

**HERON CREEK**  
**FLORIDA SCRUB JAY**  
**& GOPHER TORTOISE**  
**ENHANCEMENT & MANAGEMENT PLAN**  
**In conjunction with 50' Row/Greenway**  
**Northport, Sarasota County, Florida**

**Prepared by:**

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## INTRODUCTION

In 1996, Heron Creek a.k.a. Marsh Creek Development submitted an ADA/DRI to the reviewing agencies to develop a residential, commercial, and golf course community. During the years of review, a family of the threatened Florida Scrub-Jay was identified and studied within the site.

This family is still present and is located in the extreme northwest corner of the site. Its territory is described approximately as being bordered on the north by the Snover waterbody, to the west by the Myakahatchee Creek, to the east by pine flatwoods, and to the south by Type II and Type III habitat. (Please see attached Exhibit "A" for approximate boundaries of territory).

Due to fire suppression, clearly the only habitat bordering the western property line of the Heron Creek that could be occupied by the birds is this identified territory in the northwestern portion of the site. This plan proposes to modify and enhance the existing territory along with restoring two more potential territories to the south (Please see Exhibit "A"). The existing territory and two southerly potential territories occupy both Heron Creek and The City of North Port lands.

It is the intent of the applicant, Heron Creek, to provide initial funding for the restoration and enhancement of all three territories as depicted in the following Scrub Habitat Restoration section of this report. Mr. James Beever of the Florida Game and Freshwater Fish Commission (FGFFC) has reviewed this proposed plan, now the Florida Fish and Wildlife Conservation Commission (FFWCC). It has also been discussed with Mr. Wayne Daltry of the South Florida Regional Planning Commission (SFRPC) and both agencies appear to be supportive of this plan as it provides the following benefits in association with the "Greenway Plan" as proposed:

- Direct visual contact for public with the protected Florida scrub-jay and gopher tortoises within a managed habitat. This public benefit complies with the spirit of the City of North Port's Bird Sanctuary Ordinance;
- Bike trails for public;
- Walking trail for public;
- Connection between Price and Appomattox for non motorized usage;
- Restoration of scrub habitats within private and public lands (to be funded by Heron Creek);

## **IMPLEMENTATION**

Via this plan, it is the intent of Heron Creek to modify the existing territory and proposed Master Plan without displacing the existing family of Florida scrub-jays. This modification is proposed in conjunction with the restoration and enhancement of the two potential Florida Scrub-Jay territories to the south. It is the intent of Heron Creek that the modification as proposed is to occur in conjunction with approvals by the SWFRPC, FFWCC, The City of North Port, and the United States Fish and Wildlife Service (USFWS). After approval by the reviewing entities, the Restoration/Enhancement/Management Plan for all three territories will commence and at completion the modification of the existing territory will occur.

## **MANAGEMENT UNITS:**

For the subsequent and perpetual maintenance of the territories areas, the applicant will maintain the existing territory in a manner suitable for the FSJ. In general, this includes maintenance of xeric vegetation at less than or equal to 10 feet, open spaces, bare sandy patches, and Best Management Practices.

## **SCRUB HABITAT MAINTENANCE:**

After the initial restoration phase, the woody shrubs (scrub oaks, Lyonia, etc) in the scrub habitat will be maintained at variable heights between one and three meters. Most of the height variability will occur naturally as soil conditions and the growth rate of different plant species varies.

When most of the oaks in a management unit surpass the three-meter threshold, they will be cut down/mowed, and the debris substantially removed mechanically or burned. It will be more beneficial to the ecosystem, and possibly more cost effective, if they burned the downed and dried cuttings where they lay. However, fire containment will have to be analyzed to determine the feasibility of burning the downed vegetation. An acceptable option to burning over a broad area would be to burn the vegetation in small scattered piles within the interior portions of the management unit.

