



**EAGLE TECHNICAL ADVISORY COMMITTEE  
Community Development/Public Works Center  
1500 Monroe Street, 2<sup>nd</sup> Floor, Conf. Room 2C**

**Tuesday, April 10, 2018  
3:00 pm**

1. Call to Order
2. Approval of Meeting Minutes– January 9, 2018
3. Kris Bowman with Kevin Erwin Consulting Ecologist, Inc. to Present  
Draft Bald Eagle Management Plan for LE-006 in Bayshore Commons
4. Member Reports
5. Next Meeting – May 8, 2018

To appeal a decision made at this hearing, a record of the proceedings will be needed. The person appealing the decision is required to ensure that a verbatim record is made.

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 Pam Hendry (239) 533-8348, Florida Relay Service 711, or [phendry@leegov.com](mailto:phendry@leegov.com). Accommodation will be provided at no cost to the requestor. Requests should be made five days in advance.

**BALD EAGLE MANAGEMENT PLAN**

For

**Eagle Nest LE-006**

Located at

**Bayshore Commons, North Fort Myers,  
Lee County, Florida**

February 2018

Prepared By:

***Kevin Erwin Consulting Ecologist, Inc.***  
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*Fort Myers, Florida 33901*  
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## **INTRODUCTION**

This bald eagle (*Haliaeetus leucocephalus*) management plan is being prepared for KB Home. The subject multifamily residential property, known as Bayshore Commons, is approximately 35.7 acres in size and is located on the south side of Bayshore Road in North Fort Myers within Section 31, Township 43 South, Range 25 East, Lee County, Florida (Figures 1 and 2).

Plans are currently being proposed to recommence construction on the site by either KB Home or a contract purchase builder. The continuing uncertainty of the disposition of the site has caused considerable angst amongst the existing homeowners.

Bald eagle nest LE-006 is an active nest located in the southeast corner of the property immediately southwest of the Caspian Tern Court cul-de-sac (Figure 1). This nest was first built onsite in a slash pine last year during the 2016-17 nesting season (see additional nest history below). Based on information provided by the Lee County Eagle Technical Advisory Committee (ETAC), one eaglet fledged from the nest last year. Currently, the nest is active with three healthy, several-week old (approximately 8-10 weeks) chicks in it. Two photos of the eagle nest are provided in this document.

### **Existing Site Conditions**

The property was cleared (with the exception of the existing forested areas) and construction of low rise multifamily units began in 2006. Construction proceeded throughout 2007 and 2008, then slowed significantly. Since that time frame, limited construction has occurred, consisting of a few additional units. Currently, eleven buildings and a community pool exist onsite. However, the construction footprint remains mostly undeveloped, except for existing roads, utilities, cleared/mowed empty lots, and a surface water management system consisting of two small created lakes (Figure 1).

### **Onsite Habitat Mapping**

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

#### 133 – Multiple Dwelling Units, Low Rise

This area occupies approximately half of the property and consists of eleven two-story multifamily buildings and a community pool. Most of this area is still primarily undeveloped, except for existing roads, utilities, cleared/mowed empty lots, and a surface water management system consisting of two small created lakes (FLUCFCS 534).

#### 411 – Pine Flatwoods

This vegetation community is primarily located on the eastern perimeter of the property and includes the nest tree and its immediate surroundings. Another disjunct area of pine flatwoods exists on the western boundary of the property. South Florida slash pine (*Pinus elliottii* var. *densa*) dominates the canopy. Midstory species include live oak

(*Quercus virginiana*), cabbage palm (*Sabal palmetto*), and smaller slash pines. Ground cover consists primarily of saw palmetto (*Serenoa repens*), with various other native and non-native species.

#### 427/428 – Live Oak/Cabbage Palm

This vegetation community occupies the largest area of the undeveloped portion of the site. Mature live oaks and cabbage palms dominate the canopy, with a few scattered laurel oaks (*Quercus laurifolia*) and slash pines. The midstory is dominated by smaller cabbage palms with a few smaller oaks. Ground cover consists mostly of leaf litter due to the dense canopy.

#### 427/428D – Live Oak/Cabbage Palm, Disturbed

This community exists on the west side of the stream. Live oaks and cabbage palms are the dominant species, however, the majority of the area has been cleared and is being maintained free of vegetation with herbicide.

#### 510 - Streams and Waterways

This small channelized stream is located on the west side of the property. The channel is up to 30± feet wide in some locations and much narrower in others. Various wetland species exist within the stream channel, such as giant leather fern (*Acrostichum danaeifolium*), swamp lily (*Crinum americanum*) and soft-stem bulrush (*Schoenoplectus tabernaemontani*). Mature cabbage palms, live oaks, and scattered bald cypress (*Taxodium distichum*) exist adjacent to the channel.

