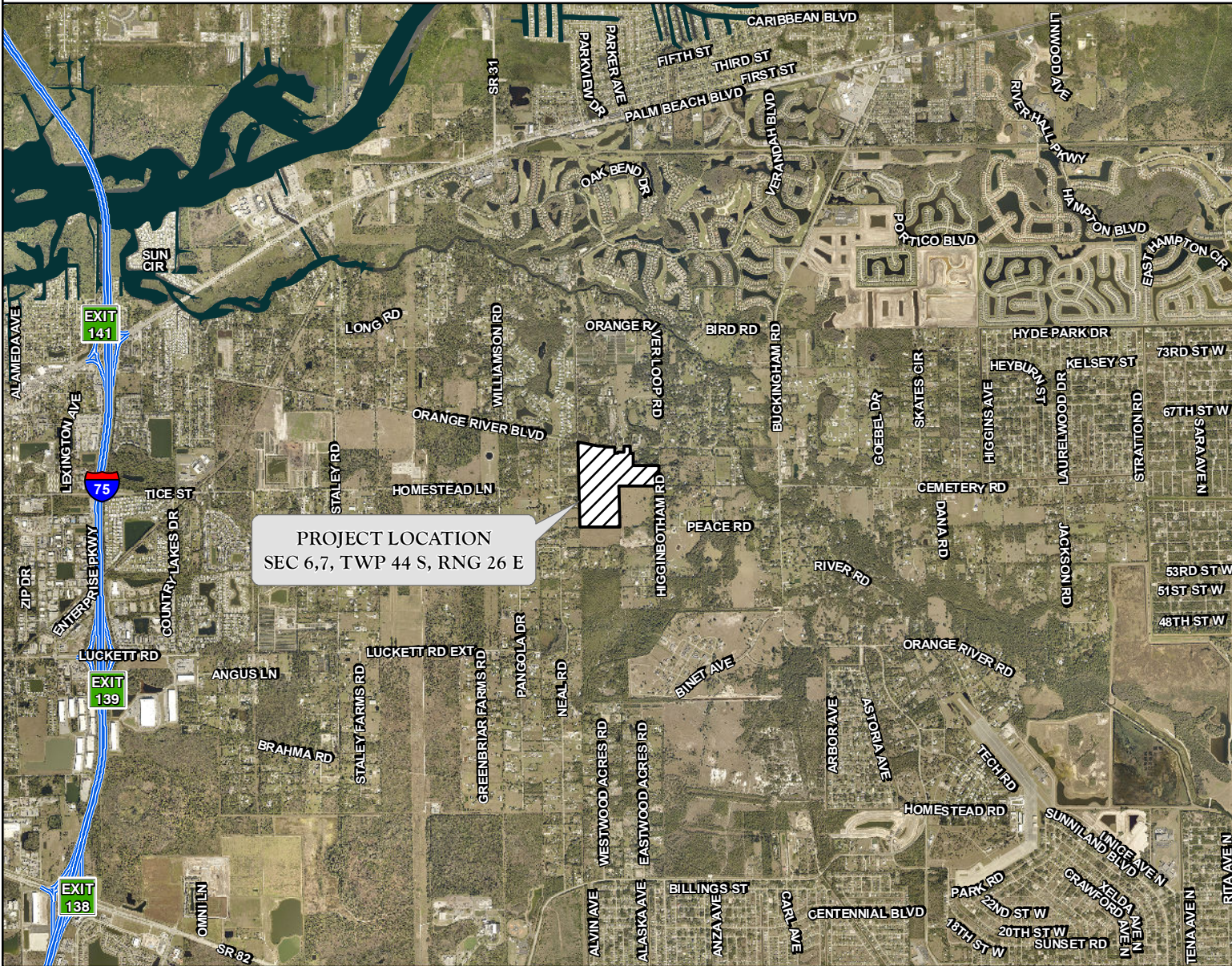
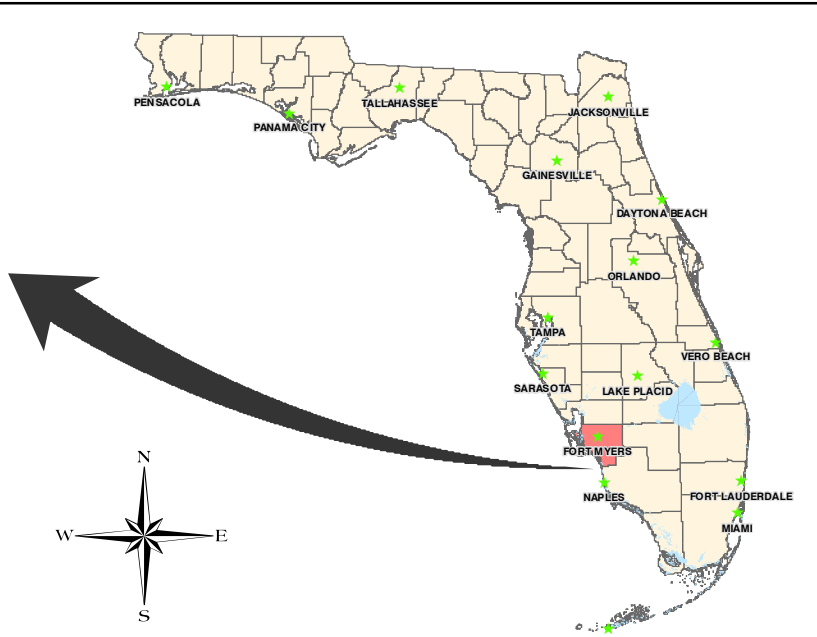
