

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

Prepared for:

United States Fish and Wildlife Service

1339 20<sup>th</sup> Street

Vero Beach, FL 32960

Prepared by:

Charlotte County Parks & Natural Resources Division

514 East Grace Street

Punta Gorda, FL 33950

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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 eighty-two (86) pre-payment applications, five hundred twenty-five (525) development applications (Appendix 1) and has approved development activities on ±224 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)	66
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>TOTAL</b>	<b>82</b>

<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)	101
Tier 3 (0.50 - 1.00 acres)	1
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
<b>TOTAL</b>	<b>132</b>

<b>2017</b>	
<b>HCP Development Fees</b>	<b># of parcels</b>
Tier 1 (0.00 - 0.22 acres)	31
Tier 2 (0.23 - 0.49 acres)	128
Tier 3 (0.50 - 1.00 acres)	15
Tier 4 (1.01 - 3.00 acres)	3
Tier 5 (3.01 - 5.00 acres)	1
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
<b>TOTAL</b>	<b>178</b>

<b>2018</b>	
<b>HCP Development Fees</b>	<b># of parcels</b>
Tier 1 (0.00 - 0.22 acres)	45
Tier 2 (0.23 - 0.49 acres)	155
Tier 3 (0.50 - 1.00 acres)	16
Tier 4 (1.01 - 3.00 acres)	2
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>TOTAL</b>	<b>219</b>

\*Please note that the figures shown above may vary within each annual report due to development permits that were canceled due to unforeseen circumstances. The applicant reserves the right to request a refund of their HCP fee pending the ability for staff to confirm that no disturbance has taken place on site. If any disturbance has taken place the fee is non-refundable.

## Funding

To date a total of \$1,665,130 has been received through the HCP pre-payment and development applications. In addition to these development fees 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 Environmental Park, Cedar Point Environmental Park, Bill Coy Preserve (AKA Buck Creek), Amberjack Environmental Park and Charlotte Flatwoods Environmental Park. As of this year a total of sixteen (16) parcels located within the reserve design have been acquired through the County-wide HCP program. In addition, one (1) parcel in Prairie Creek Preserve dedicated a portion of the property to the county via a conservation easement. The newly acquired parcels have not yet been assessed for habitat management although they are scheduled to be assessed in 2019 as part of long term contracted services which have been awarded to Quest Ecology.

Staff recently updated the management plans for Prairie Creek Preserve, Shell Creek Preserve, Biscayne Trust, Billy Coy (AKA Buck Creek) Preserve, Tippecanoe and Tippecanoe Environmental Park. The existing management plans were non-functional as they did not have any specific direction or end goal. The updated plans now define clear goals and objectives for the appropriate management of each environmental park. Staff also completed their annual vegetation surveys at Charlotte Flatwoods Environmental Park, Tippecanoe Environmental Park, Tippecanoe II Mitigation Area, Oyster Creek Environmental Park, Anne Dever Regional Park, Cedar Point Environmental Park, Bill Coy Preserve (AKA Buck Creek), Amberjack Environmental Park and the Rotonda Mitigation Area in 2018 (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 2018:

Preserve Name	Management Type	±Acres Managed
Tippecanoe Environmental Park	Mechanical reduction	6 acres
	Over-story reduction	14 acres
	Exotic treatment	18 acres
Tippecanoe II Mitigation Area	Exotic treatment	15.5 acres
Amberjack Environmental Park	Mechanical reduction	11 acres
	Exotic treatment	3 acres
	Over-story reduction	35 acres
Oyster Creek Environmental Park	Exotic treatment	44 acres
	Over-story reduction	10 acres
Anne Dever Regional Park	Exotic treatment	40 acres
	Mechanical reduction	21 acres
Prairie Creek Preserve	Prescribed burn	457 acres
	Over-story reduction	56 acres
Shell Creek Preserve	Over-story reduction	80 acres
	Mechanical reduction	5 acres
Charlotte Flatwoods Environmental Park	Exotic treatment	15 acres
	Amphibian Survey	42 hours
Buck Creek/Bill Coy Preserve	Exotic treatment	7 acres

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

In 2015 one (1) parcel located within Peace River Preserve was acquired totaling 0.223 acres. In 2016 four (4) parcels were acquired through the county-wide HCP program for a total of 12.586 acres. In 2017 four (4) parcels were acquired for a total of 9.253 acres and in 2018 eight (8) parcels were acquired for a total of 203.06 acres. All of the acquired 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
27474 Harbour Zephyr Court	0.223	\$2,827.98	2015
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
30942 Turkey Oak Road	3.077	\$24,976.70	2017
31761 Creek Trail	2.296	\$22,625.20	2018
31911 Creek Trail	2.8	\$25,647.45	2018
32071 Creek Trail	2.38	\$25,742.45	2018
31961 Washington Loop Road	2.5	\$21,346.92	2018
31951 Creek Trail	2.5	\$20,346.92	2018
31941 Creek Trail	2.5	\$20,346.92	2018
32041 Creek Trail	2.5	\$20,346.92	2018
18251 Prairie Creek Trail	2.83	\$0 - Dedicated CE	2018
<b>TOTAL</b>	<b>42.368</b>	<b>\$359,685.95</b>	

Please see Appendix 4 for the parcels geographical locations as well as the warranty deeds for the last 2017 parcel and the newly acquired 2018 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 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 on existing county conservation lands to establish baseline populations within the reserve area. Scrub jay surveys are also conducted on all newly acquired parcels on an annual basis.

*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 Ann Dever Regional Park, Biscayne Trust, Prairie Creek Preserve (East and West), Rotonda Mitigation site, Shell Creek Preserve, Tippecanoe Environmental Park and Tippecanoe II Mitigation Area. 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
Ann Dever Regional Park	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
Shell Creek Preserve	No jays observed out of 4 survey days
Tippecanoe	Jays observed 5 out of 5 survey days
Tippecanoe II	No jays observed out of 5 survey days
Biscayne Trust	No jays observed out of 4 survey days
2251 Boxwood Road & 32161 Creek Trail	No jays observed out of 4 survey days
31172 Turkey Oak Road	No jays observed out of 4 survey days
31861 Creek Trail	No jays observed out of 4 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 Scrub jay a stop work order is placed on site and a code case is opened by the county's certified environmental 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 (Appendix 6); these fines are in addition to the base Scrub jay HCP development fee. (2) Alternatively, the owners can opt for a settlement agreement in which they are offered a 50% reduction of their recommended fines if they pay their standard HCP fee and apply for any other outstanding permits that would be required by County Code. Currently seven (7) Scrub jay code cases have complied and have signed settlement agreements with a 50% reduction in their violation fees. One (1) case is currently pending in front of the special magistrate and an additional two (2) cases are in the code compliance process. A copy of the settlement agreement as approved by the Charlotte County legal department has been provided for reference (Appendix 7).

Statement of Compliance per FWS take permit #TE09117B-0 condition K.

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete

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Name / Job Title

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Date





To review the appendices referenced in this report  
please contact Parks & Natural Resources at  
941.613.3220 or e-mail at  
[NaturalResources@charlottecountyfl.gov](mailto:NaturalResources@charlottecountyfl.gov)