## **SCRUB HABITAT RESTORATION**

Much of the scrub habitat in the existing territory and southerly territories is presently overgrown, due to fire suppression. To restore conditions more favorably to Florida scrub-jays, the territories will be mowed with a "tree cutter". This equipment is capable of cutting the hardwood trees and shrubs at or near ground level without significant disturbance to the soil and subterranean rhizomes. Any trees too large to be mowed with the tree cutter

will be hand cut with chain saws. Several widely scattered large oaks located on the periphery of the project will be left for acorn production.

The initial restoration mowing may be applied over the entire management area at the same time or at staggered timing intervals that transition into the maintenance treatments. If the management area is to be restored in phases, the areas to be treated will be prioritized chronologically depending on the height of the oaks, with the areas containing the tallest oaks being treated first. Areas containing oaks less than three meters will not require restoration treatment.

The downed vegetation will be removed, in order for the open sandy areas to be effective and to ensure that the duff does not alter soil conditions. The vegetation removal will be achieved in one, or a combination of several methods. The preferred method would be to burn the downed vegetation after it has a couple of weeks to dry. A fire containment plan will be needed to ensure protection of adjacent properties. Internal management area fire breaks would be created in a way that does not prohibit the regrowth of oaks within the break. Such a break can be created by raking rather than plowing the line to remove fuel. Another option which would effectively remove the downed vegetation would be to use a "root rake" to pile the duff in several large piles located within the management units. The raking equipment will be operated in a manner that causes little to no soil disturbance. The idea is to move the downed vegetation, not to remove or disturb roots. After being allowed time to dry, these piles could then be burned. Any remnant of unburned material would then be mechanically removed. In addition to the chemical benefits to the soil that burning creates, the localized intense fire from the piles should create adequate open sandy areas for Florida scrub-jay foraging.

A third option would be to remove all of the mowed vegetation with mechanical equipment. This option does not afford the naturally occurring benefits of fire and may also require additional mechanical treatment such as roller chopping after the downed vegetation is removed, to ensure adequate open sandy areas.

It is recommended that the initial restoration treatment be conducted between December and February. This period affords preferential conditions for burning, will reduce impacts to Florida scrub-jay acorn harvesting and nesting activities, and will allow a full growing season in the first year after treatment for the vegetation to recover.

If burning is deemed to be an inappropriate option the management unit will need to be treated mechanically. This can be accomplished by either hand cutting or mechanically mowing the overgrown vegetation with a tree cutting machine. If the oaks are cut by hand, they will be cut at or near ground level. It has not been demonstrated that periodically pruning the oaks from the top to an appropriate height will maintain all of the functions that the oaks provide to Florida scrub-jays. Pruned oaks will not have the same shape as an oak that has regrown from the ground and therefore may not have a limb and twig

configuration suitable for nesting or predator protection. It is critical during the maintenance phase that mechanical equipment operation within the management area does not create too many open sandy areas.

The Heron Creek Property Association will include in their by-laws/deed restrictions that free-roaming cats will be prohibited within the project. Free roaming cats shall be immediately reported to the City of North Port Animal Control for removal.

No management activity will be conducted within the management area during the March through July nesting season.

### **MAINTENANCE SCHEDULE**

Certified prescribed burn personnel or the Division of Forestry will attempt an initial burn, with a biologist present on site during the burn. Prescribed burn personnel will be advised of the sensitivity of the site and asked to minimize tree mortality prior to the start of construction based upon suitable conditions this winter. Fire breaks will be constructed to insure fire containment within the Management Area. In no case will plowing for burn containment occur within 50' of a Scrub Jay nest. If conditions for the initial burn are acceptable, necessary burn permits will be obtained from the Florida Division of Forestry.

A prescribed maintenance burn program will be implemented and it will not exceed more than 10-years between burns.

Southern territory I  
Southern Territory II  
Restoration territory  
Prescribed burn  
Prescribed burn  
Prescribed burn

### **GOPHER TORTOISE MANAGEMENT**

Gopher tortoise (*Gopherus polyphemus*)

During the initial DRI field analysis in 1995, a total of 19 active and 43 inactive gopher tortoise burrows were located on the subject property. The estimated number of tortoises on the site, utilizing approved Florida Fish and Wildlife Conservation Commission (FFWCC) calculation methodology is as follows: 19 active burrows and 43 inactive burrows x 0.3 = 18.6 tortoises. Much of the pine/scrub flatwoods on site have become less than optimal tortoise habitats due to exotic infestation that has led to a reduction in suitable forage habitats.

