



AGENDA  
ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, August 8, 2011 – 9:30 a.m.  
SWFRPC Offices  
1926 Victoria Avenue  
Fort Myers, Florida

1. Call to Order
2. Attendance
3. Agenda – Additions, Deletions or Corrections
4. Public Comments on Items Not on the Agenda
5. Minutes of June 13, 2011
6. Presentation: Legislative Updates
  - Representative Matt Caldwell, District 73
  - Keith Arnold
7. Smokehouse Bay Preserve Mosquito Ditches Discussion
  - Cathy Olsen, Conservation 20/20 Senior Supervisor
  - Wayne Gale, Lee County Mosquito Control District Director
8. Mosquito Control on State Managed Lands Discussion (attached)
  - Wayne Gale, Lee County Mosquito Control District Director
9. Final FGCU Master Plan Update – Dr. Win Everham
10. Alico Road Extension – Wayne Daltry
11. ABM Attendance Reminders
12. ABM Media Release Guideline Discussion
13. ABM Funding Request Letters (will be emailed)
14. Draft Mosquito Control Presentation Thank You Letter (attached)
15. Committee Reports and Scheduling
  - Cela Tega Planning
  - IAS
16. Emerging Issues
  - Stewart Cypress Slough Mitigation Permit Application # 110727-7 (attached)
  - Sunny Grove Park, Estero River Permit Application (attached)
  - 10-year plan for Estero Bay – Commissioner Brian Bigelow
17. Announcements
18. Next Meeting, Time, Place, Agenda Items
  - Cela Tega / IAS: Monday, August 15, 2011 – 1:00 p.m. Sugden Welcome Center, FGCU
  - EBABM: Monday, September 12, 2011 – 9:30 a.m. SWFRPC Offices
19. Adjournment



MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT

**Held on June 13, 2011**

The regular meeting of the Estero Bay Agency on Bay Management was held on June 13, 2011 at the Southwest Florida Regional Planning Council offices in Fort Myers, Florida.

NAME	ORGANIZATION
Gloria Beauchamp	FDEP/Lovers Key
Jim Beever	SWFRPC
Lisa Beever	CHNEP
Brenda Brooks	CREW
David Ceilley	Self
Brad Cornell	Audubon of Florida
John Curtis	Johnson Engineering
Nora Demers	Responsible Growth Management Coalition
Peggy Egan	Izaak Walton League
Win Everham	FGCU
Harry Gottlieb	FMBCA
Renee Kwiat	LCPA
Keith Laakkonen	Town of Fort Myers Beach
Laura Miller	LWV of Lee County
Erin Rasnake	FDEP – South
Shelly Redovan	Lee County Mosquito Control District
Heather Stafford	Estero Bay Aquatic Preserve
Lynda Thompson	Lee County

**Agenda Item #1 – Call to Order**

Dr. Beever called the meeting to order at 9:30 a.m. Introductions were made.

**Agenda Item #2 – Attendance**

Attendance taken through the sign-in sheet.

**Agenda Item #3 – Agenda Additions, Deletions or Corrections**

None.

#### **Agenda Item #4 – Public Comments on Items Not on the Agenda**

None.

#### **Agenda Item #5 – Minutes of May 9, 2011**

Dr. Beever said that Sarah Larsen had forwarded corrections to the minutes from Linda Thompson. Dr. Demers stated that she had two minor corrections – the Cela Tega was being held in the Student Union Ballroom and that the spelling of Dr. Weiskoff's name should be corrected.

**MOTION BY DR. DEMERS AND SECONDED BY MS. BROOKS TO APPROVE THE MINUTES OF MAY 9, 2011 AS AMENDED. MOTION CARRIED UNANIMOUSLY.**

#### **Agenda Item #6 – Presentations: Mosquito Control in the Estero Bay Watershed**

Deputy Director Redovan presented a report and reviewed topics such as areas in impoundment, salt water mosquitoes, mosquitoes' life cycle, integrated pest management, source reduction via impounding or ditching, larvaecide and adulticide. She stated that mosquito ditching is functioning as designed.