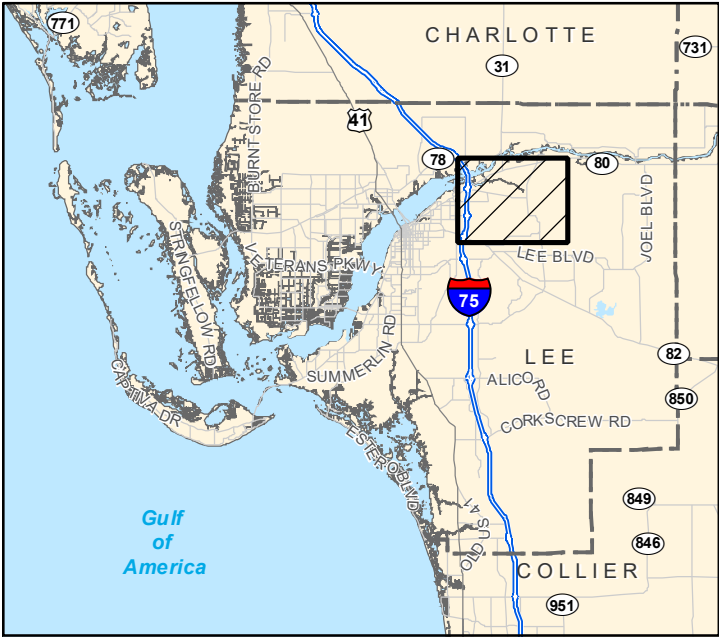


