



**Meeting Minutes of the Estero Bay Agency on Bay Management
February 9, 2009**

Attendees:

Dr. Nora Demers	RGMC
Ellen Peterson	Calusa
Cullum Hasty	FLCV
Tom Babcock	SWFRPC/Town of Fort Myers Beach
Harry Gottlieb	Fort Myers Beach
Jennifer Hecker	Conservancy of Southwest Florida
Pete Quasius	Audubon SWF/Collier
Church Roberts	JEI
Karen Bickford	Lee County INR
Lisa Beever	CHNEP
Cheryl Clark	DEP
Renee Duffy	DEP South
Paul O'Connor	Lee County
Brenda Brooks	CREW
Jack Meeker	Estero
Vernon M. Johnson	Wilson Miller
Laura Miller	League of Women Voters
John Yarobrough	Lee County
David Ceilley	FGCU
Heather Stafford	DEP-EBAP
Whitney Gray	SWFRPC
Jeff Mielke	Lee County Sports Authority
Win Everham	FGCU

Agenda Item #1 - Call To Order

Chairman O'Connor called the meeting to order at 9:37 a.m.

Agenda Item #2 - Attendance

Chairman O'Connor requested that everyone sign-in on the sign-in sheet.

Agenda Item #3 – Additions, Deletions or Corrections

Chairman O'Connor asked if there were any additions, deletions or corrections. No additions, deletions or corrections were made.

Mr. Gottlieb said letter on San Carlos project should be included in the emerging issues.

Agenda Item #4 - Minutes of January 12, 2009

MOTION BY MR. QUASIUS AND SECONDED BY MR. HASTY TO APPROVE THE MINUTES OF JANUARY 12, 2009. MOTION CARRIED UNANIMOUSLY.

Agenda Item #5 – Presentation on Red Sox Stadium

Mr. Jeff Mielke, Director of Lee County Sports Authority, said that he understood the original intent was to discuss sites. With the Selection Committee not having picked sites, he wanted everyone to understand benefits of spring training. Four or five years ago, the county felt a spring training team was important. The Governor decided at the time it was important enough to open up state funding. The economic impact was large enough. Before the Red Sox discussion took place, we decided if we needed to come up with a cluster of teams.

We saw more and more teams leaving for Arizona. Now there are 15 here and 15 there. In Lee County, we are on the outskirts of team activities. We needed to come up with a cluster of successful teams by retaining the two teams we had and possibly bring another team in.

They could play each other the entire spring training season and not leave town and save travel time. We wanted to set up successful cluster of teams such as in Phoenix. It would save them driving to Tampa. Arizona would never be able to take teams away from southwest Florida. In essence, with the Red Sox having a new facility somewhere the Red Sox will be here for 30 years with no out-clauses and the Twins will be here until 2020 with two 5-year clauses. For a new team we will seek a 15-year contract. There are detractors and proponents of spring training and there will always be. Our job is to bring in sports events during the non-peak season when tourism is not at its peak.

The three baseball facilities that we manage generate 159 days of events. We are allowing children to stay home and play in events locally and mostly youth events, scouting showcases, national championships, state qualifiers, etc. The arguments that people make that “why are we spending so much money on a facility that is only going to be used in the month of March?” is not true. Because the Red Sox don’t have a level A minor league team because of the territorial rights of the Fort Myers Miracle, that facility doesn’t have that much activity going on and is used for youth baseball center. The Red Sox generated 34,000 hotel room nights, \$20 million in economic impact and 95 event days. The Visitor & Convention Bureau is conducting a 30 day long economic impact study. Dr. Jackson of FGCU is working with us on this. This season we are going to measure the economic impact of the Red Sox and Twins for this community. There have been a lot of comments on the proposed sites. The Site Selection Committee will hear on February 25 and 26th the presentations from the various possible sites. There was a state study done in 2000 - \$24.9 million generated on an average for their community for each team.

A lot of interest groups have already expressed their opinion. We will become involved when the site has been selected.