## **MANAGEMENT PLAN**

The following is a summary of the management activities planned for the gopher tortoise population on the proposed development site. The attached map contains the Florida Land Use Cover Classification System (FLUCCS) habitat classifications and locations of the tortoise burrows. An updated study will occur this fall and in subsequent years, until build-out.

### **PRE-DEVELOPMENT**

A gopher tortoise preserve area along with the scrub jay territories will be set aside within the development. This preserve area is comprised of pine flatwoods and xeric scrub which can be used for foraging and burrowing/nesting habitat.

All tortoise burrows within the development area will be excavated and captured gopher tortoises will be relocated to the preserve area.

Prior to excavation of the burrows, the preserve area will be fenced using chicken wire placed two feet above and two feet below ground level and angled inward as per FFWCC guidelines. The site will be re-surveyed no more than four (4) weeks prior to excavation. Each burrow will be examined utilizing a gopher tortoise scope to check for occupancy of gopher tortoise and listed commensal species (i.e., eastern indigo snake, gopher frog, etc.) Excavation will be conducted by an individual licensed by the FFWCC to relocate gopher tortoises. Recovered tortoises will be released into the preserve area into starter holes. The fencing around the preserve will be removed once heavy equipment construction and land clearing in adjacent areas has been completed to allow free roam of the entire site, including the adjacent indigenous preserve area associated with the office and retail/office parcels.

Heron Creek Property Association shall be responsible for complying with the Protected Species Management Plan. A qualified environmental professional shall be obtained by the Property Association for the purpose of implementing the provisions of the management plan.

A five (5) year annual monitoring plan shall commence on the date of the Final Development Order approval. A qualified environmental professional shall prepare and submit to the below listed agencies the annual monitoring report.

### **MONITORING METHODOLOGIES**

#### Scrub Jays

We will submit semiannual monitoring reports to the City of North Port, Florida Fish & Wildlife Conservation Commission (FFWCC), and the U.S. Fish & Wildlife Service during

the scrub Jay nesting and acorn-caching seasons for the first three years and then every 5 years thereafter. Scrub Jay surveys will follow the methodology outlined in the FFWCC "Ecology & Development-Related Habitat Requirements of the Florida Scrub Jay (April 1991). (As per the requirements of the City of North Port).

### Gopher Tortoise

An annual Gopher Tortoise monitoring program will be conducted with reports provided to the City of North Port, Florida Fish & Wildlife Conservation Commission, and the U.S. Fish & Wildlife Service. The monitoring report will include descriptions of gopher tortoise activity on-site and the native vegetation including oak height, aerial coverage of scrub oaks, percent cover of exotic species, and percent and umber of bare, sandy patches. The monitoring event will occur during the fall Scrub Jay Monitoring event. Based on the results of each vegetation an scrub jay survey, an assessment of management success must be provided in the monitoring report.

