

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

Prepared for:

United States Fish and Wildlife Service
1339 20th Street
Vero Beach, FL 32960

Prepared by:

Charlotte County Parks & Natural Resources Division
1120 Centennial Blvd
Port Charlotte, FL 33953

December 2022

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. For calendar year 2022 Charlotte County received and issued sixty-six (66) pre-payment applications, two hundred eighty (280) development applications and has approved development activities on ±127 acres. Two spreadsheets have been provided for reference (**Appendix 1**). The first lists all parcels where development permits have been issued and HCP fees have been paid. The second lists all parcels that have not had their development permits issued. These spreadsheets are provided as a way to track funding projections and to prioritize acquisition timing to be concurrent with available funding.

The following tables list the number of parcels by the development fee acreage tier that have elected to participate in the county-wide HCP (the application has been submitted and the fees have been paid).

2015	
HCP Development Fees	# of parcels
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
TOTAL	82

2016	
HCP Development Fees	# of parcels
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
TOTAL	132

2017	
HCP Development Fees	# of parcels
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
TOTAL	178

2018	
HCP Development Fees	# of parcels
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
TOTAL	219

2019	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	59
Tier 2 (0.23 - 0.49 acres)	205
Tier 3 (0.50 - 1.00 acres)	29
Tier 4 (1.01 - 3.00 acres)	4
Tier 5 (3.01 - 5.00 acres)	1
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
TOTAL	278

2020	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	93
Tier 2 (0.23 - 0.49 acres)	194
Tier 3 (0.50 - 1.00 acres)	3
Tier 4 (1.01 - 3.00 acres)	4
Tier 5 (3.01 - 5.00 acres)	0
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
TOTAL	294

2021	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	137
Tier 2 (0.23 - 0.49 acres)	317
Tier 3 (0.50 - 1.00 acres)	12
Tier 4 (1.01 - 3.00 acres)	8
Tier 5 (3.01 - 5.00 acres)	1
Tier 6 (5.01 - 20.00 acres)	0
Tier 7 (20.01 - 99.99 acres)	0
TOTAL	475

2022	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	103
Tier 2 (0.23 - 0.49 acres)	225
Tier 3 (0.50 - 1.00 acres)	1
Tier 4 (1.01 - 3.00 acres)	12
Tier 5 (3.01 - 5.00 acres)	2
Tier 6 (5.01 - 20.00 acres)	3
Tier 7 (20.01 - 99.99 acres)	0
TOTAL	346

*Note that the figures shown above may vary 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

In 2022 a total of \$1,065,700 was received through the HCP pre-payment and issued development permit applications with an additional \$17,750 received through the settlement agreement process associated with code violations. As part of the plan periodic audit and assessment of development fees, the Balmoral Group was contracted to conduct a review to ensure that the fees generated by the HCP adequately cover the costs of maintaining the reserve; see **Appendix 2** for final report. Staff requested three fee increase scenarios; a 3-year phased approach and a 10 year phased approach neither of which would recapture lost funds from foregone revenue from non-indexed years. Also included was a 10-year phased approach that would account for the foregone revenue from non-indexed years. Once the assessment was completed it was presented to the Board of County Commissioners for review and approval. The board voted for the 3-year phased approach without recapturing the lost revenue. Staff determined that the fee increase should become effective January 1st, 2023 for ease of implementation and tracking. Anyone who pre-paid their fees and did not have a development permit issued were notified that they would be responsible for the difference in the fees when applying for a development permit. See **Appendix 3** for copy of memo. Staff also eliminated the

pre-payment option shortly after the fee increase was approved by the board. After further review it was noted that the option was not highly utilized, caused confusion on the permitting side and created more work when the fees are annually increased since pre-paying isn't a mechanism to lock the mitigation fees in place.

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 updates the Scrub-jay Habitat Conservation Plan (HCP) Application as needed. 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. See **Appendix 3** for updated application. 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 Anne & Chuck Dever Environmental Park, Rotonda Mitigation Area, Tippecanoe Environmental Park, Tippecanoe II, Oyster Creek Environmental Park, , Bill Coy Preserve (AKA Buck Creek), and Amberjack Environmental Park . As of this year a total of two (2) parcels located within the reserve design have been acquired, five (5) had a conservation easement dedicated to the county and an additional ±2.92 acres of existing conservation easement land has been purchased through the County-wide HCP program. The purchase of smaller existing conservation easement lands located within Biscayne Trust gives the county the authority to fence and manage the property which has been difficult in years past due to private ownership issues.

