



**EAGLE TECHNICAL ADVISORY COMMITTEE  
Community Development/Public Works Center  
1500 Monroe Street, Ft. Myers, FL  
Second Floor Conf. Rm. 2C**

**TUESDAY, JANUARY 8, 2019  
3:00 P.M.**

**AGENDA**

- 1) Call to Order
- 2) Approval of Minutes – December 11, 2018
- 3) Pineland Marina Bald Eagle Management Plan for LE-107 presented by Jim Ink with InkWorks
- 4) Discussion on construction within Jonathan Harbor in proximity to LE-070 and LE-070A
- 5) Member Reports
- 6) Adjournment – Next Meeting Date: February 12, 2019

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**MINUTES REPORT**  
**EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC)**  
**Tuesday, November 13, 2018**

**Committee Members Present:**

Betsie Hiatt, Vice-Chair    Cindy Bear    Ed Elms    Mike Myers

**Committee Members Absent:**

Laura Greeno

**Lee County Government & Representatives Present:**

Becky Sweigert, DCD Planning, Principal Environmental Planner  
Pam Hendry, DCD Administration  
Michael Jacob, County Attorney

**Public Participants:**

Steve Lewis of Lewis Longman Walker  
Tom Trettis, CSE, PWS of Stantec Consulting Services Inc.

**Introduction**

Ms. Betsie Hiatt called the meeting to order at 3:03 PM in the second floor conference room 2C of the Community Development/Public Works Center, 1500 Monroe Street, Ft. Myers, Florida.

**Approve Meeting Minutes – October 9, 2018**

**Mr. Ed Elms moved to approve the October 9, 2018 meeting minutes. Mr. Mike Myers seconded. The motion passed unanimously.**

**Review of Nest LE-028C to determine if territory meets definition of lost or abandoned.**

Ms. Sweigert said this nest was the former Hyatt Coconut Raptor timeshare for which there was a zoning resolution done in 2016. The nest appears to have been inactive for some time. Mr. Myers has been monitoring it and has not been able to locate the pair. Mr. Tom Trettis said he had done some aerial survey work including a helicopter flight during the 2017-18 season and could not find an alternate nest. He did say that two birds were seen hanging around the LE-004 nest and that he located a nest more south, which Ms. Sweigert thought was the Spring Creek nest, but could not confirm the nest was active. He also did transects on the ground within 1500 feet of the nest tree and also could not find an alternate nest. He did see a pair recently; they flew over the site but didn't stick around. Looking at photos of the tree itself, it looks to be in good condition but at different angles it is leaning at a 30 to 35 degree angle and the nest fell out the north side so the pair may be reluctant to build a new nest there because it is precarious. Ms. Sweigert confirmed that the area is open and that we have been unable to locate another nest. Mr. Steve Lewis provided a written summation of what has transpired over the years with regard to this particular nest. It includes the Fish & Wildlife's position as to the

status of the tree. The applicant is asking that ETAC conclude that this is a lost tree rather than an abandoned nest in order to be able to move forward a little faster since the time frame for a lost tree is 3 years, whereas an abandoned nest is 5 years, which Ms. Sweigert confirmed. Ms. Sweigert also said that in the past if there was a nest attempt but failure, it was still considered an active territory. Mr. Myers confirmed incubation but no hatchlings for the nest during the 13-14 season but the nest was deteriorating and after that we lost the territory, so clearly there has been 3 years without a nest. For the 2017-2018 Mr. Myer's records identified the Coconut Point nest as a loss.

Ms. Sweigert confirmed that there is a management plan for this site but that would go away if the nest is declared lost or abandoned but the applicant would still have to work through the zoning actions that go along with it. She said that if the applicant had not come forward the committee would probably have looked at this anyway because of the inactivity.

Mr. Myers made a motion to provide a letter for the applicant declaring the nest as lost with the caveat that if no nesting occurs between now and February it be considered abandoned. After discussion it was determined that the date for the abandonment should be made date certain to February 15<sup>th</sup> and Mr. Myers amended his motion to include that date.

