



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

**Tuesday, May 15, 2018  
3:00 pm**

1. Call to Order
2. Approval of Meeting Minutes– April 10, 2018
3. Member Reports – End of Season
4. 2017-2018 Nesting Season Wrap-Up
5. Next Meeting – September 11, 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.

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# Draft

## MINUTES REPORT EAGLE TECHNICAL ADVISORY COMMITTEE (ETAC) Tuesday, April 10, 2018

### Committee Members Present:

Laura Greeno, Chair  
Ed Elms

Cindy Bear  
Mike Myers

### Committee Members Absent:

Betsie Hiatt

### Lee County Government & Representatives Present:

Becky Sweigert, DCD Planning, Principal Environmental Planner  
Mike Laskowski, DCD Planning, Planner  
Amanda Swindle, Assistant Lee County Attorney  
Debbie Carpenter, DCD Admin., Recording

### Public Participants:

**Kris Bowman of Kevin Erwin Consulting Ecologist, Inc.**

### Introduction

Ms. Greeno called the meeting to order at 3:00 PM in the second floor conference room 2C of the Community Development/Public Works Center, 1500 Monroe Street, 2nd Floor, Ft. Myers, Florida.

### Kris Bowman with Kevin Erwin Consulting Ecologist, Inc. to Present Draft Bald Eagle Management Plan for LE-006 in Bayshore Commons

Mr. Bowman said KB Homes owns the 35.7 acre property at Bayshore Road and Coon Road of which most is not developed. He said the eagles moved there last year 2016-2017 and fledged one chick and this year there are 3 large chicks in the nest. Mr. Elms said he saw 2 there yesterday. Mr. Bowman said it's a cleared lot that is mowed regularly so the eagles seem really tolerant. The closest building is a townhouse 350 feet to the west, and they want to keep building townhouses. He said the 350 foot zone is a no construction radius they're putting into the plan and KB Homes said they don't like it but will go with it if that's what the guidelines say. There is other language about the 660 feet, the landscape buffers, lighting, everything that typically goes into a bald eagle plan. He said the biggest thing is the no construction and he doesn't know how much more eagle friendly the plan could be, but they'll take any advice offered. Mr. Elms said that looks good. Mr. Myers said pretty good. Ms. Bear said she was intrigued by the map that shows their flight paths. They go over places there are no roof tops primarily. They may be noise tolerant it sounds like. She said she appreciates the 350 feet. Mr. Bowman said where they perch, people come out and smoke and the birds stay around. Ms. Bear said she's always glad when chicks are fledging out of those kinds of circumstances because those birds are growing up tolerant.

Ms. Greeno asked if one area nearby has any potential for development. Ms. Sweigert said it's preserve for the Bayshore Commons subdivision that was done previously with the zoning and development order. She said it's got a lot of great pines, good understory and they keep out the exotics. She showed where lots are platted but there won't be any construction. The stormwater is in place for the system and unless they modify or make any significant changes the zoning is set too with home types. Mr. Bowman said all they have to do is build these buildings where they're going to put them, there's nothing left to do there. It's sat there like this for the last 10 years, only 1 or 2 buildings went in the last few years. Ms. Sweigert showed the 660' line that covers a northern part and said it was indicated there won't be any exterior construction during the nesting season from the 350 feet to the 660 feet.

Mr. Bowman said one of the questions is what will they have to plant, because you always put landscape buffers, and will they have to plant at each building. It's not going to do a lot to put a landscape buffer there, but he typically puts it in a plan so he left it in this one. These birds can see everything and you can see them from as far away as you can get on this site. Ms. Greeno said instead of worrying about planting in the 660' buffer and trying to screen some houses that probably won't make a big difference, is there a way that any of that can be transferred into the area that's not being developed to enhance that for a longer term? Or, something to trade off that if we don't require the plantings. Exotic treatments would happen in that area over years, because we always see when things get set aside for eagles, ten years down the road it's crap land, nothing is taken care of, so maybe it could be looked at as a possibility. Mr. Elms said they mow that whole area right up to pretty close to the tree. Mr. Bowman said it's 80 feet to the mowed edge, so it's 170 feet from the eagle nest, and people drive there. Mr. Elms said kids ride their bicycles there. Mr. Bowman said people must drive to see the eagle nest because there's nothing down there. Ms. Sweigert said the residents know about the nest and they check it out. Mr. Elms said he hasn't seen anyone harassing them. Mr. Bowman said he looked for a conservation easement. Ms. Sweigert said that is probably not in an easement with us but it is a preserve through the zoning and development order actions, so they do have to maintain the exotics. Mr. Elms said he likes Laura's idea about planting trees in that cul de sac area because it would add much more protection for the eagles. Ms. Greeno said the landscaping could even be done so that if five years down the road the nest is gone and they want to develop those lots, they could put some good mature size trees on the lots in the right place to not impinge upon future use of the land. Mr. Bowman asked if there's any certain spacing or just general planting. Ms. Greeno said whatever anybody wants to work out in permitting, if it's possible to do any tradeoffs. Mr. Bowman said he can definitely suggest that. Ms. Sweigert said maybe it would be plantings of slash pines or something between the buildings.

