

BALD EAGLE
NESTING HABITAT MANAGEMENT PLAN
NEST LE-26A
(the "Donald Road nest")

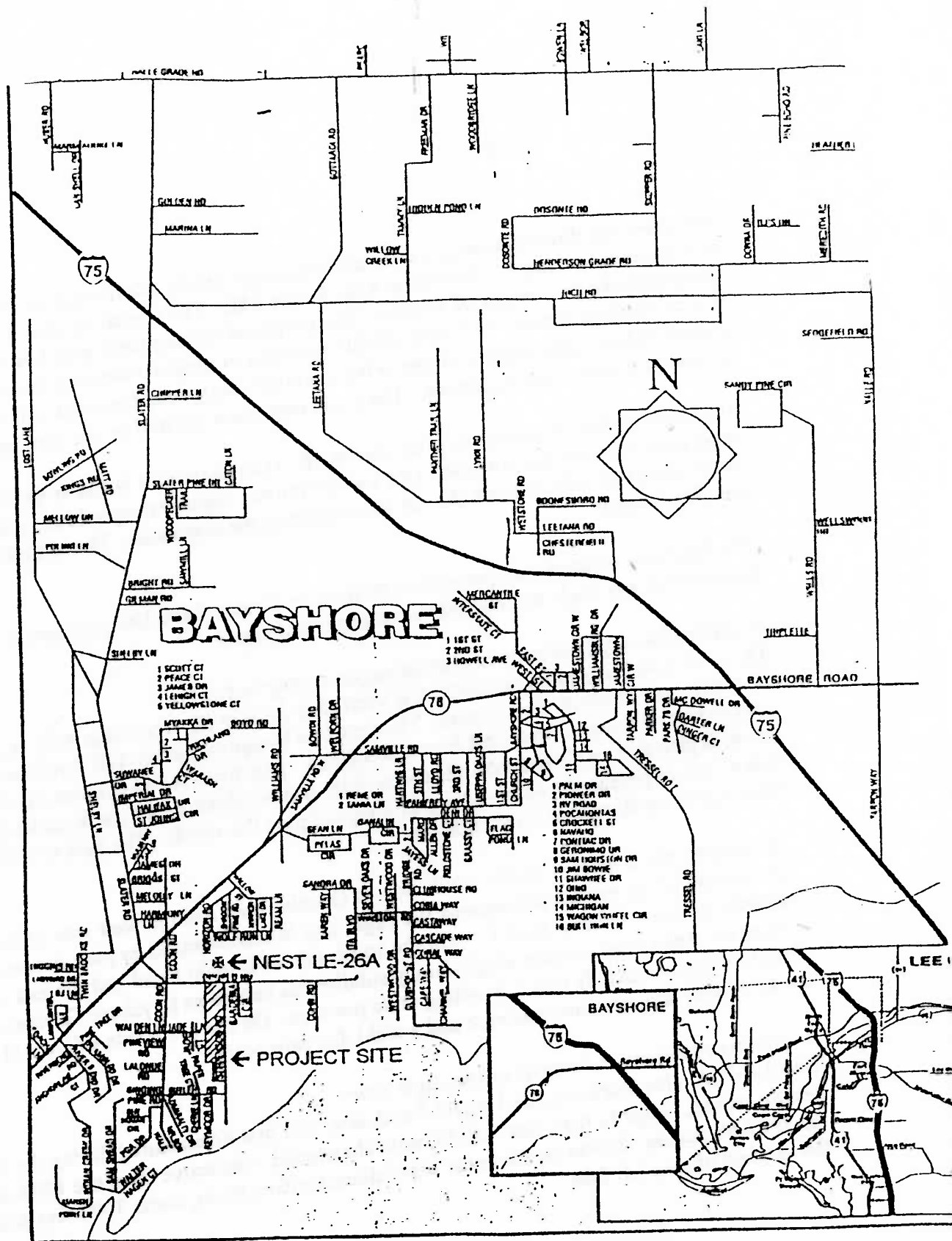
PERTINENT TO THE DEVELOPMENT OF
TERRAPIN WOOD
A SINGLE FAMILY SUBDIVISION
AT THE SOUTHWEST CORNER OF THE
INTERSECTION OF DONALD ROAD AND STEVENSON ROAD