Ms. Sweigert said she had already drafted a letter declaring the nest lost according to our ordinance, that it has been unoccupied since the 13-14 season and that it's been gone since 15-16. She agreed to add the condition that it be declared abandoned if verified no activity has occurred by February 15<sup>th</sup>.

Mr. Ed Elms seconded the amended motion. The motion was called and carried unanimously.

### **Elections for Chair and Vice-Chair**

As noted in the October minutes, Ms. Hiatt had confirmed with Ms. Laura Greeno that she was willing to accept a nomination to remain as Chair, and Ms. Hiatt also was willing to stay on as Vice-Chair unless someone else wanted to take over either position. Mr. Myers made a motion to nominate Ms. Greeno as Chair and Ms. Hiatt as Vice-Chair. Ms. Cindy Bear seconded. The motion was called and carried unanimously.

### **Meeting Dates for 2018-2019 Nesting Season**

Ms. Sweigert referred to the 2019 meeting dates attached to the meeting packet. A brief discussion followed regarding some dates that may not work for everyone, specifically December and January but otherwise, the dates looked ok to the others. There was a discussion about some management plans that might be coming in. Ms. Sweigert was aware of an old SunTrust bank remodeling which had a small portion falling within the 660' and she had given them some suggestions for a management plan. Ms. Hiatt saw a notice in the Pine Island Eagle for a public meeting for a gas station, which was an old Bank of America on Pine Island Road, and they were quoted as saying they would have to do a management plan. Ms. Sweigert remembered they had come in for an Informal and

were told they would need one. This project is different than what Dex Bender submitted for the dermatology center across the street. Following this discussion, Ms. Sweigert said the December date will remain as is in case one of the management plans comes in.

### **Member Reports**

Ms. Hiatt did not have a report. She said the Bank of America looked really good but she had not seen the eagles.

Ms. Bear said that in her territories she is seeing birds and some nest fluffing but no one incubating but noted that temperatures have been very high. She went yesterday and a pair was sitting on top of some really high power poles. She saw no birds at Vacation Lane but the nest looks good. For Palm Triangle, the nest looks good but no birds were around. She said she needed help on how to see the post office nest and Ms. Sweigert will look into that. She did not see anything at Manatee Bay. A week ago, there were birds hanging around the Pine Island Flatwoods and they were building. Ms. Sweigert said all the trails should be closed now. Ms. Bear did not know about Capri. The birds at Pacosin are back.

Mr. Elms reported that both adults were at Bayshore Commons – he saw them either perched or flying but not incubating yet. The Donald Rd-Bayshore Road pair were both there, the eagle cam found them perched 6 ft. above the nest. There was no activity at Moody River and no nest. Three weeks ago he saw one bird on top of the cell tower on Pondella but they are not consistently there. Ms. Sweigert suspects they are over in the big chunk of land near the cell tower but there is no access to it, but it would seem to be consistent with seeing them flying periodically and she thought maybe it was the Moody River pair. This is the same pair that used to be by the school and her guess was that they went north. He hadn't seen anything at Yolanda. He went twice in October and didn't see anything. He noted they are finishing up the house there.

Mr. Myers reported that the St. Charles slash pine is alive, the nest is in good shape but he didn't see any eagles when he was out there the 1<sup>st</sup> week of November. He saw no sign of eagles at Calusa Palm. The slash pine at Daniels Marketplace is dead; nest material is still there but he didn't see eagles when he was there on 11/3 but an adult came in and landed on a light pole nearby. At Roballo one adult perched in a tree next to the nest, the other looked almost to be incubating but it seems way too early. At Jonathan Harbor the nest tree is gone; he saw one adult hanging out there. Ms. Sweigert had a report from one of the residents that birds were building right at the front entrance; there are some really good pine trees there. It is not ideal but it's a very small gated community. He will keep an eye on it. The Australian pine was alive and healthy at Sanibel Sunset Villas but there was no activity. For Alico Road, he saw an eagle perched on a cypress tree that flew off. Lakes Park still had an old nest in the cell tower and he saw one eagle perched on the tower. There has never been a nest there, but occasionally there are eagles around. The Pub and Pickle tree is dead but they've been bringing in nest material but he didn't see any eagles. Lexington Middle is alive and well, there's a good nest and they've been adding material but again, he hasn't see any eagles. Andy rides his bike by there everyday and has seen them.

