



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

TUESDAY, APRIL 9, 2019
3:00 P.M.

AGENDA

- 1) Call to Order
- 2) Approval of Minutes – January 16, 2019
- 3) Member Reports
- 4) Adjournment – Next Meeting Date: May 14, 2019

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 Joan LaGuardia, (239) 533-2314, 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.

Draft

MINUTES REPORT EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC) Wednesday, January 16, 2019

Committee Members Present:

Betsie Hiatt, Vice-Chair Ed Elms Mike Myers

Committee Members Absent:

Cindy Bear Laura Greeno

Lee County Government & Representatives Present:

Becky Sweigert, DCD Planning, Principal Environmental Planner

Pam Hendry, DCD Administration

Amanda Swindle, Assistant County Attorney

Jessica Sulzer, Development Services Manager

Public Participants:

Jim Ink with Inkwerks

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 – December 11, 2018

The December 11, 2018 meeting minutes were not available to be members for review and will be reviewed/approved at the next meeting.

Pineland Marina Bald Eagle Management Plan for LE-107 presented by Jim Ink with InkWerks

Ms. Sweigert said the property is Pineland Marina on Pine Island by Tarpon Lodge. She showed the property on the map and said it's a pretty large facility. She said they're asking to provide some additional parking at the north end for a boat service that would go to the outer islands. Part of the work would be in the eagle zone and part outside the 660' zone. The nest is to the north, it's one of the newer nests named the Pacosin nest that Ms. Hiatt monitors. The eagles are currently incubating. Ms. Hiatt said she thinks they have chicks now, but hasn't seen them yet. The tree is an Australian pine and the nest tends to fall out at the end of the season just from the two chicks, the size, and the adults. Even though the nest falls out of the tree every season, it's been successfully producing young. Mr. Ink said the tree is thin and wobbly. Ms. Sweigert said Mr. Ink's proposed in the plan to do the work outside of the nesting season. It's predominantly going to be a small building and some gravel parking. Mr. Ink said it's a modular building for Tropic Star that's separate from the main marina and all we're doing is some ramps and stairs. Ms. Sweigert said there will be no construction in the 660' zone and we're actively monitoring the nest so we'll know when construction may begin. Mr. Myers said it's a good looking plan. Ms. Hiatt said it looks good, I really appreciate the additional

buffer on the northern edge where Australian pines are being removed. Mr. Ink said we're taking out the Australian pines and putting in buttonwoods per Ms. Sweigert's suggestion. Ms. Hiatt said to be consistent with our other plans, if the eagles have not initiated nesting activity by February 1st construction and exotic removal maintenance activities may occur. We have traditionally done February 15th because we've been surprised when eagles have actually initiated nesting in February. Mr. Ink said we're anticipating that we'll be done so that doesn't matter.

Mr. Myers made a motion that the bald eagle management plan be approved for nest LE-107 with the date changed to February 15th. Mr. Elms seconded. The motion passed unanimously.

Discussion on construction within Jonathan Harbor in proximity to LE-070 and LE-070A

Ms. Sweigert said this territory that had a single-family house being built and the tree was very close to the home, and the homeowner obtained a permit from the U.S. Fish & Wildlife Service to remove the tree. We let the homeowner know that this would still be considered an active territory because it wouldn't meet the definition of lost or abandoned nest. The nest hadn't been gone for five years because the territory was still active in 2015-2016 and it wouldn't have been lost because it was not lost by natural causes, it was a manmade removal. We've been treating it as an active territory, allowing the birds to determine if they would build a new nest in the same location or shift, and they've actually shifted the territory into the island. Ms. Sweigert said she would like to release the permits that are being held, even though it's before February 15th, because the birds have built a nest outside the zone but they're not nesting. They did this the last two seasons so it should be ok to release the old territory. They showed some fidelity to the old zone in the beginning of the season but haven't built a new structure there and are now further away.

Mr. Myers said that's an interesting situation. As part of getting the take permit from U.S. Fish & Wildlife was there a mitigation payment? Ms. Sweigert said she's not sure.