EXHIBIT 1. PROJECT LOCATION MAP  
EAGLE CREST ESTATES

|             |          |
|-------------|----------|
| DRAWN BY    | DATE     |
| P.F.        | 10/21/25 |
| REVIEWED BY | DATE     |
| B.T.        | 10/21/25 |
| REVISED     | DATE     |

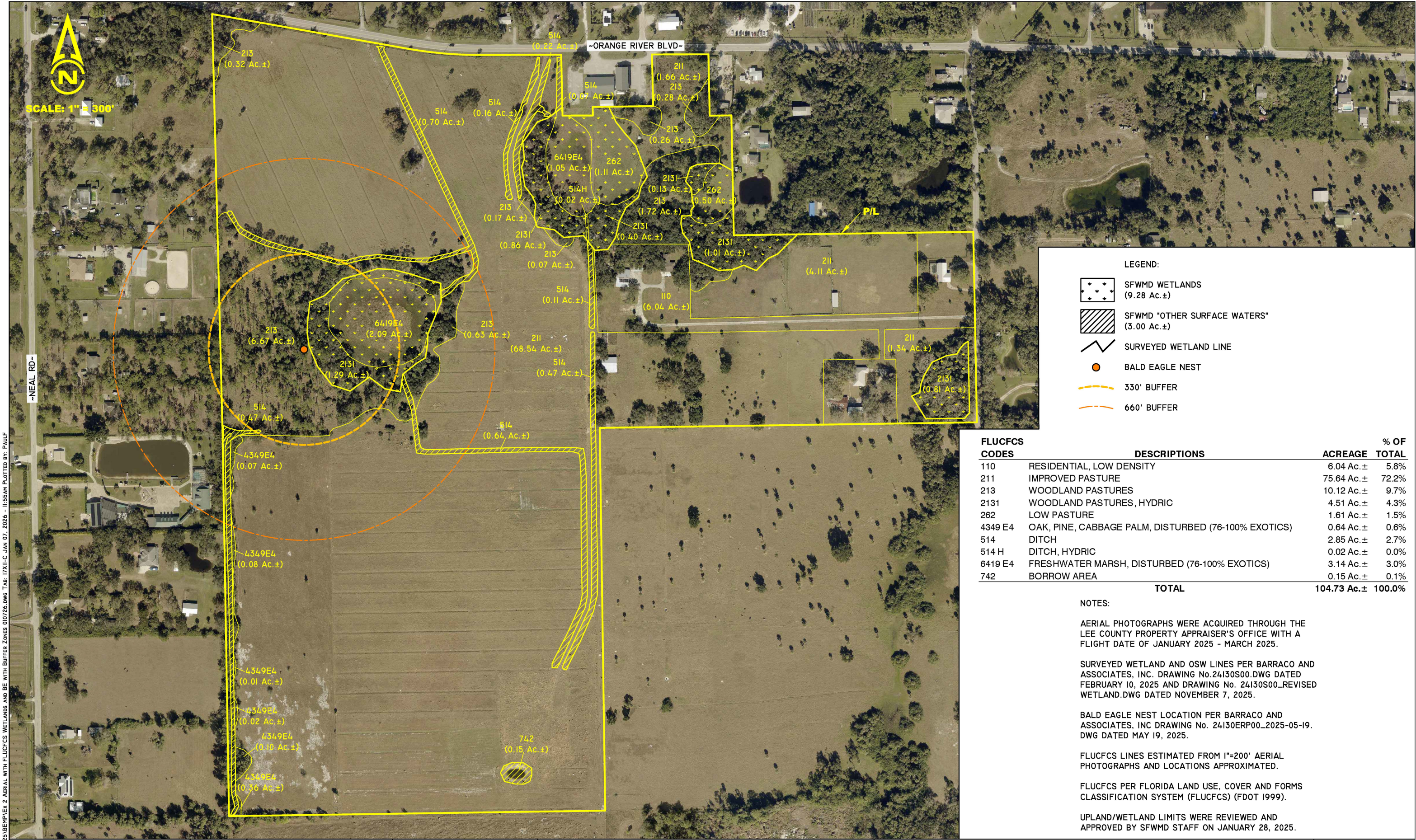




## **EXHIBIT 2**

**AERIAL WITH FLUCFCS, WETLANDS, AND  
BALD EAGLE NEST LOCATION WITH BUFFER ZONES**





J:\2025\22PDG3847\2025\BEMP\EX 2 AERIAL WITH FLUCFCS WETLANDS AND BE WITH BUFFER ZONES 010726.DWG TAB: 17XII-C JAN 07, 2026 - 11:55AM PLOTTED BY: PAULF

| REVISIONS       | DATE   | DRAWN BY    | DATE   |
|-----------------|--------|-------------|--------|
| Revised wetland | 1/7/26 | P.F.        | 7/1/25 |
|                 |        | DESIGNED BY | DATE   |
|                 |        | C.G.        | 7/1/25 |
|                 |        | REVIEWED BY | DATE   |
|                 |        | B.T.        | 7/1/25 |