Ms. Sweigert said the Pub & Pickle was where the remodeling project was being done with the front portion clipping the 660'. They are doing some remodeling to the exterior, for doors, windows, the entrance, some pavement work and lighting within the 660. She met with them at the end of October and gave them some examples and they will be coming in with a plan, possibly as early as December depending on how quickly they can get things together.

### **Eagle Territories GIS**

Ms. Sweigert said Mike Laskowski could not be present today, but she wanted to show the group the database he was working on. She showed a snapshot from 2016-2017 with the data accumulated put in GIS form. She showed how clicking on the attribute table would zoom to the map. She said the zones will be on Lee Spins but the actual data will not. She plans to share a link with the environmental consultant community in order to download and be able to use this data. The buffer zones will be shown and different layers can be turned on and the data included unincorporated Lee County, Bonita and Cape Coral as well. Rather than a paper summary, it will be an electronic one where you can see where the nests are and get the data for it. It is still a work in progress but the goal is to have reliable data going forward. She located the Bank of America zone and further discussion followed. Some of the information included the nest's ID, the nesting season, the type of tree it is, how many fledglings and whether or not it is in a jurisdiction not unincorporated.

Mr. Myers asked about any new nests, in particular the east side of Six Mile Cypress. Ms. Sweigert didn't have any new information on that. Mr. Myers asked about Devonwood and whether that pair could be the one hanging around South town but Ms. Sweigert could not confirm that. Ms. Sweigert said that she had gotten a report that there was a nest in an area near 951. Mr. Myers said you could see the nest from I-75, it's located north of the Daniels exit, just south of the Colonial exit.

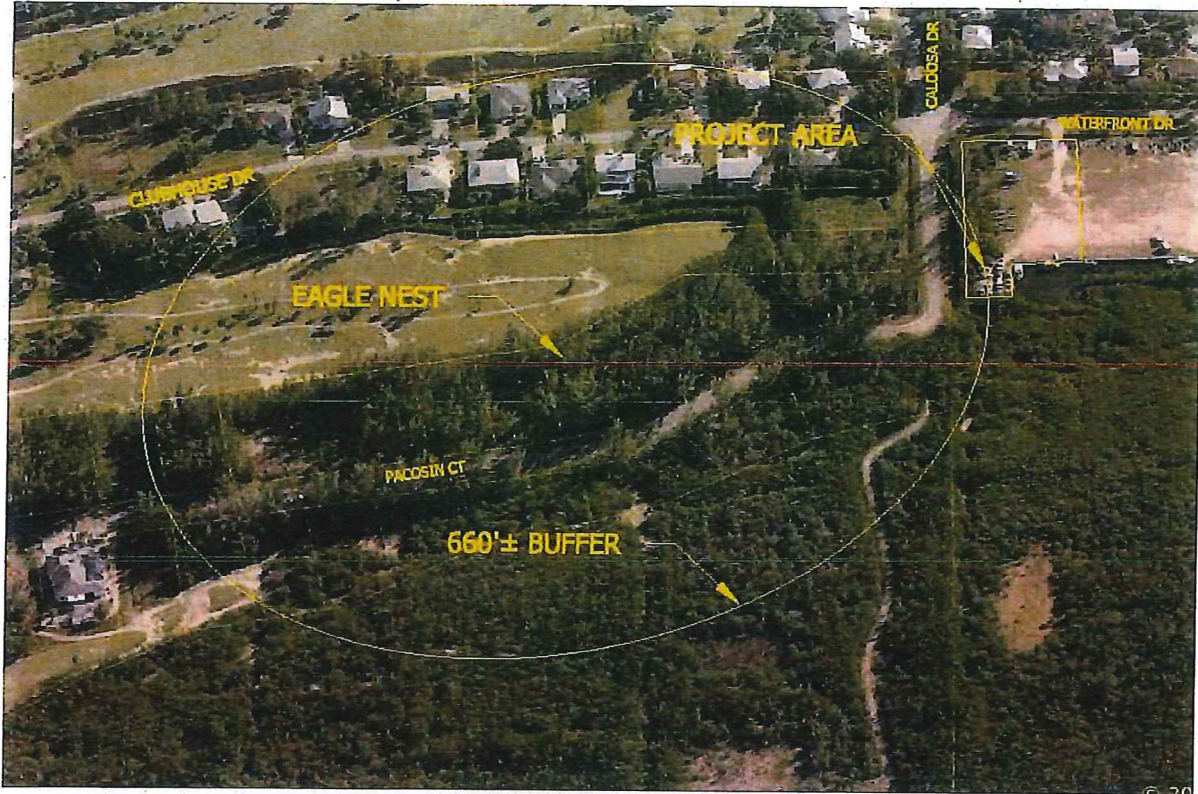
Ms. Bear had a question recently about who monitors Picnic Island, near St. James and Pine Island and there was a brief discussion.

