



Resolution 2021-60 Exhibit G

Bio-Tech Consulting Inc.
Environmental and Permitting Services

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October 11, 2021

Kamil Salame
Morgan Group Development, LLC
3000 Richmond Avenue
Houston, TX 77098

Proj: Anclote Harbor Site – Pinellas County, Florida
Sections 16 & 17, Township 27 South, Range 16 East
(BTC File #1119-03)
Re: Environmental Assessment Report

Dear Mr. Salame:

During May of 2021, Bio-Tech Consulting, Inc. (BTC) conducted an environmental assessment of the approximately 64.17-acre Anclote Harbor site. This site is located north of East Tarpon Avenue, south of Beckett Way, west of and immediately adjacent to US Highway 19 North, within Sections 16 & 17, Township 27 South, Range 16 East; within Pinellas County, Florida (Figures 1, 2, & 3). The site is also located within the city limits of Tarpon Springs and contains portions of the Anclote River. This environmental assessment included the following elements:

- Review of soil types mapped within the site boundaries;
- Evaluation of land use types/vegetative communities present and discussion of habitat value;
- Field and database review for occurrence of protected flora and fauna;

SOILS

According to the Soil Survey of Pinellas County, Florida, prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS), three (3) soil types exist within the subject site (Figure 4). The following presents a brief description of the soil types mapped for the subject site:

Orlando: Main Office
3025 East South Street
Orlando, FL 32803

Vero Beach Office
4445 N A1A
Suite 221
Vero Beach, FL 32963

Jacksonville Office
1157 Beach Boulevard
Jacksonville Beach, FL 32250

Tampa Office
6011 Benjamin Road
Suite 101 B
Tampa, FL 33634

Key West Office
1107 Key Plaza
Suite 259
Key West, FL 33040

Aquatic & Land
Management Operations
3825 Rouse Road
Orlando, FL 32817

407.894.5969
877.894.5969
407.894.5970 fax

Orlando

Vero Beach

Jacksonville

Tampa

Key West

Astatula soils and Urban Land, 0 to 5% slopes (#4) are very deep, excessively drained soils found on lower coastal plains on broad ridges. Urban land consists of high-density residential developments, commercial buildings, streets, highways, parking lots and other types of impervious ground cover. Typically, the surface layer of Astatula soil consists of very dark gray fine sand about 0 to 3 inches thick. During most years the seasonal high-water table for this soil type is at a depth of more than 6 feet. The permeability of Astatula soil is rapid.

Myakka soils and Urban Land (#17) are very deep, poorly drained soils found on lower coastal plains on flatwoods. Urban land consists of high-density residential developments, commercial buildings, streets, highways, parking lots and other types of impervious ground cover. Typically, the surface layer of Myakka soil consists of black fine sand about 0 to 4 inches thick. During most years the seasonal high-water table is apparent, at a depth of ½ to 1½ feet from June through November. The permeability of Myakka soils is moderately rapid or rapid.

Wulfert muck, very frequently flooded (#32) is very deep, very poorly drained soil found on lower coastal plains on the tidal marshes. Typically, the surface layer of Wulfert muck consists of black muck about 0 to 36 inches thick. During most years the seasonal high-water table is apparent, at the surface to a depth of ½ foot from January through December. The permeability of Wulfert muck is rapid.

The Florida Association of Environmental Soil Scientists (FAESS) considers the main components of the Wulfert muck, very frequently flooded (#32) soil type to be hydric in nature. Further, the FAESS considers inclusions present within Wulfert muck, very frequently flooded (#32) soil type associated with the subject site to be hydric in nature. This information can be found in the Hydric Soils of Florida Handbook, Fourth Edition, March 2007.

LAND USE TYPES/VEGETATIVE COMMUNITIES

The Anclote Harbor site currently supports six (6) land use types/vegetative communities. These land use types/vegetative communities were identified utilizing the Florida Land Use, Cover and Forms Classification System, Level III (FLUCFCS, FDOT, January 2004) (Figure 5). One land use type/vegetative community has special protections provided within the Tarpon Springs Comprehensive Plan. This special protection is identified as Significant Upland Habitat and applies to the Longleaf Pine – Xeric Oak land use type/vegetative community. The on-site upland land use types/vegetative communities are classified as Longleaf Pine – Xeric Oak (412) and Disturbed Land (740). The on-site wetland and surface water land use types/vegetative communities are classified as Streams and Waterways (510), Bays and Estuaries (540) Mixed Wetland Hardwoods (617) and Vegetated Non-Forested Wetland (640). The following provides a brief description of the on-site land use types/vegetative communities:

Uplands:

412 – Longleaf Pine – Xeric Oak

TARPON SPRINGS – SIGNIFICANT UPLAND HABITAT (SUH) as defined by the Comprehensive Plan is defined as high quality Scrub and Brushlands, Pine Flatwoods, Longleaf Pine - Xeric Oak, or Hardwoods Conifer Mix as defined by the Florida Land Use, Cover, and Forms Classification System (FLUCFCS) and as determined by a qualified professional. Although the Longleaf Pine – Xeric Oak has been degraded through current and historic use as well as exotic vegetative species such that it may not qualify as high quality, the proposed project will maintain the intent of the protections required within the Comprehensive Plan for protection of on-site significant upland habitat. Under this requirement the Open Space within the project site must be a minimum of 30% of the gross site acreage and this open space can consist only of land or water in its natural state.

The Longleaf Pine – Xeric Oak vegetative community (SUH) encompasses approximately 30.34 acres (Figure 8). Thirty percent of the total site acreage equates to 21.79 acres of required open space. The proposed project will provide 43.43 acres of appropriate open space as defined above. This represents 60% of the subject site and exceeds the required open space associated with significant upland habitat acreage for the subject project.

*NOTE: This site has been previously reviewed by a different ecological consultant and estimates of FLUCFCS acreages were identified. Specifically, the area deemed as SUH was identified as approximately 33 acres. When the site was reviewed by SWFWMD and USACE for a formal determination of the extent of the on-site wetlands, it was determined a few of the wetlands were larger than they were estimated to be in the original review. This reduced the size of the SUH, but provided more accurate information as to the extent of the SUH within the subject site.

Throughout the central portion of the subject site is an area best classified as Longleaf Pine – Xeric Oak (412) per the FLUCFCS. Vegetative species observed within this area include long leaf pine (*Pinus palustris*), slash pine (*Pinus elliottii*), live oak (*Quercus virginiana*), water oak (*Quercus nigra*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolia*), earpod tree (*Enterolobium cyclocarpum*), punk tree (*Melaleuca quinquenervia*), wax myrtle (*Morella cerifera*), bushy blue stem (*Andropogon glomeratus*), dog fennel (*Eupatorium capillifolium*), Eastern false-willow (*Baccharis* spp.), pepper vine (*Ampelopsis arborea*), blackberry (*Rubus* spp.), greenbriar (*Smilax* spp.), common persimmon (*Diospyros virginiana*), carrotwood (*Cupaniopsis anacardioides*), and broomsedge (*Andropogon virginicus*).

Throughout the areas identified as Longleaf Pine – Xeric Oak are several homeless camps (See photo page attachment). These are scattered throughout this entire vegetative community. As with many homeless camps trash and refuse is strewn throughout the camp sites, the ingress/egress used for these camp sites, and in general pockets throughout the entire project area. Additionally, the subject vegetative community has in some areas a large component of exotic vegetative species (Brazilian pepper, earpod tree, and punk tree). These factors greatly diminish the habitat value for native flora and fauna.

740 – Disturbed Land

Within the northwestern portion of the subject site is a land use type/vegetative community best classified as Disturbed Land (740) per the FLUCFCS. This land use/community type is used by vehicles with small engines, essentially as a dirt track for motor bikes and other small engine off-road vehicles. Vegetation within this community type is sparse. The majority of the area is open bare ground with fine white sand. Vegetative species observed within this area include laurel oak (*Quercus laurifolia*), slash pine (*Pinus elliottii*), cabbage palm (*Sabal palmetto*), wax myrtle (*Morella cerifera*), bahiagrass (*Paspalum notatum*), dog fennel (*Eupatorium* spp.), salt bush (*Baccharis halimifolia*), natal grass (*Melinis repens*), southern carpetgrass (*Axonopus* spp.), hairy indigo (*Indigofera hirsuta*), blackberry (*Rubus* spp.), common sow thistle (*Sonchus oleraceus*), caesarweed (*Urena lobata*), winged sumac (*Rhus copallinum*), Brazilian pepper (*Schinus terebinthifolius*), cogongrass (*Imperata cylindrica*), bushy bluestem (*Andropogon virginicus*), and passion flower (*Passiflora incarnata*).