SECTION 31, TOWNSHIP 43S, RANGE 25E
NORTH FORT MYERS,
FLORIDA

PREPARED BY
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The proposed development is a conventional single-family subdivision of approximately 54 lots on 31.6 acres in Section 31, Township 43S, Range 25E. The typical lot size is 100 feet by 175 feet, approximately four-tenths of an acre. The proposed development plan has lots arranged around five cul-de-sacs streets. A 6-acre wildlife preserve of irregular shape is incorporated into the project design. The wildlife preserve is a separate contiguous tract and will be protected by a perpetual conservation easement. The eagle nest is not located on the project property.

The basics of this management plan consist of: 1) an eagle nest buffer strip of existing native vegetation between the proposed lots and the critical eagle nesting habitat, and; 2) restrictions on the construction of homes on the six lots closest to the eagle nest. The specific details are described below.

The following elements are prescribed by the Lee County Land Development Code to be addressed in any eagle nesting habitat management plan:

a. Description of land around critical eagle nesting habitat:

The eagle nest designated as LE-26A is located in Section 30, Township 43S, Range 25E, a suburban area of North Fort Myers. The nest tree is approximately 440 feet northwest of the intersection of Donald Road and Stevenson Road. The area around the nest, north of Donald Road, is pine flatwoods characterized by a fairly dense palmetto and shrub understory. The nest is in a mature pine in the open canopy of a typical pine flatwoods. The nest is visible from Donald Road and from Bayshore Road, S.R. 78.

The project site is located on the south side of Donald Road and the west side of Stevenson Road. The portion of the project site nearest the eagle nest is characterized by pine flatwoods and palmetto prairie. Refer to MAP 1. On the south side of Donald Road and the east side of Stevenson Road is an existing single-family subdivision known as Bayshore Gardens, having a density of approximately 6 to 7 dwelling units per acre. On the south side of Donald Road, west of the project site, are one residence and a child day care center.

b. History of behavior patterns of the eagle pair:

Nest LE-26A, also known as the Donald Road nest, was first documented during the 1989-90 nesting season. Prior to that, nest LE-26, now abandoned, was active from the 1983-84 season to the 1987-88 season. It was located near the Caloosahatchee River, some 3000 feet southeast of the location of nest LE-26A.

LE-26A PRODUCTIVITY RECORD*		
NESTING SEASON	NUMBER OF CHICKS FLEDGED	DATE OF FIRST OBSERVED INCUBATING POSTURE
1989-90	No Data	
1990-91	2	January 20
1991-92	1	N/A
1992-93	2	January 4**
1993-94	2†	January 14
1994-95	2	January 18

* From records of Lee County Division of Environmental Sciences.

** Incubating posture was also reported on November 2.

† 3 chicks were reported on one occasion.

These eagles have demonstrated tolerance for human activities along Donald Road. In addition to the normal traffic, both adult and juvenile eagles at the nest have been observed not to respond to the comings and goings on Donald Road of bicyclists, pedestrians, surveyors, and even in one instance a deliberate attempt by a motorist to elicit a response by stopping and sounding a siren.

c. Aerial photo

d. The size and shape of the buffer area:

The eagle nest is buffered primarily by the pine flatwoods north of Donald Road. This area is not on the subject property and is not controlled by the developer of the subject property. As a part of the subject development, a strip of native vegetation will be retained as a buffer between the southern edge of the right of way of Donald Road and the rear lot lines of the most northerly lots of the proposed subdivision. This buffer will average about 35 feet in width with a maximum of 45 feet and a minimum of 25.8 feet wide. The buffer will be part of a wildlife preserve in a conservation easement totaling about six acres.

