

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 Centennial Blvd
Port Charlotte, FL 33953

December 2023

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 2023 Charlotte County received and issued two hundred eighty-two (282) development applications and has approved development activities on ±92.27 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

2023	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	71
Tier 2 (0.23 - 0.49 acres)	196
Tier 3 (0.50 - 1.00 acres)	0
Tier 4 (1.01 - 3.00 acres)	12
Tier 5 (3.01 - 5.00 acres)	2
Tier 6 (5.01 - 20.00 acres)	1
Tier 7 (20.01 - 99.99 acres)	0
TOTAL	282

*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 2023 a total of \$1,027,489 was received through issued development permit applications with an additional \$43,500 received through the settlement agreement process associated with code violations. We are on the second set of fee increases per the plans periodic audit and assessment of development fees, which was adopted by the board as a 3-year phased

approach. The second fee increase became effective January 1st, 2024; see **Appendix 2** for copy of memo.

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. 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, Shell Creek Preserve, Prairie Creek Preserve, Charlotte Flatwoods and Washington Loop Parcels (formerly Biscayne Trust acquisition parcels). As of this year a total of four (4) parcels located within the reserve design have been acquired and four (4) had conservation easements dedicated to the county.

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 3** for management recommendations.

Staff completed their annual vegetation surveys at Tippecanoe Environmental Park, Tippecanoe II, Shell Creek Preserve, Prairie Creek Preserve, Charlotte Flatwoods and Washington Loop Parcels (formerly Biscayne Trust acquisition parcels) in 2023; see **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 on existing County public conservation lands within the Reserve in 2023.

Preserve Name	Management Type	±Acres Managed
Amberjack Environmental Park	Exotic treatment	6.7 acres
Ann and Chuck Dever Regional Park	Exotic treatment	0.50 acres
Bill Coy Preserve	Exotic treatment	1.15 acres
Charlotte Flatwoods	Exotic treatment	38.9 acres
	Canopy reduction	2.9 acres
	Mulch	13 acres
Tippecanoe Environmental Park	Exotic treatment	11.6 acres
	Canopy reduction	3.7 acres
Tippecanoe II	Exotic treatment	1.4 acres
Peace River Addition (formerly Burcher's)	Exotic treatment	2.17 acres
Oyster Creek Regional Park	Exotic treatment	2.08 acres
Prairie Creek Preserve	Exotic treatment	38.7 acres
	Canopy reduction	3.30 acres
Shell Creek Preserve	Exotic treatment	12.8 acres
	Canopy reduction	0.27 acres
	Prescribed burn	40 acres
Shell Creek Addition (formerly	Exotic treatment	0.24 acres
Peace River Preserve	Exotic treatment	14.35 acres
Prairie Creek Addition (North & South)	Canopy reduction	4.96 acres
	Mulch	0.36 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	

Parcel Address	Acreage	Acquisition Cost	Year Acquired
17650 Wood Path Ct	7.026	\$100,796.45	2023
6901 Cypress Grove Cir	5.011	\$94,069.91	2023
17800 Prairie Creek Blvd	5.010	\$106,541.03	2023
16101 Forest Glen Ct	5.124	\$116,810.24	2023
16120 Forest Glen Ct	2.62	Dedicated CE	2023
16151 Forest Glen Ct	2.53	Dedicated CE	2023
5101 Cypress Grove Circle - 2 parcels	7.09	Dedicated CE	2023
TOTAL	34.41	\$418,217.63	

See **Appendix 5** 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 2023, a total of \$23,010 in association fees were paid for 39 parcels (\$590/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. All of the parcels that were acquired since the inception of the plan were included; see **Appendix 6** for survey results. 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. They will be continuing another round of acclimation late 2023.

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 Ann & Chuck Dever Regional Park, Bill Coy Preserve, Oyster Creek Regional Park, Prairie Creek Preserve (East and West), Shell Creek Preserve, Tippecanoe Environmental Park and Tippecanoe II. See **Appendix 7** for survey results.

The results of the Scrub jay surveys are as follows:

Preserve Name	Survey Results
Washington Loop Parcels	Jays observed 2 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 4 out of 5 survey days
Anne & Chuck Dever Regional Park	No jays observed out of 4 survey days
Bill Coy Preserve	No jays observed out of 4 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	No jays observed out of 5 survey days
Oyster Creek Regional Park	No jays observed out of 4 survey days

Jay Status report on following page.

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	8	3	Decrease in adults and juveniles.
Prairie Creek Addition North & South	7	33	6	Decrease in adults, increase in juveniles, decrease in family groups.
Prairie Creek Preserve East & West	15	89	19	Increase in adults, substantial decrease in juveniles, increase in family.
Tippecanoe	4	11	2	Decrease in adults, increase in juveniles, family #'s same.
Peace River Preserve	1	6	3	Increase from last year.
Biscayne Trust	1	2	0	Increase from last year.
Total	31	151	33	

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 2023, twenty-five (25) Scrub jay code cases have complied and signed settlement agreements. Twenty-two (22) received a 50% reduction in their violation fees and the remaining three (3) paid the full violation fees. No reduction in violation fees is offered when someone signs the HCP application acknowledging the HCP conditions yet doesn't follow them or for anyone who has been to the Special Magistrate (SM). There are currently a total of fourteen (14) open code cases in various stages (i.e., liens assessed, SM continuance, preparing for SM). This includes all prior cases that are still open since the inception of the plan.

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 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. In calendar year 2023 zero (0) permits were released without collecting HCP fees.

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	01/01/2024
_____ Name / Job Title		_____ Date

Appendices

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

Appendix 2 – Fee Increase Memo

Appendix 3 – Quest Mgmt. Recommendations

Appendix 4 – Annual Vegetation Surveys

Appendix 5 – Acquired Parcels with Deeds

Appendix 6 – Quest Scrub Jay Surveys

Appendix 7 – Staff Scrub Jay Surveys