The land use type/vegetative community identified as Disturbed Land is devoid of vegetative species throughout a majority of the area (See photo page attachment). This area appears to be used on a continual and regular basis by off-road vehicles. The ground disturbance and noise created with off-road vehicles greatly degrades any potential habitat value this land use type/vegetative community may be able to provide. Additionally, much like the Longleaf Pine – Xeric Oak vegetative community, this area has a component of trash and refuse strewn throughout. Both of these factors greatly reduce any potential habitat value this area could attain.

Wetlands:

510 - Streams and Waterways

Within the northern portion of the subject site is a land use type/vegetative community best classified as Streams and Waterways (510) per the FLUCFCS. This area is essentially the Anclote River. Most of this area is delineated by a Top of Bank along the river's edge, but a small portion is within the annual mean high of this tidally influenced section of the river but remains low enough to allow for more frequent inundation of water. Vegetative species identified within these areas includes bushy bluestem (*Andropogon virginicus*), maidencane (*Panicum hemitomon*), dotted smartweed (*Persicaria punctata*), primrose willow (*Ludwigia peruviana*), wax myrtle (*Morella cerifera*), dog fennel (*Eupatorium capillifolium*), soft rush (*Juncus effusus*), and salt bush (*Baccharis halimifolia*).

The only impacts proposed for this community types are associated with a community dock.

540 – Bays and Estuaries

Within the southern portion of the subject site is a land use type/vegetative community best classified as Bays and Estuaries (540) per the FLUCFCS. These are large areas that appear to have been dredge prior to 1985. They have an open water component and are tidally influenced. There

is a control structure along the west side of the subject site that allows for water to move into and out of this community type. Vegetative species observed with these areas include Brazilian pepper (*Schinus terebinthifolia*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), wax myrtle (*Morella cerifera*), bushy blue stem (*Andropogon glomeratus*), dog fennel (*Eupatorium capillifolium*), Eastern false-willow (*Baccharis* spp.), pepper vine (*Ampelopsis arborea*), and soft rush (*Juncus effusus*).

The majority of this land use type/vegetative community is open water (See photo page attachment). Along the fringe of the open water is a high component of exotic species. The dominate exotic species in this area is Brazilian pepper. Additionally, several of the on-site homeless camps are in close proximity to the fringe of this community type. Human presence and disturbance in close proximity to this habitat devalues the wildlife utilization. No Impacts to this land use/vegetative community type are proposed.

617 – Mixed Wetlands Hardwoods

Within the central portion of the subject site is a land use type/vegetative community best classified as Mixed Wetland Hardwoods (617) per the FLUCFCS. This community type appears to have been dredged in the past but has filled in with sub-canopy and canopy species. Vegetative species observed with this area includes Brazilian pepper (*Schinus terebinthifolia*), sweet bay (*Persea borbonia*), Melaleuca (*Melaleuca quinquenervia*), laurel oak (*Quercus laurifolia*), red maple (*Acer rubrum*), wax myrtle (*Morella cerifera*), bushy blue stem (*Andropogon glomeratus*), and soft rush (*Juncus effusus*).

This land use/community type is hydrologically isolated, has a high component of exotic species, and is used to dump refuse and trash (See photo page attachment). Additionally, several homeless camps were observed in close proximity to this vegetative community. Because of these factors the habitat value is greatly diminished.

640 - Vegetated Non-Forested Wetlands

Within the central and south-eastern portions of the subject site are a land use type/vegetative community best classified as Vegetated Non-Forested Wetlands (640) per the FLUCFCS. These are small depressional areas either natural or created through vehicular traffic. Vegetative species observed include Brazilian pepper (*Schinus terebinthifolia*), wax myrtle (*Morella cerifera*), bushy bluestem (*Andropogon glomeratus*), soft rush (*Juncus effusus*), and other forbes, grasses, and herbaceous wet tolerant species.

Three small isolated areas are identified as Vegetated Non-Forested Wetlands. One of these is a portion of a two rut road that had enough factors to qualify as a wetland. The other two are small depressional areas that have enough indicators to qualify as wetland. All three Vegetated Non-Forested wetlands have a high component of exotic species, trash, and refuse. The ground disturbance, high component of exotic vegetative species, proximity of homeless camps, and dumping greatly reduce the habitat value of these areas (See photo page attachment).

HISTORICAL AERIAL PHOTOGRAPH REVIEW

A review of site conditions based on available historic aerial photography was conducted to determine the current functional value of the on-site habitats compared to the historic condition of the subject property. The following is a description of the attached historical aerial figures provided:

1941 – In the 1940's the subject site appears to be in a natural state. The tidally influenced wetlands in the southern portion of the subject site appear to have been unaltered. Upland areas appear to have sparse canopy vegetative species throughout. It is unknown if the sparse vegetative cover of the upland areas had been silviculture, but silviculture of the region was very common at that time.

1951 – Prior to the date of the 1951 aerial, construction of what is currently US 19 was completed. US19 is adjacent to the subject site to the west. The wetlands located in the southern portion of the subject site were excavated. This is the first time a signature for the disturbed land appeared in the northern portion of the subject site. Additionally, several trails can be seen along the Anclote River.

1957 – Between 1951 and 1957 it appears the site was allowed to fill in with vegetative species. Even while vegetative species grew the signature of the disturbed land remained.

1962 – Between 1957 and 1962 major works were completed within the subject site. In the northern portion a canal was excavated that connected directly to the Anclote River. This canal was approximately 720' long, 80' wide and 6.5' deep. Additionally, a centrally located pond was excavated. The signature of disturbed land remains and it appears trees were removed throughout a large portion of the north uplands. Signatures of trails are also evident during this time frame.

1976 – Between 1962 and 1976 the site appears to have undergone major dredging within the southern wetlands. The constructed canal, disturbed land, and multiple trails remain. Additionally, structures are evident in the northeastern portion of the subject site adjacent to the Anclote River.

1986 – The subject site appears to be used in the same capacity as seen in the 1976 aerial. Some vegetative species have filled in but the signature of the disturbed land, canal, structures, trails, and southern dredged wetland areas remain.

1998 – Between 1986 and 1998 some major changes to the subject site occurred. The canal that was constructed in the northern portion of the site was filled in. The filling of this canal was permitted through the U.S. Army Corps of Engineers. The permit number for this action was 84M-4218 and was issued in 1985. Additionally, it is evident many of the upland areas were managed for vegetative species. A majority of the canopy and mid-level vegetation was removed in the uplands in the southern portion of the subject site where the uplands are surrounded by the dredged wetland. The signature of the disturbed land, structures, and trails remain.

2007 – By 2007 management of the subject site as a whole appears to have ceased. The dredged wetlands in the southern portion appears to be unmanaged so exotic/invasive species encroached

and populated areas that have been maintained as open water systems since their construction. The uplands adjacent to the dredged wetland located in the southern portion appears to have filled in with vegetative species. The structures seen in previous aerials are no longer evident. The signature of the disturbed land remains.

2010 & 2017 – As seen in the 2010 and 2017 aerials not much change in the use throughout the subject site is evident. It appears trails have been maintained. The signature of the disturbed land remains.

2021 – Since the site has been severally disturbed throughout its history and not managed as a Florida Native ecological system, many exotic and invasive vegetative species have invaded the site and taken over. Invasive/Exotic species in general are the first ones to be recruited into a disturbed site. The southern uplands that had mid-level and canopy level vegetative species removed (1998 aerial) have had a large component of invasive/exotic species fill in. These have out competed native species and continue to do so. This has also occurred throughout the north portions, but not to the same extent. The approximate extent/location where exotic/invasive species are dominant can be viewed in the Figure 9.

PROTECTED SPECIES

Using methodologies outlined in the Florida's Fragile Wildlife (Wood, 2001); Measuring and Monitoring Biological Diversity Standard Methods for Mammals (Wilson, et al., 1996); and Florida Fish and Wildlife Conservation Commission's (FFWCC) Gopher Tortoise Permitting Guidelines (April 2008 - revised July 2020); an assessment for "listed" floral and faunal species was conducted at the site in May 2021. This assessment, which covered a portion of the subject site's developable area, included both direct observations and indirect evidence, such as tracks, burrows, tree markings and birdcalls that indicated the presence of species observed. The assessment focused on species that are "listed" by the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (December 2018) that have the potential to occur in Pinellas County (Table 1). The following is a list of those wildlife species identified during the evaluation of the site:

Reptiles and Amphibians

brown anole (*Norops sagrei*)
eastern racer (*Coluber constrictor*)
gopher tortoise (*Gopherus polyphemus*)
green anole (*Anolis carolinensis*)

Birds

Bald Eagle (*Haliaeetus leucocephalus*)
Black Vulture (*Coragyps atratus*)
Blue jay (*Cyanocitta cristata*)
Downy Woodpecker (*Picoides pubescens*)
Great Horned Owl (*Bubo virginianus*)

Mourning Dove (*Zenaida macroura*)
Northern Mockingbird (*Mimus polyglottos*)
Red Bellied Woodpecker (*Melanerpes carolinus*)
Red Shouldered Hawk (*Buteo lineatus*)
Red Tailed Hawk (*Buteo jamaicensis*)

Mammals

eastern gray squirrel (*Sciurus carolinensis*)
nine-banded armadillo (*Dasypus novemcinctus*)
northern raccoon (*Procyon lotor*)
eastern cottontail rabbit (*Sylvilagus floridanus*)

Two of the above wildlife species are identified in the FFWCC's Official Lists - Florida's Endangered Species, Threatened Species and Species of Special Concern (December 2018). These species are the gopher tortoise and Bald Eagle. The following provides brief description of wildlife species as they relate to the development of the site.