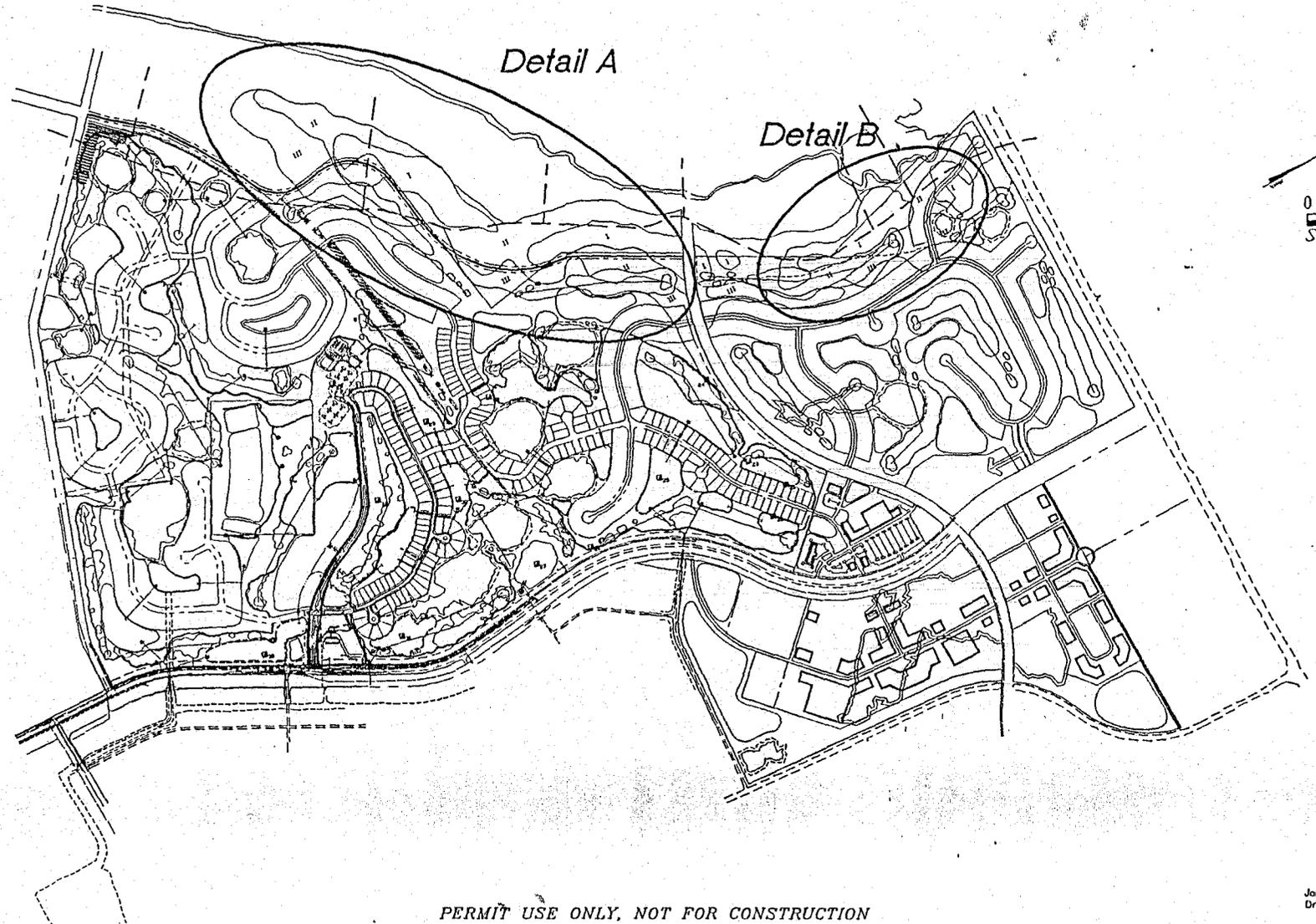
### CONCLUSION:

This plan will be a win-win situation for Heron Creek, The City of North Port, reviewing environmental agencies, the public, and the threatened Florida Scrub-Jay. We expect that two more territories will be created and occupied, along with the existing territory managed to avoid undesirable succession within the existing territory. Public access in conjunction with this plan will assist in public awareness.