Deputy Director Redovan discussed the various ways of controlling mosquitoes, the challenges involved in areas where adulticides cannot be used and the differences between the east coast and west coast of Florida with respect to ditching and impounding.

Discussion ensued on dosage of pesticides, effects on salt marshes, restriction of applications, non-target impact on organisms and coastal systems and the West Nile malaria virus.

Dr. Everham asked if Deputy Redovan knew to which degree storm water retention ponds become breeding sites.

Deputy Redovan said it depends on how ponds are managed, how much aquatic vegetation is in the pond and if it is healthy enough to support fish.

Discussion on abandoned pools ensued. Deputy Director Redovan stated that an inspector is sent out to check for mosquito breeding and that the pool needs to be abandoned for about a year before mosquitoes become a problem.

Mr. Beever asked if the Lee County Mosquito Control had accounted for consideration of climate change in sea level rise in long-range planning.

Deputy Redovan said this was hard to say how it is going to impact the breeding areas as the District had not planned for that.

### **Agenda Item # 7 – Lovers’ Key Update**

Ms. Beauchamp, Park Manager, provided a brief update on the park. Over 700,000 people had come to the park which was a 4% increase from last year. A fishing pier was now under construction which should be completed by the end of June. There were seven sea turtle nests, eight least tern nests and four fledglings to date.

Discussion ensued on erosion and least terns.

Ms. Beauchamp said that erosion was not being monitored as the agency was looking at future projects for beach renourishment. Lovers’ Key will be partnering with Bonita Beach in approximately 18 months for the beach renourishment project which will be in the central area.

Discussion ensued on the estimate of economic benefits of the park to the local economy.

### **Agenda Item #8 – FGCU Master Plan Update**

Dr. Everham presented a report on the FGCU Master Plan Update. He reviewed the changes to Sections 1, 3, 4, 8 and 16 stating that the transportation and conservation areas gave the best opportunity for feedback. Responses are due by July 23<sup>rd</sup> to FGCU.

Element #1 - (Goal 105). Dr. Everham reported that his students came up with new objectives.

Element #3 - Urban Design – Dr. Everham reported that the changes were fairly small such as making sure local regulations are recognized, not just state and federal. He asked for ideas to measure for the achievement of particular objectives. Dr. Everham reported that the word “naïve vegetation” should be changed to “native vegetation”. The reinstatement of environmental oversight that previous administrations had which included people that form the community was also discussed. Dr. Everham also stated that the land management development and review process was set up in the Master Plan and that if more specificity was desired, this could also be done.

Element #8 – Recreation and Open Space. There are very minute changes to this section.

Element #16 – Landscape Design and Guidelines – Dr. Everham reported that FGCU had not built in alternative recommendations for use of the parking garage, but that this issue would be discussed at the IAS meeting.

He reported that any changes that are received from the ABM members can be implemented and that he would like to review the ABM principles to see if there were parts that haven’t been implemented in the Master Plan and to make sure that there is no overlap that has not been captured.

Mr. Beever said that recommendations about the multi-use garage and urban design element were discussed at the RPC meeting. Dr. Everham asked for a copy of this. Mr. Beever said that this had been drafted and that he would bring it or send it to the IAS meeting.

Mr. Gottlieb stated that in Section 5.51, the word “siting” needs to be spelled correctly.

Dr. Everham reported that the deadline for review by the regulatory agencies is July 23<sup>rd</sup>.

Discussion ensued on composting program. Dr. Everham and Dr. Demers reported that some students are working on this area and that after the Cela Tega meeting last year, the leftover food was given to the Harry Chapin Food Bank.