Dr. Everham asked about the total economic impact and asked who could talk to about how numbers are gauged. He asked if this was based on a formula on the number of nights and how far they come. Mr. Mielke said they were his numbers.

Discussion ensued about parking at Hammond stadium. Mr. Mielke said it is a challenge and we have had discussion with Twins on how to continually improve their operations and make their operations state of the art and we are continually looking at solutions.

Discussion regarding the Orioles, Red Sox and the Miracle teams, and the clustering and protecting of minor league baseball. It is an incentive not to cluster due to other single A teams not being able to play here unless get an official approval from the Miracle.

Dr. Everham said that he very hopeful about economic stimulus of this project. Concerned that we are willing to trade off immediate economic gain for long term degradation. From a practical standpoint, it is good to evaluate environmental concerns.

Mr. Mielke said that everyone is aware of environmental issues. We are held to definite timelines with the Red Sox.

Mr. Yarobrough said concerns are legitimate. Community Development have already had a ton of input on criteria as far as environmental concerns that will need to be considered. We want to get right and the Red Sox do not want a lot of controversy over a bad site. They want a certified green facility. No one will try to ignore them and he stated that he did not feel this would happen.

Dr. Demers asked how we could find out how the committee will decide or how the selection will go from 9 to 3 sites.

Mr. Yarbrough suggested asking them or by looking at the letter of interest put out by Lee County which lists criteria. Dr. Demers said that it doesn't rank or weight criteria or how the decision will be made.

Mr. Yarbrough said this could make it more difficult than it is and would depend on environmental impact that a facility will have on whatever piece of property is there. There are two sites being offered for donation, but the committee is aware that this doesn't necessarily mean it is the right site because it is free. It will be a blend of all the important aspects to make it successful not only for the community as far as transportation issues, but how the county is the steward of the environment they are building in. We could make it more complicated than it is. The financial impact will have an impact – there are two sites being offered for donation, but the committee is aware that just because it is free doesn't mean it is the right site if can't get to it or is environmentally sensitive.

Mr. O'Connor said that the County had gone through an established policy. There is no specific criteria because it covers such a vast array of what would be coming in. There has been a fact finding committee which had done a study. Site selection committee pared 15 sites down to 9. The site committee will hear formalized presentations from the possible site developers on

February 25th and 26th - four one day and five the next. The county has issued the list of questions. There will be a question and answer period. The committee ranks the sites. The ranking will go to the BOCC which will establish the site and then the contract negotiation stage will begin. The county does not want to pick a site that will take three years to be permitted as the stadium has a contract that it must be opened by 2012. The environmental impact of the site will be important as they will have to go through a permitting process.

Discussion ensued on adjusting weighting and the site selection committee opening meeting up to public comment and list of questions.

Mr. O'Connor said that as part of the fact finding committee we did put together a matrix which lists the issues and concerns that the fact finding committee found is available. Talk to Joan LaGuardia at Community Development is our public resource person. Put information into spreadsheet. The SWFRPC put together an analysis of each of the university sites.

Dr. Everham said if you take nine and get down to two or three, it might be nice to open up that process. We might want to discuss ABM weighing in on that site selection process and doing our own kind of ranking. Sometimes a committee does decide to do a matrix.

Mr. O'Connor said might want to go through a third analysis, but it is up to the selection committee.

Ms. Hecker recommended that the site selection committee members should be added to the letter. She had spoken to Mary Gibbs and it is appropriate to correspond via writing.

My understanding is that we might want to reconfirm the motion

Mr. Heatherington began discussion on the responsibilities and funding for the ABM. Letters will have to come before Council for approval. Dr. Demers said letter was about eliminating Edison Farms letters and whether we are allowed to write letters that have to go to SWFRPC.

Dr. Everham said what we include in the letter becomes really important. He stated that he would like clarification.