Gopher Tortoise (*Gopherus polyphemus*)

State Listed as "Threatened" by FFWCC

Currently the gopher tortoise (*Gopherus polyphemus*) is classified as a "Category 2 Candidate Species" by the U.S. Fish and Wildlife Service (USFWS), and as of September 2007 is now classified as "Threatened" by FFWCC, and as "Threatened" by FCREPA. The basis of the "Threatened" classification by the FFWCC for the gopher tortoise is due to habitat loss and destruction of burrows. Gopher tortoises are commonly found in areas with well-drained soils associated with the pine flatwoods, pastures and abandoned citrus groves. Several other protected species known to occur in Pinellas County have a possibility of occurring in this area, as they are gopher tortoise commensal species. These species include the eastern indigo snake (*Drymarchon corais couperi*), Florida mouse (*Peromyscus floridanus*) and the gopher frog (*Rana capito*). However, none of these species were observed during the survey conducted.

The site was surveyed for the existence of gopher tortoises through the use of pedestrian transects. The survey covered approximately 60% of the suitable habitat present within the site's boundaries. Several gopher tortoise burrows were identified during the environmental assessment.

The FFWCC provides three (3) options for developers that have gopher tortoises on their property. These options include: 1) avoidance (i.e., 25-foot buffer around burrow), 2) preservation of habitat, and 3) off-site relocation. As such, resolution of the gopher tortoise issue will need to be permitted through FFWCC prior to any construction activities.

Based on the tortoise population that exists within the site and the expected development plan for the property, there is only one potential option for resolving the gopher tortoise issue. This option is off-site relocation and will require that any tortoise within 25 feet of proposed construction activities be relocated off-site to an approved recipient site.

Prior to relocation of the gopher tortoise population all appropriate permits will be applied for and received through FFWCC. All regulations, recommendations, and best management practices will be followed as they pertain the relocation of the gopher tortoise population within the subject site.

Bald Eagle (*Haliaeetus leucocephalus*)

State protected by F.A.C. 68A-16.002 and federally protected by both the Migratory Bird Treaty Act (1918) and the Bald and Golden Eagle Protection Act (1940)

In August of 2007, the U.S. Fish and Wildlife Service (USFWS) removed the Bald Eagle from the list of federally endangered and threatened species. Additionally, the Bald Eagle was removed from FFWCC's imperiled species list in April of 2008. Although the Bald Eagle is no longer protected under the Endangered Species Act, it is still protected under the Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act, and FFWCC's Bald Eagle rule (Florida Administrative Code 68A-16.002 Bald Eagle (*Haliaeetus leucocephalus*)).

In May of 2007, the USFWS issued the National Bald Eagle Management Guidelines. In April of 2008, the FFWCC adopted a new Bald Eagle Management Plan that was written to closely follow the federal guidelines. In November of 2017, the FFWCC issued "A Species Action Plan for the Bald Eagle" in response to the sunset of the 2008 Bald Eagle Management Plan. Under the USFWS's management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended protective buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. As provided within the above referenced Species Action Plan, the USFWS is the regulating body responsible for issuing permits for Bald Eagles. In 2017, the need to obtain a State permit (FFWCC) for the take of Bald Eagles or their nests in Florida was eliminated following revisions to Rule 68A-16.002, F.A.C. A USFWS Bald Eagle "Non-Purposeful Take Permit" is not needed for any activity occurring outside of the 660-foot buffer zone. No activities are permitted within 330 feet of a nest without a USFWS permit.

In addition to the on-site evaluation for "listed" species, BTC conducted a review for any Audubon EagleWatch and FFWCC recorded Bald Eagle nests on or within the vicinity of the subject site. This review revealed one recorded Bald Eagle nest within the subject site (current through the 2016-2017 nesting season for FFWCC data and 2019-2020 nesting season for Audubon EagleWatch data), within 660-feet of the subject site (see attached search results). This nest is identified as PI041. No Bald Eagles have been directly observed within the last year on the identified nest or the subject property. Two potential Bald Eagle nests were identified in close proximity to each other during site visits associated with the environmental assessment. One of these nests (smaller nest) is obviously abandoned and is dilapidated, the second nest (larger nest) is occupied by a Great Horned Owl (See photo page attachment). Great Horned Owls have been documented using abandoned Eagle nests and have been documented physically evicting Bald Eagles from their nests. However, Great Horned Owls do not typically use the same nest from year to year and Bald Eagles may return to nests previously abandoned. The presence of the Great Horned Owl gives an indication that Bald Eagles may not use this nest location currently, but it does not preclude a Bald Eagle from potentially using this nest site in the coming years.

The subject site was surveyed for potential Bald Eagle nesting in January and May of 2021. Bald Eagle nesting season is from October-April. If Bald Eagles were using the nest, they would have been observed during the January survey. Although the on-site nests do not appear to be used by Bald Eagles, in an abundance of caution because a recorded Bald Eagle nest is located within the subject site, a short term Eagle Incidental Take Permit was applied for and issued by USFWS associated with the on-site Bald Eagle nests. The Short-Term Eagle Incidental Take permit was issued on April 2, 2021. The permit number for this short term incidental take permit is MB81938D (Attached). The activities allowed in the Short-Term Eagle Incidental take permit are consistent with the proposed activities shown on the Preliminary Development Plan. Even though the nests are not currently occupied by an eagle(s), the approved Incidental Take Permit does not allow removal of these Eagle nests (See Condition E of the Permit).

Per the Eagle Incidental Take Permit, the nest will be monitored per the following:

I. Monitoring Requirements.

1. A qualified monitor is required to monitor eagle use of the nesting territory, which is defined as up to a 1.5 mile radius of the eagle nest identified in Condition D, on property that is legally accessible by you and where the activities outlined in Condition D occur. The monitor must be experienced in recognizing specific patterns and changes of eagle behavior, and employed by or contracted by the permittee, landowner, company or entity responsible for having the activity monitored. The monitor must also be as inconspicuous as possible, so not to cause a disturbance with their presence, and when applicable, a wildlife blind or viewing location out of direct sight of the eagles is recommended.

Monitoring must be conducted at a distance that allows for observation without an interruption in the eagle's normal breeding behavior. If eagles do not return to the nest at the location described in Condition D, you are required to monitor on adjacent property that is accessible by you to assess whether or not eagles nest, roost and/or forage at a new location.

If a new eagle nest is built on the property described in Condition D or within the nesting territory, you must report that new eagle nest location within 10 days to the Southeast Region Eagle Biologist. Additional monitoring and authorization may be required based on the new eagle nest location in relation to activities described in Condition D.

2. Monitoring must occur at a time of day when eagles are most likely to be in the area, (early morning, beginning ½ hour before sunrise, or late afternoon, beginning ½ hour before sunset). You must assess whether or not eagles return to the nesting territory as identified in Monitoring Requirements No.1 and continue to nest, roost and/or forage there, and/or if the eagles attempt to build or occupy another nest.

3. Once project activities have begun, including if construction activities have begun but are not occurring, monitoring is required annually to determine eagle nesting activity and/or nest failure. During each nesting season, no additional monitoring is required once eaglets have fledged from the nest or nest failure is documented.

The required monitoring period is:

- a. During each eagle nesting season, defined as October 1 through May 15, or when the nest is in-use; and
- b. For an additional (1) nesting season after project has been completed.

Frequency	Schedule	Time	Time of Day
Once	November	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between December 15 and January 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between February 15 and March 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	April	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	May	60 - 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Every month after until fledging or nest failure is documented	60 – 90 minutes	Begin ½ hour before sunrise or before sunset

4. Monitoring reports must include the following information:

- a. Date and length of time Bald Eagles were observed;
- b. Time of day;
- c. Number and age of Bald Eagles observed (i.e. juvenile, immature, sub-adult, adult); if age is not known, provide description;
- d. Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- e. If a new eagle nest is built on or adjacent to your property, the new location and whether the eagles produced young at that site;
- f. If any eagle nesting attempt was successful, failed or the eagles abandoned the area; and
- g. A description of any human activity at the time eagles are observed during each month of the monitoring period (e.g. construction, road building, use of machinery, etc.).

