

## Port Orange Critical Wildlife Area



Agenda Item 10 - Final Public Hearing  
December 6, 2017



Florida Fish and Wildlife Conservation Commission

This document summarizes a proposal to establish the Port Orange bird colony in Volusia County as a Critical Wildlife Area. Staff presented background information on this proposed site at the April, June and September 2016 Commission meetings. This site was not included in the CWA approvals at the November 2016 Commission meeting due to unresolved questions regarding ownership at that time. Here we provide an update and proposal for establishment.

Division: Habitat and Species Conservation

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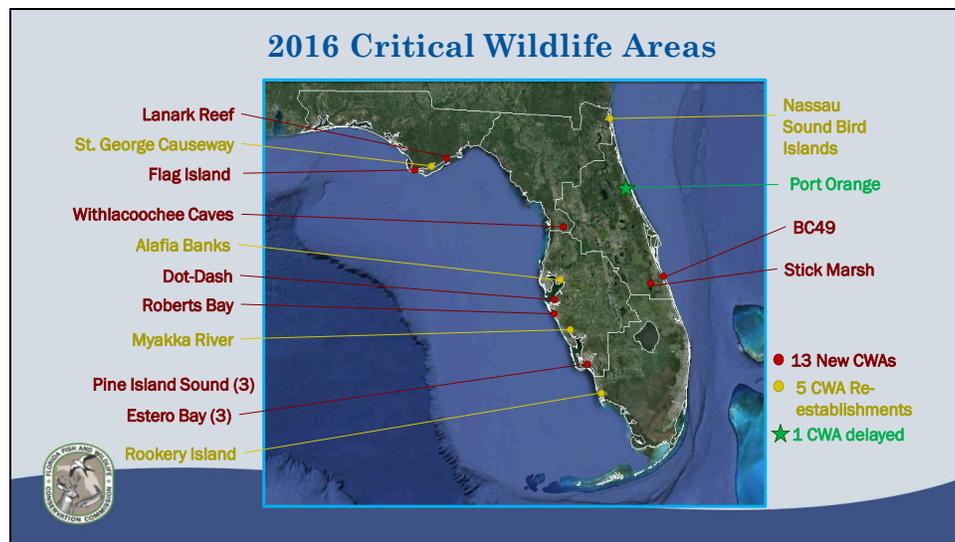
Report date: December 6, 2017

## Critical Wildlife Areas

- Established under the Florida Administrative Code (68A-19.005 F.A.C.)
- Protect important concentrations of wildlife during critical life stages, such as breeding or migration
- Necessary to minimize human disturbance
- Must be supported by landowner
- Posted areas are closed to public access



CWAs are specific sites designated by the Florida Fish and Wildlife Conservation Commission (FWC) to protect places where wildlife congregates to breed, nest, roost, and feed. The areas are approved by the Commission and designated through an establishment order signed by the Executive Director.



In 2016, FWC and partners undertook an initiative to identify sites with important congregations of wildlife and human disturbance, and explore the establishment of Critical Wildlife Areas at those sites. Staff and partners identified 19 sites to consider for CWA establishment or re-establishment, and presented these sites to the Commission in June and September. In November, the Commission approved re-establishment of 5 existing sites and 13 new sites. Port Orange, included in the original proposal, was not included in the November approval because staff were continuing to work with the Florida Department of Environmental Protection and the Florida Inland Navigation District to confirm ownership of the island.



## Port Orange

- Located in Port Orange, Volusia County
- Ownership confirmed as state lands
  - Letter of consent provided from the Florida Department of Environmental Protection



Known as Port Orange Colony, the island is close to Dunlawton boat ramp. Disturbance is an ongoing issue as boaters pull their boats up to the island and walk around on the island and exposed flats, which can flush nesting birds, leading to overheating and increased predation of chicks and eggs.

Port Orange CWA was included as one of the proposals in the 2016 CWA package, but questions regarding ownership were not resolved prior to the November 2016 Commission meeting. Staff continued to work with partners, and the FDEP confirmed that the State of Florida had ownership of the island and surrounding submerged land. Staff also engaged with FIND prior to the November 2016 Commission meeting to ensure that the proposed closure period and boundary would not conflict with navigation, and continued to work with FIND and the Army Corp of Engineers to develop agreements to ensure that the CWA establishment will not prevent future navigation or channel management activities.

Photo by Volusia County Env. Management

## Important Bird Use – 2017 Nesting Observations



**Brown Pelican**  
200+ nests



**American  
Oystercatcher**  
*State-threatened*



**Tricolored Heron**  
*State-threatened*



Nest monitoring has been conducted since 2010 by Volusia County, Audubon, and volunteers.

This site is one of the largest brown pelican breeding sites on the Atlantic coast. Hundreds of pelicans are typically staging and roosting on the island at the beginning of the year with nest building and courtship starting in mid-March. Great egrets and other wading birds start nest building in January. State Threatened species such as the American oystercatcher and the tricolored heron also nest on the island.

