

**Lee County Board Of County Commissioners**  
**Agenda Item Summary**

**Blue Sheet No. 20061239**

- 1. ACTION REQUESTED/PURPOSE:** Approve revised Bald Eagle Management Plan with one condition for Nests LE-40 and LE-40A for the residential development known as Oasis Key as supplemented and recommended by Eagle Technical Eagle Advisory Committee (ETAC) and Lee County Environmental Sciences staff.
- 2. WHAT ACTION ACCOMPLISHES:** Board approval is required to accept a Southern Bald Eagle management plant under the County's Eagle Protection Ordinance.
- 3. MANAGEMENT RECOMMENDATION:** Approve Bald Eagle Management Plan with ETAC condition for the residential development known as Oasis Key.

**4. Departmental Category:** 4                      **C4A**                      **5. Meeting Date:** October 10, 2006

<b>6. Agenda:</b> <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input checked="" type="checkbox"/> Other                      LDC 14-119	<b>8. Request Initiated:</b> <b>Commissioner</b> _____ <b>Department</b> Community Development <b>Division</b> Environmental Sciences <b>By:</b> <i>[Signature]</i>
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**9. Background:** Pursuant to Lee County Bald Eagle Ordinance, Section 14-119, the developer of the residential development known as Oasis Key has requested an amended Habitat Management Plan that proposes compatible development that is protective of Bald Eagle Nests LE-40A and LE-40. The Board originally approved a management plan for the subject property in 2003. That plan covered Nest LE-40A.

The bald eagle management plan is requested to be amended due to the birds relocating their nest after Hurricane Charley. The previous nest, LE-40A, was in an Australian Pine. The nest tree, as well as the surrounding habitat, have been compromised since the 2004 and 2005 hurricane seasons. In mid 2005, the original territory for LE-40 was re-activated by the bald eagle pair. This nest was utilized during the 2005-2006 nesting and fledged one chick from the nest. The revised bald eagle management plan includes protection measures to both bald eagle territories for Nests LE-40 and LE-40A. Highlights of the amended habitat management plan include the following:

1. Exterior construction will not be conducted during the nesting season within primary zone (750').
2. The closest building is located 550 feet away and the nearest road is located 500 feet from the eagles' nests.
3. No mechanical equipment will be used on the southwest property line during the nesting season.
4. The developer will conduct monitoring within the secondary zone (1500') of either nest during nesting season per United States Fish and Wildlife Service (USFWS) Bald Eagle Monitoring Guidelines published September 2002, and revised September 2005.

The Lee County Eagle Technical Advisory Committee (ETAC) reviewed the amended management plan and recommends its approval, subject to the addition of the following condition:

**The management plan will be supplemented with the addition of another afternoon of monitoring each week during nesting season.**

ATTACHMENTS: Revised eagle management plan; Draft BOCC Resolution & ETAC Resolution No. 05-01.

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director	
<i>[Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i> 9-20-06	Analyst <i>[Signature]</i> 9/21/06	Risk <i>[Signature]</i> 9/20/06	Grants RK 9/21	<i>[Signature]</i> 9/21/06	HS 9/21/06

- 11. Commission Action:**
- Approved
  - Deferred
  - Denied
  - Other

RECEIVED BY COUNTY ADMIN: 9-20-06 11:20 AM
9-20-06 1:15 PM
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
9/21/06 4:30 PM

Rec. by CoAtty
Date: 9/20/06
Time: 8:45 AM
Forwarded To: Co. Admin.
9/20/06 10:44

**BALD EAGLE MANAGEMENT PLAN  
NESTS LE-40 & LE-40A**

**for**

**OASIS KEY**

**Section 10, Township 46S, Range 24E**

**Winkler Road  
Lee County, Florida**

**November 2005**

**Prepared by:**

**W. Dexter Bender & Associates, Inc.  
2052 Virginia Avenue  
Fort Myers, FL 33901  
(239) 334-3680**

## **INTRODUCTION**

The Oasis Key project is located at 17920 Winkler Road. The Oasis Key project is located on two parcels, each 19.2 acres on the east and west side of Winkler Road. The west parcel consists of an improved pasture bordered to the south by an undeveloped exotic vegetation infested parcel, to the west by Sutton Walk Lakeside Condominiums of Lexington, the north by Lexington Country Club, and to the east and southeast by Winkler Road and the Lee County Mosquito Control District Office and helicopter pad.