Post Development Eagle Management Plan

To avoid disturbing potential nesting Bald Eagles, the site is being designed around the existing Bald Eagle nests and incorporating features to keep resident activity and the nests separated to minimize any possible disturbance. This is being achieved by preserving the natural wooded areas surrounding the nests and adding retention ponds between the nests and buildings. In addition to the physical features and landscape surrounding the nest area that minimize any potential disturbance, advisory signs are being placed at the 100 ft perimeter of the existing nests. The provided buffer areas serve to minimize visual and auditory impacts associated with human activities near nest sites. These buffer areas are large enough to protect existing nest trees and provide for alternative or replacement nest trees.

A Bald Eagle educational board will be featured in the clubhouse which will help educate residents and visitors about Eagles and provide guidance to minimize potential causes of nesting disturbances. During the leasing process future residents will be educated on Eagle habitat preservation and nesting precautions. Leases will include an informational insert about Eagles and habitat protection in general and include language to promote Eagle habitat preservation, such as avoiding intentionally feeding Bald Eagles, avoid producing loud sounds such as using fireworks etc. during nesting season, and promote the use of pesticides, herbicides, fertilizers, and other chemicals only in accordance with Federal and State laws, amongst other guidelines. This Management Plan will continue for at least 5 years after the project is completed. If no Bald Eagle nesting occurs during that time, the plan can be terminated at the owners discretion. If Bald Eagle nesting does occur during this time, the 5 year plan would re-start.

Wood Stork (*Mycteria americana*)

Federally Listed as "Threatened" by USFWS

The subject site is shown to be located within a Wood Stork Nesting Colony Core Foraging Area (Figure 6). Wood Storks typically nest colonially in medium to tall trees that occur in stands located either in swamps or on islands surrounded by relatively broad expanses of open water (Ogden 1991; Rodgers et al. 1996). The Wood Stork (*Mycteria americana*) is listed as "Threatened" by the USFWS. Wood storks are large, long-legged wading birds, about 45 inches tall, with a wingspan of 60 to 65 inches. Their plumage is white except for black primaries and secondaries and a short black tail. The head and neck are largely unfeathered and dark gray in color. The bill is black, thick at the base, and slightly decurved. Wood Storks are birds of freshwater and estuarine wetlands, primarily nesting in cypress or mangrove swamps.

Successful breeding sites are those that have limited human disturbance and low exposure to land based predators. Because of their specialized feeding behavior, Wood Storks forage most effectively in shallow-water areas with highly concentrated prey. Typical foraging sites for the Wood Stork include freshwater marshes, depressions in cypress heads, swamp sloughs, managed impoundments, stock ponds, shallow-seasonally flooded roadside or agricultural ditches and narrow tidal creeks or shallow tidal pools. Good foraging conditions are characterized by water that is relatively calm, open, and having water depths between 5 and 15 inches (5 and 38 cm). The U.S. Fish and Wildlife Service (Service) has identified core foraging area (CFA) around all known Wood Stork nesting colonies that is important for reproductive success. In Central Florida, CFAs include suitable foraging habitat (SFH) within a 15-mile radius of the nest colony; CFAs in North Florida include SFH within a 13-mile radius of a colony. The Service believes loss of suitable foraging wetlands within these CFAs may reduce foraging opportunities for the Wood Stork.

Based on our review of available databases, there is no record of a Wood Stork rookery on the subject site or within close proximity. The USFWS and the U.S. Army Corps of Engineers (USACE) require that any impacts to on-site ditches and/or wetlands, which would eliminate a portion of the Wood Stork foraging habitat, be either mitigated through the purchase of mitigation credits or recreated elsewhere on-site so that there would be no net loss of Wood Stork foraging

habitat. No Wood Storks were observed within the subject site during the environmental assessment conducted by BTC. A review of the proposed site plan reveals no impacts to typical wood stork foraging habitat. Additionally, it should be noted that the development of the subject project will create typical Wood Stork foraging habitat within the littoral zones of the constructed on-site ponds. As such, no further action is anticipated in regards to Wood Storks.

USFWS CONSULTATION AREAS

The USFWS has established “consultation areas” for certain listed species (Figure 7). Generally, these consultation areas only become an issue if USFWS consultation is required, which is usually associated with Section 404 permitting through FDEP and Section 10 permitting through the USACE. The reader should be aware that species presence and need for additional review are often determined to be unnecessary early in the permit review process due to lack of appropriate habitat or other conditions. However, the USFWS makes the final determination.

Consultation areas are typically very regional in size, often spanning multiple counties where the species in question is known to exist. Consultation areas by themselves do not indicate the presence of a listed species. They only indicate an area where there is a potential for a listed species to occur and that additional review might be necessary to confirm or rule-out the presence of the species. The additional review typically includes the application of species-specific criteria to rule-out or confirm the presence of the species in question. Such criteria might consist of a simple review for critical habitat types. In other cases, the review might include the need for species-specific surveys using established methodologies that have been approved by the USFWS.

The following paragraphs include a list of the USFWS Consultation Areas associated with the subject site. Also included, is a brief description of the respective species habitat and potential for additional review:

Florida Scrub-jay (*Aphelocoma coerulescens*)

Federally Listed as “Threatened” by USFWS

Currently the Florida Scrub-jay is listed as threatened by the USFWS. Florida Scrub-jays are largely restricted to scattered, often small and isolated patches of sand pine scrub, xeric oak, scrubby flatwoods, and scrubby coastal stands in peninsular Florida (Woolfenden 1978a, Fitzpatrick et al. 1991). They avoid wetlands and forests, including canopied sand pine stands. Optimal Scrub-Jay habitat is dominated by shrubby scrub, live oaks, myrtle oaks, or scrub oaks from 1 to 3 m (3 to 10 ft.) tall, covering 50 percent to 90 percent of the area; bare ground or sparse vegetation less than 15 cm (6 in.) tall covering 10 percent to 50 percent of the area; and scattered trees with no more than 20 percent canopy cover (Fitzpatrick et al. 1991).

No Florida Scrub-jays were observed on the subject site during the cursory survey conducted by BTC. No suitable habitat exists within the limits of the site. It is not anticipated that a formal survey will be required by the USFWS or another agency to determine if any Florida Scrub-jays utilize any portions of the site.

Piping Plover (*Charadrius melodus*)

Federally Listed as "Threatened" by USFWS

Piping Plover (*Charadrius melodus*) are small shorebirds approximately seven inches long with sand-colored plumage on their backs and crown and white underparts. Piping plovers breed only in North America Coast, the Northern Great Plains, and the Great Lakes. Atlantic Coast plovers nest on coastal beaches, sandflats at the ends of sand spits and barrier islands, gently sloped foredunes, sparsely vegetated dunes, and washover areas cut into or between dunes. In recent decades, piping plover populations have drastically declined, especially in the Great lakes.

No Piping Plovers were observed on the subject site during the survey conducted by BTC. The subject site does not contain suitable habitat for this species. A species specific survey is not anticipated to be required.

The environmental limitations as described in this document are based on observations and technical information available on the date of the on-site evaluation. The environmental assessment and wildlife surveys conducted within the site boundaries do not preclude the potential for any listed species, as noted on Table 1 (attached), currently or in the future. Should you have any questions or require any additional information, please do not hesitate to contact our office at (407) 894-5969. Thank you.