Mr. Heatherington said that it is a difficult issue. As you are well aware, the DCA has gone through a number of rescissions. In the past, the DCA as one of the signers of the stipulated agreement, took some of the responsibility for the ABM and anything done chargeable to the state. This is no longer in effect. In Paragraph 5, after completion of the Arnold Committee, the SWFRPC shall establish the ABM as a subcommittee of the RPC. In the past, the ABM has had its independence in action. We have gone through operational guidelines and looking at committees and who has financial responsibility for them. I have a problem with this. We are asking that this item be referred to the Executive Committee for discussion. They are not particularly aware of this and they can make determination as to whether or not we should revisit stipulated agreement and all the signees, whether the ABM is best suited for a subcommittee of the RPC or an independent committee funded through another mechanism. All issues are on the table for discussion.

With response to the letter, if on fact you are a subcommittee of the RPC, every subcommittee that has been created by the council has been created by staff and the Council itself.

Mr. Beever said that under establishment of the ABM, it is an advisory committee under the SWFRPC, and when he was chair of the ABM when he was with the GFC some issues came up while he was at the GFC to the relative function of the ABM to the Council. The council agreed that we are an advisory committee. In the most recent letters, they follow format addressed to Council Chair with the advice we are providing to the RPC and they can take whatever action they see fit or take no action. Structurally, this follows proper format. As a matter of courtesy, we do copy the parties involved.

Mr. Heatherington said his concerns were not with the actions of the ABM, but his interest was budgetary and how it is funded in the future. We will refer to the Executive Committee for discussion. We can no longer charge to local programs.

Dr. Everham asked if there was any discussion on issues that the ABM might be commenting on that would be outside the purview of the RPC and how we might navigate those waters and protecting the resources of Estero Bay sometimes has caused us to focus on issues that might be inappropriately local.

Mr. Heatherington said it has to do with location and funding mechanism. Is it situated in the right location?

Dr. Everham asked if the university been approached with respect to funding.

Mr. Heatherington said that he had not, but that should be with Dr. Bradshaw. Have talked with Gary Jackson and Dr. Peggnetter and their suggestion was to have this conversation with Dr. Bradshaw.

Dr. Everham asked him to contact him if there was anything he could do as he represented the University on the board.

Ms. Stafford asked if at the RPC meeting there could be a decision that the ABM not be a subcommittee of the RPC and there is no other entity to support the ABM would be a scenario.

Mr. Heatherington said that it would probably not happen at the next meeting. With further deliberations, that may be a decision.

Dr. Demers asked if have had a chance to decide what type of monetary needs have been used by the ABM to keep the organization that we have been expending from the RPC to make the organization stay afloat?

Mr. Heatherington said it has changed over time when we had some state money. Lately, it has been charged to local.

Mr. Beever said that we have not been charging to indirect or local, but through support to the wetland issues. Lately, We have been keeping to as few man hours as possible. We can give you the maintenance rate and if there are special projects, the rate goes up.

Mr. Heatherington said that it was unfortunate that I have to ask staff to limit time.

Dr. Demers said that the RPC would potentially vote to approve letters at a meeting. You mentioned that you weren't sure the RPC was the appropriate body to approve the letters because of the broader nature of that organization. How would you envision that happening?

Mr. Heatherington said that this would be a ABM recommendation in the letters and whether the RPC voted against or not, I cannot say.

Mr. Beever said that the recommendations written by the ABM are sent to the RPC. If they choose to, they can take further action. Some are local issues and are not of regional significance. It is important that the RPC be aware of the letters the ABM writes. Some consider letters informative especially with relation to state rule.

Mr. Heatherington said that the big letters are with respect to 951, CREW, etc. and they are not lightly taken. There are some program problems as well regarding the approval of that letter and the removal of 951 and asked WMD about problems with southern boundaries of CREW.

Dr. Demers said that it was her understanding that there was another time there was an attempt to sunset the ABM which resulted in some sort of decision that it was not possible to sunset the agency.