At its closest point, the northern lot line of the proposed lots is approximately 400 feet south of the nest. The centers of the building areas of lots 3 and 4, the lots closest to the nest tree, are approximately 480 feet from the nest tree. MAP 2 is a diagram of the relationship of the nest tree to the closest proposed lots.

e. Measures to reduce potential adverse impacts of the development on the nesting bald eagles:

1. As described in *d.* above, a buffer strip of native vegetation will be preserved between the nest and the proposed subdivision lots, as part of a larger wildlife preserve.
2. Access to the subdivision will be from Stevenson Road rather than Donald Road. Individual lots will not be accessible from Donald Road.
3. A) Substantial exterior construction of homes on lots 1 through 6 will be restricted from occurring during the nesting season, October 1 through May 15, except as otherwise noted herein.
B) Construction of homes on lots 1 through 6 may begin prior to May 15 if ETAC determines that the eagle chicks have fledged prior to that date, that the nest is not being used by eagles to raise young, or that construction will not have potential adverse impacts for any other reason.
C) Construction of homes on lots 1 through 6 will not start after July 15, except with a construction time schedule prepared by the owner or builder demonstrating that substantial exterior construction can reasonably be expected to be completed prior to October 1.
D) Exterior construction of homes on lots 1 through 6 will not continue past October 1 except upon the concurrence of ETAC (or other competent authority, e.g. FGFWFC or USFWS)
E) Lot owners are to be advised, at the time of building permit application, to request guidance from the Division of Environmental Sciences and/or ETAC.

The construction timing limitations described above are intended to apply only to the construction of homes on lots 1 through 6. These limitations will be implemented by Lee County through the building permit process.

4. Deed restrictions will require that native vegetation remain undisturbed on at least ten percent of the area of each lot. Removal of trees also will be limited through deed restrictions. On lots 1 through 6, home builders will be encouraged to locate the proposed house on the lot as far from the eagle nest as practical, to locate the ten-percent preserve area between the proposed house and the eagle nest and to retain all native trees between the proposed house and the eagle nest. Site plans of all lots will be subject to review and approval by the developer.
5. Alignment of drainage infrastructure (i.e., berms and/or swales) along the northern lot lines of lots 1 through 5 will be field aligned so as to avoid the removal of native trees and to minimize the clearing of native under-story vegetation to the extent practical and will be accomplished as quickly as possible (in one day if possible) to reduce the potential for disturbing nesting eagles. This work will be performed during mild weather conditions which would not endanger eggs or young nestlings if the adult eagles were to be flushed. The Lee County Division of Environmental Sciences will be notified prior to the commencement of construction at the north lot lines of lots 1 through 5.

f. Techniques to maintain viable nesting habitat:

The eagle nest and critical eagle nesting habitat is located north of Donald Road, not on the project site. The wildlife preserve to be created on the subject property, which includes the eagle nest buffer strip, will be managed for the control of invasive exotic plant species. Because of the potential danger to nearby homes, burning is not prescribed as a habitat management technique. While other areas of the wildlife preserve may be subject to bush-hogging as an alternative to burning, the eagle nest buffer strip will be allowed to succeed naturally and eventually may become climax forest.