Regards,

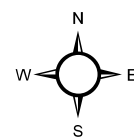
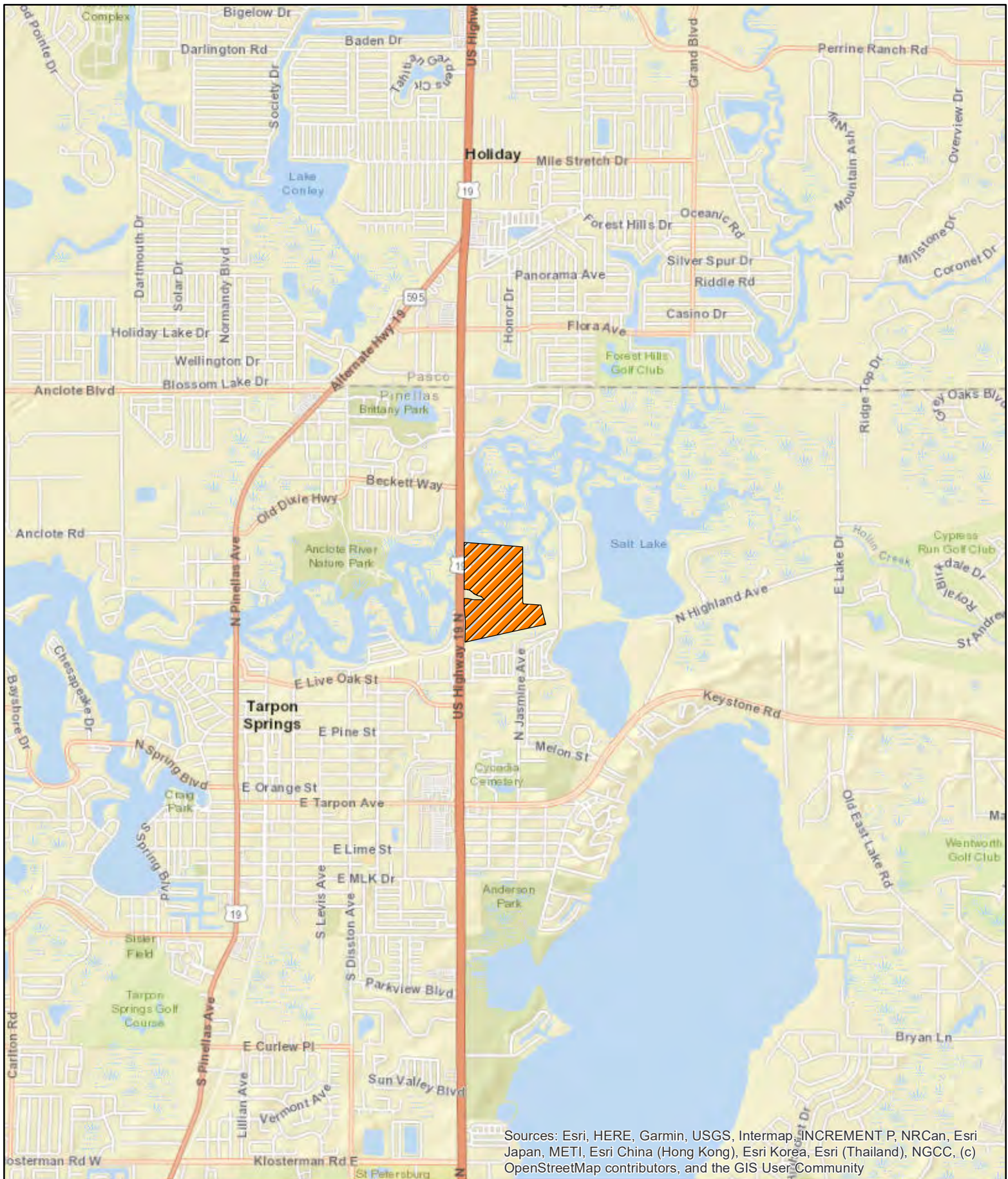


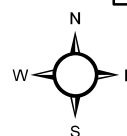
Dillon Reeves
Project Manager

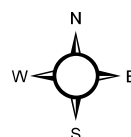
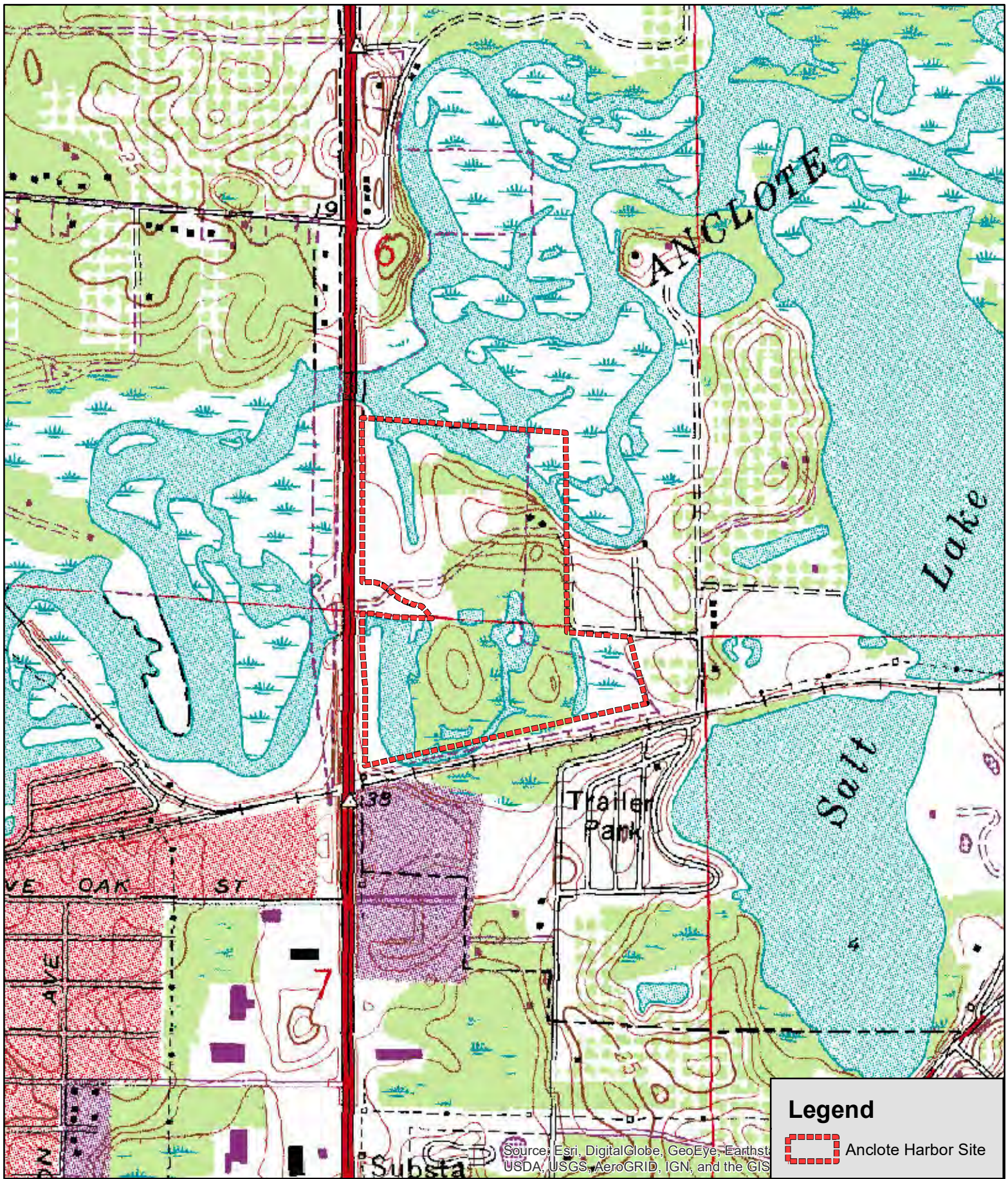