Mr. Beever said that there was discussion on sunseting the agency and as to why the ABM existed. Comments included how the Agency was set up in the past. The Council was educated on the structure of the ABM with settlement agreement and how it was formed. They decided that they did not want to sunset the ABM.

Mr. Heatherington said that goes back to the stipulated agreement and it was not his intention to sunset the ABM. It is a funding issue.

Mr. Quasius said that if the form requires that copies of letters should be sent to the RPC and at the same time inform the people that we want to have the substance of the letter, we achieve both goals and funding issue aside, we can continue to function and provide our advice.

Mr. Heatherington said he was concerned about the timing.

Mr. Quasius said he felt it ran both ways.

Ms. Hecker said that there were several concerns. We are a separate advising body and has merit of what others advise. It may not support all of our roles on this agency. I find it troubling that we cannot advise freely as an advisory body who collectively has the authority to make recommendations and if they are not heeded, that is understood. Not appropriate procedurally to

forward a recommendation letter. It troubles her that we would have to delay action on a recommendation. This runs counter to what the ABM was created to do.

Ms. Hecker said that she sees the ABM as an autonomous body and what we advise has merit to what others advise. She finds it troubling that the ABM cannot advise freely without having to get some sort of approval as this is the advisory body that has authority to make recommendations and if they are not heeded that is fine. Would not be appropriate procedurally not to forward and we would have to delay action. If we don't transmit anything, we cannot provide any input to the decision.

Mr. Beever said that a workplan is laid out every year and we have been operating under it every year.

Dr. Everham said that the point about commenting is that if reporting on the record and letter going to different agency.

Discussion continued.

Ms. Stafford asked about other letters with the language in it.

Mr. Beever said to have letters advising them of our recommendation and addressed to the Chair and copies sent to the appropriate parties. He brought attention to the wording of the first paragraph and find suitable language that this is the recommendation of the ABM

Mr. Heatherington asked a subcommittee to be formed to work with the Executive Committee and discuss some of their concerns and how going to be funded in the future. Congratulated all of them on their vision as a whole and work for Southwest Florida. He said he would bring up the issue at the RPC meeting. Mr. Beever has done a great job. Most of our funding stream is grants and contracts.

Mr. Babcock hoped the intent was not to build another layer of bureaucracy and hoped this committee would find a way to continue.

Ms. Peterson expressed her concerns.

Mr. Heatherington said that it is about funding and if we could continue to fund through the RPC this would be fine. There are a lot of new members that don't understand the committee structure. It is not an intention to lessen the effect of the ABM.

Mr. Roberts said that he had been part of the committee for 12 years and if we put a value to this, every time we have a meeting there are thousands of dollars of match.

Discussion on economic impact of this committee and the tremendous amount of expertise on this committee and we can show that thousands of dollars are on the table.

Discussion on how ABM will advise RPC and how letters will go out and the funding.

Mr. O'Connor said recommendations are ours and not intended to be squashed. Should stick to the funding and there is a lot of value to this committee. David's suggestion is a good one to put our work down in black and white.

Ms. Stafford said that the RPC would not keep to the budget issue.

Dr. Demers said to add second sentence to letter along the lines of what you do at the Aquatic Preserve that we are not in any way trying to speak for the RPC but are an autonomous organization with no intention to attempt to speak for the RPC. Might help allay any concerns the RPC has. Our goal to speak freely on our own time is valuable.

Mr. Beaver said he would work on the cleaning up of the language. The Council has not made a decision. This will be a staff issue. A committee of ABM representatives should talk to the Executive Committee to address the budget. The issue of autonomy has not come up in the Council. The wording is direct from my supervisors. There has always been a sentence in the beginning of letters that we are an advisory agency to the Regional Planning Council. When I changed the letter to go the Chair of the RPC, that was satisfactory per the direction I received. I will be present at the RPC meeting.

Ms. Hecker said that she supported Jim's language and it does allay their concerns and would support keeping the ABM as an advisory body and support keeping this language in those letters and forwarding them.

Discussion on being present at Executive Committee meeting.