All land management plans have been updated. The updated plans now define clear goals and objectives for the appropriate management of each environmental park and can be found on our website under their respective park page.

As contracted, Quest Ecology completed management plans for all newly acquired parcels; see **Appendix 4** for management recommendations.

Staff completed their annual vegetation surveys at Amberjack Environmental Park, Anne & Chuck Dever Environmental Park, Bill Coy Preserve (formerly Buck Creek), Oyster Creek

Environmental Park, Peace River Preserve, Rotonda Mitigation Area, Tippecanoe Environmental Park and Tippecanoe II in 2022 (**Appendix 5**). 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 on existing County public conservation lands within the Reserve in 2022. Note that minimal land management activities took place from September through December due to the immense amount of work that land management staff was required to complete in order to open parks that were damaged by Hurricane Ian.

Preserve Name	Management Type	±Acres Managed
Amberjack Environmental Park	Exotic treatment	1.89 acres
Anne & Chuck Dever Environmental Park	Exotic treatment	2.64 acres
Biscayne Trust	Canopy reduction Mulch	2.9 acres 13 acres
Bill Coy Preserve	Exotic treatment Mulch	4.78 acres 2.66 acres
Oyster Creek Environmental Park	Exotic treatment	6.1 acres
Tippecanoe Environmental Park	Canopy reduction Exotic treatment	8.7 acres 12.94 acres
Tippecanoe II	Exotic treatment	4.42 acres
Prairie Creek Addition (North & South)	Mulch	1.47 acres
Prairie Creek Preserve	Canopy reduction Exotic treatment Mulch	5.61 acres 6.39 acres 0.47 acres
Shell Creek Preserve	Canopy reduction Mulch	4.17 acres 15.08 acres
Peace River Preserve	Exotic treatment	7.87 acres

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

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

Parcel Address	Acreage	Acquisition Cost	Year Acquired
27474 Harbour Zephyr Court	0.223	\$2,827.98	2015

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
TOTAL	12.586	\$109,378.97	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
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
TOTAL	9.253	\$79,168.05	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
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
TOTAL	20.306	\$156,402.78	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
31521 Creek Trail	2.588	\$22,735.20	2019
31052 Turkey Oak Road	2.57	\$21,126.00	2019
5101 Cypress Grove Circle	3.64	\$95.70 - Dedicated CE	2019
16051 Prairie Creek Blvd	5.215	\$31,590.53	2019
6950 Cypress Grove Circle	5.058	\$30,651.17	2019
17600 White Water Court	5.415	\$31,655.28	2019
17251 River Ranch Court	4.985	\$30,239.01	2019
17301 River Ranch Court	5.093	\$30,339.59	2019
6201 Cypress Grove Circle	6.33	\$38,162.39	2019
3250 Hidden Valley Circle	5.03	\$30,436.87	2019
6151 Cypress Grove Circle	5.77	\$34,931.52	2019
17700 Prairie Creek Blvd	5.044	\$30,395.67	2019
17600 Prairie Creek Blvd	5.101	\$30,697.39	2019
4751 Green Woods Court	5.244	\$30,772.39	2019