The east parcel is surrounded by undeveloped land to the north and east, and is located north and adjacent to the Lee County Mosquito Control District Office and helicopter pad.

As shown on the attached Bald Eagle Management Plan Map, a southern bald eagle nest is located in an Australian pine tree located approximately 246' south of the southern property line of the Oasis Key parcel, identified as Bald Eagle Nest LE-40A. The previous nest for the eagles occupying nest LE-40A was located approximately 1500 feet to the southeast and was designated LE-40. The eagle's nest has been observed from April 28, 2003 to June 3, 2003 to evaluate the nest site as well as observe eagle activity and flight patterns.

## **SITE CONDITIONS**

The two parcels for the Oasis Key project are improved pastures which consist of open grass fields with minor melaleuca infestation. The property which Eagle Nest LE-40A is in is south and adjacent to the west parcel of the Oasis Key project and is owned by Mr. Gordon Biggar. The Biggar Parcel is 9.6 acres and consists of dense exotic tree vegetation approximately 45' tall including melaleuca and Australian pine. The property to the south of the Biggar Parcel is the Estero Bay Buffer Preserve (EBBP) which consists of melaleuca infested transitional wetlands, saltwater marshes, and open water. It is important to note that exotic vegetation removal activities (including heavy equipment, chainsaws, and hand removal techniques) took place in the EBBP outside of the last nesting season well within 100' of the nest with no apparent negative effect on nesting success. The portion of EBBP immediately south of the eagle's nest was dominated by melaleuca and scattered Australian pine that comprised a dense forest of 45' tall trees. This area now has scattered slash pine and little other canopy species. The habitat is now mostly open. The property to the west of the Oasis Key project includes multiple story condominiums within the Lexington community, parking garages, and storm water management lakes, all within 750' of the eagle's nest and as close as 507' from the nest. The structures and activity on this property were established prior to the construction of eagle nest LE-40A.

The property to the north is Lexington Country Club which includes multifamily housing. The property to the east includes the eastern Oasis Key parcel and the Lee County Mosquito Control District helicopter pad. There is regular daily helicopter activity during the nesting season as close as 500' vertically/1,000' horizontally of the eagle's nest which is the minimum recommended aircraft distance per the U.S. Fish & Wildlife Service (FWS) Bald Eagle

Management Guidelines. The helicopter pad is approximately 1,460' from Bald Eagle Nest LE-40A, which is in the secondary zone.

During November 2005, W. Dexter Bender & Associates, Inc. returned to the site to monitor possible changes in nest location that may have resulted in response to recent hurricane activity. The nest located 246' south of the Project (LE-40A) appears to have been severely damaged or destroyed by the recent hurricanes. Based on observations of nesting behavior made in November 2005, the nesting pair appears to have returned to the original nest (LE-40) located approximately 200' due south of the mosquito control helipad that is located along the east side of Winkler Road.

Please see the attached 1" = 200' scale Lee County aerial photograph dated 2002 showing the existing structures in the vicinity of the eagles' nests.

### **SITE OBSERVATIONS**

The bald eagle's nest is located in a living Australian pine just west of the southern end of Winkler Road. Bald eagle nest LE-40A was first observed during the 2001-2002 nesting season and successfully fledged young during the 2001-2002 and 2002-2003 nesting seasons. The bald eagle's nest and adjacent areas were observed for a total of twenty (20) hours on nine (9) separate occasions. The dates and times of these observations are recorded below along with weather conditions and a description of any significant activity at or near the nest location.

#### 4/28/03 - 2:30pm-3:30pm

Temperatures were in the upper 80's F with very little cloud cover. Winds were west at approximately 10mph. No bald eagle activity was observed. Two (2) red-tailed hawks were seen flying over the southern tip of Winkler Extension.

#### 4/29/03 - 3:00pm-5:00pm

Temperatures were in the mid to upper 80's F with clear skies and winds from the west at around 5-10mph. No bald eagle activity was observed. Several mosquito control UH1 helicopters were observed flying west from the landing area on the east side of Winkler Extension.