**Agenda Item #9 – Draft Mangrove Rivulus de-listing Letter**

Mr. Beever stated he had prepared a draft letter which was included in the agenda packet which reflected the State’s approach to delisting. He explained that action had already been taken on this matter by the FWC on June 8<sup>th</sup>, but that the ABM could craft a letter relative to the management plan in respect to different species.

Discussion ensued on the delisting and treatment of species depending on location and other factors. Mr. Beever stated that there was a definite lack of consistency in the Florida Fish & Wildlife Commission approach.

Mr. Beever said that a modified letter would be crafted relating to the management issue and the Master Plan and to continue with the other species pertinent to the Estero Bay system.

**MOTION BY DR. EVERHAM AND SECONDED BY MR. CEILLEY TO HAVE STAFF CRAFT A LETTER FOR INCORPORATION INTO THE MANAGEMENT PLAN.**

Discussion continued.

**MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #10 – Draft Jim Beever Presentation Thank You Letter**

**Agenda Item #11 – Draft Whitney Gray Presentation Thank You Letter**

Dr. Beever said that these two items are thank you letters. She stated that they don’t necessarily need to be on agenda and asked for a motion to send letters routinely in this format.

**MOTION BY MS. BROOKS AND SECONDED BY MS. KWIAT TO APPROVE THE THANK YOU LETTERS TO JIM BEEVER AND WHITNEY GRAY FOR THEIR PRESENTATIONS.**

Discussion ensued.

**MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #12 – Draft ABM Welcome Letter to Steve Magiera, FGCU Vice President for Administrative Services & Finance**

Ms. Stafford suggested the following wording change for the 4<sup>th</sup> sentence in the last paragraph “additionally, we would like to reaffirm FGCU’s commitment to providing continual yearly funding.”

Dr. Demers suggested that the wording should read “Additionally, we would like a reaffirmation of FGCU’s commitment to providing continued yearly funding.”

**MOTION BY DR. EVERHAM AND SECONDED BY MS. STAFFORD TO SEND THE WELCOME LETTER TO MR. MAGIERA WITH THE SUGGESTED WORDING CHANGES. MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #13 – Draft Clean Water Act Guidance Letter**

Mr. Cornell said that this was a letter that supported EPA bringing forth revised guidance on the jurisdictional determination for wetlands. He explained that although the new guidance does not have the weight of law behind it, it gives a much clearer direction based on Supreme Court cases as to what should be claimed as jurisdictional.

Dr. Beever said that she was impressed by the draft guidance and that one of the issues she wanted to review was the term “wetland mosaics”, but that she did not see a reference in the standards and guidance. This is a huge, critical issue in terms of southwest Florida wetlands.

Dr. Beever said that she thought it was talking about wetlands with different hydro periods and that there are flows over uplands.

Discussion ensued.

Dr. Beever said she wanted to verify this information and asked Mr. Cornell to take another look at this.

Dr. Everham spoke about replacing the spectrum of watershed wetlands and the timing and implications of its inclusion. He stated that he was not sure of the implications of including wetland mosaics.

Mr. Cornell said that he could prepare a final draft and get it sent out.

Mr. Beever said that the last paragraph should be the second paragraph of the letter.

**MOTION BY DR. EVERHAM TO SEND THE CLEAN WATER ACT GUIDANCE LETTER WITH THE SUGGESTED EDITS AND TO DIRECT MR. CORNELL TO LOOK AT THE ADDITION OF WETLAND**

**MOSAIC. SECONDED BY MR. GOTTLIEB. MOTION CARRIED UNANIMOUSLY.**

Mr. Cornell stated that he had passed out talking points to encourage groups or individuals to use this information and create their own letter which would be helpful as this was an important issue across the country.

**Agenda Item #14 – Draft Aquatic Preserve Thank You Letter**

**MOTION BY DR. DEMERS AND SECONDED BY MS. KWIAT TO APPROVE THE AQUATIC PRESERVE THANK YOU LETTER. MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #15 – Media release guideline discussion**

**MOTION BY DR. DEMERS TO POSTPONE THIS AGENDA ITEM UNTIL NEXT MONTH. SECONDED BY MS. RASNAKE.**

Discussion ensued.

**MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #16 – Doodle survey results for ABM Meeting Day and Time**

Dr. Beever stated that 21 members had responded to the survey.

Dr. Demers asked if letter should be sent to Ms. Hawes to change their meeting time to enable Lee County representatives to be able to attend the ABM meeting that has been meeting on the second Monday for 17 years.

Dr. Beever asked if this was a motion.

Dr. Demers replied in the affirmative.

Mr. Beever said he would do some research to get this to the right person.

**MOTION BY DR. DEMERS TO HAVE THE ISSUES AND AGENDA SUBCOMMITTEE DRAFT A LETTER TO THE APPROPRIATE PARTY REQUESTING THAT LEE COUNTY MAKE THE SECOND MONDAY MORNING AVAILABLE TO ITS COUNTY EMPLOYEES TO ATTEND THE ABM MEETING. SECONDED BY MR. GOTTLIEB.**

Discussion ensued on sending letters to those members that won't be able to attend the meetings.

Mr. Beever said that these individuals were Councilwoman Simons, Commissioner Brian Bigelow and Daryl Thomas of the U.S. Fish & Wildlife Service.

Discussion ensued on the attendance of members and sending a letter to those members after staff review of the attendance list.

Dr. Beever suggested an approach of trying to have the other agencies make changes to their respective meeting schedules so that staff could attend the ABM meeting.

**MOTION BY MS. THOMPSON AND SECONDED BY MR. CORNELL TO ASK THE CITY OF BONITA SPRINGS, LEE COUNTY AND THE U.S. FISH & WILDLIFE SERVICE TO MAKE THE SECOND MONDAY AVAILABLE TO THEIR EMPLOYEES TO ATTEND THE ABM MEETING. MOTION CARRIED UNANIMOUSLY.**

### **Agenda Item #17 – Committee Reports and Scheduling**

IAS – Dr. Everham stated that the agenda will include the FGCU Master Plan, delisting of species and the Mullock Creek Marina Proposal report. The next IAS meeting is at 2:00 p.m. at the Sugden Welcome Center next Monday, June 20<sup>th</sup>.

Cela Tega Planning – Dr. Demers said that the College of Arts & Sciences is sponsoring an honorarium of \$1,000 for Chris Joyce, science correspondent for NPR. The FGCU Journalism Program will also be a sponsor. The Responsible Growth Management Coalition and the Happaatchee Center contributed \$100.00 each. Gloria from Lovers Key State Park will also be a presenter on parks and recreation use. She also reported that FGCU had a microgrant application to submit to the CHNEP and that they were still looking for other sponsors.

Discussion ensued on advertising the Cela Tega event on various governmental online newsletters and the Florida Weekly.

Dr. Demers also reported that Dr. Richard Weiskoff from the University of Miami will speak on economic impacts, Chris Joyce will be the luncheon speaker, Dr. Beever will speak on the economic benefits of undeveloped land and saving transportation dollars, John Wilson of Lee County Public Safety will speak on how conservation lands impact flood insurance rates, Karen Bickford will give a presentation on conservation land's role in economics of water quality. During the working break, the presenters will provide three top benefits of conservation lands for the roundtable discussion at the end of the event.

Mr. Cornell asked if there was a reason to consider the economic value of restoration as Lee County has been using \$3 million relative to the Caloosahatchee estuary and advocated against the impacts of Lake O and bad water policy. Mr. Beever said that Mr. Irwin might be able to address this.

### **Agenda Item #18 – Emerging Issues**

Mr. Thompson addressed the issue of cutbacks to the core services in Lee County as a result of an article in the News-Press on June 12<sup>th</sup> entitled “Down to the Core – Could You Take It?”