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PASSARELLA

& ASSOCIATES

CONSULTING ECOLOGISTS

EAGLE CREST ESTATES  
AERIAL WITH FLUCFCS, WETLANDS, AND  
BALD EAGLE NEST LOCATION WITH BUFFER ZONES

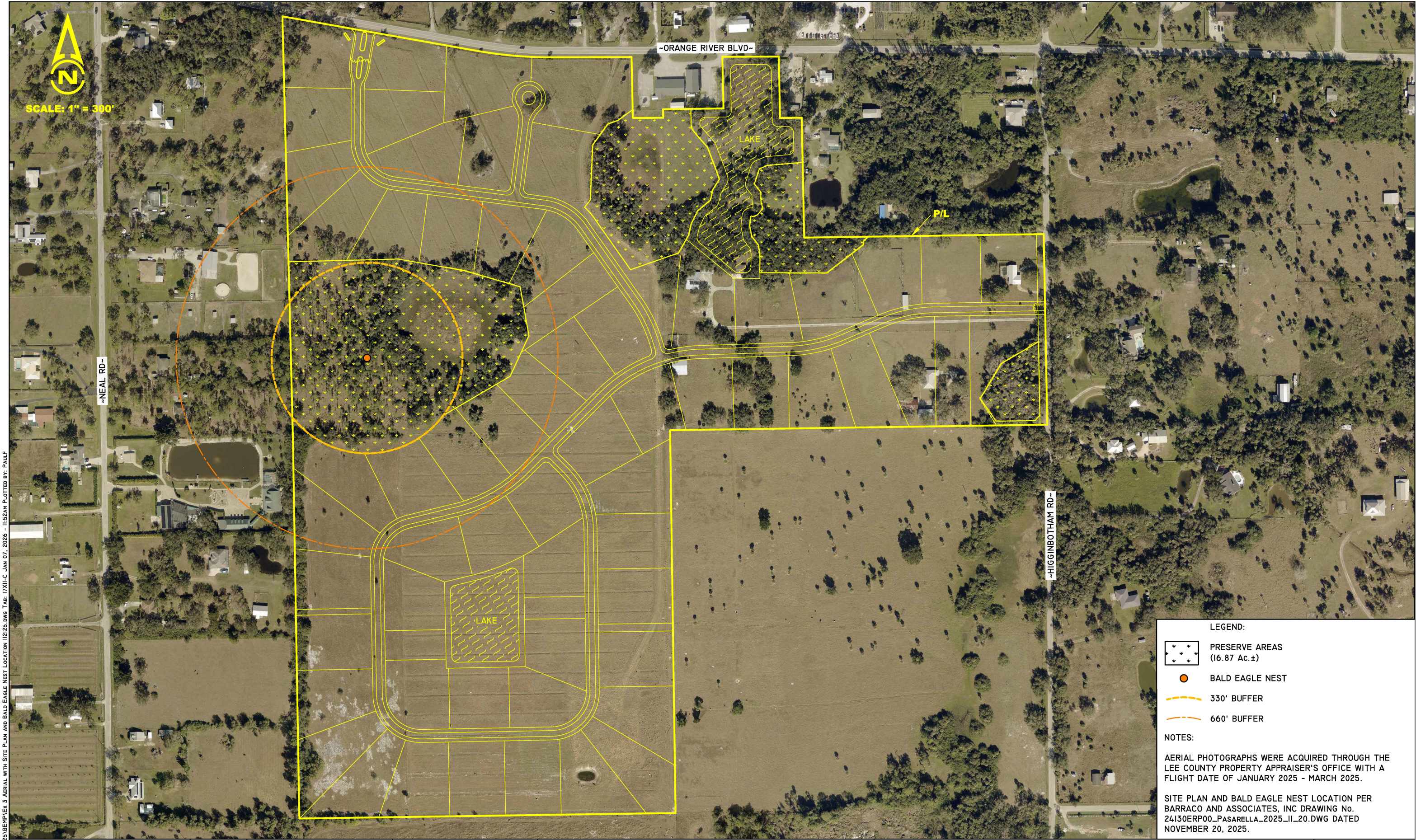
|             |
|-------------|
| DRAWING No. |
| 22PDG3847   |
| SHEET No.   |
| EXHIBIT 2   |




### **EXHIBIT 3**


**AERIAL WITH SITE PLAN AND BALD EAGLE NEST LOCATION**







**LEGEND:**  

 PRESERVE AREAS  
(16.87 Ac.±)

 BALD EAGLE NEST

 330' BUFFER

 660' BUFFER

**NOTES:**  
AERIAL PHOTOGRAPHS WERE ACQUIRED THROUGH THE LEE COUNTY PROPERTY APPRAISER'S OFFICE WITH A FLIGHT DATE OF JANUARY 2025 - MARCH 2025.  
  
