

Memorandum



Date: November 7, 2022

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Preservation of Calusa Rookery Pursuant to Resolution No. Z-34-21 -
Z2021000031, Kendall Associates I, LLLP, located at 9400 SW 130th Avenue

On November 27, 2021, I issued a memorandum regarding the Calusa Golf Course Rezoning application. The memorandum outlined key actions that the County would implement to protect any State or federal listed species utilizing the lake island within the southern portion of the subject site. Staff from the Department of Regulatory and Economic Resources' Division of Environmental Resources Management (DER-DERM) was directed to observe the developer's environmental field reviews and to also conduct independent surveys. These independent surveys were in addition to the surveys the developer was required to conduct pursuant to the zoning approval (Resolution No. Z-34-21). The surveys were conducted over a 6-month period commencing in the spring.

Over the relevant six-month period, DERM staff documented state-listed-threatened tri-colored herons (*Egretta tricolor*) nesting on the island and observed a total of six tri-colored herons from three separate nests having been successfully reared within the island (see attached Inspection Report). The results of the wildlife surveys are conclusive: tri-colored herons are nesting within this island and using it as a rookery. Therefore, pursuant to Condition No. 8 of Resolution No. Z-34-21 and the CDMP, the rookery is required to be preserved, and the developer is required to modify the proposed development plan to accommodate preservation of the roosting and nesting habitat.

The developer is now required to submit a plan, for DERM's review and approval, demonstrating "how the nesting, feeding, and roosting habitat of the little blue heron, the tricolored heron, and any other Federal or state threatened or endangered species will be protected and buffered from the proposed development," "ensur[ing] that further degradation of such habitat is not authorized," and demonstrating "how County designated species shall be conserved." DERM will further require that this plan include a covenant running with the land or similar instrument acceptable to DERM, to ensure that all future owners will abide by these requirements unless and until the Board of County Commissioners modifies Resolution No. Z-34-21.

At this time, the developer has submitted an application for a Tentative Plat (an initial subdivision approval) which is under review and will be required to comply with the conditions of Resolution No. Z-34-21.

I am pleased that the County was able to confirm the presence of this species and fulfill its commitment to area residents. Please do not hesitate to contact me should you require any further information.

Attachment

c: Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Lourdes M. Gomez, RER Director
Yinka Majekodunmi, Commission Auditor
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Basia Pruna, Director, Clerk of the Board

Division of Environmental Resources Management

Natural Resources Division

Tree and Forest Resources Section

Inspection Report

Date: August 31, 2022

Subject: RER-DERM Calusa rookery island surveys from March 2022 through August 2022 for Z2021000031, Kendall Associates I, LLLP, located at 9400 SW 130th Avenue

In response to the approval of the Zoning application Z2021000031 and Mayor Levine Cava's memorandum dated November 21, 2021, DERM staff conducted twelve (12) wildlife surveys at the subject site over the course of March 2022 through August 2022 to document the presence of state or federally listed bird species nesting and roosting onsite.

Background

The Calusa rookery is located on an approximately 0.28-acre man-made island within a 3.8-acre man-made lake at the southern end of the former Calusa golf course (folio # 30-5902-000-0010). The island is heavily dominated by the invasive exotic Brazilian pepper (*Schinus terebinthifolius*) tree, but also contains at least two native strangler fig (*Ficus aurea*) trees. The state listed threatened tri-colored heron (*Egretta tricolor*) and little blue heron (*Egretta caerulea*) were observed within the island and foraging along the edges of the lake containing the island during inspections conducted by DERM staff in October 2021 and January 2022.

Department staff joined the developer's consultants during their monthly surveys (total of 6) between March 2022 and August 2022. In addition, Department staff conducted six (6) additional surveys during the same timeframe to document the presence of any state or federally listed threatened or endangered birds potentially using the island as a rookery (breeding colony) or nesting site. A total of twelve (12) surveys were conducted, nine of which occurred in the morning and three in the evening to best observe the roosting habits of the breeding colony.

Observations

The state listed threatened tri-colored heron was observed on the island in breeding plumage during eleven (11) out of the twelve (12) surveys. No more than four (4) adult birds in breeding plumage were observed at a time during any of the nesting season surveys. Tri-colored heron nests, potential nests, and nests with eggs were observed in several locations along the western side of the island from the April 28, 2022, survey through the June 29, 2022, survey, however these nests were abandoned, and rearing of hatchlings was not observed.

