



August 12, 2020

Ms. Sherie Lindh  
LPG Urban & Regional Planners, Inc.  
1162 Camp Avenue  
Mount Dora, Florida 32757

**RECEIVED** City of Leesburg  
08/12/2020  
Sunnyside Lake Land Holdings, LLC  
ANNX-19-220  
LSCP-19-221  
PUD-19-222

Re: Sunnyside Landing  
SEI File No. 826.01.19

Dear Sherie:

I have reviewed the email from Mr. Mark Arney dated July 29, 2020, who apparently lives near the Sunnyside Landing project (Cenizo Ventures LLC) that is located on Sunnyside Drive in Leesburg, FL. In his email he makes reference to a pair of eagles that have returned to roost and raise their eaglets in a nest located on Sunnyside Drive across the street from the Cenizo Ventures property. The nest that he refers to in his email, FWC Nest No. 005 (latitude 28.80433 and longitude -81.82650) is listed by the Florida Fish and Wildlife Conservation Commission (FFWCC) as Last Known Active date 2017. It should be pointed out that bald eagles don't nest this time of year and the eaglets from last nesting season, had this nest been used, would have fledged by now.

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 (F.A.C. 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. Under FFWCC's new management plans, buffer zones are recommended based on the nature and magnitude of the project or activity. The recommended buffer zone is 660 feet or less from the nest tree, depending on what activities or structures are already near the nest. A FFWCC Eagle permit is not needed for any activity occurring outside of the 660-foot buffer zone. In most case, but not all, no activities are permitted within 330 feet of a nest during the nesting season, October 1 through May 15, or when eagles are present at the nest.

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Current USFWS Bald Eagle Management Guidelines state that if there is sufficient natural or man-made landscape buffers between the proposed construction site and the nest preventing a visual connection between the two and the clearing and external construction that is to occur is more than 660 feet from the location of the nest, then there are no restrictions during breeding season (October 1 through March 15). The current Concept Plan for the Sunnyside Landing project shows an Open Space area between the nest location and the lots located in the northeast corner of the subject property. Biologists from Stillwater Environmental, Inc. (SEI) have surveyed the nest in question several times over the past year and a half and observed that the nest was in extreme disrepair and had not been used for the past couple of years. It will be surveyed again this fall by biologists from SEI during the nesting season and again prior to any construction activities on the subject property.

Mr. Arney also makes reference to a gopher tortoise burrow near this location. Gopher tortoises are listed as threatened by the FFWCC and are protected by state law Chapter 68A-27 and Chapter 39-27.002(4) Florida Administrative Code. The gopher tortoise is found throughout Florida. If a gopher tortoise is observed, or signs of the tortoise such as burrows are observed, their presence must be addressed prior to on-site construction activities. The FFWCC is the state agency responsible for overseeing the management of this species.

Prior to the initiation of any construction activities on the Sunnyside Landing project site, a 100% survey will be conducted and the appropriate gopher tortoise relocation permit from the FFWCC will be obtained and any tortoises that will be affected by the proposed project will be relocated.

Stillwater Environmental, Inc. appreciates the opportunity to provide you with our services. Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,  
STILLWATER ENVIRONMENTAL, INC.



Timothy J. Talbot  
Environmental Professional