Mr. Babcock said he did not know how big the budget was and may be pittance to the money spent elsewhere. Mr. Babcock said he had no clue how big the budget was. Mr. Beaver said at maintenance level probably looking at six person days a month.

Mr. Beaver said he would figure out a base estimate and he would figure this out.

Ms. Peterson is maintenance is what we expect to have. But larger functions . . .

When the ABM has a Cela Tega, State of the Bay report, these are big manpower activities.

Ms. Peterson said it sounded like diminishment of what ABM does and asked if they would be considering the maintenance.

Mr. Beaver said it would be about \$80,000 a year if we work each month on this which would include indirect, copying, postage, etc.

Discussion continued.

Dr. Everham said he would love to have some legal insight on who is obligated to what extent before entering into discussion. I don't know who should be considered financially responsible for this organization.

Mr. O'Connor said this discussion should be considered at the BMP meeting.

Mr. Quasius said that being an advisory body is not exclusive, but we can be advisory body to any stakeholders.

Mr. Beever said that was constituted as an advisory committee to the RPC and if the parties of the agreement would like to get together and reconstitute the relationship and have a partnership for support so it would be a blend of the agencies that were benefiting from the ABM – decide where to house it - it is a collaborative effort and we are a consortium working together for the betterment of Estero Bay. Mr. Beever said that this is a collaborative effort said significant amount of budget comes from the entities and we do a lot through grant support. In two months, he will present Climate Change Vulnerability study. The RPC receives support from the local government entities making up the RPC and we also receive several grants, etc. We do not have a line item for the ABM.

Discussion on budget continued.

Mr. Church said for a low pay consultant would be about \$2,000 – average would be \$4,000 for an average pay consultant and for meeting for consultants – we are easily talking about \$6,000 to \$7,000 a month.

Mr. Beever said need to find ways to support the ABM.

Discussion ensued on fringe, indirect and overhead costs.

MOTION BY DR DEMERS TO SEND DRAFT LETTER TO MAYOR HUMPHREY, CHAIR OF SWFRPC, REGARDING THE RED SOX STADIUM SITE LOCATION AS WRITTEN FOCUSING ON REMOVAL OF THE EDISON FARMS SITE TO BE ELIMINATED FROM CONSIDERATION WITH COPIES TO THE COUNTY COMMISSIONERS AND SITE SELECTION COMMITTEE. MOTION SECONDED BY MR. GOTTLIEB.

Mr. Roberts said he had a global concern and that it was a little premature until know what is actually negotiated.

Dr. Demers said that saw proposals and when we talked last month, it was a concensus because of the number of things laid out in this letter that the Agripartners site was unacceptable due to water quality and habitat issues for the Estero Bay regardless of how much would be put in conservation – the entire site should be preserved.

Dr. Everham said that we recognizing our history of comment and at the last meeting we decided it was not an appropriate place to put the stadium. It seems like we had already decided that we send this letter and personally endorsed this letter. He said that he wanted letter to go forward. This would be true of any letter we wrote and might want to revisit letters if things change.

Discussion continued.

MOTION CARRIED WITH MR. O’CONNOR AND MR. ROBERTS ABSTAINING.

Agenda Item #6 – Committee Reports and Scheduling

Nominating Committee - The Nominating Committee consisted of Mr. Quasius, Ms. Stafford and Dr. Demers. Dr. Demers reported that Mr. O’Connor has agreed to continue as Chair. Mr. Babcock accepted the nomination of Vice Chair.

MOTION BY DR. DEMERS TO NOMINATE MR. O’CONNOR AS CHAIR AND MR. BABCOCK AS VICE-CHAIR. SECONDED BY MS. STAFFORD. MOTION CARRIED WITH ONE ABSTENTION BY MR. O’CONNOR.

Awards Committee Report – Mr. Quasius reported that there were three nominations for 2009 and David Burr was selected to receive the 2007 award and that the following three individuals were nominated for 2009: Dr. Everham, Mayor Denham and Ellen Peterson.