Ms. Bear said in the language it wasn't clear to her initially that this 350' was a full radius buffer preserve for the nest. Mr. Bowman said maybe the line should be stronger. On page 5 it's bolded that it will have an existing development radius of 350 feet and at the end of the paragraph it's stated no new construction may occur within the 350 feet protection without a take permit. Mr. Myers asked if they've been in touch with the Fish &

Wildlife Service. Mr. Bowman said he mentioned it to the client and they said they don't want to deal with that. Ms. Greeno said it's nice that they recognize the community owns that nest.

Ms. Sweigert said the plan has to be approved by the Board of County Commissioners. Staff has to make a recommendation and it will be clear in the plan that there's no construction within the 350 feet, and no construction in the 350 feet and 660 feet zones during nesting season. Mr. Myers asked if ETAC should make a recommendation to approve the plan with the possibility of looking at supplemental tree plantings. Ms. Swindle said under the procedures of the Administrative Code for the ETAC you either approve, deny or approve subject to conditions, so if it's not an actual condition you're going to require... Ms. Greeno said it's not a condition that we could require.

**Mr. Myers moved to recommend approval of the plan. Ms. Bear seconded. The motion carried unanimously.**

Ms. Greeno said now that we've approved it, in between now and before it goes to the Board is there's a possibility of trees and things like that that are agreed upon, that would go into the Board's documentation at that point? Mr. Bowman said he will definitely talk to the client and get back to Ms. Sweigert. Mr. Bowman asked what kind of spacing. Mr. Myers said looking at it from a builder's standpoint, if it's more than just one tree per lot they're going to be taking them down when they go to construction, if the eagles ever leave. Ms. Greeno said anyplace that's feasible that makes sense and doesn't take away from the placement of the buildings in the future. Ms. Sweigert said looking at the current footprint she would say this site lends itself to some tree clusters, and even if they were to redevelop she doesn't think they'd change it that much. Mr. Myers said the back of the lots would make more sense than along the street for sure. Ms. Greeno said 40 years down the road those trees would be nest trees and perch trees when all the eagles are urbanized and have to live next to people. Ms. Sweigert said she'd say about 6 to 8 trees total, she'd rather they be quality trees than quantity. Mr. Bowman asked if slash pines are recommended. Ms. Sweigert said yes. Mr. Bowman said he'd get back to them. Ms. Sweigert said she will get with him on Board dates.

#### **Approve Meeting Minutes – January 9, 2018**

Mr. Myers said on page 2 Ms. Sweigert said "not" instead of "nor" Estero. And, on page 3 in the sentence, "...The Lexington Middle School eagles are using kind of a nest tree...", the words, kind of, should be removed.

Mr. Elms said on page 3, the last paragraph should say that Mr. Myers spoke of the nest at Tranquility Bay and not Mr. Elms.

**Mr. Elms moved to approve the January 9, 2018 meeting minutes with those corrections. Mr. Myers seconded. The motion passed unanimously.**

#### **Members Reports – Post Hurricane Irma**

Ms. Sweigert introduced Mike Laskowski and said he's helping her get the GIS mapping

done and he'll be helping her with permits.

