

**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  
1120 Centennial Blvd  
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**December 2021**

**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 2021 Charlotte County received and issued thirty-eight (38) pre-payment applications, four hundred eight (408) development applications and has approved development activities on ±120 acres. Two spreadsheets have been provided for reference (**Appendix 1**). The first lists all parcels that have paid their HCP fees since the inception of the plan. The second lists all parcels that have submitted permit(s) but have not paid their HCP fees pending permit issuance. 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:

<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>

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
<b>TOTAL</b>	<b>278</b>

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
<b>TOTAL</b>	<b>294</b>

2021	
HCP Development Fees	# of parcels
Tier 1 (0.00 - 0.22 acres)	119
Tier 2 (0.23 - 0.49 acres)	308
Tier 3 (0.50 - 1.00 acres)	12
Tier 4 (1.01 - 3.00 acres)	6
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>446</b>

\*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 2021 a total of \$985,400 was received through the HCP pre-payment and development permit applications with an additional \$15,250 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 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 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 seven (7) parcels located within the reserve design have been acquired, one (1) had a conservation easement dedicated to the county and an additional ±136 acres of existing conservation easement land has been purchased through the County-wide HCP program. The purchase of the existing conservation easement land, otherwise known as 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.

This year staff updated the management plans for Shell Creek Preserve, Prairie Creek Preserve, Peace River Preserve and Tippecanoe II. 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 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 2** for management recommendations.

Staff completed their annual vegetation surveys at Amberjack Environmental Park, Anne & Chuck Dever Environmental Park, Bill Coy Preserve (AKA Buck Creek), Oyster Creek Environmental Park, Rotonda Mitigation Area, Tippecanoe Environmental Park and Tippecanoe II in 2021 (**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 on existing County public conservation lands within the Reserve in 2021:

Preserve Name	Management Type	±Acres Managed
Amberjack Environmental Park	Canopy reduction	1.73 acres
	Exotic treatment	3.4 acres
	Mulch	1 acre
Anne & Chuck Dever Environmental Park	Canopy reduction	3 acres
	Exotic treatment	3.3 acres
	Mulch	14.3 acres
Biscayne Trust	Canopy reduction	5.6 acres
	Exotic treatment	0.05 acres
	Mulch	5.9 acres
Bill Coy Preserve	Exotic treatment	0.02 acres
	Mulch	13.4 acres
Hathaway Park	Exotic treatment	1.4 acres
Tippecanoe Environmental Park	Exotic treatment	1.9 acres
Tippecanoe II	Mulch	17 acres
Rotonda Mitigation Area	Exotic treatment	0.07 acres
Prairie Creek Preserve	Exotic treatment	3 acres
	Mulch	10.3 acres
Shell Creek Preserve	Canopy reduction	52.6 acres
	Exotic treatment	7 acres
	Mulch	6 acres
Peace River Preserve	Canopy reduction	2 acres
	Exotic treatment	2.5 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
<b>TOTAL</b>	<b>12.586</b>	<b>\$109,378.97</b>	

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
<b>TOTAL</b>	<b>9.253</b>	<b>\$79,168.05</b>	

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
<b>TOTAL</b>	<b>203.06</b>	<b>\$156,402.78</b>	

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
<b>TOTAL</b>	<b>153.282</b>	<b>\$957,752.08</b>	

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
<b>TOTAL</b>	<b>31.807</b>	<b>\$197,816.42</b>	

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
<b>TOTAL</b>	<b>292.407</b>	<b>\$899,368.59</b>	

In addition to the above reference parcels staff also purchased two large plots of land with existing conservation easements. See **Appendix 4** for the parcel's geographical locations as well as the warranty deeds for all parcels acquired in 2021. 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 2021, a total of \$19,200 in association fees were paid for 32 parcels (\$600/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. This year staff also contracted 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. See **Appendix 5** for Quest survey results and Jay Watch data.

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 2021 see *Jay Status Reporting* chart on page 8 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*

Environmental staff conducted Scrub jay surveys on the acquisition parcels which have been grouped by location and titled as follows; Biscayne Trust Acquisition Parcels, Prairie Creek Park South and Prairie Creek Park North. Each parcel address was included in the survey results for reference. The existing conservation lands surveyed include Biscayne Trust, Prairie Creek Preserve (East and West), Shell Creek Preserve, Tippecanoe Environmental Park, Tippecanoe II and Rotonda Mitigation Area. See **Appendix 6** for survey details.



The results of the surveys are as follows:

Preserve Name	Survey Results
Biscayne Acquisition Parcels	Jays observed 4 out of 5 survey days
Biscayne Trust	No jays observed out of 4 survey days
Prairie Creek Community North	Jays observed 5 out of 5 survey days
Prairie Creek Community South	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	Jays observed 3 out of 5 survey days
Rotonda Mitigation Area	No jays observed out of 4 survey days

### Jay Status Reporting

Site	# of Families	Max # of Adults	Max # of Juveniles	Comments
Biscayne Acquisition Parcels	1	2	0	Parcels formerly titled “Acquisition Parcels” on 2020 report. No change from last year.
Prairie Creek Community	11	34	4	Decrease in juveniles from last year.
Prairie Creek Preserve	15	72	19	Decrease in juveniles from last year.
Tippecanoe	4	16	4	No increase in adults, decrease in juveniles from last year.
Tippecanoe II	1	2	0	No change from last year.

Per Section 4.5 *Monitoring and Reporting: Scrub-Jay Monitoring* – Monitoring will take place within designated take areas, focusing on development within the past year based on permit issuance, on a periodic basis.

Staff contracted with Quest Ecology to conduct take area surveys in five (5) areas throughout Charlotte County. The areas identified by staff are as follows: Deep Creek, Harbour Heights, Gulf Cove, North Rotonda and South Gulf Cove. See **Appendix 7** for locations and survey results.

## **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. 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 2021, twenty-eight (28) Scrub jay code cases have complied and signed settlement agreements with a 50% reduction in their violation fees. There are currently nine (9) open code cases that will go to the special magistrate should the owners not opt to comply with the plan. Two settlement agreements have been provided (**Appendix 8**); one for properties without active building permit applications on file - "Code Case" and one for properties who applied for building permits but did not mitigate prior to disturbing the land - "No CC". As of this year these agreements are now being 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 has created an internal spreadsheet for parcels that are inadvertently released when mitigation fees should have been collected prior to permit issuance (**Appendix 9**). 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	2/1/2022
_____ Name / Job Title		_____ Date

## Appendices

Appendix 1 – Developed Parcels

Appendix 2 – Quest Management Plans

Appendix 3 – Annual Vegetation Surveys

Appendix 4 – Acquired Parcels

Appendix 5 – Quest & Jay Watch Scrub-jay Surveys

Appendix 6 – County Scrub-jay Surveys

Appendix 7 – Take Area Surveys

Appendix 8 – Settlement Agreements

Appendix 9 – Permits Issued w/out Fee