Calusa Palms seems to be the new A&W Bulb. Ms. Sweigert wished the pair would have chosen a different tree. There is a really nice preserve nearby with nice trees, but they chose a tree that is dead. The community is very conscious of the pair and the HOA is fine with monitoring it. Mr. Myers will monitor it saying you can walk along the tennis courts and watch them.

### **ADJOURNMENT**

The meeting adjourned at 4:12 p.m.

The next meeting is tentatively scheduled for December 11, 2018.



# PINELAND MARINA

EAGLE MANAGEMENT PLAN FOR NEST LE-107.

## Abstract

This document is an eagle management plan for the construction of a charter office at Pineland Marina within the 660-foot nest buffer for Eagle nest LE-107.

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## **LIST OF EXHIBITS**

Exhibit 1. FLUCFCS Aerial Map

Exhibit 2. 2018 Aerial Plan per 14-119 (c)(3)c. LCLDC.

## **Introduction**

This bald eagle (*Haliaeetus leucocephalus*) management plan is being prepared for VRE Pineland, LLC the owner and operator of Pineland Marina. Pineland Marina consists of an existing marina approximately 22.6 acres in size and is located on the east shore of Pine Island Sound within Section 07, Township 44 South, Range 22 East, Lee County, Florida. The property address is 13851 Waterfront Drive, Bokeelia, FL 33922.

Bald eagle nest LE-107 is an active nest located in the north of the subject property on a vacant single-family lot. The lot strap is 06-44-22-08-00000.1620 and an address of 14090 Pacosin Court, Bokeelia, FL 33922. According to Lee County, and Florida Fish and Wildlife Conservation Commission the nest was built in March 2016.

## **Bald Eagle Habitat and Reproduction**

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

Florida has one the densest concentrations of nesting bald eagles in the lower 48 states, with an estimated 1,500 nesting pairs (FWC). Bald eagles are considered a water-dependent species typically found near estuaries, large lakes, reservoirs, major rivers, and some seacoast habitats (USFWS 1999). In Florida, nests are often in the ecotone between forest and marsh or water and are constructed in dominant or co-dominant living pines (*Pinus* spp.) or bald cypress (*Taxodium distichum*) (McEwan and Hirth 1979). About ten percent of eagle nests are in dead pine trees, while two to three percent occur in other species such as Australian Pine (*Casuarina equisetifolia*), a listed exotic tree and Live Oak (*Quercus virginiana*). Nest trees in South Florida are smaller and shorter than reposted elsewhere; however, comparatively they are the largest trees available (Wood *et al.* 1989, Hardesty 1991). The small size of the nest trees in South Florida relative to other nest sites throughout the eagle's range is due to the naturally smaller stature of *Pinus ellioyyi*, *Pinus taeda*, *Pinus palustris*, and *Pinus clausa* in South Florida, and lack of pines (*Pinus* spp.) 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). In establishing territories, eagles may also fly around the perimeter of their nesting areas and visually communicating their presence. Pair bond behavior, as well as territory establishment and defense, probably occur concurrently throughout much of the eagle's range. Successful pair bond information ultimately leads to nest site selection and nest construction for newly formed pairs or established pairs without nests. For pairs that have previously nested, nest repair or construction of an alternate nest may occur concurrent with copulation.