Mr. Beever said that a form to select the 2009 Award recipient would be e-mailed to the committee.

Dr. Beever suggested accepting two successful candidates for the 2009 year.

Mr. Beever said it has been acceptable when there has been a tie. He stated that he will send out the ballots to all of the members with results at next meeting. Mr. Beever said would not send out e-mail until after the 12th when the nominations are closed.

Dr. Everham asked if we needed to officially process the nomination for the 2007 award.

DR. EVERHAM MADE A MOTION TO ACCEPT MR. DAVID BURR AS THE 2007 AWARD RECIPIENT. SECONDED BY MR. QUASIUS AND CARRIED WITH MR. O’CONNOR ABSTAINING.

Agenda Item #7 – Emerging Issues

Estero Bay Public Conference Committee – Dr. Demers reported that the conference would be for four days during the estuary month in September. September 21st was the only day available at the Student Union Building and that she also requested one breakout room for concurrent sessions. The group could keep the facilities until 10:00 p.m. for a possible fund raising dinner to support land acquisitions in Estero Bay Watershed. Mr. Beever said that money would be available as a match for 2020 within this watershed.

Mr. Quasius stated that Phil Buchanan who has worked on the Pine Island program would be interested in participating.

Dr. Demers said that both she and Dr. Everham had set up Summer Independent Study Class for students interested in enrolling to help with planning. We didn't let Coastal Watershed Institute know that would be combination of science and informational material, oral presentations and posters. Other breakout room has been reserved by the Panther Posse – Wings of Hope.

Discussion ensued on speakers and invitations. Dr. Beever stated that she will need a draft of the agenda by March 30th as funding is contingent upon this. Mr. Beever said that should have a draft of the agenda by the next meeting.

Dr. Demers stated that she would try to get the Welcome Center at FGCU to hold the next BMP meeting on February 23rd.

Approval of letter regarding SR 951

Discussion ensued on SR 951 issue. Mr. Scott reported that this is a Collier County issue also and letters should be addressed to their MPO Director also. In addition, both counties went together to put together a PD&E study to define where the alignment is and work out all of the issues. It has not been approved by Federal Highway. One of the restrictions is that we are in the process of the LRTP update. Any action will be December 2010. FHWA has directed us not to amend our Long Range Plan until then. We have to weight aspects of needs. It was not financially feasible in 2005. I-75 or CR 951 or essentially both will probably be toll funded. There are a lot of steps to get to this point. For us, from a needs aspect, the question is how do we address needs of transportation in this area. Invited everyone on this committee to stay involved with this issue. There are a lot of issues out there. One of the arguments is what will the population be in 2035 and how do we address this with the transportation system?

Mr. Scott said that I-75 is related to 10 lanes in the plan. There is one section that had to be 12 lanes. With 951 and I-75 there is still a section that still needs to be 12-laned to meet travel demand in two counties. Buildout will be approximately in 2060. It still did not meet the transportation needs of the two counties.

Ms. Hecker asked if there were limitations with putting two toll roads in close proximity and how would I-75 tolling impact SR 951?

Mr. Scott replied that when you look at tolling, sometimes there are restrictions and that need to look at the timeframe. It might affect 951 which will be tolled in the future. The problem is that both roads are needed to meet demand. What level it will be tolled at will affect the demand.

Ms. Hecker asked how this would be paid for since only one would ultimately be tolled.

Mr. Scott said that he did know what the timing was at this point and he stated that he thought that it could be built for \$1 billion apiece. Discussion continued. Issue is to try and protect the person that is building it.

Ms. Hecker asked how Three Oaks would fit in now that it has been built as a north-south connector.

Mr. Scott said that it has reduced traffic on US 41 and down a little bit on I-75, but it doesn't take all the traffic with respect to future projections. He also stated that more would be done over the next three years to make more attractive for traffic.

