

Scrub-Jay FAQ

1. What is so special about these birds?

Florida scrub-jays are endemic to our area of Florida. This means they are found nowhere else in the world. Scrub-jays are highly social and live in family groups. These birds have a unique role in the native landscape and are integral to the imperiled Florida Scrub habitat type. The Florida scrub-jay is an important part of what makes Florida so attractive to us all even if the jays contribution isn't completely understood.

2. How are the mitigation fees determined?

The HCP has a tiered fee schedule determined by the acreage of the parcel to be developed. The size/configuration of the parcel is based on the acreage at the time the HCP was approved and implemented (February 2015).

3. What do you do with the money that is collected?

The money is deposited into an account that can only be used for the purchase and management of scrub-jay acquired lands as determined by the countywide plan.

4. Can I reduce my fee by only clearing a portion of my lot?

No, the mitigation fee is based on the total parcel size. The plan was structured around the scenario that the entire parcel will be impacted as there was no way to predict how each parcel would be developed. There is also no mechanism to continually inspect parcels to ensure compliance.

5. Can I reduce my fee by splitting off a portion of my lot?

No, the fee is based on the platted parcel dimensions so any split would be considered development as defined by the county comprehensive plan and would trigger the full HCP fee and minimization requirements.

6. Once paid, does the fee stay with the lot even if sold?

Yes, the fee stays with the parcel, not with the owner. The fee is in the county permitting database under the address of record.

7. How often do the scrub-jay designated areas change?

Charlotte County received the federal permit for all scrub-jay areas in 2015. Our permit is good for 30 years so the areas identified will remain unchanged until at least year 2045.



8. If I hire someone to conduct a scrub-jay survey and no birds are found, can I opt out of the countywide scrub-jay program?

If you are participating in the countywide plan, we do not accept surveys, the assumption in the plan is that the parcel is occupied or provides habitat for the species. You reserve the right to request a federal review from the US Fish and Wildlife Service (FWS) although no development permits can be issued until you either comply with the countywide habitat conservation plan or you receive a written release/permit from FWS.

9. If I have property over 3 acres, can I “buy out” of the required on-site preservation requirements?

No, the plan requires the one-time mitigation fee in addition to the minimization criteria, neither of which can be waived. The on-site preservation requirements help contribute to the long-term survival of the species by allowing pockets of habitat to act as stepping stones to larger protected lands.

10. My lot is all exotics and I have never seen scrub-jays on site.

Why do I have to pay this fee? Due to the rapid loss of habitat combined with the increase in exotic vegetation scrub-jays can and do utilize exotics as surrogate habitat.

11. Can I get a Fish and Wildlife Service determination in lieu of participating in the countywide program?

See question 9 above.

12. My four 10,000 SF lots add up to only 40,000 SF. Can I just pay the fee on the lots as they are combined versus per lot?

The fee is based on the plat at the time that the plan was approved therefore combining the parcels will not reduce your fee.

13. What happens if I decide to clear my scrub-jay lot prior to obtaining county approval?

Clearing in a scrub-jay area without paying the mitigation fees and following the minimization criteria will result in additional violation fees. A settlement agreement will need to be signed and all fees must be paid in order to come into compliance with the countywide plan. Should the owner opt not to comply then they will be sent to the Special Magistrate as part of the code compliance process where daily liens can be assessed.