### 2017 Peak Nesting Counts (# nests/species)

Brown Pelican – 212

American Oystercatcher - 1

Great Egret - 11

Snowy Egret - 2

Cattle Egret - 1

Double-crested Cormorant – 5

Tricolored Herons – unknown (interior nests), 9 fledglings observed this year

Brown pelican and American oystercatcher photos by Carol Rizkalla, FWC; tricolored heron photo by Alex Kropp, FWC.

## Port Orange – June 2016 Proposal

- Posted buffer and boundary (red)
  - 50 – 150 feet
- Year-round closure



At the June 2016 Commission meeting staff proposed a buffer that was 50-150 wide around the island and a year round closure period.

## Port Orange – December 2017 Proposal

- Posted buffer and boundary (red)
  - 10 - 150 feet
  - Consistent with FIND request
- Seasonal closure
  - January 1 - August 31



### NEW Establishment

**Ownership:** State of Florida, Division of State Lands

**Birds:** pelicans, snowy egret, little blue heron, tri-colored heron, cormorants, great egret, white ibis, great blue heron, American oystercatcher

**Acreage:** 1.86 acres uplands, 1.88 acres of water

**Changes from original proposal:** Move north buffer to match existing signage ~25 feet off north shoreline, and proposal was also modified based on input from Florida Inland Navigation District to minimize encroachment into ICW right of way on the east side of the island. Changed to seasonal closure.

**Justification:** The brown pelican was recently removed from the Species of Special Concern list, but is included in the Imperiled Species Management Plan to ensure that it does not need listing in the future. During the 2010 status review it was noted that the species has declined outside of Florida, and threats still exist. The Species Action Plan for the brown pelican includes protection of nesting sites to maintain stable populations and prevent re-listing the species in the future. American oystercatchers, a state Threatened species with documented declines, use the less vegetated portions of the islands for nesting. Although the recommended buffer distance for this species is 300 feet, the location of the island next to the ICW makes this buffer too large for safe navigation and it has been modified for protection and navigation. Snowy egrets, great egrets, and great blue herons are all identified as Species of Greatest Conservation Need, and actions to protect the brown pelican and the American oystercatcher will also protect these species.

## Staff Recommendation

### Approval to establish the Port Orange bird colony site as a Critical Wildlife Area

- Authorize the Executive Director to issue an Establishment Order setting the boundaries and closure period pursuant to 68A-19.005, Florida Administrative Code



Staff recommends the Commission approve establishment of the proposed Port Orange Critical Wildlife Area and authorize the Executive Director to issue the appropriate establishment order.

FWC Photo by Carol Rizkalla

The following slides are considered backup material  
and are not anticipated to be part of the actual  
presentation



## 68A-19.005 F.A.C.

- (1) The general regulations for critical wildlife areas shall be as follows:
  - (a) Areas in which regulations are to be enforced shall be posted as a "Critical Wildlife Area" to provide due notice as to the identity and status of the area.
  - (b) The take of fish and wildlife is prohibited within any area posted as a critical wildlife area, except as authorized in the order establishing the critical wildlife area.
  - (c) Public access, including vehicles, vessels and dogs, is prohibited within areas posted as "Closed to Public Access."
  - (d) Dogs are prohibited within areas posted as "Dogs Prohibited."
  - (e) The Executive Director may issue permits authorizing access for scientific or conservation purposes to a critical wildlife area where public access is prohibited. Persons so authorized must possess a copy of the authorization when engaged in such activities.
- (2) Regulations for any specific critical wildlife area that differ from the general regulations set forth in this rule shall be established by the order establishing the critical wildlife area.



## 68A-14.001 F.A.C.

Whenever the Commission establishes an area to be a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; or a miscellaneous area, it shall do so by an establishment order.

- (1) The establishment order shall recite, at least, the following:
  - (a) The legal description of the area to be established.
  - (b) Any terms and conditions under which the area is established.
- (2) An establishment order or subsequent executive order may create special regulations for an area established pursuant to this section, notwithstanding regulations for the wildlife management area, wildlife and environmental area, fish management area, public small game hunting area or miscellaneous area within which it occurs. Such regulations shall be noticed by posting on the area and by electronic media.
- (3) The establishment orders shall be kept by the Commission in its headquarters office and lists of all orders establishing an area as a wildlife management area; a wildlife and environmental area; a wildlife refuge; a bird sanctuary; a restricted hunting area; a critical wildlife area; a fish management area; a Commission managed shooting range or a miscellaneous area shall be kept by the Commission in its headquarters office and shall be available to the public for inspection.
- (4) Small Game.....
- (5) No critical wildlife area shall be established without the prior concurrence in such designation by the owner of the property wherein the area will be situated.
- (6) A critical wildlife area may be established by order of the Executive Director, with prior concurrence of the Chairman of the Commission, when there is an imperative need that an important aggregation of fish or wildlife be protected as quickly as possible. Critical wildlife areas shall be established in this manner for a specified period of time that shall not exceed 180 days unless extended by approval of the Commission at a regularly scheduled public meeting.