Mr. Myers said St. Charles Harbor had 2 eagles at the nest about 11 to 12 weeks old. The A & W Bulb nest is gone. Ms. Sweigert said she received a report and she went to Caloosa Palms, across the street, and saw 2 adults in a very small flat nest in a slash pine that is dead or dying that doesn't appear to have raised young this year. She said there are some nice pines there so they will want to watch them next year for sure. She said she'd get Mr. Myers an access code to go in there.

Mr. Myers said Daniels Marketplace had 2 young that fledged. He said Robalo has 3 and one was branching last week. Jonathan Harbor had nothing this year. Alico Road never had young this year. Lakes Park had nothing. Pickle and Pub had 2 there about 9 to 11 weeks old. Lexington Middle School has 1 young 10 to 12 weeks old. Sanibel Sunset has 1 about 10 to 11 weeks old standing in a huge nest. He said Matt Rocious indicated he had seen a nest in area #9 off I-75 south of Colonial. Ms. Sweigert said that's the Heritage Palm area.

Ms. Bear asked if Ms. Sweigert has regular contact with CROW and/or Peace River Center. Ms. Sweigert said none with Peace River, some with CROW. Ms. Bear said there was a rumor she can't verify that there was an adult bald eagle in the St. James City area transported to CROW within the last week. She said there was a photo on a Pine Island Facebook page of a big chick from the Capri nest sitting on Capri Road, a dirt road, and all the comments giving the names of lots of people who are Peace River transporters and CROW transporters to call them to get the birds taken. She said she hasn't seen any comments on what happened. Ms. Sweigert said we only found this nest because one of the chicks went to CROW last year, and she hasn't seen anything. She said she tried to follow CROW because of that issue and she will reach out again.

Ms. Bear said at the St. James City in an Australian pine nest that was badly damaged by Hurricane Irma they're fledging 2 chicks. Galt Preserve had 1 fledged. St. Jude had nothing. Manatee Bay had 1 big chick in the nest. Pine Island flatwoods fledged 1 chick. She said at the Post Office nest she could never find a spot to see it without hiking in and is hoping that Bob or Penny were sometimes keeping an eye on it. Ms. Sweigert said this summer we can try to find a spot to view it to not disturb them. She said at Capri Lane they obviously have a chick, we just don't know. Ms. Bear said she'll check with the Sweeneys.

Ms. Greeno said at the Lehigh Acres WWTP nest she thinks there are 2. Luckett has nothing.

Ms. Bear said on her last visit to the Pine Island Flatwoods nest there was a couple there who were with the Florida Audubon monitoring that were very nice, who had been in touch with the Little Pine Island Mitigation Bank folks and had gotten the opportunity to go out to see the nests there and were also monitoring sites in Cape Coral and not sure what others for Fort Myers. Mr. Myers asked Ms. Sweigert if she is in touch with Brad Cornell or any of them. Ms. Sweigert said does talk to Brad Cornell, not normally about eagle,

but Shawn Lee Breeding is the new eagle watch for Audubon out of Maitland who has been trying to recruit some volunteers to participate. She gets reports from them about nests and tries to make sure they're accurate. They did a presentation locally to try to get more volunteers. Ms. Bear said in case Ms. Sweigert wants to give feedback to their volunteer trainer, her only concern about the Audubon monitoring couple is that they were very obvious and flamboyant and were there a long time, much longer than necessary to get the information to confirm the status of the nest. Ms. Sweigert said she will definitely follow-up with them.

Ms. Elms said Bayshore Commons had 3 big young and he's only seen 2 that were about to fledge the last 3 times he's been there. Ms. Sweigert said she has someone in the community that she'll contact to see if they've seen 3 recently. Mr. Elms said the Donald Rd/Pritchett nest had 2 that are flying around the pasture there. The Moody River Estates nest had nothing. Lalonde Road had a partial nest.

Ms. Bear asked Mr. Elms if he's monitoring with Cape Coral. Mr. Elms said he has 2 nests. The Seven Islands nest he saw by boat yesterday has 1 young getting ready to do something. The other nest at Trafalgar and Skyline which used to have an eagle cam years ago had 3 seemingly healthy looking chicks and about a month ago 1 was found dead and the others just disappeared. Discussion followed about some Cape Coral nests & guidelines.

## **ADJOURNMENT**

The meeting adjourned at 4:01 p.m.

The next meeting is tentatively scheduled for May 8, 2018.

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