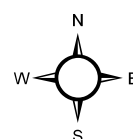
John Miklos
President

Attachments











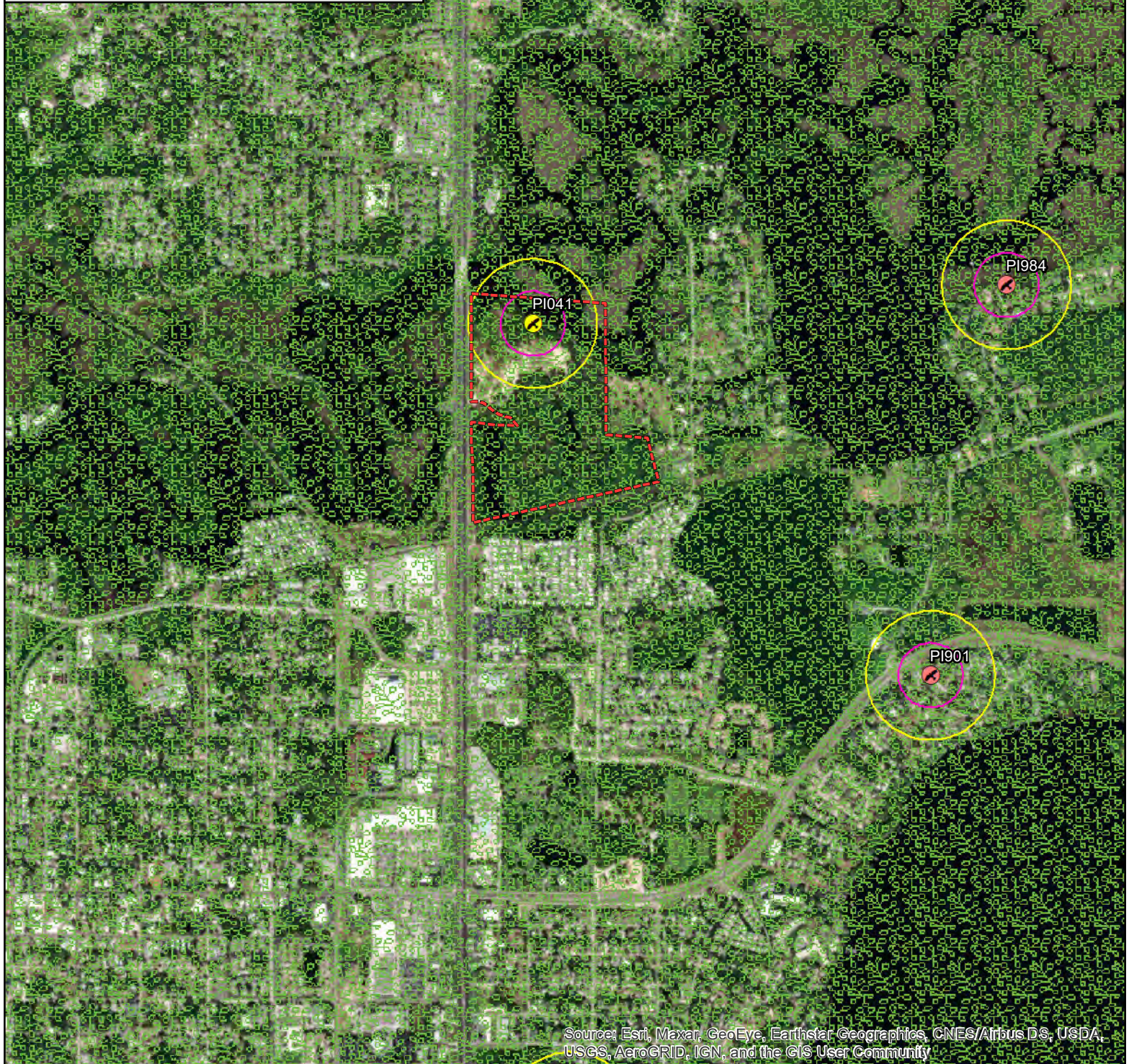




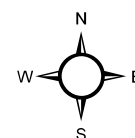


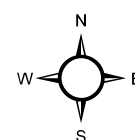
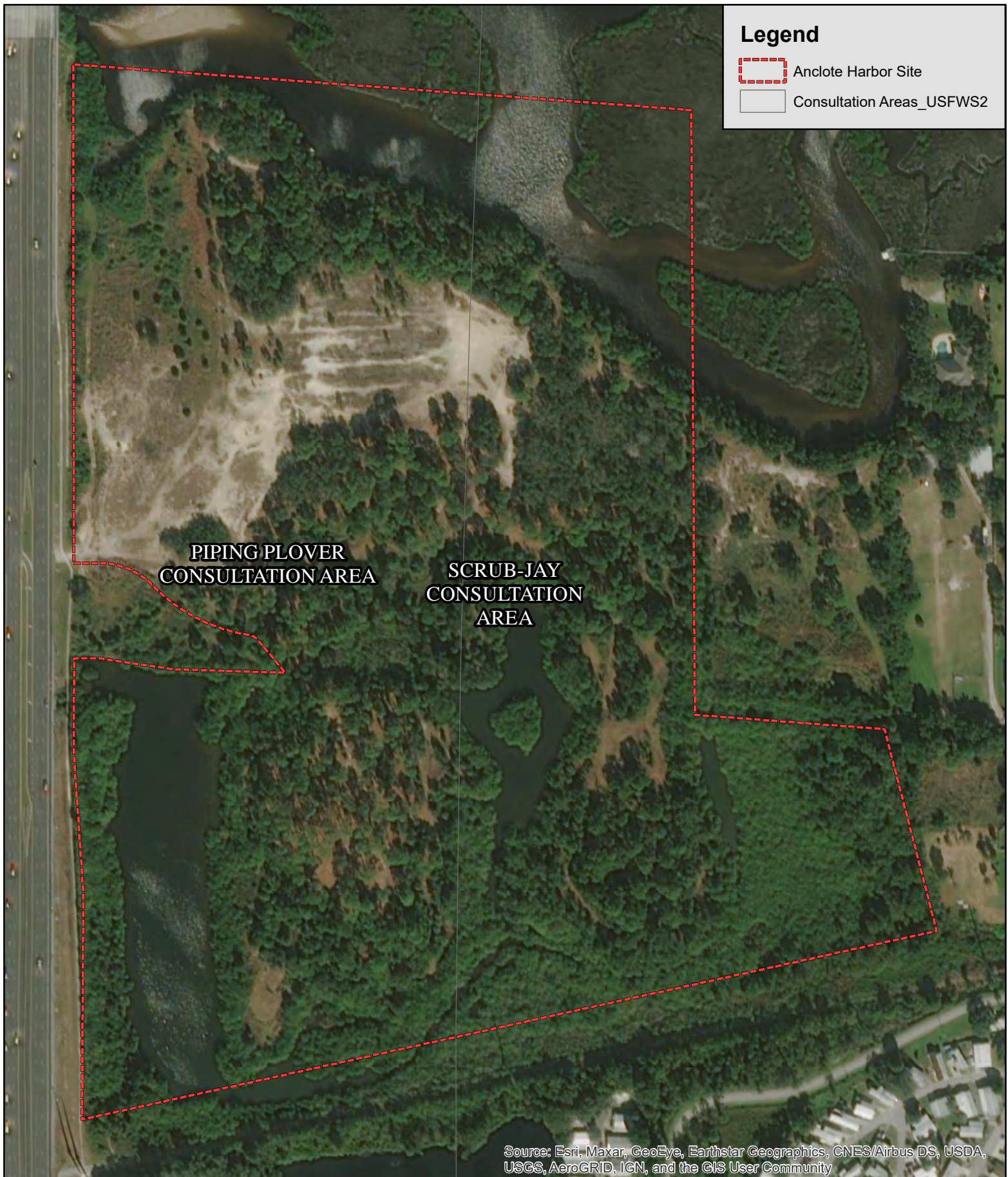
Legend

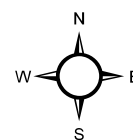
-  Anclole Harbor Site
-  Eaglewatch Permanent ID
-  Eaglewatch Temporary ID
-  Buffers_330ft
-  Buffers_660ft
-  Wood Stork Nesting Colony Core Foraging Areas

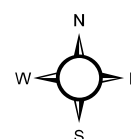


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community











INQUIRY #: 5601096.5

YEAR: 2017

— = 500'





INQUIRY #: 5601096.5

YEAR: 2010

— = 500'





INQUIRY #: 5601096.5

YEAR: 2007

— = 500'





INQUIRY #: 5601096.5

YEAR: 1998

— = 500'





INQUIRY #: 5601096.5

YEAR: 1986

— = 500'





INQUIRY #: 5601096.5

YEAR: 1976

= 500'





INQUIRY #: 5601096.5

YEAR: 1962

— = 500'





INQUIRY #: 5601096.5

YEAR: 1957

— = 500'





INQUIRY #: 5601096.5

YEAR: 1951

— = 500'





INQUIRY #: 5601096.5

YEAR: 1941

— = 500'



Table 1:	Potentially Occuring Listed Wildlife and Plant Species in Pinellas County, Florida		
Scientific Name	Common Name	Federal Status	State Status
Plants and Lichens			
<i>Lepidochelys kempii</i>	Kemp's Ridley Sea Turtle	E	FE
<i>Bigelovia nuttallii</i>	Nuttall's rayless goldenrod		E
<i>Chamaesyce cumulicola</i>	sand-dune spurge		E
<i>Chrysopsis floridana</i>	Florida goldenaster	E	E
<i>Eragrostis pectinacea</i> var. <i>tracyi</i>	Sanibel lovegrass		E
<i>Glandularia tampensis</i>	Tampa vervain		E
<i>Lechea cernua</i>	nodding pinweed		T
<i>Lechea divaricata</i>	pine pinweed		E
<i>Najas filifolia</i>	narrowleaf naiad		T
<i>Pteroglossaspis ecristata</i>	giant orchid		T
Reptiles			
<i>Alligator mississippiensis</i>	American Alligator	SAT	FT(S/A)
<i>Caretta caretta</i>	Loggerhead Sea Turtle	T	FT
<i>Chelonia mydas</i>	Green Sea Turtle	T	FT
<i>Dermochelys coriacea</i>	Leatherback Sea Turtle	E	FE
<i>Drymarchon couperi</i>	Eastern Indigo Snake	T	FT
<i>Gopherus polyphemus</i>	Gopher Tortoise	C	ST
<i>Lampropeltis extenuata</i>	Short-tailed Snake		ST
Birds			
<i>Athene cunicularia floridana</i>	Florida Burrowing Owl		ST
<i>Charadrius melodus</i>	Piping Plover	T	FT
<i>Charadrius nivosus</i>	Snowy Plover		ST
<i>Egretta caerulea</i>	Little Blue Heron		ST
<i>Egretta rufescens</i>	Reddish Egret		ST
<i>Egretta tricolor</i>	Tricolored Heron		ST
<i>Falco sparverius paulus</i>	Southeastern American Kestrel		ST
<i>Haematopus palliatus</i>	American Oystercatcher		ST
<i>Mycteria americana</i>	Wood Stork	T	FT
<i>Pandion haliaetus</i>	Osprey		SSC*
<i>Platalea ajaja</i>	Roseate Spoonbill		ST
<i>Rynchops niger</i>	Black Skimmer		ST
<i>Sternula antillarum</i>	Least Tern		ST
Mammals			
<i>Sciurus niger shermani</i>	Sherman's Fox Squirrel		SSC
<i>Trichechus manatus</i>	West Indian Manatee	T	FT