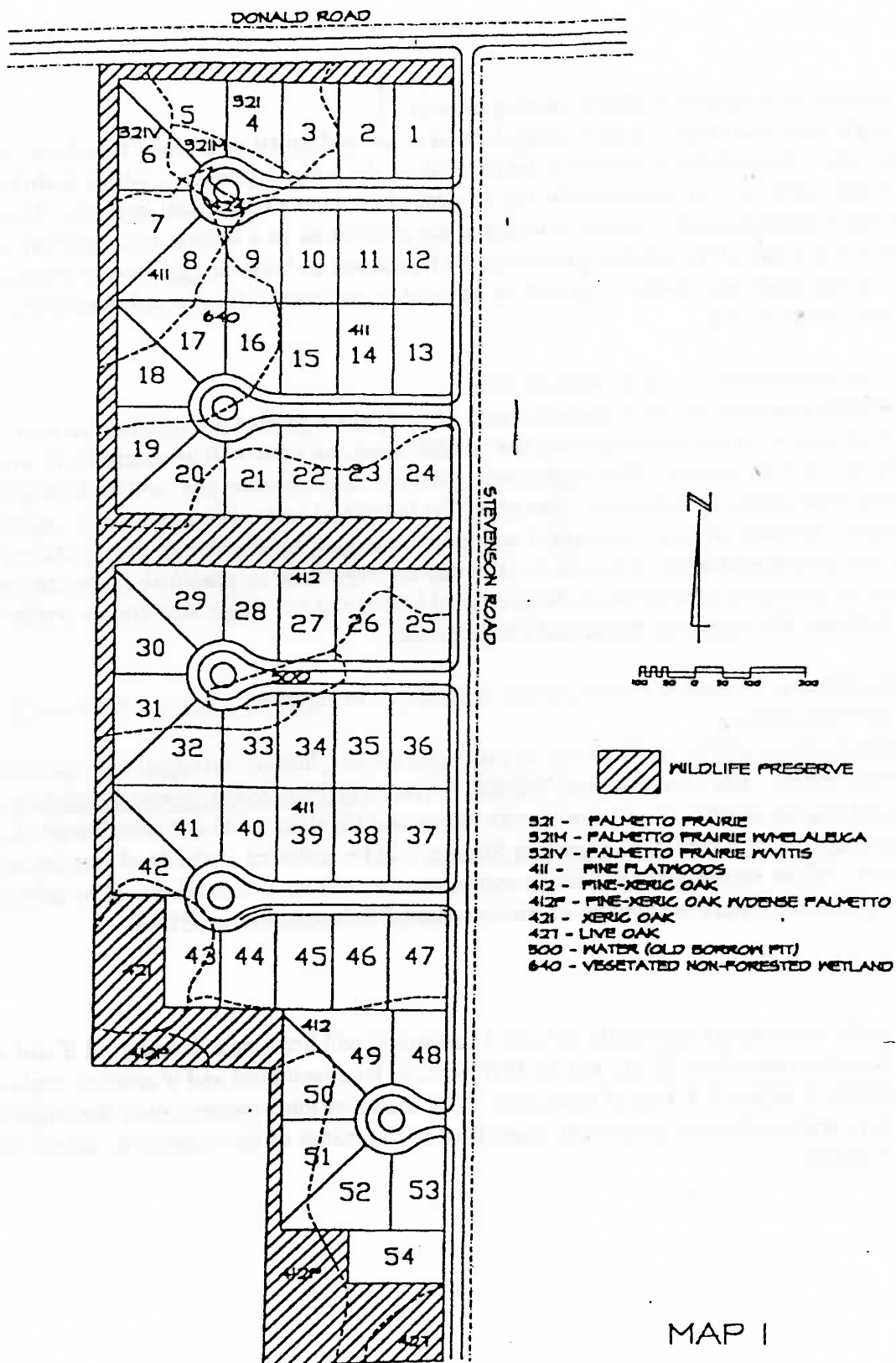
g. Legal mechanisms running with the land:

The wildlife preserve will be a separate tract of land, not a part of the subdivision lots. A perpetual conservation easement over the wildlife preserve tract will be created and granted to an appropriate public agency. This eagle nesting habitat management plan will be incorporated into the deed restrictions by reference. Site plans for individual lots will be subject to approval by the developer. Owners of lots 1 through 6 will be encouraged, by the text of the deed restrictions, to locate the proposed house on the lot as far from the eagle nest as practical, to locate the required ten-percent preserve area between the proposed house and the eagle nest and to retain all native trees between the proposed house and the eagle nest.

h. Commitment to educate future owners regarding management plan and state and federal eagle protection laws.

Purchasers of lots will be made aware of this eagle nesting habitat management plan through the deed restrictions. The U.S. Fish and Wildlife Service's Habitat Management Guidelines for the Bald Eagle in the Southeast and the Florida Game and Freshwater Fish Commission's Legal Accommodation of Florida's Endangered Species will be included in the deed restrictions by reference. When applying for building permits, owners of lots 1 through 6 will be advised to request guidance from the Division of Environmental Sciences and/or ETAC.

The specific restrictions applicable to Lots 1 through 6 will become null and void if and when nest LE-26A is determined by ETAC and by FGFWFC to be abandoned and if another eagle nest is not established within 750 feet of those lots. The conservation easement over the eagle nest buffer strip will continue in perpetuity regardless of the status of the eagle nest, unless otherwise legally vacated.



⊗ BALD EAGLE NEST TREE
LE-26A