A new tri-colored heron nest with an egg was observed at the southern side of the rookery during the July 13, 2022, survey. A pair of adult birds with breeding plumage were observed caring for this nest. The July 27, 2022, survey revealed that this nest contained a total of 3 tri-colored heron eggs. Two (2) tri-colored heron chicks were observed on this nest during the August 16, 2022, survey. The August 29, 2022, survey revealed that the two (2) chicks were no longer on the nest but were being successfully reared in nearby tree branches within the rookery.

A total of four (4) fledgling tri-colored herons that had not been previously observed were seen during the July 27, 2022, survey. The four (4) fledglings were observed in 2 pairs, one pair at the west side of the island and one pair at the south side of the island. Each pair of fledglings were more than likely nestmates/siblings and therefore came from 2 separate nests. The nests where these birds hatched from

nor their rearing were ever observed, and therefore surmised that these nests were in the interior of the island and not visible due to the dense Brazilian pepper.

The early months of the nesting season revealed that native bird species such as great white egrets (*Ardea alba*) and anhinga (*Anhinga anhinga*) successfully reared chicks and numerous fledglings of these two (2) species were documented during the rookery surveys. The non-native cattle egrets had a particularly successful nesting season as approximately 5 dozen nests were documented during one of the surveys. 10-12 dozen adult birds were documented within the island during the June 2022 surveys and the average cattle egret nest contained 2-3 chicks.

The favored location of all the nesting birds was Brazilian pepper branches, particularly branches that were near the water, and located at the western and southern sides of the island. Cattle egret nests were however also observed at the north and eastern sides of the island and cattle egret, anhinga, and great white egret nests were also observed on the strangler fig trees.

White ibis (*Eudocimus albus*) were documented in a large communal roost (approximately 20 dozen birds) within the rookery during the evening inspection on June 15, 2022. White ibis were not observed nesting on the island during the twelve (12) inspections, but they were frequently observed in smaller numbers either roosting within the island or foraging along the edges of the lake.

The March 2022 through August 2022 nesting season surveys revealed that the native great white egret and anhinga, and the non-native cattle egret are using the island as a rookery.

The state listed threatened little blue heron was not observed nesting on the island, but the state listed threatened tri-colored heron did nest on the island and a total of six (6) tri-colored herons from three (3) separate nests were successfully reared within the island. The results of the wildlife surveys are conclusive that tri-colored herons are nesting within this island.