SITE PLAN AND BALD EAGLE NEST LOCATION PER BARRACO AND ASSOCIATES, INC DRAWING No. 24I30ERP00\_PASARELLA\_2025\_II.20.DWG DATED NOVEMBER 20, 2025.

|   |           |      |                     |                  |   |   |   |                          |
|---|-----------|------|---------------------|------------------|---|---|---|--------------------------|
| J:\2025\22PDG3847\2025\BEMP\EX 3 AERIAL WITH SITE PLAN AND BALD EAGLE NEST LOCATION 11/21/25.DWG TAB: 17X11-C JAN 07, 2026 - 11:52AM PLOTTED BY: PAUL F | REVISIONS | DATE | DRAWN BY<br>P.F.    | DATE<br>11/21/25 | 13620 Metropolis Avenue<br>Suite 200<br>Ft. Myers, FL 33912<br>Phone (239) 274-0067<br>Fax (239) 274-0069 |  | EAGLE CREST ESTATES<br>AERIAL WITH SITE PLAN AND BALD EAGLE NEST LOCATION | DRAWING No.<br>22PDG3847 |
|   |           |      | DESIGNED BY<br>C.G. | DATE<br>11/21/25 |   |   |   | SHEET No.                |
|   |           |      | REVIEWED BY<br>B.T. | DATE<br>11/21/25 |   |   |   | EXHIBIT 3                |
|   |           |      |                     |                  |   |   |   |                          |



**MINUTES REPORT**  
**EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)**  
**Tuesday, October 14, 2025**

**Committee Members Present:**

|                          |                  |
|--------------------------|------------------|
| Edward Elms              | Jacob Taminosian |
| Kyle Philpot, Vice Chair |                  |

**Members Absent:**

|                     |              |
|---------------------|--------------|
| Laura Greeno, Chair | Betsie Hiatt |
|---------------------|--------------|

**Lee County Government Staff Present:**

|                         |   |
|-------------------------|---|
| Nic DeFilippo, Planning | Janet Miller, DCD Admin                   |
| William Lange, Planning | Amanda Swindle, Assistant County Attorney |

**Outside Consultants:**

Barrett Stejskal, BearPaws Environmental Consulting  
Christina Stejskal, BearPaws Environmental Consulting

**Agenda Item 1 - Call to Order:**

Mr. Philpot, Vice Chair, called the meeting to order at 2:57 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 – Barrett Stejskal with BearPaws Environmental Consulting to Present Bald Eagle Management Plan for LE-124 Park 41/Cabana Commons CPD/RPD DCI2025-00007.**

Mr. Barrett Stejskal from BearPaws Environmental Consulting provided an overview of the Bald Eagle Management Plan for LE-124 Park 41/Cabana Commons CPD/RPD (DCI2025-00007). It was noted that the nest previously located on this property is no longer in place. No activity has been seen or documented since the 2022-2023 nesting season.

Mr. Elms referred to references in the document that say “*commercial/residential*.” He asked if it was located in the area within the 330-foot eagle buffer zone.

Mr. Stejskal stated that was correct.

Mr. Elms asked for confirmation that it was across the street from where the cell tower is.

Mr. Stejskal stated that was correct.

Mr. Elms asked how close the construction would be to the cell tower.

Mr. Stejskal stated it would be approximately 200 feet away.

Mr. Taminosian stated that if it is multi-family, ETAC looks into height sometimes.

Mr. Elms asked for more clarity on what type of residential would be constructed (i.e. single-family, multi-family, high rises, etc.)

Mr. Stejskal stated that unfortunately, the engineer who had that type of breakdown, was not able to attend today's meeting.