Lee County has no obvious options to cut. With respect to a referendum, the County Attorney said that this year was too late, a special election next year would be expensive and if a referendum is brought to the voters, it would probably be in 2014. However, this fact was not definite. The BOCC approved 24 properties to be acquired. Mr. Pete Winton presented this at the Management & Planning Meeting, but ultimately, it is up to the BOCC to make the final decision.

Mr. Beever reviewed the changes as the result of the \$250,000 cut in the Regional Planning Council budget by the Governor. This funding stream which was utilized to do state planning (hurricane, statewide plan, comprehensive plan changes, etc.) is gone. Subsequently, a decision was made to lay off four staff members who consisted of three planners and an administrative staff employee who works part-time for the SWFRPC and the CHNEP, as well as four other staff members who are being put on a part-time schedule.

He reported that he also used this funding stream to support his work for the Estero Agency for Bay Management. As a result of the loss of funding, the SWFRPC does not have the funding available to cover their portion this next fiscal budget year. The Florida Department of Community Affairs has been consumed into a new agency called the Economic Development Agency. There will still be comp plans, amendments and DRI's and the SWFRPC is still to do the work without the funding.

Discussion ensued on having a presentation regarding the cuts and changes by the Governor and what they could mean for SWF.

Mr. Beever said that staff had summaries being put together for the Council and that a presentation by Dave Hutchinson and himself could be arranged, but that it would take some time as there are 26 bills relating to regulatory policies.

Dr. Demers said that there are policy changes.

Discussion ensued on having the topics brought back to this committee.

Mr. Beever said that he would provide a handout electronically on the FTP site. The budget that was lost here at the RPC had been voted on through the legislature by both houses and was never opposed in the House or Senate. It was part of the normal budget and Governor Scott eliminated it anyway.

Dr. Everham said that FGCU has a building which is  $\frac{3}{4}$  complete that will have a roof and nothing inside. Mr. Beever said that the funding was there and questioned whether the Governor could move money from where it was supposed to be allocated to where he wanted it to go.

Ms. Rasnake of FDEP said the Sebring office has been closed due to budget costs and that some employees have been relocated.

### **Agenda Item #19 – Announcements**

Dr. Beever said that the Draft Watershed Report was released by the CHNEP and had been updated with 2010 data. This will be reviewed next by the subcommittee.

Ms. Stafford said the San Carlos Bridge is not having a whole replacement, just supports for the base of this bridge. An inspection of the bridge will be conducted.

### **Agenda Item #20 – Next Meeting, Time, Place & Agenda Items**

Cela Tega/IAS: The next meeting will be on Monday, June 20, 2011 at 1:00 p.m. at the FGCU Sugden Welcome Center.

ABM: The next meeting will be on Monday, July 11, 2011 at 9:30 a.m. at the SWFRPC Offices.

Mr. Beever said that polling will be conducted for the July meeting to ensure a quorum. If a quorum is not achieved, the meeting will be cancelled.

Discussion ensued on comments on the FGCU master plan and how the deadline can be met.

**MOTION BY MS. KWIAT AND MR. CORNELL SECONDED THE MOTION TO EMPOWER THE ISSUES & AGENDA SUBCOMMITTEE TO SEND OUT THE FGCU MASTER PLAN IN THE EVENT THERE IS NOT A FULL ABM MEETING IN JULY. MOTION CARRIED UNANIMOUSLY.**

### **Agenda Item #21: Adjournment**

Meeting adjourned at 11:42 a.m.