In South Florida, nesting activities generally begin in early September, with egg laying occurring as early as late October and peaking in the latter part of December. Depending on latitude incubation may be initiated from as early as October to as late as March. 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 four to six weeks after fledging even though young eagles are fully developed and may not remain at the nest after fledging (USFWS 1989).

### **Status of Species**

The bald eagle was added to the endangered species list on March 11, 1967 due to substantial population declines. On July 12, 1995, the bald eagle's status was reduced from endangered to threatened, due to significant population increases following conservation efforts (FWC). On August 9, 2007, the bald eagle was removed from the federal list of threatened and endangered species. After nearly disappearing from most of the United States decades ago, the bald eagle is now flourishing across the nation and no longer needs the protection of the Endangered Species Act (USFWS).

The U.S. Fish and Wildlife Service (USFWS) and the Florida Fish and Wildlife Conservation Commission no longer list the bald eagle as a threatened or endangered species. However, the bald eagle is still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (USFWS 1987).

### **Proposed Project**

The proposed project is located south of the existing nest. Part of the project will be over 500 feet from the nest but within the 660' buffer zone. Site improvements shall consist of limited underground utility work, gravel parking area, and a modular office building with a traditional constructed deck and ADA access ramp. The building is within the 660' buffer zone. The project is to allow the Tropic Star operation to operate its shoreport from this location. It is required to have the facility close to the existing canal as Tropic Star is a passenger ferry service to Cayo Costa State Park and other locations in the outer island that does not have vehicular access.

### **Existing Site Conditions**

The property consists of 22.60 acres of developed land with an operating Marina with wet and dry storage, Island Girl Charter Operations, and a boat ramp. The part of the site that is within the eagle buffer zone includes parking, trailer storage, and vessel mooring. Currently the vessel mooring is comprised of bay shrimpers. Between the proposed project and the eagle nest is 10-vacant single-family lots, roadway and Alden Pines Golf Course. North and East of the nest is Alden Pines Golf Course and single-family Homes. West of the nest is one Single Family Home, 6 vacant single-family lots, vacant lands and Pine Island Sound. There are 15 existing homes in the buffer zone to the east and southeast and 1 existing home to the north west. The eagles typical foraging flight path would be to the west and southwest avoiding human development.

### **Bald Eagle Nest Zone Habitat**

The following Florida Land Use, Cover and Forms Classification System (FLUCFCS) codes per SFWMD were used to map the site (Exhibit 1):

#### 1210 – Fixed Single-Family Units

Medium Density Residential single-family units

#### 1210<sup>(4)</sup> – Fixed Single-Family Units

Medium Density Residential single-family units. This area is within the eagle buffer area and is mostly vacant lots. Some lots have been cleared and have grassy area, others have dense population of Australian Pine. (*Casuarina spp.*)

#### 1820 – Golf Course

Recreational public access golf course

#### 1840 – Marinas and Fish Camp

Existing Marina with wet and dry boat slips, boat ramp, and associated marina activities.

#### 2110 – Improved Pasture

Fallow improved grass covered pasture

#### 3300 – Mixed Rangeland

Randall Research Facility/ Calusa Indian Historical Site. Mixed of hardwoods and grasses in upland area.

#### 6120- Mangrove Swamp/Brazilian Pepper Invaded

Mangrove Swamp/Brazilian Pepper invasion are found at the north of the property bordering the Pine Island Sound and Aquatic Preserve. This wetland area is dominated by red mangroves (*Rhizophora mangle*), Brazilian pepper, seaside mahoe, and scattered melaleuca.

**History of Eagle Pair and Territory**

This pair of eagles nest has been in service for many years this nest was classified as active 2015, 2016, and 2017 activity information as provided by Lee County below in Table 1.