Mr. DeFilippo stated that from reviewing what was submitted, he believed there would be multi-family and townhomes in one location and single-family and two-family attached in another. He noted that in the section closest to the nest it says, "*all residential*," so he believed it would allow any of those types of residential.

Mr. Elms stated it appeared that the residential would be two-story, possibly three-story dwellings.

Mr. DeFilippo stated that was correct. He also noted there would be no work done during nesting season including in the 330-foot eagle buffer zone.

Mr. Stejskal stated that was correct. No work will be done during nesting season in the 330-foot eagle buffer zone. He noted that many of these items are conceptual until someone purchases the property and decides what type of residential they want. Mr. Stejskal stated he would adjust the proposal and include another buffer zone showing the distance from the center of the nest to the start of construction. Mr. Stejskal also stated that he would include what type of residential would be constructed on the site plan if the type of residential use is narrowed down. He also noted that if, at that time, the nest is still inactive with no activity documented, the nest would be declared lost or abandoned.

Mr. Taminosian stated that in the Bald Eagle Management Plan there is reference that the nest was destroyed by "*natural causes*," but in the July 8<sup>th</sup> ETAC meeting minutes, it was unclear whether it was natural causes or if there had been a Take Permit for Telecom to remove it. If they did receive a Take Permit, then the 3-year period will be honored.

Mr. DeFilippo believed Telecom did get a Take Permit, but he would look into it further. He also noted that if it is deemed abandoned or lost, it will be brought back before ETAC before any determination is made.

Mr. Taminosian stated that he never saw the revised version of what Atwell submitted, but ETAC had some stipulations. One of them was that correspondence with the USFWS be submitted to Lee County staff. He asked if that had been done.

Mr. DeFilippo confirmed that this information was provided to staff.

Mr. Taminosian asked for clarification that the correspondence from the USFWS was when the developer was only contemplating clearing land under their development order.

Mr. DeFilippo stated that was correct. They had a development order that allowed them to do some clearing and to dig some lakes. It required a new configuration on this plan.

Mr. Stejskal stated they increased the size of that preserve on the Southwest corner, but it is not shown on this latest plan.

Mr. Taminosian stated there used to be a little strip along the bottom, but he did not believe it was ever under an easement or something along those lines.

Mr. Stejskal confirmed it was not under any type of easement. He stated it was a Type B buffer on the south, but this preserve area is more elongated now to where it comes out a little further.

Mr. Taminosian stated that if the nest was there, they should reapproach USFWS, but in this case, the nest has had no activity for almost 3 years.

Mr. Stejskal stated he realized that if the nest comes back, there will need to be some changes to the plan.

Mr. Taminosian stated that there was mention of visiting the area in August, but he asked if anyone had visited the site since the nesting season started.

Mr. Stejskal stated he visited the site last week, but no activity was observed.

Mr. Elms stated he was also in this vicinity last week, not specifically for this reason, but he did take down notations that he did not observe any activity in this nest.

Mr. Taminosian asked if Mr. Stejskal knew what would be planted on the Type D buffer because sometimes ETAC proposes that there be extra pine trees or cabbage palms planted.

Mr. Stejskal stated he did not have this information on the plans, but it is something he could add to both of the buffer zones (Type A and D) as far as what type of plant species there will be.

Mr. Taminosian was in favor of there being pine trees in excess of what is required in their zoning, if that is allowable, because eventually, in theory, it would create a visual buffer. However, in this instance, there is an inactive nest.

Mr. Elms agreed that it might be a moot point because this is the second season that the nest is not in place. He expressed concern about the residential and commercial buildings being so close to the nest.

Mr. Philpot stated it was mentioned earlier that no work would be done within the 330-foot eagle buffer zone during the nesting season.

Mr. Stejskal stated that was correct. No work has been taking place other than mowing.

Mr. Philpot stated that if the eagles do not reestablish a nest in this area during this season, it will be determined as lost by the end of this season and the 330-foot buffer conditions will no longer apply.

Mr. Stejskal stated that was correct. The plan will become void at that point.