4700 Cypress Grove Circle	5.093	\$30,772.39	2019
17700 Wild Pepper Court	5.001	\$30,128.53	2019
17800 Wild Pepper Court	5	\$30,003.53	2019
17850 Wild Pepper Court	5.001	\$30,003.53	2019
17101 River Ranch Court	5.041	\$34,487.78	2019
3974 Ridgeland Court	7.773	\$52,591.28	2019
17851 Prairie Creek Blvd	5.021	\$34,328.98	2019
6450 Cypress Grove Court	5.635	\$39,236.17	2019
6500 Cypress Grove Court	5.517	\$37,526.40	2019
16081 Ridgewood Court	6.153	\$41,834.68	2019
17601 Prairie Creek Blvd	5.021	\$34,324.05	2019
17550 Wild Pepper Court	5.002	\$34,202.49	2019
16800 Prairie Creek Boulevard	5.011	\$29,962.41	2019
17351 River Ranch Court	5.811	\$39,926.99	2019
17201 White Water Court	5.073	\$30,221.80	2019
6801 Cypress Grove Boulevard	5.046	\$34,372.36	2019
TOTAL	153.282	\$957,752.08	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
17551 Wood Path Court	5.068	\$36,436.84	2020
5800 Cypress Grove Circle	5.282	\$36,436.48	2020
17801 Bending Willow Court	5.149	\$35,836.82	2020
3561 Hidden Valley Circle	5.214	\$37,563.46	2020
31461 Creek Trail	3.05	\$16,024.70	2020
3936 Ridgeland Court	5.014	\$35,428.12	2020
16755 Ridgewood Court	2.8	\$90.00	2020
27445 Harbour Bend Court	0.23	Donated	2020
TOTAL	31.807	\$197,816.42	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
16031 Ridgewood Court	2.8	\$90 - Dedicated CE	2021
28285 Palm Shores Blvd	103.73	\$343,863.70	2021
PID# 402426200011, 13-15	40.99	\$318,346.20	2021
31701 Creek Trail	2.55	\$153,694.50	2021
Biscayne Trust - Existing CE	132.19		
PID# 402420201011, 13-16, 22-28 - Existing CE	4.1	\$3,697.20	2021
5501 Cypress Grove Circle	6.047	\$79,676.99	2021
TOTAL	292.407	\$899,368.59	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
17701 Wood Path Court	5.940	\$96,745.45	2022
17751 Wood Path Court	6.007	\$87,693.70	2022
PID# 402420201041 - Existing CE	0.230	\$1,487.70	2022
PID# 402420201006 - Existing CE	0.230	\$1,247.70	2022
PID# 402420201020 - Existing CE	0.34	\$1,272.70	2022
PID# 402420201035 - Existing CE	0.32	\$1,272.70	2022

PID# 402420201003 - Existing CE	0.23	\$1,041.20	2022
PID# 402420201050 - Existing CE	0.23	\$1,601.20	2022
PID# 402420201045 - Existing CE	0.23	Included with fee above	2022
PID# 402420201008 - Existing CE	0.34	\$1,309.70	2022
PID# 402420201057 - Existing CE	0.23	\$1,071.20	2022
PID# 402420201009 - Existing CE	0.310	\$1,274.70	2022
PID# 402420201021 - Existing CE	0.23	\$1,022.70	2022
16200 Ridgewood Court	2.61	Dedicated CE	2022
3601 Hidden Valley Circle	5.060	Dedicated CE	2022
3610 Hidden Valley Circle	2.590	Dedicated CE	2022
18050 Bending Willow Court	2.735	Dedicated CE	2022
6501 Cypress Grove Court	2.690	Dedicated CE	2022
TOTAL	30.552	\$197,040.65	

See **Appendix 6** for the parcel's geographical locations as well as the warranty deeds and conservation easement documents for all parcels acquired through the HCP program. In addition to the parcel acquisition costs, any parcels acquired within the Prairie Creek Park Community is required to pay an annual Property Owners Association (POA) fee. For calendar year 2022, a total of \$20,125 in association fees were paid for 35 parcels (\$575/parcel) located within Prairie Creek Park.

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 Forest Service (FFS), Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD) and the Florida Fish and Wildlife Conservation Commission (FWC). One of our most recent large land acquisitions is surrounded by existing SWFWMD conservation lands. Staff has already established contact with the land manager for that region and is working with them on collaborative land management opportunities in the near future.

When controlled burns are scheduled on county conservation lands, the FFS is sent notice and a copy of the burn prescription is made available. FFS 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. Staff continues to work on expanding communication with public lands coordinators at various environmental workshops offered throughout the state.

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 as outlined in the plan. For more information on family group numbers for year 2022 see *Jay Status Reporting* chart on page 11 of this report.