## Mosquito Control On State Managed Lands:

Currently mosquito control activities on designated State Managed Lands are restricted to larviciding only unless there is a declared health emergency by the State Department of Health for an arthropod borne virus. I believe this policy does not allow for the adequate protection of the public or animal health for either disease transmission or significant biting pressure from large broods of mosquitoes. In Lee County the vast acreage of State managed salt marsh habitats can produce adult mosquitoes before we can larvicide all the breeding areas. Once the adults emerge those lands can be a continuous source of re-infestation of adjacent urban areas causing significant discomfort to the residents next to these areas. Additionally, When an arthropod borne virus is detected in or near State managed lands, in sentinel chickens, adult mosquito control activities are not allowed unless there is a State declared emergency. Items I believe should be addressed by the council:

- Although many including CDC recognize that extreme numbers of mosquito bites in and of themselves constitute a public health threat, there has not been any quantification of what that means with regards to landing rates. At what point, if any, is it really enough of a problem to justify a change in policy regarding adult mosquito control on State managed lands. I suggest there needs to be a defined level for enough is enough.
- Sentinel Chickens have been used as a system for early detection of virus activity for many years and in Lee County when we have positive chickens we immediately conduct adult mosquito surveillance and control operations in the area to help prevent further transmission. Waiting until we have a human case or large numbers of chicken conversions before we are allowed to do something about the adult mosquitoes transmitting the virus is not good preventive medicine in my opinion.
- Following Hurricane Charlie there were many Lee County citizens without power, window screens or adequate shelter. Mosquito numbers were high and given this disaster scenario we were allowed to adulticide state and federal lands to protect the public health. This is an extreme scenario, however the current level of mosquitoes is much higher now than then and not only is the public health at risk but the economy from tourism is also at stake.
- Mosquito control is a difficult task given the responsibility of protecting the public health while at the same time preserving Florida's natural environment. With limited tools to do the job and many restrictions on what, when, where and how we can operate, it is a balancing act for sure. But when tourists are leaving the area because we can't control the mosquitoes, people are upset because their animals are covered with mosquitoes and they can't go outside, businesses are losing customers and residents are concerned for their health, there should be an avenue for some relief on the restrictions imposed by State land managers.

T. Wayne Gale



July 11, 2011

T. Wayne Gale  
Shelly Redovan  
Lee County Mosquito Control District  
P.O. Box 60005  
Fort Myers, Florida 33906

RE: Presentation to the Estero Bay ABM

Dear Mr. T. Wayne Gale and Ms. Shelly Redovan:

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory advisory committee to the Southwest Florida Regional Planning Council. Its directive is to make comments and recommendations regarding the management of Estero Bay and its watershed. The ABM is dedicated to the preservation and sustained productivity of this natural resource. The ABM was established through the Settlement Agreement for the construction of Florida Gulf Coast University (FGCU). The membership of the ABM includes local, state, and federal government officials, representatives of special interest groups such as developers, civic associations, builders, environmental groups, chambers of commerce and marine trade associations, and citizen representatives.

Thank you for your presentation to the ABM on June 13. We appreciated the update on the work of the Lee County Mosquito Control District. Should the need arise we look forward to hearing from you again regarding mosquito control issues within the Estero Bay watershed.

Thank you again for your presentation.

Sincerely,

Paul O'Connor, Chair  
Estero Bay Agency for Bay Management

## South Florida Water Management District All Permits Issued and Applications Received by SFWMD for

If documents have been electronically attached to the application or permit file, they will be available by clicking on the Application #.

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<b>Application #:</b>	110727-7	<b>Permit#:</b>	36-03831-P	<b>Received Date:</b>	27-Jul-2011
<b>Issuing Office:</b>	FTM	<b>Appl. Status:</b>	Initial Review		
<b>Permit Type:</b>	Environmental Resource (General Permit Modification)				
<b>Project Acres:</b>	47.28				
<b>Project Name:</b>	Stewart Cypress Slough Mitigation			<b>Receiving Body:</b>	
<b>Location:</b>	Lee S24/T46/R25	<b>Landuse(s):</b>	Mitigation		
	S13/T46/R25				
<b>ENV Reviewer:</b>	Jewelene Harris -> (239)338-2929				
<b>SWM Reviewer:</b>	Errol Noel -> (239)338-2929				
<b>Applicant:</b>	Florida Gulf Coast University Foundation Inc	Steve Magiera	10501 F G C U Boulevard	South Fort	
	Myers FL 339656565				
<b>Owner:</b>	Florida Gulf Coast University Foundation Inc	Steve Magiera	10501 F G C U Boulevard	South Fort	
	Myers FL 339656565				
<b>Env Consultant:</b>	Johnson Engineering Inc	Peggy Grant	P O Box 1550 Fort Myers FL 339021550		
<b>File Location:</b>					
<b>30-Day Deadline:</b>	26-Aug-2011				