#### 534 – Reservoirs < 10 Acres

This land use type consists of two small surface water management lakes located in the center of the property.

### **Proposed Project Improvements**

Improvements to the property will consist of building out the remainder of the construction footprint with low rise multifamily residential units comparable to those that currently exist onsite. The timeframe for these improvements is currently unknown.

### **Description of the Nest Territory and Landscape**

According to the Florida Fish and Wildlife Conservation Commission's Eagle Nest Locator website, bald eagle nest LE-006 was active in 2009. At that time this eagle pair's nest was located approximately 1,500 feet farther south near Singing Pines Road (Figure 2). According to information provided by ETAC, the eagle pair re-located their nest farther north of that location and near Lalonde Road during subsequent nesting seasons. Currently, this pair's active nest is located in the southeast corner of the Bayshore Commons property immediately southwest of the Caspian Tern Court cul-de-sac (Figure 1). Based on ETAC monitoring data, this nest was first built onsite last year during the 2016-17 nesting season and one eaglet fledged from the nest. As of February 21, 2018,

this active nest has three healthy, several-week old (approximately 8-10 weeks) chicks in it.

The Bayshore Commons LE-006 active nest is in very good condition and is located approximately 50 feet high in a large, approximately 65-foot tall slash pine. This pine tree is located within the forested portion of the Bayshore Commons development, within approximately 70 feet of the nearest cleared/mowed lot and approximately 170 feet of the adjacent paved Caspian Tern Court cul-de-sac (Figure 1). The nearest building is an offsite single-family house located on Coon Road approximately 315 feet southeast of the nest. The nearest onsite building is a two-story multifamily residential building located approximately 350 feet to the west.

The surrounding area within 1,500 feet consists of many (approximately 100) single family homes, in addition to the Bayshore Commons multifamily unit development. There are also several intact and partially cleared forested areas within this zone. A busy highway, Bayshore Road, exists approximately 1,200 feet to the northwest of the nest at its closest point. Also, a relatively active main access road for local residents, Coon Road, exists approximately 400 feet east of the nest. Lastly, the stream that runs through the west side of the Bayshore Commons property continues flowing south to the Caloosahatchee River that is located approximately 3,200 feet south of the nest.

### **Nest Observations**

During observations on January 26 and February 21, 2018, three healthy, several-week old chicks were observed in the nest. Both parents actively attended the nest, including perching in the nest tree and in nearby trees, bringing food and sticks to the nest, scanning their territory for potential threats, and defending the territory against other raptors. This pair appears to be relatively urbanized and tolerant of human activity, based on the nest location and observations. The general area is relatively noisy with the hum of heavy traffic on Bayshore Road, people walking around and talking in the community, cars driving the paved cul-de-sac adjacent to the nest, and a couple of occasions of very loud first responder sirens (police, ambulance, etc.) in the local area, including at the house on Coon Road, the closest building to the nest. The eagle pair did not seem to be disturbed by these activities.

There are many potential perch trees onsite and in the surrounding area. These primarily consist of large, up to 65+ foot tall slash pines that are similar to the nest tree itself. Observed perch trees are identified on Figure 1. Observed flight patterns are depicted on Figure 2.

The nearest suitable foraging area for this eagle pair, and the most logical, is the Caloosahatchee River located approximately 3,200 feet south of the nest. Therefore, it is suspected that the majority of their flights are to and from the south. However, in addition to southerly flights, flights were also recorded to the north and northwest during monitoring.

## **Bald Eagle Protection and Biology**

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. The bald eagle is still protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. In Florida, the bald eagle nesting season is usually from October 1<sup>st</sup> to May 15<sup>th</sup> (USFWS 1987). Preferred nest sites tend to occur in the crown of tall native pine or cypress trees, which exceed 50 feet in height. Bald eagles will also select large exotic trees for their nest location. Typical clutch size is two eggs, but can vary between one and three eggs. The duration of egg incubation is approximately 32 to 35 days. Bald eagle nestlings fledge at approximately 10 to 12 weeks after hatching. Eagles are most susceptible to disturbance during the early portion of the nesting period (roughly the first 12 weeks of the nesting cycle).

## **BALD EAGLE PROTECTION ZONES**

According to the most recent guidelines produced by the USFWS (National Bald Eagle Management Guidelines, May 2007), bald eagle nest LE-006 will have an Existing Development radius of 350 feet. This is the distance to the closest existing tolerated activity of similar scope (i.e., the two-story multifamily residential building located onsite approximately 350 feet to the west of the nest tree). No new construction may occur within this 350-foot protection zone without approval from Lee County and the USFWS.

The active nest tree will be protected up to 660 feet (see Bald Eagle Protection Measures below). This eagle protection zone is associated with the active nest tree. If a new nest is built in another tree and is active, the zone will apply to that tree.

