

# **Charlotte County Annual County-wide Scrub Jay Habitat Conservation Plan Report**

Prepared for:

United States Fish and Wildlife Service

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**Overview**

The Charlotte County County-wide Florida Scrub-Jay (*Aphelocoma coerulescens*) Habitat Conservation Plan (HCP) was approved by the U.S Fish and Wildlife Service through Incidental Take Permit # TE09117B-0 on December 12, 2014 and was subsequently approved by the Charlotte County Board of County Commissioners (BOCC) through Ordinance number 2015-003 on February 10, 2015. Since the inception of the HCP Charlotte County has received sixty (60) pre-payment applications, four hundred nine (409) development applications (Appendix 1) and has approved development activities on ±137 acres. The following tables list the number of parcels by the development fee acreage tier that have elected to participate in the county-wide HCP:

<b>2015</b>	
<b>HCP Development Fees</b>	<b># of parcels</b>
Tier 1 (0.00 - 0.22 acres)	12
Tier 2 (0.23 - 0.49 acres)	71
Tier 3 (0.50 - 1.00 acres)	2
Tier 4 (1.01 - 3.00 acres)	1
Tier 5 (3.01 - 5.00 acres)	0
Tier 6 (5.01 - 20.00 acres)	1
Tier 7 (20.01 - 99.99 acres)	0

<b>2016</b>	
<b>HCP Development Fees</b>	<b># of parcels</b>
Tier 1 (0.00 - 0.22 acres)	27
Tier 2 (0.23 - 0.49 acres)	106
Tier 3 (0.50 - 1.00 acres)	2
Tier 4 (1.01 - 3.00 acres)	3
Tier 5 (3.01 - 5.00 acres)	0
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
HCP Miscellaneous	1

<b>2017</b>	
<b>HCP Development Fees</b>	<b># of parcels</b>
Tier 1 (0.00 - 0.22 acres)	33
Tier 2 (0.23 - 0.49 acres)	131
Tier 3 (0.50 - 1.00 acres)	15
Tier 4 (1.01 - 3.00 acres)	2
Tier 5 (3.01 - 5.00 acres)	1
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
HCP Miscellaneous	2

### **Funding**

To date a total of \$996,080 has been received through the HCP pre-payment and development applications. In addition, an additional \$465,014.32 was deposited via the counties open space

habitat reservation fund at the inception of the HCP as defined in Charlotte County Section 3-5-363.

### **Avoidance, Minimization & Mitigation Measures**

To be certain that each property is receiving a Scrub jay review the Charlotte County GIS department created and maintains a scrub jay layer within our permitting database which ensures that every permit submitted on a parcel located within the designated Scrub jay area will be flagged for a review. Parks & Natural Resources staff also continually updates the Scrub-jay Habitat Conservation Plan (HCP) Application (Appendix 2) that was created at the inception of the HCP. This application not only allows staff to track all permits that receive a Scrub Jay HCP review but it also ensures that the applicant has acknowledged all of the habitat conservation plan conditions including no clearing during nesting season as well as acknowledging the Eastern Indigo Snake precautions and guidelines. In addition, all parcels that apply for development permits in Charlotte County receive either a site inspection by Charlotte County environmental staff or a protected species assessment is requested from a qualified environmental consultant. If Gopher tortoise burrows are identified on site, the development permit is rejected until proper avoidance or relocation activities have taken place following FWC protocol.

### **Biological Objectives**

#### *Objective #1 Maintain and manage existing County owned scrub*

Charlotte County actively manages numerous properties which are now components of the Scrub jay reserve area design. As a component of environmental land management, staff has monitored and surveyed the habitats within Tippecanoe Environmental Park, Tippecanoe II Mitigation Area, Oyster Creek Regional Park, Cedar Point Environmental Park, Buck Creek Preserve, Amberjack Environmental Park and Charlotte Flatwoods Environmental Park. As of this year a total of seven (7) parcels located within the reserve design have been acquired through the County-wide HCP program. The newly acquired parcels have not yet been assessed for habitat management although they are scheduled to be assessed in 2018 as part of a long term contracted service.

Staff also completed their annual vegetation surveys at Tippecanoe Environmental Park, Tippecanoe II Mitigation Area, Oyster Creek Regional Park, Cedar Point Environmental Park, Buck Creek Preserve, Amberjack Environmental Park, Charlotte Flatwoods Environmental and Ann Dever Regional Park in 2017 (Appendix 3). The vegetation surveys consist of 10 x 10 metered plots representative of each habitat type and the data recorded includes percent canopy cover, canopy height, dominant tree species, oak scrub height and percent open space. This data will be used to guide management needs in order to meet Scrub-jay requirements within the designated habitat.