#### 5/1/03 - 2:00pm-5:00pm

Temperatures were in the mid to upper 80's F with partly cloudy skies and winds from the southwest at around 15-20mph. No bald eagle activity was observed. One (1) red-shouldered hawk was seen perched approximately 100 feet south of the nest.

#### 5/2/03 - 7:00am-11:00am

Temperatures were in the mid to upper 70's F with cloudy skies and no wind. No bald eagle activity was observed.

5/7/03 - 6:30pm-8:30pm

Temperatures were in the low to mid 80's F with clear skies and winds from the south at approximately 5mph. At approximately 8:15pm a single immature eagle was seen flying from north to south along the edge of the condominiums that are located on the property west of the nest site.

5/14/03 - 7:30pm-8:30pm

Temperatures were in the upper 70's F with cloudy skies, light rain, and no wind. No bald eagle activity was observed.

5/21/03 - 7:00pm-8:30pm

Temperatures were in the low to mid 80's F with some light cloud cover. Winds were from the east at approximately 15mph but subsided as sunset approached. No bald eagle activity was observed.

5/27/03 - 6:30pm-8:00pm

Temperatures were in the mid to upper 80's F with cloudy skies, light rain, and no wind. At approximately 7:15pm a single bald eagle was seen flying from the vicinity of the nest to the southwest roughly 200 ft east of the condominium development that is on the property west of the nest site. The eagle appeared to descend into the treeline southeast of the condominiums.

5/29/03 - 6:30pm-8:30pm

Temperatures were in the upper 70's F to low 80's F with partly cloudy skies. Winds were from the west at around 15mph but diminished as sunset approached. A single immature eagle was observed at approximately 7:30pm. It approached from the north from the vicinity of the nest site then banked southwest and disappeared into the treeline south of the condominiums.

6/3/03 - 6:30pm-8:30pm

Temperatures were in the low to mid 80's F with cloudy skies and winds from the south at approximately 15mph. At approximately 7:45pm a single immature bald eagle was observed as it emerged from the treeline southeast of the condominiums and traveled northwest towards the condominiums.

The following is a description of the various human activities that were observed throughout the monitoring study in the vicinity of the nest site: There was light vehicular traffic along Winkler Road. There was frequent commercial airline and Lee County Mosquito Control helicopter traffic passing overhead. Vehicular traffic was frequent in the parking lot of the condominium development, and Lexington Golf Course mowers, voices, and music could be heard. On several occasions pedestrians and dogs could be heard at the south end of Winkler Extension.

## **GENERAL DEVELOPMENT GUIDELINES**

The site observations and flight study show that the eagles from nest LE-40A fly primarily to the west and south to presumably forage in the storm water management lakes of the Lexington Country Club and Condominiums. These eagles are flying over active roads and multiple story residences.

These eagles are also flying to the south to presumably forage in the Estero Bay Buffer Preserve. The LE-40A eagles have demonstrated a high tolerance to human activity including the residential activity and structures 507' west of the nest, golf course maintenance within 750' of the nest, helicopter flights 500' above the nest as well as mechanical exotic vegetation removal within 100' from the nest outside of the nesting season. It is presumed that the eagles that utilized nests LE-40 and LE-40A are the same pair. Therefore, structures and activities within the primary zone (within 750') of the nest LE-40A and secondary zones (within 1,500') of nest LE-40 and LE-40A are proposed as described below for the Oasis Key project and shown on the attached Bald Eagle Management Plan Map. These proposed structures and activities apply to the Oasis Key project and are not binding on any other property in the vicinity of Nests LE-40 and LE-40A.

### *Primary Protection Zone - LE40A*

#### **Activities and Restrictions**

Within the Primary Protection Zone of nest LE-40A, 4.3± acres of the storm water management lake shall be excavated as shown on the attached Bald Eagle Management Plan map. This lake shall be approximately 300 feet from the eagle nest and will be buffered by the existing off-site dense tree canopy. The lake will include littoral zone tree plantings to act as a buffer within the Primary Protection Zone. Additionally, a total of 16 multifamily buildings (duplexes) which represent 29 living units shall be built within the Primary Protection Zone, with the closest building being 550 feet from nest LE-40A. The associated access roads will be located no closer than 500 feet from the nest. The structures (residences) will be no taller than 30 feet above proposed grades. These structures are single and double story buildings with pitched roofs. All external lighting within the Primary Protection Zone shall be shielded away from the eagle nest LE-40A.