Nest LE-006 may be removed from the active list and listed as “abandoned” if eagles have not used it for five consecutive nesting seasons, or “loss of nest” if it has fallen from the tree and not been rebuilt for three consecutive nesting seasons. This management plan shall not apply if the nest is removed from the active list. This management plan will apply to all active nest trees that are within 660 feet of the subject property.

## **PROPOSED EAGLE MANAGEMENT PLAN**

This proposed management plan is applicable to only the 35.7± acre subject property. It is not binding on any other properties adjacent to the subject property. It is the responsibility of the property owner to retain and implement this plan for as long as it is required, including educating others (e.g., contractors, future owners, tenants, etc.) about the specific requirements of this eagle management plan and the State, Federal and local eagle protection laws. Any amendment to this management plan shall require review and approval by the Eagle Technical Advisory Committee or any successor body.

## **Bald Eagle Protection Measures**

Details of the eagle management plan, prepared to provide reasonable assurance that impacts to the eagle nest will be avoided while allowing the project to move forward, are as follows:

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 (i.e., May 16<sup>th</sup> through September 30<sup>th</sup>), or after nestling eagles have fledged as confirmed by County staff. In the event that the eagles have not initiated nesting activity by February 1<sup>st</sup>, construction and exotic removal/maintenance activities may occur.
2. All new construction within 660 feet shall include planted landscape buffers that screen the new activity from the nest.
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 (i.e., the cone of light shall fall, substantially, within the perimeter of the development).
4. Interior finish work may be conducted on the subject property throughout the year.
5. Typical day-to-day activities shall be allowed throughout the year beyond 70 feet of the nest on the subject property. This is the distance from the existing nest tree to the nearest cleared lot that is currently being mowed regularly.
6. No native tree cutting (other than as may be allowed by State and/or Federal permits, with County approval), logging, mining, or use of chemicals toxic to wildlife shall be permitted within the subject property.
7. In the event that bald eagle nest LE-006 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", respectively) and the requirements of this management plan shall be terminated.

## REFERENCES

Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Third Edition. 93 pp.

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, Chapter 14, Article II, Division 3, Section 14-119(c).

United States Fish and Wildlife Service. Eagle Technical Assistance Website.

United States Fish and Wildlife Service. 1987. Habitat Management Guidelines for the Bald Eagle in the Southeast Region. U.S. Department of the Interior. 9 pp.

United States Fish and Wildlife Service. 1999. South Florida Multi-Species Recovery Plan.

United States Fish and Wildlife Service. 2007. Bald Eagle Monitoring Guidelines. 20 pp.

United States Fish and Wildlife Service. 2007. National Bald Eagle Management Guidelines. 25 pp.





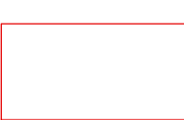



**Photo 1. Bald Eagle Nest LE-006 with an adult eagle on the right and an eagle chick on the left.**




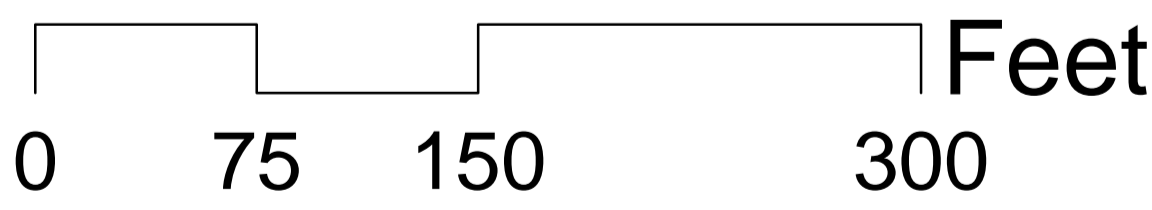
**Photo 2. Bald Eagle Nest LE-006 (Close-up of Photo 1). A second chick is barely visible right next to the adult. The third chick is not visible.**