Mr. DeFilippo pulled up an aerial and showed that the distance between where the commercial/residential area would take place was approximately 230-250 feet away from the nest.



Mr. Taminosian stated that although the USFWS was consulted and there was correspondence from Ulgonda Kirkpatrick from USFWS stating that no further action is needed, he still felt that since there would be vertical development, USFWS should be consulted again.

Mr. Stejskal stated he had no issue with doing that if the nest were there, but he felt it was a moot point with having no nest there and they have not changed anything from what has been proposed to what is being proposed now.

Mr. DeFilippo concurred that correspondence from Ulgonda Kirkpatrick stated that since there is no nest, no action needed to take place with the USFWS.

Mr. Taminosian made sure Mr. Stejskal was aware that if the nest gets reestablished, they will need to reach out to the USFWS again and submit a new Bald Eagle Management Plan.

Mr. Stejskal stated he was aware of that and agreed with it.

Mr. Taminosian stated he was satisfied with language in the Plan that reads, *"This is assuming the pair does not rebuild on the tower. If the birds were to rebuild their nest, the USFWS recommend either following the National Bald Eagle Management Guidelines or consider applying for a permit. As of August 2025, the nest has not been rebuilt in the cell tower."*

**Mr. Taminosian made a motion to approve the Bald Eagle Management Plan for nest LE-124 (Caloosa Commons project) with the stipulations that: 1) the distance from the former nest location to the perimeter of the project be indicated on the drawings; 2) that the type of residential development be indicated to the extent possible on the drawings; 3) that if the nest is to be reestablished, the developer reapproach ETAC with an updated Bald Eagle Management Plan as well as approach the USFWS which is contemplated in this Plan. The motion was seconded by Mr. Elms.**

Mr. Stejskal stated he would also include in the Plan the plantings that would be in the Type A and D buffers.

**Mr. Taminosian amended his motion to include the stipulation that they also include the Type A and D buffer plantings. The amended motion was seconded by Mr. Elms.**

**The final motion is as follows:**

**Mr. Taminosian made a motion to approve the Bald Eagle Management Plan for nest LE-124 (Caloosa Commons project) with the stipulations that: 1) the distance from the former nest location to the perimeter of the project be indicated on the drawings; 2) that the type of residential development be indicated to the extent possible on the drawings; 3) that if the nest is to be reestablished, the developer reapproach ETAC with an updated Bald Eagle Management Plan as well as the USFWS which is contemplated in this Plan; and 4) include in the Plan the plantings that will be in the Type A and D buffers. The motion was seconded by Mr. Elms. The Vice Chair called the motion, and it passed 3-0.**

### **Agenda Item 3 – Approval of Meeting Minutes from July 8, 2025**

**Mr. Taminosian made a motion to approve the July 8, 2025 meeting minutes. The motion was seconded by Mr. Elms. The Vice Chair called the motion, and it passed 3-0.**

## **Agenda Item 4 – Member Reports**

Mr. Philpot stated that he would be submitting his member reports to staff either this week or next week.

### **Edward Elms**

#### **Pine Island Flatwoods Trail**

Mr. Elms stated this property is located on 2020 Conservation Land and is part of the Galt Preserve. He noted the trail was currently too wet to be able to visit the site without boots and the vegetation is overgrown. He planned to visit the site before ETAC's next meeting.

#### **Galt Preserve**

Mr. Elms clarified that this nest is located in the park area where there are amenities. There has been no eagle activity at this site, but there is still hope that the eagles might return to the site.

#### **Helipad Nest**

This nest is in good condition. It appears that there has been some activity as the nest has been built up slightly from how it was at the end of last nesting season, but no eagles have been observed at the site.

#### **5<sup>th</sup> Street and Palm**

Eagles have been observed. One eagle has been observed in the nest, although not in an incubating posture. The nest is high up, which is a good sign.

#### **Cell Tower Pine Island (North of Galt Preserve)**

Two adult eagles were observed on the cell tower (approximately ½ mile north of the Galt entrance). Two adult eagles were observed in flight, and they landed on top of the cell tower. He noted that the pair he saw at the cell tower could likely be the pair that were at the Pine Island Flatwoods Trail nest.