The following conditions will be added to the Home Owners Association documents:

1. The 29 units within the Primary Protection Zone will be allowed to have pools only if they are within a caged enclosure with a landscaped hedge surrounding the enclosure.
2. A 50 feet wide buffer along the southern property line will be designated as a Conservation Area with restricted activities and uses. This area will be deeded to the Home Owners Association. A 50 feet wide flight corridor, located along the west property line, will also include Deed Restrictions in the Home Owners Association documents and there will be a Conservation Easement placed over this area prohibiting future activities other than regular maintenance.
3. The stormwater management lakes and shorelines within the Primary Protection Zone will have activities restricted to maintenance only (i.e. not boating activities). No mechanical activities will be permitted along the south shoreline of the storm water lake of the west parcel between October 1 and February 28.
4. Two 100' wide flight corridors consisting of stormwater management lakes will be established.

The 50 feet wide buffer along the southern property line will be planted with 7 gallon container size trees including slash pine, dahoon holly, and laurel oaks on 10 foot centers. Additional shrubs from 5 gallon containers, including wax myrtle and myrsine, will be planted on 10 foot centers. All stormwater management lake shorelines (8 feet wide) within the Primary Protection Zone will be planted with 5 gallon size container bald cypress trees on 4 foot centers.

Construction of the structures within the Primary Protection Zone will take place during two (2) non-nesting seasons in two (2) phases. The structures on the easternmost and middle cul-de-sacs will be constructed during the first phase. The structures on the westernmost cul-de-sac will be constructed during the second phase. The stormwater management lake and roadway infrastructure shall be built during the first non-nesting season phase.

Exterior construction work including major earth work, stormwater and road facilities work, and building structural (house pad construction, framing, and roofing) work shall only be conducted during the non-nesting season (fledging on May 15 through October 1). All other exterior and interior construction will be allowed during the nesting season following FWS monitoring guidelines. This will include monitoring of eagle activity during construction as described in the monitoring section of this document. If the nest is vacated before the end of the nesting season (May 15) or if the FWS determines that nest Le-40A is abandoned, construction activities may commence upon confirmation that the eagle nest has been vacated by the Lee County Division of Environmental Sciences. If the nest is not active by February 15, then the nesting season shall be considered over and the construction restrictions shall not apply. After construction, normal residential activities will be allowed within the Primary Protection Zone. All lake and bank maintenance activities within the Primary Protection Zone will be conducted biweekly during the nesting and non-nesting season. No mechanical activities will be permitted along the south shoreline of the stormwater lake between October 1 and February 28 unless the FWS determines that nest LE-40A is abandoned.

When any interior or exterior construction is to occur during the nesting season, the following conditions shall be followed:

- \* No major earth working activities, building structural work, or infrastructure construction (stormwater and road facilities) are permitted during the nesting season (October 1 - May 15 or nest vacation).
- \* If doors and windows have not been installed, plywood or blankets will be installed in their place to muffle sounds from within the house.
- \* All doors and windows facing the eagle's nest are to remain closed at all times except for access and deliveries.
- \* All deliveries will be unloaded in the garage or at the entrance to the garage. All construction materials and deliveries will be stored inside the garage or house or outside on the side out of sight of the nest tree.

- \* If a construction dumpster is necessary, it will be located at the front curb area out of sight of the nest tree.
- \* Any portable sanitation facility will be located at the front curb area, out of view of the nest tree.
- \* No radios will be permitted.
- \* A sign will be prepared and posted that states:

NO RADIOS OR LOUD NOISED ARE ALLOWED ON THE PROPERTY. ALL WINDOWS AND DOORS ARE TO REMAIN CLOSED AT ALL TIMES. NO EXTERIOR WORK OF ANY KIND IS PERMITTED.