When you are talking about the model and put development in there with all these roads, 50,000 to 60,000 for Three Oaks and 951 would have about 50,000 and I-75 would have 180,000 trips per day and these fill up over that timeframe and these are the issues we have.

Dr. Beever clarified that 951 was not in the cost feasible plan and asked how Lee County was progressing on land allocation model responsive to changes in the network.

Mr. Scott said that a lot of work is going on in Lehigh and Cape Coral in looking at TAZ's for the future. One of the aspects is land use side – if I don't do certain things, can I do less of it? We are looking at a true multi-modal model also. If you look at cost of roads, don't have a lot of solutions. Land use needs to be supportive of transportation.

Ms. Peterson and Dr. Demers left at 11:27 a.m.

Mr. Scott said PD&E has been submitted to FHWA.

Dr. Everham asked Mr. Scott if he knew what stretches of I-75 would have to be 12-laned even with the 951 extension.

Mr. Scott said that would be from Bonita Beach to Corkscrew. Dr. Everham asked what was the assumption about alleviating the load on I-75 associated with potentially expanding Three Oaks or sections of US 41.

Mr. Scott said that US 41 is six lanes and I-75 was tested from 10 to 12 lanes and 951 four lanes. FHWA said would have to go to year of expenditure. The project might be in 2028, but if we want to make an amendment, have to bring whole plan into year of expenditure. We are working on 2007 data at present.

Mr. Eslick of Estero Community Leadership Association stated that he agreed with Mr. Scott that the letter should be modified to focus more on changing the 2035 plan and maintaining language that relates to trying to have some influence on the land use decisions made by other governing bodies, particularly the County. He stated that their organization felt that the originally PD&E for 951 is fatally flawed ending up at Alico Road with no particular route to get to Lehigh. Hoped that any consideration would look at shorter segments in the 2035 plan. It is encouraging to note that FDOT was able to consolidate a lot of segments on I-75. Hoped there would be broader thinking than in the past.

- 1) The CR 951 existing plan is another plan where transportation planning gets ahead of land planning. It is impaired by the existing transportation plan. The Southwest Florida Expressway Authority did not exist at that time. FTE did a tolling and traffic revenue study. The six laning will probably not fail until 2018 to 2020. Looking at tolling of additional four lanes. This will probably not be until the mid 20's at the earliest.

- 2) Up until the last couple of years, the BOCC did not want to deal with the DRGR. There will be a tremendous opportunity to participate in the planning of DRGR. Sources of funding are diminished. The Federal Highway Trust Fund is broke. FDOT has cut \$7.2 billion from the transportation funding program. He would like to see more consideration of the viability of tolling and urged the ABM to send the letter deleting 951 out of the existing plan.

Ms. Hecker said that there was a position statement from 16 organizations that they no longer support 951 extension into Lee County as it is part of sensitive southern lands.

Mr. Roberts stated that his concerns were that to coldly send them a letter about removing the project affects our credibility about coordination consultation in 2005. Ms. Hecker said that in 2005 there was that the groups are in the same position about the stronger need determination and we reluctantly supported westernmost alignment. We felt it is better to focus on enhancing current infrastructure.

Mr. Beever said that the 2005 letter said nothing about any particular alignment, but that we do support the coordination process that was on-going.

Mr. O'Connor said that he did not understand how we can send letter without a further analysis. It is not working within the system. He stated that he would not support the letter.

Dr. Everham said that we had laid the groundwork in the past and that this letter should be referred back to the BMP for redrafting.

Discussion on enhancing the infrastructure and the host of things that have changed.

MOTION BY MR. QUASIU TO REFER THE LETTER BACK TO THE BMP FOR REDRAFTING. SECONDED BY MR. ROBERTS. MOTION CARRIED WITH MR. O'CONNOR ABSTAINING.

Dr. Beever said that more information from Mr. Scott with respect to alternatives would be helpful.

Mr. Scott stated that with respect to timing of LRTP update and the way public involvement incorporated and sent to ABM staff. Perhaps an education on how model and limits work.