**Table 1. LE-107 Nest History**

<b>Nest Year</b>	<b>Nest Active</b>	<b>Productivity of Nest</b>
2015-2016	Yes	
2016-2017	Yes	2 Fledged
2017-2018	Yes	2 Fledged
2018-2019	Yes	Current Incubation

Incubation was observed by Lee County staff November 2018

**Nest Observations**

The nest was observed with current incubating activities and flights to the Northwest to Southwest accessing Pine Island Sound.

**Management Plan**

This management plan is only applicable to this 22.6-acre subject property (Pineland Marina) located at 13851 Waterfront Drive, Bokeelia, FL 33922. It is the responsibility of the property owner(s) to retain and implement this plan, including educating others (*i.e.*, contractors, future owners, etc.) about the specific requirements of this Bald Eagle Management Plan (BEMP) and the local, state and federal eagle protection laws. Any modification to this BEMP will require review and approval by Lee County, or any other succeeding body.

The details of this BEMP are prepared to provide conservation measures designed to reduce potential adverse impacts to the eagle nest while allowing the project to move forward. The following guidelines shall limit activities occurring on the property.

1. ALL exterior construction activities (including clearing and exotic vegetation removal/maintenance) within 660 feet of the nest will ONLY be carried out during the non-nesting season (May 16th - September 30th), or after nestling eagles have fledged, and obtained confirmation by the Lee County Staff. If the eagles have not initiated nesting activity by February 1st, construction and exotic removal/maintenance activities may occur, upon approval of Lee County Staff.
2. New construction activity within 660 feet of nest includes an existing planted landscape buffer on the north property line that screens the new activity from the nest. The north property line has 15' - 20' Australian Pine along a mangrove fringed ditch that will be removed per Lee County Land Development Code regulations. Given these pines are relatively small and the existing Australian Pines that exist between the nest and the proposed project the removed Pines shall be replaced with 10' overall height green buttonwoods at a 1:1 ratio.
3. All new exterior lighting shall be positioned/shielded in such a way that little to no light illuminates the bald eagle nest tree or its surrounding area. The only light on the north side of the proposed structure is a switch light for Florida Building Code emergency egress. This light shall be downlit.
4. Interior finish (*i.e.*, dry wall, flooring, electrical, painting, plumbing) work may be conducted on the subject property throughout the year.
5. Typical day-to-day activities shall be allowed throughout the year (*i.e.* lawn and property maintenance) as the project is located greater than 500 feet from the nest.
6. If bald eagle nest LE-107 has been lost for three consecutive nesting seasons or abandoned for five consecutive nesting seasons, this nest shall be de-listed (as "loss of nest" or "abandoned nest") and the requirements of this management plan shall be terminated.
7. Authorized work per LDO2018-00183 outside the 660-foot buffer zone is unrestricted if a Lee County Vegetation Permit has been issued and a structural construction temporary fencing has been installed to define the buffer zone. The temporary fencing shall consist of a 48" high plastic fencing with steel stakes along at a minimum the 660-foot buffer. The work being proposed before the end of nesting season is the following:
  1. Construction of Concrete Entrance ramp. This work requires LCDOT ROW permit.
  2. Installation of 3 rail wood fence along southern boundary of project area
  3. Installation of septic drainfield
  4. Construction of parking area outside eagle buffer zone including landscaping.

Work to be completed after clearance of nesting activities:

1. All building works per Lee County Building Permit
2. Remaining site work per LDO.
3. Removal of Australian Pine along north property line and replacement with 10' Green Buttonwood
4. Inventory and replace landscaping as required for compliance of North and East ROW landscape buffers.

## REFERENCES

- Florida Fish and Wildlife Conservation Commission. Eagle Nest Locator Website.
- Florida Fish and Wildlife Conservation Commission. 2017. A Species Action Plan for the Bald Eagle *Haliaeetus leucocephalus*. 41 pp.
- Lee County Land Development Code, Article II, Chapter 14, Division 3 – Southern Bald Eagle.
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