- \* All interior activities including preparatory cutting, sawing, etc. will only occur inside the house or garage.
- \* Parking of vehicles will be limited to two at any given time. Parking inside the garage is preferred. Any additional vehicles will be parked behind the adjacent residence to the north. No more than a total of 6 vehicles will be located behind either residence at one time. All vehicles will be parked out of sight of the nest.
- \* Construction work is limited to three trades at a time. No more than eight workers will be allowed at one time.
- \* It is the responsibility of the general contractor/builder to insure that all workers, including subcontractors, know and follow the conditions listed above.

***Secondary Protection Zone***

**Activities and Restrictions**

**Nest LE-40A**

The remainder of a storm water management lake (1.5± acres) shall be excavated and access roads, 15 multifamily buildings (duplexes) which represent 33 living units on the west parcel and 2.4 acres of stormwater lake, 16 single family living units, a community center building, and access roads shall be built within the Secondary Protection Zone, as shown on the attached Bald Eagle Management Plan map. These structures are single and double story buildings with pitched roofs. All external lighting within the Secondary Protection Zone shall be shielded away from the eagle's nest. The remainder of the stormwater management lake shall be excavated during the non nesting season.

After construction, normal residential activities will be allowed within the Secondary Protection Zone. All lake and bank maintenance activities within the Secondary Protection Zone will be conducted biweekly during the nesting and non-nesting season. All stormwater management lake shorelines (8 feet wide) within the Secondary Protection Zone will be planted with 5 gallon size container bald cypress trees on 4 feet centers.



### Nests Le 40 and LE-40A

The exterior construction work shall be conducted during the nesting season following FWS monitoring guidelines. This will include monitoring of eagle activity during construction as described in the monitoring section of this document.

Interior construction will be allowed during the nesting season. If the nest is vacated before the end of the nesting season (May 15), construction activities may commence upon confirmation that the eagle nest has been vacated by the Lee County Division of Environmental Sciences and the ETAC. If the nest is not active by February 15 then the nesting season shall be considered over and the construction restrictions shall not apply. If the FWS determines that nest LE-40A is abandoned then construction timing restrictions will not apply to the construction within the secondary zone of nest LE-40A.

When any interior or exterior construction is to occur during the nesting season, the following conditions will be followed:

- \* If doors and windows have not been installed, plywood or blankets will be installed in their place to muffle sounds from within the house.
- \* All doors and windows facing the eagle's nest are to remain closed at all times except for access and deliveries.
- \* All deliveries will be unloaded in the garage or at the entrance to the garage. All construction materials and deliveries will be stored inside the garage or house or outside on the side out of sight of the nest tree.
- \* If a construction dumpster is necessary, it will be located at the front curb area, out of view of the nest tree.
- \* Any portable sanitation facility will be located at the front curb area, out of view of the nest tree.
- \* No radios will be permitted.
- \* A sign will be prepared and posted that states:

NO RADIOS OR LOUD NOISED ARE ALLOWED ON THE PROPERTY. ALL  
WINDOWS AND DOORS ARE TO REMAIN CLOSED AT ALL TIMES.

- \* All interior activities including preparatory cutting, sawing, etc. will only occur inside the house or garage.

- \* Parking of vehicles will be limited to two at any given time. Parking inside the garage is preferred. Any additional vehicles will be parked behind the adjacent residence to the north. No more than a total of 6 vehicles will be located behind either residence at one time. All vehicles will be parked out of sight of the nest.
- \* Construction work is limited to three trades at a time. No more than eight workers will be allowed at one time.
- \* It is the responsibility of the general contractor/builder to insure that all workers, including subcontractors, know and follow the conditions listed above.

### ***Monitoring***

Monitoring of the nest will be conducted in accordance with the guidelines set forth in the FWS's Bald Eagle Monitoring Guidelines. Initial monitoring (beginning October 1) will consist of a single four (4) hour monitoring period once a week beginning ½ hour before sunrise. Once it has been established that the eagles have returned to the nesting territory and initiated nesting behavior, monitoring will consist of four (4) hour long monitoring periods three times a week beginning ½ hour before sunrise. One time a week the nest will be monitored for 4 hours in the afternoon. This schedule will be maintained until four (4) weeks after hatching or until exterior construction has ended. For the remainder of the nesting period (through May 15 or until fledging occurs), monitoring frequency will be reduced to a single four (4) hour monitoring event per week while exterior construction is ongoing. No monitoring will occur after exterior construction has ended during the nesting season.