Mr. Myers said what's being protected is the nest and/or nest tree which no longer is there. So, those buffer requirements would go away but be applicable to the new nest tree? Ms. Sweigert said because the way our ordinance is structured it doesn't address "take". Our goal has always been to avoid a take situation and not knowing if this pair would stick to the same territory because there are still some pine trees. The owner has done a lot of exotic removal and they're going to be replanting some pines in the preserve area. The territory wasn't declared lost or abandoned. The physical take of the nest itself, which was regulated by the Federal government, is not something we regulate. We protect the territory. Mr. Myers said I agree with your analysis, this makes sense since the eagle pair has moved. The people did what they were supposed to do getting a take of the old nest and nest tree. Working with them seems to be a fair solution since the eagles have chosen another nest location. Ms. Hiatt said she agrees.

Ms. Sweigert said we're definitely seeing activity in the new area now. Mr. Myers said they have a good structure there but he hasn't seen them laying eggs or anything yet. In November both were at the new nest location, but on January 1st one was resting in a pine

snag and he didn't see the second bird, and nothing at the nest. He asked if Ms. Sweigert has heard from any of the neighbors. Ms. Sweigert said at the beginning but less frequently from this area. Mr. Myers asked if any neighbors have called about sightings at the new area. Ms. Sweigert said no. Mr. Myers said the nest is not that easy to see, but he did see one perched kind of near the original nest location.

Mr. Elms said is there a reason why you're not waiting for February 15th? Ms. Sweigert said the home that's under construction has reached a point where there's not much more they can do to finish the house. There's a little bit left to do on the exterior. So recognizing that the birds have shifted the territory I'd like to work with them to finish the construction and get the replanting completed in the preserve area. We had a real problem with pine boring beetles there and lost a lot of the trees.

Ms. Hiatt said by mid January, if they were thinking about building another alternate nest, we probably would've seen them putting some sticks down in that area by now. Ms. Sweigert said I agree, and we haven't gotten any other reports from any other locations. In 2016-2017 and 2017-2018 they sat in the territory but they didn't nest and we're seeing that again. Ms. Sweigert said we can go ahead and let that territory finish. Ms. Hiatt said I think so.

Ms. Elms said it's not the first year they're doing this, sounds good. Has Lee County had any instances of birds beginning nesting as late as February 15th? Ms. Sweigert said yes, on Pine Island. Mr. Myers said an eagle pair building another nest when they've already started an alternate nest after January 15th would be highly unusual.

Ms. Sulzer said do you have any concerns about the Jonathan Harbor eagles coming back to this area for the next nesting season? Mr. Elms said it's more than likely. It would be nice if they did come back to the preserve area.

Member Reports

Mr. Myers said St. Charles Harbor, observed one adult sitting on the nest incubating, possibly brooding. Calusa Palms, observed one eagle sitting on the nest incubating, in the dead tree. Daniels Marketplace had one adult incubating. Ms. Hiatt said it looked like they were doing some exotic removal out there. Mr. Myers said they still have buffer where they stop, a heavy wall of Malaleuca. The removal was done around November, December. January 1st they were incubating so nothing seems to have disturbed them. Ms. Hiatt said is the Malaleuca getting bad around that nest? Mr. Myers said yes. Ms. Hiatt said do you have to go to Fish & Wildlife Service and get approval to remove it? Ms. Sweigert said the County would only say it would have to be outside the season, and look to see if it's going to open it up too much, or how close they would get. Usually it would be looked upon as favorable to get the exotics out. The County has ordinances for exotic treatment but only for developments that have a development order, approved construction. Mr. Myers said at Roballo he saw one adult sitting on the nest likely brooding by now. Jonathon Harbor, no eagle activity observed. Sanibel Sunset, observed both adults perched in a pine tree northwest of the nest tree. In talking with one of the neighbors they don't seem to be nesting yet this year. Alico Road, observed one adult incubating. Lakes Park, haven't seen any eagles there in January. There

was a lot of eagle activity there early in the nesting season so I still wonder where they're nesting. Pub & Pickle, those seem to be incubating, more than likely brooding. Lexington Middle School, there was an eagle incubating.

Mr. Elms said Bayshore Commons, they're either in incubating posture or brooding, not sure, they may still be on eggs. The Donald/Bayshore eagle cam shows they're doing well. They're both the same size and now about a third to a half as big as the adults. He said he went by the cell tower on Littleton today and didn't see any activity, but last week he saw both adults, and the week before he saw one in the nest. They're at least incubating. A woman that works at the storage facility there said they've been there for several years, and there's a lot of activity in and out and around the nest so they may be brooding. Ms. Sweigert said she tried to see it but couldn't get a good angle. Mr. Elms said when you stop at the traffic light on business 41, in the left turn lane to Littleton, that's the best view. Looking at it from the east side you can see the whole nest. Mr. Myers said it's a shame we don't know when they really did start because every tower we've watched, they're there for one to two years and then they move on. Ms. Hiatt said I wonder if it's because they're disrupted. She asked Ms. Sweigert if she let FWC know about them. Ms. Sweigert said yes, right away. She said they haven't updated their on-line database in two years and are showing some inaccuracies now.