Conclusion

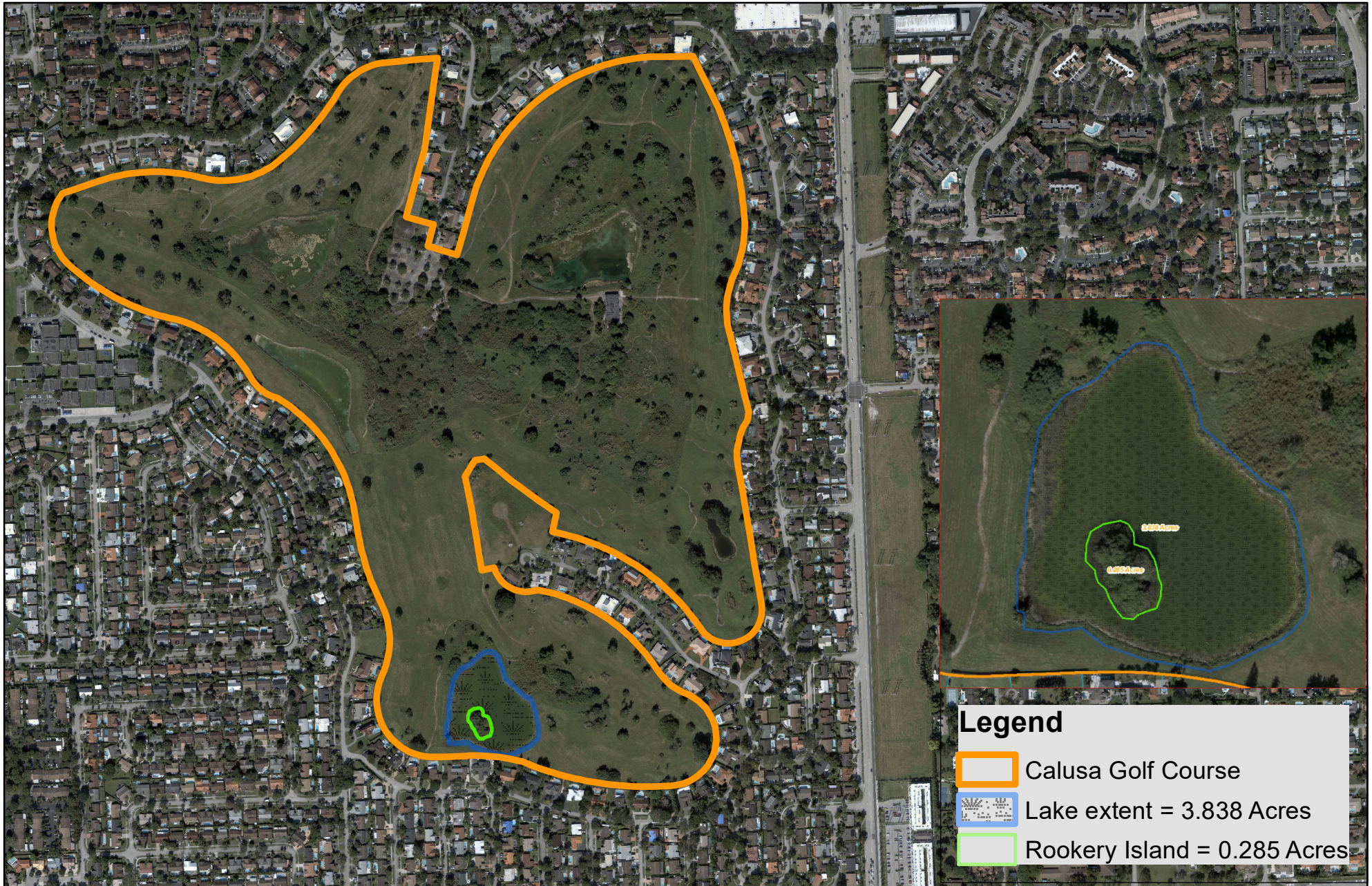
Objective CON-9 of the Comprehensive Development Master Plan (CDMP) policies related to the nesting, roosting, and feeding habitats used by federal or state designated endangered or threatened bird species states the following:

CON-9B. All nesting, roosting and feeding habitats used by federal or State designated endangered or threatened species, shall be protected and buffered from surrounding development or activities and further degradation or destruction of such habitat shall not be authorized.

CON-9C. Rookeries and nesting sites used by federal or State designated endangered or threatened species shall not be moved or destroyed.

Based on the conditions of Zoning approval Z2021000031 as well as the provisions of CON-9B and CON-9C of the CDMP, the applicant is required to submit a plan for DERM's review and approval demonstrating how the nesting, feeding, and roosting habitat of the little blue heron, the tricolored heron, and any other Federal or state threatened, or endangered species will be protected and buffered from the proposed development and to ensure further degradation of such habitat is not authorized. The plan shall also demonstrate how County designated species shall be conserved.

Attachments: Calusa Rookery Map and Field Inspection Photos



**Calusa Golf Club (Kendall Associates I, LLLP) located at
9400 SW 130 th AVE, Miami-Dade County, FL. Folio# 30-5902-000-0010.**



1 inch = 670 feet



2021 Woolpert Aerial
Author: Luis Moreno
Date Saved: 8/10/2022

Copyright Notice and Disclaimer:
"This map/data is a conceptual
planning level screening tool and is
NOT INTENDED TO BE USED TO
DETERMINE THE EXACT LOCATION
OF TREE RESOURCES"
or for regulatory purposes.
Coordinate System:
NAD 1983 StatePlane Florida East FIPS 0901 Feet



April 13, 2022 – Great white egret chicks were the first hatchlings observed within the Calusa rookery during the 2022 nesting season.



April 28, 2022 – Three (3) anhinga chicks and an adult female anhinga. Anhinga and great white egret were among the first to nest.



June 15, 2022 – Two (2) tri-colored heron in breeding plumage at west side of rookery.



July 13, 2022 – Tri-colored heron were often observed foraging along the edges of the lake containing the Calusa rookery.



July 13, 2022 – Tri-colored heron nest with 3 eggs observed at the south side of the Calusa rookery.



July 13, 2022 – Nest with three (3) great white egret chicks.