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

Issuing Office:

Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

Migratory Bird Permit Office
1875 Century Boulevard, NE
Atlanta, Georgia 30345
permitsR4MB@fws.gov
Tel: 404-679-7070
Fax: 404-679-4180

Digitally signed by

Chief, Migratory Bird Permit
Office, Atlanta, Georgia

Permittee:

EVAN SCHLECKER, REGIONAL VICE
PRESIDENT
MORGAN GROUP DEVELOPMENT LLC
2750 NW 3RD AVENUE, SUITE #2
MIAMI, FL 33127
US

Authority: Statutes and Regulations: 16 U.S.C. 668-668(d), 16 U.S.C 703-712 50 CFR Part 13, 50 CFR 22.26

Location where authorized activity may be conducted:

See Condition D.

Reporting requirements:

Monitoring requirements are outlined in Condition I Monitoring Requirements.

Reporting requirements are outlined in Condition D, E, I1 and in Condition J Reporting Requirements.

Condition J Reporting Requirements outlines the required schedule of monitoring reports (Condition I3) and the content of the annual summary monitoring report.

Authorizations and Conditions:

Southeast Region Eagle Biologist Ulgonda Kirkpatrick, Ulgonda_Kirkpatrick@fws.gov, (352) 406-6780



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

Southeast Region Eagle Permit Coordinator Resee Collins, Resee_Collins@fws.gov, (404) 679-4163

Link to federal permit regulations: <https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>

Eagle nest means any assemblage of materials built, maintained, or used by Bald Eagles or Golden Eagles for the purpose of reproduction.

In-use nest means a bald or golden eagle nest characterized by the presence of one or more eggs, dependent young, or adult eagles on the nest in the past 10 consecutive days during the breeding season.

Alternate nest means one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests.

Disturb/disturbance means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.

B. You are responsible for ensuring that the permitted activity is in compliance with all federal, tribal, state, and local laws and regulations applicable to eagles.

C. Valid for use by permittee named and any subpermittees (See Condition H).

D. Due to all building activities associated with the construction of (5) four-story multi-family apartment buildings and community amenities (clubhouse), parking lot and stormwater management ponds for the Anclote Harbor project site located in Tarpon Springs, Pinellas County, Florida, you are authorized to:

Take (1) pair of nesting Bald Eagles at (2) nest locations by means of disturbance, including the loss of productivity of eggs or young due to potential abandonment of either Bald Eagle nest identified as PI041 or PI041a

Bald Eagle Nest PI041 Location: 28.162333, -82.738167, Tarpon Springs, Pinellas County, Florida

Bald Eagle Nest PI041a Location: 28.162168, -82.738177, Tarpon Springs, Pinellas County, Florida

Reporting Required: Annual Summary by June 30 of 2021, 2022, 2023, 2024, 2025, 2026

Construction activities will be phased over a multi-year period and will include, but is not limited to, land clearing, grading, and infrastructure installation. The Bald Eagle nests being impacted are within the 660 foot radius buffer zone around each eagle nest, with the closest construction occurring no closer than a 100 foot radius from either Bald Eagle nest during any time of year. Construction and all project activities are prohibited within a 330 foot radius of either eagle nest when the nest is in-use.



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

The authorizations granted by this permit apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Eagle Biologist to determine whether a permit amendment is required in order to retain take authorization.

E. This permit does not authorize intentional take or injury of any live eagles, excluding take of eggs or young by nest abandonment as described in Condition D, nor does it authorize take of any eagle nest.

You must immediately notify the Southeast Region Eagle Permit Coordinator by phone and email upon discovery of any unanticipated take or regarding any apparent injury or death occurring to any eagle, including viable eggs or young, for any reason, during project activities. You must immediately contact Tampa Bay Raptor Rescue at (727) 798-2385 or (813) 205-1851 to coordinate transportation of any injured eagle.

F. You are authorized to salvage eagle feathers found on the ground in the vicinity of the Bald Eagle nests located in Condition D. Any salvaged items found at the site must be shipped within 30 days to the National Eagle Repository, Contact: **U.S. Fish and Wildlife Service, National Eagle and Wildlife Repository, RMA, Bldg. 128, 6550 Gateway Road, Commerce City, Colorado, 80022, (303) 287-2110.**

You must immediately notify the Southeast Region Eagle Permit Coordinator by phone and email upon discovery of any eagle carcass(es) at the location listed in Condition D.

G. You must comply with the following avoidance or minimization measures prescribed by this permit for take of eagle(s) identified in Condition D. **All minimization measures, unless noted otherwise, are applicable when any eagles are present at any nest site and the nest meets the definition of an in-use nest during the Bald Eagle nesting season (October 1 – May 15); or when the nest is in-use before October 1 or after May 15:**

1. Eagle Nest Buffer Zones. You will erect a temporary protective barrier to delineate the 100 foot radius buffer zone around each eagle nest tree identified in Condition D to prevent construction personnel or heavy equipment from entering into this buffer while any construction or associated project activities are occurring.

2. FOR ACTIVITIES WITHIN 660 FEET OF EITHER EAGLE NEST TREE:

a. If any construction work or project activities outlined in Condition D are conducted when either nest is in-use:

(1) Initiate a noise abatement program for construction personnel within 660 feet of an eagle nest, to include:

(a) No excessive and/or sudden loud noise, including engine braking, tailgate banging, loud radios, shouting, singing, etc.;

(b) All motorized equipment, including saws or other hand held power tools, must be moved indoors if possible or placed behind a temporary structure to minimize noise at and reflect noise away from the direction of either eagle nesting area;

(c) Minimize the need for "reverse" indicator horns and utilize ground flag crews to the degree practicable to avoid using reverse indicator horns; and



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

(d) Provide signage in English and Spanish (if applicable) indicating the need for quiet to the extent practicable.

3. FOR ACTIVITIES BETWEEN 660 and 330 FEET OF EITHER EAGLE NEST TREE:

a. If any construction work or project activities outlined in Condition D are conducted when either nest is in-use, you must initiate a traffic abatement program which includes that you establish offsite parking/carpool locations for construction personnel outside of 330 feet from either eagle nest tree.

4. FOR ACTIVITIES WITHIN 330 FEET OF EITHER EAGLE NEST TREE:

a. All exterior construction, heavy landscaping and associated activities within 330 feet of either eagle nest tree is prohibited when either eagle nest is in-use.

5. FOR ACTIVITIES WITHIN 100 FEET OF EITHER EAGLE NEST TREE:

a. Exterior construction, use or placement of heavy equipment, heavy landscaping and associated activities are prohibited within 100 feet of either eagle nest tree during any time of year; and
b. To the extent practicable, minimize human access by foot or vehicle, including mowing and/or foot traffic within 100 feet of either eagle nest tree anytime either nest is in-use.

6. Prior to conducting or while activities in Condition D are occurring, you must provide educational materials that outline how to minimize disturbance to eagles as listed in Condition G, along with the contact information for an eagle rehabilitator provided in Condition E in the event any eagle is injured or is found on the ground, to the following:

- a. The contractor and construction personnel;
- b. Occupants of any structure described in Condition D; and
- c. Maintenance personnel responsible for the post-project maintenance of the project area described in Condition D.

7. Site stormwater ponds no closer than 100 feet from either nest and construct them when both nests are not in-use. Plant native pines and/or hardwoods and native groundcover around the pond to create, enhance or expand the visual vegetation buffer between construction activities and the eagle nests by planting appropriate native pines or hardwoods.

8. Retain the largest native pines and hardwoods for use as potential eagle roost or nest sites by preserving all native trees outside of the project footprint. Maintain and/or create, enhance or expand the visual vegetation buffer between construction activities and the eagle nests by planting appropriate native pines or hardwoods.

9. To the extent practicable, construction or associated project activities farthest from either eagle nest should occur prior to construction or associated project activities closest to either nest.

10. Down-shield all new permanent exterior lighting so that lights do not shine directly onto either eagle nest.

11. Follow state and federal guidelines, laws and label instructions at all times if using pesticides, herbicides, or other chemicals on property identified in Condition D.



