

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:

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1120 O'Donnell Blvd

Port Charlotte, FL 33953

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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. For calendar year 2019 Charlotte County received and issued twenty-six (27) pre-payment applications, one hundred eighty-one (181) development applications and has approved development activities on ±71.2 acres (Appendix 1). The following tables list the number of parcels by the development fee acreage tier that have elected to participate in the county-wide HCP:

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)	45
Tier 2 (0.23 - 0.49 acres)	146
Tier 3 (0.50 - 1.00 acres)	12
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	208

*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

In 2019 a total of \$515,100 was received through the HCP pre-payment and development permit applications with an additional \$9,500 received through the settlement agreement process associated with code violations.

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 Anne & Chuck Dever Regional Park, Rotonda Mitigation Area, 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 thirty (30) 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. Forty-five (45) newly acquired parcels have also been assessed for habitat management by Quest Ecology as shown in Appendix 3.

Staff recently updated the management plans for Peace River Preserve and Charlotte Flatwoods 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 Anne & Chuck Dever Regional Park, Rotonda Mitigation Area, 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 in 2019 (Appendix 4). 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 2019:

Preserve Name	Management Type	±Acres Managed
Charlotte Flatwoods Environmental Park	Exotic treatment	486 acres
Tippecanoe Environmental Park	Understory mulching	30 acres
Amberjack Environmental Park	Understory mulching	15 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	203.06	\$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	

Please see Appendix 5 for the parcel's geographical locations as well as the warranty deeds for all parcels acquired in 2019. In addition to the parcel acquisition costs, any parcels acquired within the Prairie Creek Park Community require an annual Property Owners Association (POA) fee. To date \$16,200 has been paid out in association fees.

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 9 existing Charlotte County conservation properties and newly acquired parcel #'s 1-20 (Appendix 6). These properties include Amberjack Environmental Park, Ann & Chuck Dever Regional Park, Bill Coy Preserve, Biscayne Trust, Prairie Creek Preserve (East and West), Shell Creek Preserve, Tippecanoe Environmental Park, Tippecanoe II Mitigation Area. Jays were also observed by Quest staff when conducting the FLUCCS map and tortoise surveys on parcels 26 and 45.

The results of the surveys are as follows:

Preserve Name	Survey Results
Amberjack Environmental Park	No jays observed out of 5 survey days
Ann & Chuck 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
Shell Creek Preserve	No jays observed out of 5 survey days

Tippecanoe	Jays observed 4 out of 5 survey days
Tippecanoe II	Jays observed 5 out of 5 survey days
Parcel 1 – 30492 Turkey Oak Road	No jays observed out of 5 survey days
Parcel 2 – 31031 Washington Loop Road	No jays observed out of 5 survey days
Parcels 3 & 4 – 31172 Turkey Oak Rd. & 31761 Creek Tr.	No jays observed out of 5 survey days
Parcel 5, 6 & 7 – 31931 & 31961 Washington Loop Rd.	No jays observed out of 5 survey days
Parcel 8 & 9 – 31861 Creek Trail	No jays observed out of 5 survey days
Parcel 10 & 11 – 31951 Creek Trail	No jays observed out of 5 survey days
Parcel 12, 13 & 14 – 31911 Creek Trail	No jays observed out of 5 survey days
Parcel 15 & 16 – 32041 & 32071 Creek Trail	No jays observed out of 5 survey days
Parcel 17 & 18 – 32161 Creek Trail & 2251 Boxwood Road	No jays observed out of 5 survey days
Parcel 19 – 31052 Turkey Oak Road	No jays observed out of 5 survey days
Parcel 20 – 31521 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 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 codes and ordinances. A fine is recommended by staff based on the HCP minimization requirements (Appendix 7); 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. In 2019 eight (8) Scrub jay code cases have complied and have signed settlement agreements with a 50% reduction in their violation fees. Currently, one (1) case is open but the owner is making payments therefore the case is on hold. An additional two (2) cases from 2018 are still in the code compliance process and are on their second affidavit of non-compliance. A copy of the settlement agreement as approved by the Charlotte County legal department has been provided for reference (Appendix 8).

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

A handwritten signature in orange ink that reads "J. Powell".

1/24/2020

Name / Job Title

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