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

Staff still has an open contract with Quest Ecology to conduct surveys throughout the HCP Reserve System. The areas included were Tippecanoe Environmental Park, Tippecanoe II, Prairie Creek Preserve and all of the parcels that were acquired since the inception of the plan. Quest Ecology was also contracted to conduct acclimation and banding at Tippecanoe Environmental Park due to the high numbers of birds that are present on site. Tippecanoe II was also assessed but no birds were found therefore banding and acclimation were not necessary at this time. See **Appendix 7** for Quest survey results.

Environmental staff conducted Scrub jay surveys on the acquisition parcels which have been grouped by location and titled as follows; Washington Loop Parcels (formerly Biscayne Trust Acquisition Parcels), Peace River Addition (formerly Burcher's Parcel), Prairie Creek Addition (formerly Park) South and Prairie Creek Addition (formerly Park) North. To consistently relay survey data as well as management plan information, staff renamed the acquisition parcels based on their geographic location to existing conservation lands. The existing conservation lands surveyed include Amberjack, Biscayne Trust, Prairie Creek Preserve (East and West), Shell Creek Preserve, Tippecanoe Environmental Park, Tippecanoe II and Rotonda Mitigation Area. See **Appendix 8** for survey details.

The results of the Scrub jay surveys are as follows:

Preserve Name	Survey Results
Washington Loop Parcels	Jays observed 5 out of 5 survey days
Peace River Addition	Jays observed 5 out of 5 survey days
Prairie Creek Addition North	Jays observed 5 out of 5 survey days
Prairie Creek Addition South	Jays observed 5 out of 5 survey days
Amberjack	No jays observed out of 4 survey days
Biscayne Trust	No jays observed 5 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
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 4 survey days
Rotonda Mitigation Area	No jays observed out of 5 survey days

Jay Status Reporting

Site	# of Families	Max # of Adults	Max # of Juveniles	Comments
Washington Loop Parcels	1	2	0	Parcels formerly titled "Biscayne Trust Acquisition Parcels" on 2020 report. No change from last year.
Peace River Addition	2	10	4	First year for surveys, acquired last year
Prairie Creek Addition North & South	6	30	9	Decrease in adults, increase in juveniles, decrease in family groups.
Prairie Creek Preserve East & West	14	86	34	Increase in adults, increase in juveniles, minor decrease in family.
Tippecanoe	4	13	0	Decrease in adults, decrease in juveniles, family #'s same.
Total	27	141	47	

Non-Compliance

When unpermitted development activities (i.e. clearing, filling, mulching, tree removal, construction, etc.) are documented on a parcel that is located 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 county codes and ordinances. A fine is recommended by staff based on the HCP minimization requirements. 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 the fines should they pay their standard HCP development fee and apply for any other outstanding permits that would be required by County Code.


In 2022, twenty-three (23) Scrub jay code cases have complied and signed settlement agreements with a 50% reduction in their violation fees. There are currently a total of eighteen (18) open code cases. Three (3) of which are scheduled to go to the special magistrate for a hearing and three (3) that have already been to the special magistrate and will have liens assessed on the property until they come into compliance.

Agreements continue to be recorded by the Charlotte County Clerk of the Circuit Court in addition to being saved in the county online permitting database.

In addition to the above referenced process for private property owners, staff continues to update the internal spreadsheet (see **Appendix 9**) for parcels that are inadvertently released when mitigation fees should have been collected prior to permit issuance. The same fee structure is applied but instead of collecting monetary fees from the building department, the outstanding fees are used towards internal processing fees such as re-zoning applications for acquired parcels, fence permit applications for acquired parcels, etc.

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.

	PNR Manager	01/01/2023
_____ Name / Job Title		_____ Date

Appendices

Appendix 1 – Permits Issued Spreadsheet w/ Maps & Pending Permit Issuance Spreadsheet

Appendix 2 – Balmoral Group Fee Study

Appendix 3 – Fee Memo & Updated HCP Application

Appendix 4 – Quest Mgmt. Recommendations

Appendix 5 – Annual Vegetation Surveys

Appendix 6 – Acquired Parcels with Deeds

Appendix 7 – Quest Scrub Jay Surveys & Acclimation

Appendix 8 – Staff Scrub Jay Surveys

Appendix 9 – Permits Issued w/out Fee