-  Eagle Nest LE-006
-  Perch Tree
-  Parcel Lines
-  FLUCFCS Lines

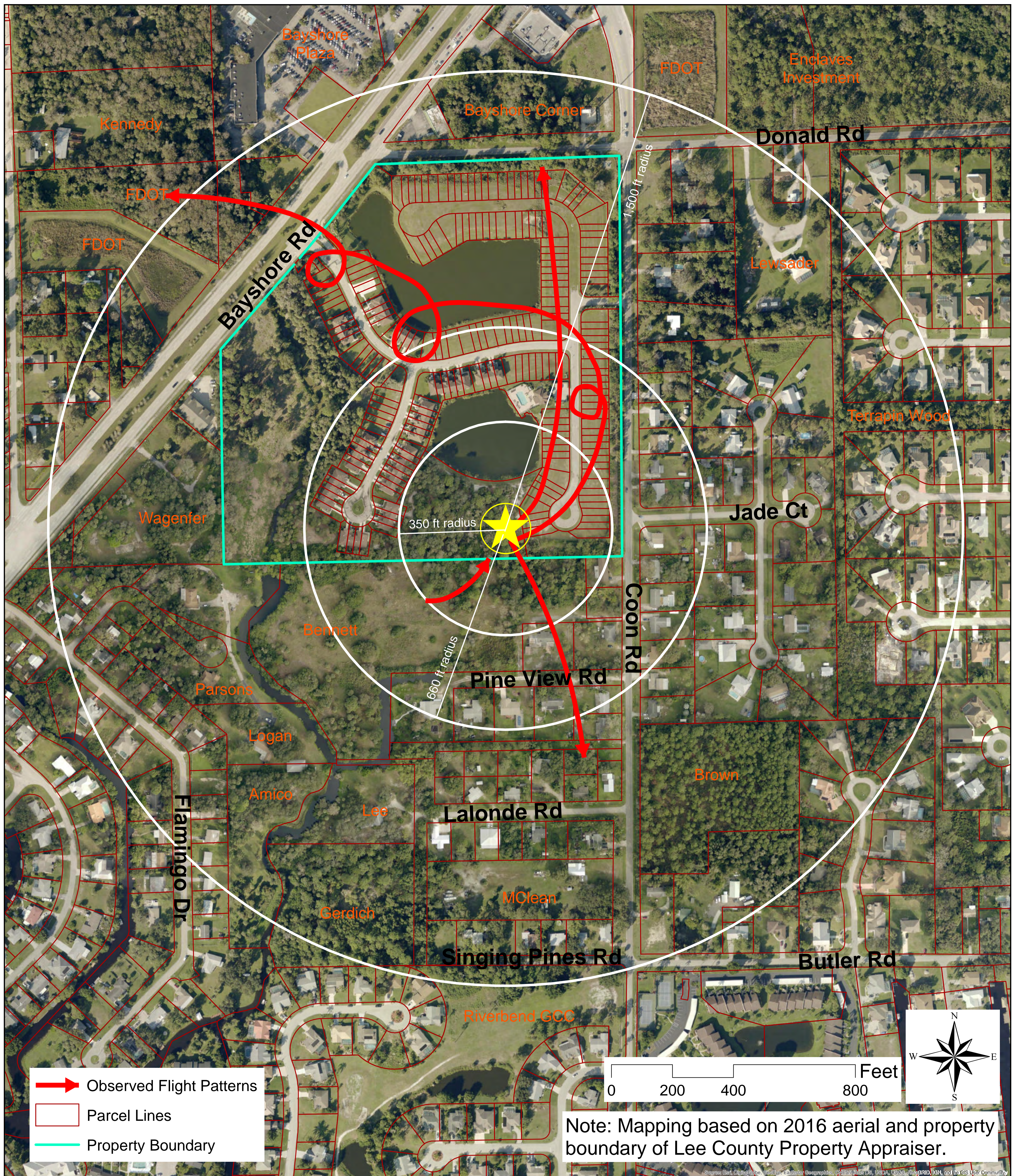
FLUCFCS Code	Description	Acres	Percent
133	Multiple Dwelling Units, Low Rise	17.01	48%
411	Pine Flatwoods	3.28	9%
427/428	Live Oak/Cabbage Palm	5.70	16%
427/428D	Live Oak/Cabbage Palm, Disturbed	3.50	10%
510	Streams and Waterways	0.76	2%
534	Reservoirs < 10 Acres	5.45	15%
<b>Total</b>		<b>35.70</b>	<b>100%</b>





Note: Mapping based on 2016 aerial and property boundary of Lee County Property Appraiser.

<b>Figure 1. Bayshore Commons FLUCFCS Map</b>	FILE NAME	KBEMP101	<b>KEVIN ERWIN CONSULTING ECOLOGIST INC.</b>	
	LOCATION	V_20180130_BayshoreCommons-BaldEagleMgtPlanMapSave		
	DWG DATE	2/23/2018		
PROJECT / FILE NUMBER	BY	Kristoffer Bowman	2077 Bayside Parkway, Fort Myers, Florida 33901 Phone: +1 239-337-1505; Fax: +1 239-337-5983	
KBEMP101, #2	TECH	Vince Wang	<a href="http://www.environment.com">www.environment.com</a>	



Note: Mapping based on 2016 aerial and property boundary of Lee County Property Appraiser.

Figure 2. Bald Eagle Nest LE-006 and Surrounding Area

PROJECT / FILE NUMBER	FILE NAME	KBEMP101
	LOCATION	V_20180130_BayshoreCommons-BaldEagleMgtPlanMapSave
KBEMP101, #2	DWG DATE	2/23/2018
	BY	Kristoffer Bowman
	TECH	Vince Wang

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