Ms. Hiatt said Bank of America, they're incubating. She went by to check on the Gloria & Cubes and their nest had come down and the tree is barely anything. She found that one nest down the street, back in the woods and went and checked it and saw nothing there. It's a nice size nest but it's not a full nest. She keeps an eye out because I'm surprised they haven't re-nested in that territory. Barrancas, saw one adult and one tiny little chick so there might be another in there. Quail Trail, one adult in the nest, the nest is way too deep to see what's going on until they pop out of there. Helen Road, pretty sure I saw one adult in the nest. It was really difficult to see. There were two adults there in December. Pacosin, one adult perched on the edge. She thinks they have chicks in there, she just can't see them. Esther, one adult in the area, they don't appear to be incubating. The same as last time, the adult was in the nest and flew off. This time she saw an immature flying over the nest and I almost wondered if it was pestering the adult in the nest.

Ms. Sweigert said from Ms. Bear I know St. Jude's Harbor is active which hasn't been active in a few years, and they appear to be incubating.

Ms. Sweigert said Ms. Greeno told her that the Lehigh Wastewater Treatment Plant, the FGUA facility, has a nest that is active.

Ms. Sweigert said she drove Pondella looking for the Moody again and someone has been driving there (the cell tower) regularly. Last Thursday there was one adult perched on the cell tower. I'm convinced they're there, not in the cell tower but right behind it in the woods.

Mr. Elms said you wonder how many are nesting and we don't know where they are. There's a pair that fishes in the canal where we live. Today going by Seven Islands I saw

a head in the nest and one flying in. Mr. Myers said it's a deep nest so hard to even see them. Mr. Elms said we have at least one pair that I have no idea where they're nesting but I don't think it's the same pair from Seven Islands. Mr. Myers said the Stonewater nest has young and to the south Knott Road has a new nest and they're incubating. Mr. Elms said there's a nest by Oasis School he's been told. By the BMX park there's a nest. They're late nesters, every year they don't start until early January. Ms. Hiatt said if you go southwest, did you ever hear if that moved? She got a call from a homebuilder but didn't have time to monitor for them and she has been wondering where the nest went. Ms. Sweigert said I haven't heard anything more on this one.

Ms. Sweigert said Cobb Road on Pine Island near Soaring Eagle Nursery, is a territory we've not had active since 2009. It had two active nests within 500 feet of each other. We had several different nests in the area. Someone called about clearing 5 acres there to build a house. She told him there are old territories we've never declared lost or abandoned, if that's information you want it's going to take a month to put it together. She went to the FWC web site to confirm and they had it listed as LE-41. We've always kept this territory as LE-10 historically, LE-41 was Quail Trail. So, she emailed Jared that they're indicating, it's active in 2018 but we have no evidence of nests being there since 2009-2010, then the nest deteriorated and after that we've had nothing. I'm not sure where we have this big disconnect. The reply was they haven't updated since 2016. So, somehow something's populating in their system showing it and the territories seem to be off as well. So, they've had some glitches is what they've told me. Mr. Myers said you used to be able to call Michelle and they were pretty good about correcting the map. Ms. Sweigert doesn't know if Jared will fix it today or not, or tomorrow if we'll see a difference, not sure what to do because there's been nothing there. Ms. Hiatt said she has not gone down there because they'd moved up against Tropical and then that nest came down and she never saw them again. Ms. Hiatt said she's not gone down Cobb Road and checked in probably two seasons. Ms. Sweigert said she has driven through there last season and haven't seen anything, but not this season. Anyway, she was glad to know it was just a glitch and we didn't have an incorrect report or communication breakdown. Mr. Myers said is the Tranquility Bay nest still there? Ms. Sweigert said she doesn't know, she doesn't have good access to that property anymore. Mr. Myers said do they still land planes there? Ms. Sweigert said the property is vacant but the zoning is still valid.

ADJOURNMENT

The meeting adjourned at 4:02 p.m.

The next meeting is tentatively scheduled for February 12, 2019.

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