Observations of nest activity will be made at fifteen (15) minutes intervals and will include the following:

- \* Nest attendance by adults
- \* Courtship, mating, and nest building/maintenance
- \* Incubation and brooding behavior
- \* Care of young including feeding
- \* Flight patterns
- \* Fledging

The nest will be monitored for any abnormal behavior including adults raising or standing up over the nest, increased time spent away from nest, changes in flight pattern, distress calls, flushing behavior, changes in feeding schedule, and premature fledging. Monitoring reports will be submitted weekly to the FWS and the Florida Fish and Wildlife Conservation Commission (FWC)

and Lee County Division of Environmental Sciences. Reports will include any changes in construction activity relative to the nest and/or any abnormal behavior. Exterior construction will be stopped if abnormal behavior is observed based on the recommendations of the FWS.

### *Management*

Lee County Division of Environmental Sciences staff and ETAC members will monitor the construction activities. The Home Owners Association will be responsible for following this Management Plan. Any violation of these conditions will result in a Stop Work Order being issued to halt all construction activity during the eagle nesting season, including building inspections, until the violation is resolved.

All of the management practices will be in effect until the nest is deemed abandoned by the FWC. An abandoned nest will be defined as nest non-occupied for five (5) consecutive breeding seasons or two (2) years after a loss of the nest.

**RESOLUTION NO. 05 - 01**

**EAGLE TECHNICAL ADVISORY COMMITTEE  
LEE COUNTY, FLORIDA**

WHEREAS, the Lee County Board of Commissioners has adopted Lee County Ordinance No. 86-15, as amended, in Division 3, Chapter 14 of the Lee County Land Development Code, (hereinafter referred to as the Eagle Protection Ordinance) intended to protect critical nesting habitat of the Southern Bald Eagle with proper habitat protection and management, and

WHEREAS, the Eagle Protection Ordinance created the Eagle Technical Advisory Committee (ETAC) whose purpose is to advise the Board of County Commissioners and the County's Department of Community Development on matters relating to the protection and management of the Southern Bald Eagle; and

WHEREAS, Oasis Key is a residential community/development located in Section 10, Township 46 South, Range 24 East, Lee County, Florida, consisting of 19.2 ± acres on the east and west sides of Winkler Road, (hereinafter referred to as "Subject Property") and

WHEREAS, the subject property is a parcel which contains the Southern Bald Eagle nests, identified as LE-40 and LE-40A, as defined in the Eagle Protection Ordinance; and

WHEREAS, the Developer, the Eagle Technical Advisory Committee, and the County's Department of Community Development staff have recognized the need for establishing a critical eagle nesting habitat as defined in the Eagle Protection Ordinance; and

WHEREAS, on August 13, 2003, the Eagle Technical Advisory Committee approved a Bald Eagle Management Plan entitled "Bald Eagle Management Plan Nest LE-40A for Oasis Key," dated August 2003 (Eagle Technical Advisory Committee Resolution No. 03-01) for the protection of Nest LE-40A; and

WHEREAS, on December 2, 2003, the Lee County Board of County Commissioners approved a bald eagle management plan entitled "Bald Eagle Management Plan Nest LE-40A for Oasis Key," dated August 2003 (Lee County Resolution No. 03-12-0) for the protection of Nest LE-40A; and

WHEREAS, bald eagles have relocated to a second, former nest on the subject property (identified as Nest LE-40), necessitating the amendment of the original management plan so as to provide protection to the expanded nesting habitat; and

WHEREAS, the County's Department of Community Development and the Eagle Technical Advisory Committee have reviewed the Developer's proposed amended management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005, a copy of which is attached as Exhibit "A," for the protection of the Southern Bald Eagle nests, identified as LE-40 and LE-40A.