### **Jacob Taminosian**

Mr. Taminosian stated he submitted his report to staff, but he was prepared to provide an update at today's meeting.

#### **Lakes Park**

No eagle activity was observed at this nest.

### **Lexington Middle School**

This nest is in good condition. Two adult eagles were observed. The pair had to drive off a couple of Ospreys and a juvenile from last year, but so far this seems to be an active nest. It is documented that these eagles were observed mating, which is a good sign.

### **Jonathan Harbor**

This nest is located on Connie Mack Island, but it fell down in Jan. There is one big pine there that could host a nest at some point. Mr. Taminosian noted that some landscaping had been enhanced, which provides a nice visual buffer, but so far there has been no eagle activity.

### **Ovenbird (formerly Sora Drive)**

The nest is intact. Although it is difficult to determine if the nest has been maintained since the year prior, he believed it was likely, otherwise, the nest would not still be standing. Mr. Taminosian stated that he did not observe any activity at this nest; however, the neighbor saw a couple of eagles in this nest last week. Mr. Taminosian also noted there had been no new construction around the piece of property along McGregor. The property has been cleared but no vertical construction has taken place yet.

### **St. Charles Harbor**

Mr. Taminosian stated this nest is the one that was relocated last year. Two adult eagles were observed building up the nest. He did not document them as having mated, but the fact that they are building up the nest is a good sign.

### **Pickle N Pub**

Although Mr. Taminosian did not personally observe eagles at this nest, someone from Audubon observed them in the area last week. He noted the nest appears to have been reconstructed a bit. He plans to revisit the site.

### **Tortuga**

The nest is in an Australian Pine and is in good condition. However, he did not observe any eagles there. An eagle was spotted overhead, but it could have been a coincidence. Mr. Taminosian noted that the neighbor reported observing eagles in the nest within the last week.

### **Yorkshire Lane**

The tree that this nest is located in is dead; however, the nest is in good condition and looks as if it has been somewhat rebuilt. It had some green vegetation in the nest that would have no way to get there on its own accord, so hopefully this is an indicator that the nest is in use.

Mr. DeFilippo noted that Parks and Recreation staff found a new nest at the Frank Mann Preserve yesterday morning (Lehigh Acres). The nest is active and is located in an Australian Pine. He plans to reach out to Laura Greeno to see if she could provide some additional information on this nest throughout the nesting season. Mr. DeFilippo stated that the Bayshore Commons birds are back. Staff found another nest, believed to be an alternate nest built and used last year. The

nest is in good condition. It is south of the community, but it is within the preserve area for the community. It is open space. Staff will continue observing the site to see if the eagles will use the alternate nest before they add it to the GIS layer.

Mr. Philpot asked if this nest is located just off the cul-de-sac.

Mr. DeFilippo stated the nest located off the cul-de-sac is still in place, but the eagles have not been maintaining it. It is a large nest, and the eagles have been observed hanging out there, but the one being discussed today is a new nest. It is in good condition, and it appears that the eagles are maintaining it. However, no eagles have been observed in the new nest yet. On a separate note, when it comes to construction, Mr. DeFilippo noted there have not been any permits from anyone working within any of the buffer zones for any of the nests.

Mr. Lange stated the only one he knew of was Del Webb. Although they are making inquiries, they have not applied for a permit yet.

Mr. DeFilippo stated the developer was waiting until the end of the nesting season. No construction is taking place, and no monitoring is being done at this time. Some construction might eventually take place at the Ovenbird (Sora Drive) nest, but it remains to be seen.

Mr. Taminosian stated there are some service stakes in place (just lot lines). They are building stilt (aka elevated) homes, but they appear to be outside of the buffer. The nest is more in the southern region towards McGregor, but the construction is taking place to the north of that.

#### **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: November 4, 2025**

Mr. DeFilippo stated that the next ETAC meeting would be scheduled for November 4, 2025. Veteran's Day falls on ETAC's regularly scheduled meeting date, so staff had to move the meeting to the week before. He anticipated that the November meeting would most likely be cancelled.

The Committee had no further items to discuss, so the meeting adjourned at 3:26 p.m.