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ION: 20,21,22,28,29  
SHIP: 39 S  
GE: 21 E

### Exhibit A



PERMIT USE ONLY, NOT FOR CONSTRUCTION

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Drawing: NLG8VIEW.DWG (DCS)

Heron  
Creek

Scrub Jay Habitat  
Modification / Restoration

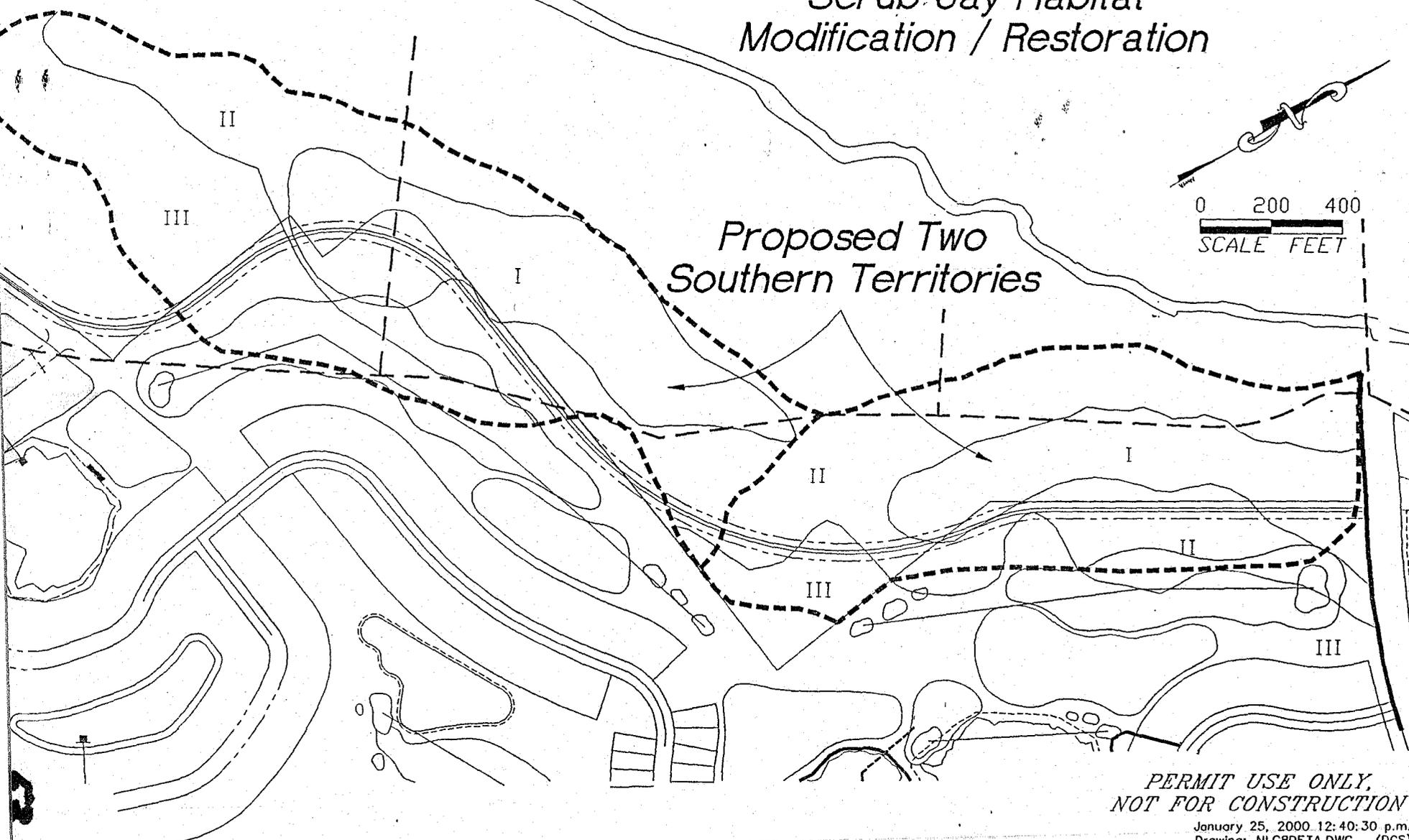
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SECTION: 20,21,22,28,29  
TOWNSHIP: 39 S  
RANGE: 21 E