Mr. Scott said that staff had to keep with schedule and public involvement requirements. He felt that there should be education that this is how the model works.

Dr. Everham said that he becomes frustrated when the ABM is ignored. He didn't want to make other organizations feel that way.

MR. ROBERTS LEFT AT 11:54 A.M.

Approval of letter regarding CREW

Ms. Hecker said that the Governing Board of the WMD is deciding on this issue this Wednesday and Thursday, so it is a time-sensitive issue. We are not the only entity that expressed concern about surplusing these lands. These lands are contiguous with the rest of CREW and considered one hydrologic unit. To provide greater flood storage needed to get lands into public ownership. We do believe that this is a public health and safety issue to insure that the restoration project can go forward. She stated that they would like ABM support for.

Discussion continued regarding I-75 culvert study and flood protection which is pointing towards retention. Purchase would allow greater flexibility of water depth. These wetlands are drained as a result of current drainage patterns. To restore retention in the upper watershed, we need to be able to change the control elevation for that canal.

Discussion ensued on hydrological issue vs. land use issue. Mr. Quasius asked if premise was supported by WMD and Lee County that this is a hydrological issue. Ms. Hecker said to go back to Environmental Assessment for the critical CREW project in 1999.

Ms. Hecker stated that the berm on the southern end won't deal with groundwater impacts. Need a stop gap measure that prevents restoration.

MOTION BY DR. EVERHAM AND SECONDED BY MS. STAFFORD TO SEND THE LETTER REGARDING CREW. MR. QUASIUS OPPOSED THE LETTER AND MR. O'CONNOR ABSTAINED.

Dr. Everham said that the Southwest Florida Regional Planning Council should be informed of what the ABM is doing with respect to this matter.

San Carlos letter

Dr. Everham said that this was discussed at the BMP meeting.

MOTION BY MR. GOTTLIEB TO APPROVE LETTER WITH DELETION OF REDUCED DENSITY ON THE SOUTH SIDE. SECONDED BY MR. BABCOCK. MS. STAFFORD, MR. O'CONNOR, MS. BICKFORD AND MS. CLARK ABSTAINED.

Ms. Bickord said that she was working on filling out a CARE grant with no match being required. Level of grant is for community education and prioritization of pollutants through either mediating or expanding on mitigation. This would good opportunity for Lee County to establish partnerships with other communities and stimulate activity within grass root communities and restoration projects. Funding would be spread over two years. Technical or material support will always be welcome.

Mr. Beaver said that the work plan list of activities needs to be reauthorized for the 2009 year. He requested the ABM to approve the list with one additional item seeking funding support for

the ABM from the partners and external grants for staff support of the Estero Bay Agency for Bay Management.

MR. HASTY MADE A MOTION TO APPROVE THE WORK PLAN LIST OF ACTIVITIES OF THE ESTERO BAY AGENCY FOR BAY MANAGEMENT WITH THE ADDITION OF AN ITEM SEEKING FUNDING SUPPORT FOR THE ABM FROM THE PARTNERS AND EXTERNAL GRANTS FOR STAFF SUPPORT OF THE ESTERO BAY AGENCY FOR BAY MANAGEMENT. SECONDED BY MR. QUASIUS. MR. O'CONNOR ABSTAINED.

Mr. Quasius asked for update on pole and toll zones from Ms. Stafford.

Ms. Stafford said that the notice general permit included no internal combustion motor zones and that it is not all mitigation. There will be public comments until February 12th. The next process will be if it proceeds to rulemaking.

Discussion ensued on dredging of complete length of channels in perpetuity. Zones for particular areas won't be in place until dredging is completed in those areas.

Agenda Item #8 – Announcements

None.

Agenda Item #9 – Public Comments on Items Not on the Agenda

None.

Agenda Item #10 – Next Meeting, Time, Place, Agenda Items

The next meeting will be on March 9, 2009 at 9:30 a.m.

Agenda Item #11 – Adjournment

Meeting adjourned at 12:22 a.m.