NOW, THEREFORE, be it resolved by the Eagle Technical Advisory Committee of Lee County that, pursuant to Lee County Land Development Code §14-119, the Committee approves the attached management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005, for the protection of the Southern Bald Eagle nests, identified as LE-40 and LE-40A, as defined in the Lee County Eagle Protection Ordinance, subject to the following condition:

The management plan will be supplemented with the addition of another afternoon of monitoring each week during the nesting season.

UPON the motion of Committee Member Bob Baker, seconded by Committee Member Betsie Hiatt, the foregoing resolution was unanimously passed and adopted this 14<sup>th</sup> Day of December, 2005.

LEE COUNTY EAGLE TECHNICAL  
ADVISORY COMMITTEE

BY: Cindy Bear  
Cindy Bear, Chairwoman

Approved as to form by:

John J. Fredyma  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office

Attachments: Eagle Management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005.

**RESOLUTION NO. 06- \_\_\_\_\_**

**BOARD OF COUNTY COMMISSIONERS  
LEE COUNTY, FLORIDA**

WHEREAS, the Lee County Board of Commissioners has provided for the protection of the threatened Southern Bald Eagle as referenced in the Conservation and Coastal Management Element of the Lee County Comprehensive Plan, Goal 77; Objective 77.6; Policies 77.6.1; 77.6.2; and 77.6.3; and

WHEREAS, the Lee County Board of Commissioners has adopted Lee County Ordinance No. 86-15, as amended, in Division 3, Chapter 14 of the Lee County Land Development Code, (hereinafter referred to as the Eagle Protection Ordinance) intended to protect critical nesting habitat of the Southern Bald Eagle with proper habitat protection and management, and

WHEREAS, the Eagle Protection Ordinance created the Eagle Technical Advisory Committee (ETAC) whose purpose is to advise the Board of County Commissioners and the County's Department of Community Development on matters relating to the protection and management of the Southern Bald Eagle; and

WHEREAS, Oasis Key is a residential community/development located in Section 10, Township 46 South, Range 24 East, Lee County, Florida, consisting of 19.2 ± acres on the east and west sides of Winkler Road, (hereinafter referred to as "Subject Property") and

WHEREAS, the subject property is a parcel which contains the Southern Bald Eagle nests, identified as LE-40 and LE-40A, as defined in the Eagle Protection Ordinance; and

WHEREAS, the Developer, the Eagle Technical Advisory Committee, and the County's Department of Community Development staff have recognized the need for establishing a critical eagle nesting habitat as defined in the Eagle Protection Ordinance; and

WHEREAS, on December 2, 2003, the Lee County Board of County Commissioners approved a bald eagle management plan entitled "Bald Eagle Management Plan Nest LE-40A for Oasis Key," dated August 2003 (Lee County Resolution No. 03-12-0) for the protection of Nest LE-40A; and

WHEREAS, bald eagles have relocated to a second, former nest on the subject property (identified as Nest LE-40), necessitating the amendment of the original management plan so as to provided protection to the expanded nesting habitat; and

WHEREAS, the County's Department of Community Development and the Eagle Technical Advisory Committee have recommended approval of the Developer's proposed management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005, a copy of which is attached as Exhibit "A," for the protection of the Southern Bald Eagle nests, identified as LE-40 and LE-40A.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County that the attached management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005, for the protection of the Southern Bald Eagle nests, identified as LE-40 and LE-40A, as defined in the Lee County Eagle Protection Ordinance, is adopted by Lee County, subject to the following condition:

The management plan will be supplemented with the addition of another afternoon of monitoring each week during the nesting season.

THE FOREGOING RESOLUTION was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and, upon being put to a vote, the vote was as follows:

Robert P. Janes \_\_\_\_\_  
Douglas R. St. Cerny \_\_\_\_\_  
Ray Judah \_\_\_\_\_  
Tammara Hall \_\_\_\_\_  
John E. Albion \_\_\_\_\_

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Chairwoman

Approved as to form by:

\_\_\_\_\_  
John J. Fredyma  
Assistant County Attorney  
County Attorney's Office

Attachments: Eagle Management plan entitled "Bald Eagle Management Plan, Nests LE-40 & LE-40A for Oasis Key, Winkler Road, Lee County, Florida," dated November 2005.