*Exhibit A*  
*Detail A*  
*Scrub Jay Habitat*  
*Modification / Restoration*



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Heron  
Creek

SHEET

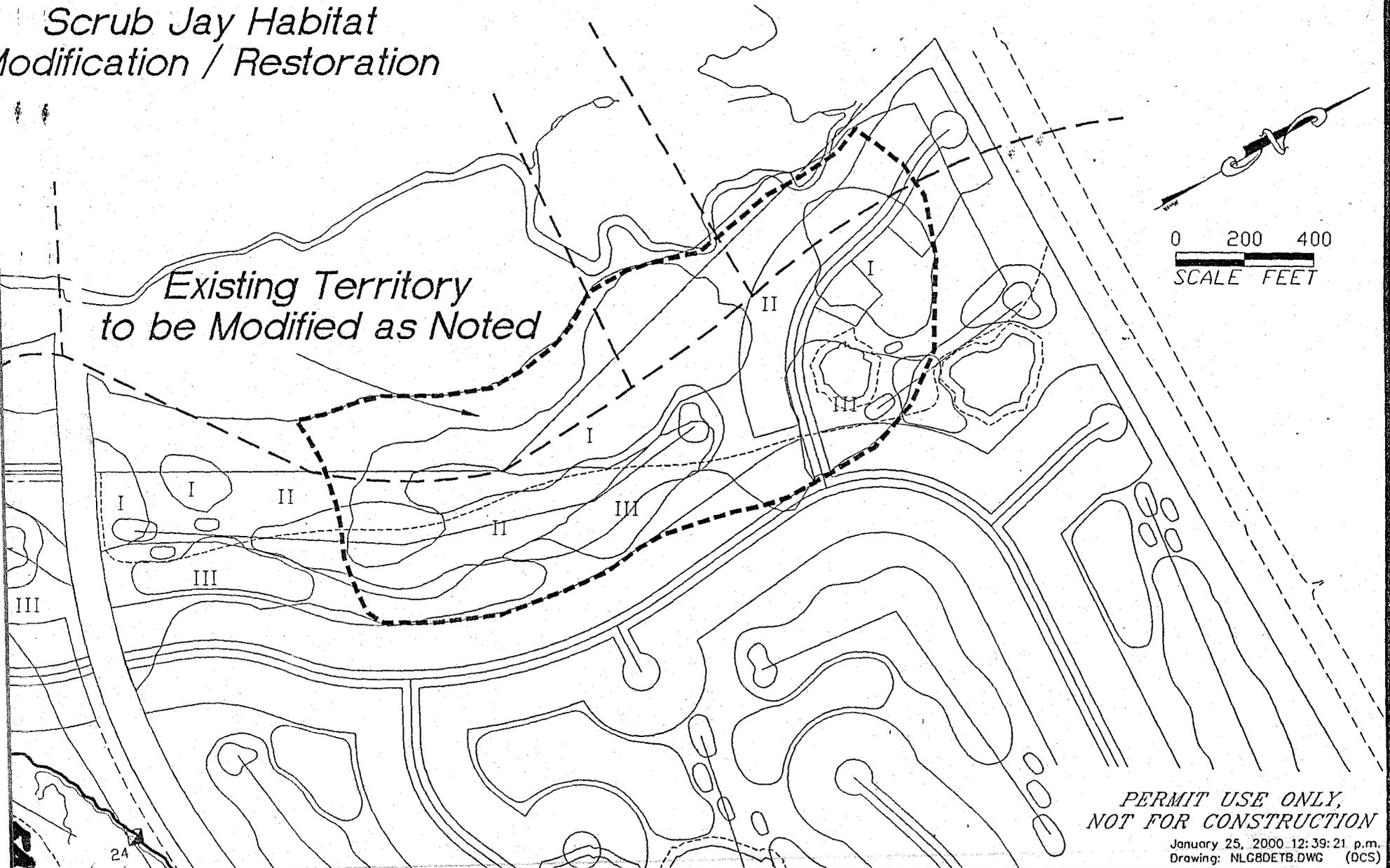
*Exhibit A*

*Detail B*

*Scrub Jay Habitat*

*Modification / Restoration*

SECTION: 20,21,22,28,29  
TOWNSHIP: 39 S  
RANGE: 21 E



*Existing Territory  
to be Modified as Noted*

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