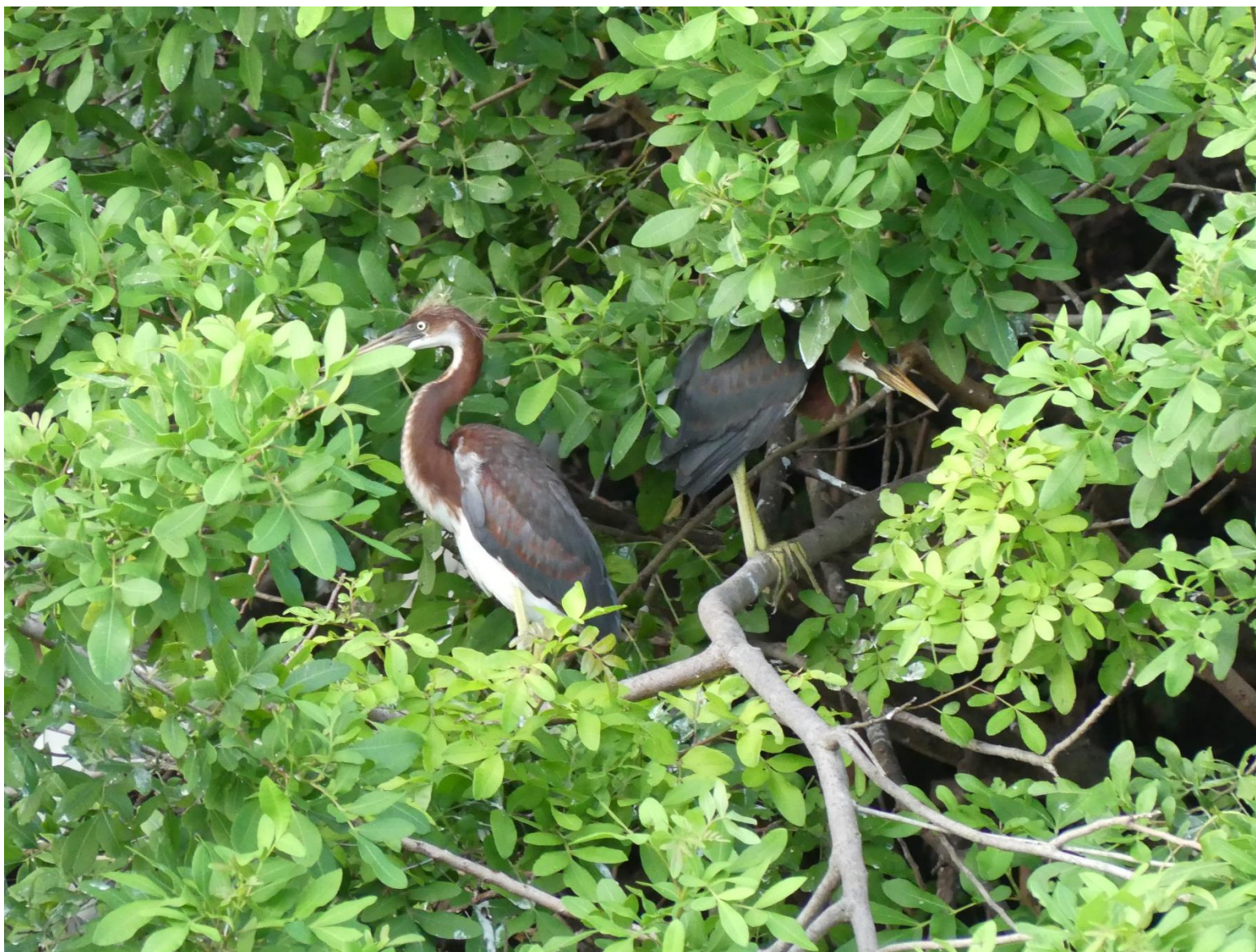
July 27, 2022 – Pair of tri-colored heron fledglings at the south side of the Calusa rookery.



July 27, 2022 – 2nd pair of slightly older tri-colored heron fledglings at the west side of the Calusa rookery.



August 16, 2022 – Two (2) tri-colored heron chicks on the nest that was observed on July 13, 2022, containing 3 eggs.



August 29, 2022 – The Two (2) tri-colored heron chicks observed on August 16, 2022 have left the nest.



August 29, 2022 – View of the Calusa rookery during an evening survey. Birds observed consisted primarily of a communal roost of approximately 400 white ibis.