In addition to the vegetation surveys described above, the following management activities took place throughout the counties preserve lands in 2017:

Preserve Name	Management Type	±Acres Managed
Tippecanoe Environmental Park	Mechanical reduction	10 acres
	Over-story reduction	35 acres by 40%
	Prescribed burn	60 acres
	Exotic treatment	0.5 acres
Tippecanoe II Mitigation Area	Exotic treatment	30 acres
	Over-story reduction	2 acres by 50%
Amberjack Environmental Park	Mechanical reduction	26 acres
	Over-story reduction	20 acres by 30%
	Exotic treatment	30 acres
Biscayne Trust	Prescribed burn	80 acres
	Over-story reduction	15 acres by 40%
Oyster Creek Environmental Park	Exotic treatment	22 acres
Anne Dever Regional Park	Mechanical reduction	42 acres
Prairie Creek Preserve	Prescribed burn	70 acres
	Exotic treatment	2 acres
Shell Creek Preserve	Over-story reduction	60 acres by 40%
	Prescribed burn	70 acres
	Exotic treatment	10.5 acres
Charlotte Flatwoods Environmental Park	Exotic treatment	202 acres
Buck Creek/Bill Coy Preserve	Exotic treatment	2 acres

*Objective #2: Acquire a minimum of 1300 acres as identified in the Reserve*

In 2016 four (4) parcels were acquired through the county-wide HCP program for a total of 12.586 acres. An additional three (3) parcels were acquired in 2017 totaling 6.176 acres. All seven parcels are located within the designated reserve design.

The parcel addresses, total acreage and acquisitions costs are as follows:

Parcel Address	Acreage	Acquisition Cost	Year Acquired
31861 Creek Trail	5.536	\$52,508.51	2016
32161 Creek Trail	2.403	\$20,594.32	2016
2251 Boxwood Road	1.977	\$18,140.07	2016
31172 Turkey Oak Road	2.67	\$18,136.07	2016
31931 Washington Loop Road	3.572	\$29,510.45	2017
31031 Washington Loop Road	2.145	\$22,487.20	2017
27391 Harbour Dawn Court	0.459	\$2,193.70	2017
	<b>18.762</b>	<b>\$163,570.32</b>	

Please see Appendix 4 for the parcels geographical locations as well as the warranty deeds for the newly acquired 2017 parcels.

*Objective #3: Coordinate with other public lands*

County staff maintains a strong working relationship with various public conservation entities including but not limited to the Florida Division of Forestry (DOF), Florida Department of Environmental Protection (FDEP) and the Florida Fish and Wildlife Conservation Commission (FWC). When controlled burns are scheduled on county conservation lands the Division of Forestry is sent notice and a copy of the burn prescription is made available. DOF staff may also be present on site during the burn as well. Staff also partners with Jay Watch, a birding group under Florida's Audubon Society for annual Scrub jay surveys on county owned lands. In addition, staff also receives survey data from adjacent/nearby lands that Jay Watch volunteers survey separately from County staff. Staff will continue working on expanding communications with other partnering public lands coordinators at the various workshops that are offered including but not limited to the annual CHNEP Conservation Lands Workshop and the SW Florida Invasive Species Workshop.

*Objective #4: Increase the baseline population of scrub-jays within the reserve*

Annual Scrub jay surveys take place every year in order to establish baseline populations within the reserve area.

*Objective #5: Conduct scrub-jay translocations as appropriate*

Not enough long term population information available to justify translocations at this time.

*Objective #6: Conduct scrub-jay population monitoring*

Currently environmental staff has conducted Scrub jay surveys on 8 existing Charlotte County conservation properties (Appendix 5). These properties include Tippecanoe Environmental Park, Tippecanoe II Mitigation Area, Amberjack Environmental Park, Prairie Creek Preserve East and West, Rotonda Mitigation site, Peace River Preserve and Biscayne Trust. In addition, baseline Scrub Jay surveys were completed by staff on the newly acquired parcels.

The results of the surveys are as follows:

Preserve Name	Survey Results
Tippecanoe	Jays observed 4 out of 4 survey days
Tippecanoe II	Jays observed 4 out of 5 survey days
Amberjack	No jays observed out of 5 survey days
Prairie Creek East	Jays observed 5 out of 5 survey days
Prairie Creek West	Jays observed 5 out of 5 survey days
Rotonda Mitigation Area	No jays observed out of 5 survey days
Peace River Preserve	No jays observed out of 5 survey days
Biscayne Trust	No jays observed out of 5 survey days
2251 Boxwood Road & 32161 Creek Trail	No jays observed out of 5 survey days
31172 Turkey Oak Road	No jays observed out of 5 survey days
31861 Creek Trail	No jays observed out of 5 survey days

### **Non-Compliance**

When unpermitted development activities (i.e. clearing, filling, mulching, tree removal, construction, etc.) are documented on a parcel that is in a Scrub jay area a stop work order is placed on site and a code case is opened by a certified code officer. A certified letter is then sent to the owner notifying them that they are in violation of the Charlotte County Code and the Endangered Species Act. The owners are provided two options to comply; (1) They can allow their case to continue as non-compliance and they will be seen by the special magistrate who will make a determination based on the applicable codes and ordinances. A fine is recommended by staff based on the HCP minimization requirements (see Appendix 6); these fines are in addition to the base Scrub jay HCP development fee. (2) The owners can opt for the settlement agreement in which they are offered a 50% reduction in their recommended fines if they pay their standard HCP fee and apply for any other outstanding permits that would be required by County Code. The settlement agreement language is still being reviewed by the Charlotte County legal department although a draft copy has been provided as Appendix 7 for reference.



To review the appendices referenced in this report  
please contact Parks & Natural Resources at  
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