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

12. If applicable, coordinate the design and construction or retrofitting of new and existing utility lines to be in compliance with the Avian Power Line Interaction Committee (APLIC) Guidelines found at www.aplic.org (<http://www.aplic.org>) to reduce the potential for any electrocution, collision and/or nesting of avian species.

H. Subpermittees.

1. Any person who is employed by or under contract to you for the activities specified in this permit, or otherwise designated a subpermittee by you in writing, may exercise the authority of this permit.
2. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Subpermittees must be at least 18 years of age.
3. Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.
4. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.
5. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.

I. Monitoring Requirements.

1. A qualified monitor is required to monitor eagle use of the nesting territory, which is defined as up to a 1.5 mile radius of the eagle nest identified in Condition D, on property that is legally accessible by you and where the activities outlined in Condition D occur. The monitor must be experienced in recognizing specific patterns and changes of eagle behavior, and employed by or contracted by the permittee, landowner, company or entity responsible for having the activity monitored. The monitor must also be as inconspicuous as possible, so not to cause a disturbance with their presence, and when applicable, a wildlife blind or viewing location out of direct sight of the eagles is recommended.

Monitoring must be conducted at a distance that allows for observation without an interruption in the eagle's normal breeding behavior. If eagles do not return to the nest at the location described in Condition D, you are required to monitor on adjacent property that is accessible by you to assess whether or not eagles nest, roost and/or forage at a new location.

If a new eagle nest is built on the property described in Condition D or within the nesting territory, you must report that new eagle nest location within 10 days to the Southeast Region Eagle Biologist. Additional monitoring and authorization may be required based on the new eagle nest location in relation to activities described in Condition D.



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

2. Monitoring must occur at a time of day when eagles are most likely to be in the area, (early morning, beginning ½ hour before sunrise, or late afternoon, beginning ½ hour before sunset). You must assess whether or not eagles return to the nesting territory as identified in Monitoring Requirements No.1 and continue to nest, roost and/or forage there, and/or if the eagles attempt to build or occupy another nest.

3. Once project activities have begun, including if construction activities have begun but are not occurring, monitoring is required annually to determine eagle nesting activity and/or nest failure. During each nesting season, no additional monitoring is required once eaglets have fledged from the nest or nest failure is documented.

The required monitoring period is:

- During each eagle nesting season, defined as October 1 through May 15, or when the nest is in-use; and
- For an additional (1) nesting season after project has been completed.

Monitoring must be conducted according to the following schedule:

Frequency	Schedule	Time	Time of Day
Once	November	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between December 15 and January 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Between February 15 and March 15	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	April	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	May	60 – 90 minutes	Begin ½ hour before sunrise or before sunset
Once	Every month after until fledging or nest failure is documented	60 – 90 minutes	Begin ½ hour before sunrise or before sunset

4. Monitoring reports must include the following information:

- Date and length of time Bald Eagles were observed;
- Time of day;
- Number and age of Bald Eagles observed (i.e. juvenile, immature, sub-adult, adult); if age is not known, provide description;
- Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- If a new eagle nest is built on or adjacent to your property, the new location and whether the eagles produced young at that site;
- If any eagle nesting attempt was successful, failed or the eagles abandoned the area; and
- A description of any human activity at the time eagles are observed during each month of the monitoring period (e.g. construction, road building, use of machinery, etc.).

J. Reporting Requirements.



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

1. You may use Form 3-202-15 (Eagle Take Annual Report) found online at www.fws.gov/forms/3-202-15.pdf (<http://www.fws.gov/forms/3-202-15.pdf>) to report monthly and annual Bald Eagle monitoring activities. Use of this form is not mandatory, but the same information must be submitted.
2. You must submit an annual report, Eagle Take Annual Report Form 3-202-15, to the Service summarizing the information you obtained through monitoring and include your monthly monitoring reports as an attachment by June 30 of each calendar year a report is required as follows:
 - a. Electronically to FW4eaglemonitoring@fws.gov (<mailto:FW4eaglemonitoring@fws.gov>). The email subject line for each report submitted must reference the permit number, project title or name, and month/year of report, and
 - b. Mailed to U.S. Fish and Wildlife Service Migratory Bird Permit Office, 1875 Century Boulevard, Atlanta, Georgia, 30345.

If no eagle activity is observed, a report indicating "no activity observed" is required.

If project activities were delayed or not conducted, an annual report indicating "no activities occurred" is required.

50 CFR 22.26 STANDARD CONDITIONS EAGLE TAKE (DISTURBANCE PERMIT)

All of the provisions and conditions of the governing regulations at 50 CFR part 13 and 50 CFR part 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. The standard conditions below are a continuation of your permit conditions. If you have questions regarding these conditions, refer to the regulations and forms, or to obtain contact information for your issuing office, visit:

<https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>
(<https://www.fws.gov/birds/policies-and-regulations/permits/permit-policies-and-regulations.php>).

1. This permit does not authorize you to conduct activities on federal, state, tribal or other public or private property without additional prior written permits or permission from the agency/landowner.
2. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit. Provisions for discontinuance of permit activity are outlined in 50 CFR 13.26.
3. You must maintain records as required in 50 CFR 13.46. Your records must also include the data gathered for monitoring and reporting purposes. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
4. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.47).



SHORT-TERM EAGLE INCIDENTAL TAKE

Permit Number: MB81938D

Version Number: 0

Effective: 2021-04-02 **Expires:** 2025-09-30

5. You must allow Service personnel or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected by your project activities, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s) while the permit is valid and for up to 3 years after it expires.

6. The Service may amend, suspend, or revoke a permit issued under this section if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspensions and revocation of Federal permits set forth in 50 CFR 13.23, 13.27, and 13.28 of this chapter.

7. To renew this permit if the activities described in Condition D have not been completed by the expiration date of this permit, permittee must meet issuance criteria at the time of renewal and must also have been in compliance with permit conditions, including all monitoring and reporting requirements of the original permit.

8. You may request amendment to your permit. The Service will charge a fee for substantive amendments made to permits within the time period that the permit is still valid. The fee is \$500 for commercial permittees and \$150 for non-commercial permittees (50 CFR 13.11(d)(4)). Substantive amendments are those that pertain to the purpose and conditions of the permits and are not purely administrative. Administrative changes, such as updating name and address information, are required under 13.23(c), and the Service will not charge a fee for such amendments. Requests for substantive amendment must be submitted via Form 3-220-71.

####

General ID: Large Eagle Nest

Notes:

From the ground level this appears to be the most recent nest construction.



Photo #

1

Date of Photograph:

01/14/2021

General ID: Large Eagle Nest

Notes:

When photo was taken from above a Great Horned Owl was documented using this nest. Center of the photo.



Photo #

2

Date of Photograph:

01/14/2021

**General ID: Smaller
recorded eagle nest**

Notes:
This nest is dilapidated.

Photo #	Date of Photograph:
1	01/14/2021



**General ID: Smaller
recorded eagle nest**

Notes:
Additional Photo of
dilapidated nest

Photo #	Date of Photograph:
2	01/14/2021



**General ID: One of several
homeless Camps**

Notes:

Photo #

1

Date of Photograph:

01/14/2021



General ID:
Homeless Camp

Notes:

Photo #

2

Date of Photograph:

01/14/2021



General ID: Dumping

Notes:

Photo #

1

Date of Photograph:

01/14/2021



General ID: Dumping

Notes:

Photo #

2

Date of Photograph:

01/14/2021



General ID: Wetland 2

Notes: Trash and refuse

Photo #

1

Date of Photograph:

01/14/2021



General ID: Wetland 2

Notes: Exotic species, Punk Tree dominant

Photo #

2

Date of Photograph:

01/14/2021



General ID: Wetland 6

Notes: Dumping

Photo #

1

Date of Photograph:

01/14/2021



General ID: Wetland 6

Notes: Exotic species

Photo #

2

Date of Photograph:

01/14/2021



**General ID: Open water with
fringe of Brazilian pepper**

Notes:

Cardinal Direction:

Photo #

1

Date of Photograph:

01/14/2021



**General ID: Landward side
of Open water with Brazilian
pepper fringe**

Notes:

Cardinal Direction:

Photo #

2

Date of Photograph:

01/14/2021



**General ID: Exotic species
Brazilian pepper and Fedilia**

Notes:

Photo #

1

Date of Photograph:

01/14/2021



**General ID: Dumping and
Exotic Species**

Notes:

Photo #

2

Date of Photograph:

01/14/2021



**General ID: Disturbed Land
– Off road vehicle use**

Notes:



Photo #

1

Date of Photograph:

01/14/2021

**General ID: Disturbed Land
– Off road vehicle use**

Notes:



Photo #

2

Date of Photograph:

01/14/2021