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SFWMD Headquarters: 3301 Gun Club Road, West Palm Beach, Florida 33406  
561-686-8800 | 1-800-432-2045 (Florida Only)



## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

### NOTICE

July 27, 2011

Subject: Environmental Resource Permit Application  
Application No: 110727-7  
Project Name: Stewart Cypress Slough Mitigation  
Applicant: Florida Gulf Coast University Foundation, Inc.  
Lee County S 13,24 T 46 S / R 25 E

The South Florida Water Management District is currently processing an application for the above mentioned project. If you have any comments or objections concerning this project, please submit them in writing to this office within 30 days of receipt of this notice. As an alternative, comments may also be submitted through the District's e-Permitting web portal at <http://my.sfwmd.gov/ePermitting> and then selecting "Additional Submittals".

This is also an opportunity for applicable State agencies to concur with or object to the proposed project under the federal consistency provisions of the Coastal Zone Management Act. Findings of inconsistency must describe how the project conflicts with your agency's statutory authorities in the Florida Coastal Management Program and provide alternative measures, if any, which would make the project consistent. Commenting agencies must provide a copy of any letters of inconsistency to the Florida Coastal Management Program Administrator, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 47, Tallahassee, Florida 32399-3000.

Please refer to the applicant's name and application number as referenced above in any correspondence to help facilitate processing. Questions concerning this project should be addressed to Laura Layman at 239-338-2929 or sent to e-mail address [epermits@sfwmd.gov](mailto:epermits@sfwmd.gov).

Application documents are now available online and can be accessed through our e-Permitting database. You may view these documents by going to [www.sfwmd.gov](http://www.sfwmd.gov) and accessing the e-Permitting link.

Forwarded via e-mail:

Florida Department of Environmental Protection  
[Lucy.Blair@DEP.state.fl.us](mailto:Lucy.Blair@DEP.state.fl.us)  
Florida Department of State, Division of Historical Resources  
[CompliancePermits@dos.state.fl.us](mailto:CompliancePermits@dos.state.fl.us)  
Florida Fish and Wildlife Conservation Commission  
[FWCConservationPlanningServices@myfwc.com](mailto:FWCConservationPlanningServices@myfwc.com); [FCMPmail@myfwc.com](mailto:FCMPmail@myfwc.com) ;  
Southwest Florida Regional Planning Council  
[jbeever@swfrpc.org](mailto:jbeever@swfrpc.org)  
Florida Coastal Management, Dept of Community Affairs  
[Johnna.Mattson@DCA.State.fl.us](mailto:Johnna.Mattson@DCA.State.fl.us)  
Dept. of Environmental Protection/Charlotte Harbor and Estero Bay Aquatic Preserve  
[Cheryl.Clark@dep.state.fl.us](mailto:Cheryl.Clark@dep.state.fl.us)  
U.S. Army Corps of Engineers  
[Tunis.W.McElwain@usace.army.mil](mailto:Tunis.W.McElwain@usace.army.mil) ; [Lauren.B.Diaz@usace.army.mil](mailto:Lauren.B.Diaz@usace.army.mil)

Forwarded via regular mail w/Attachments:

Florida Department of State, Division of Historical Resources



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
1520 ROYAL PALM SQUARE BOULEVARD SUITE 310  
FORT MYERS, FLORIDA 33919

REPLY TO  
ATTENTION OF

JUL 08 2011

Fort Myers Regulatory Office

**PUBLIC NOTICE**

Permit Application No. SAJ-2010-01841(IP-BEM)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below:

APPLICANT: Sunny Grove Park, Inc.  
C/o Bonnie Brandt  
3610 Lychee Lane  
Estero, FL 33928

WATERWAY & LOCATION: The project is located in the Estero River and an unnamed canal adjacent to a RV park located at 3610 Lychee Lane, Section 28, Township 46 South, Range 25 East, Estero, unincorporated Lee County, Florida

Directions to the site are as follows: Take U.S. 41/ S. Tamiami Trail north past Corkscrew Road and make a left onto Lychee Lane. Docking facility begins at the end of Lychee Lane and continues along the Estero River until the canal dead ends.

LATITUDE & LONGITUDE: Latitude 26.437329 North  
Longitude 81.814812 West

PROJECT PURPOSE:

Basic: multifamily docking facility, navigation

Overall: Authorization for existing docking structures and installation of new docking structures at an existing RV park, dredging of waterway to allow vessel ingress and egress.

PROPOSED WORK: The applicant proposes to perform the following work: 1) remove 20 existing covered piers along the canal portion of the property, which currently accommodate 38 slips; 2) Remove 8 individual boat ramps; 3) Install sixteen 3' x 20' wood piers, one 2' x 20' wood pier and 32 boatlifts to accommodate 32 slips, a net reduction of 6 slips overall; 4) Rebuild a portion of an existing over water viewing platform, which will accommodate a new boatlift/slip on the north side; 5) Mechanically dredge 2,750 cubic yards of material from 0.43 acres of unvegetated canal bottom to a depth of (-5) MLW. The dredge spoil will be placed in a contained upland area on the west side of the canal; 6) Authorize an existing boat ramp along the canal portion of the

property, an existing viewing platform located on both the river and canal portions of the property, and 8 existing piers, 3 of which are covered, located along the Estero river portion of the property.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: There is an overall reduction of 6 slips on the project site, including the conversion of 8 individual boat ramps to 4 permanent slips with boatlifts.

COMPENSATORY MITIGATION: There are no resource impacts associated with the proposed work and therefore no mitigation is proposed or required.

EXISTING CONDITIONS: The project will occur adjacent to an RV park. A portion of the project is located along the Estero River and the remainder of the project is located along an unnamed canal off of the Estero River. Two nationwide 13 permits were verified (SAJ-2010-01841 and SAJ-2010-01973) on August 25, 2010 for the placement of riprap along both the river and canal portions of the property. There are currently existing covered docks, boat ramps and a viewing platform located along the existing shorelines.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has determined the proposed project may affect, but is not likely to adversely affect the West Indian Manatee (*Trichechus manatus*) or its designated critical habitat. The existing and proposed portions of the project have been determined by Lee County to be exempt from review under the Lee County Manatee Protection Plan. Based on the letter from U.S. Fish and Wildlife Service dated March 9, 2011, no further consultation is necessary for the existing docking structures. The 2011 Manatee Key was used for the proposed structures and dredging portions of the project, which resulted in the following sequential determination: A > B > C > D > E > F > G > N > O > P5 and no further consultation with the Service is required.

The Corps has determined the proposed project may affect, but is not likely to adversely affect the smalltooth sawfish (*Pristis pectinata*) and swimming sea turtles (*Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata*, *Dermochelys coriacea*). The Corps will request National Marine Fisheries Service's concurrence with this determination pursuant to Section 7 of the Endangered Species Act by separate letter.

The U.S. Army Corps of Engineers has determined the proposal would have no effect on the designated critical habitat of the smalltooth sawfish, as the project will not occur within its boundaries.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The existing and proposed portions of the project would+ impact approximately 0.48 acres of unvegetated bottom utilized by

various life stages of penaeid shrimp complex, red drum, reef fish, stone crab, spiny lobster, migratory/pelagic fish, and snapper/grouper complex. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Estero River. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATION FROM OTHER AGENCIES: Water Quality Certification may be required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

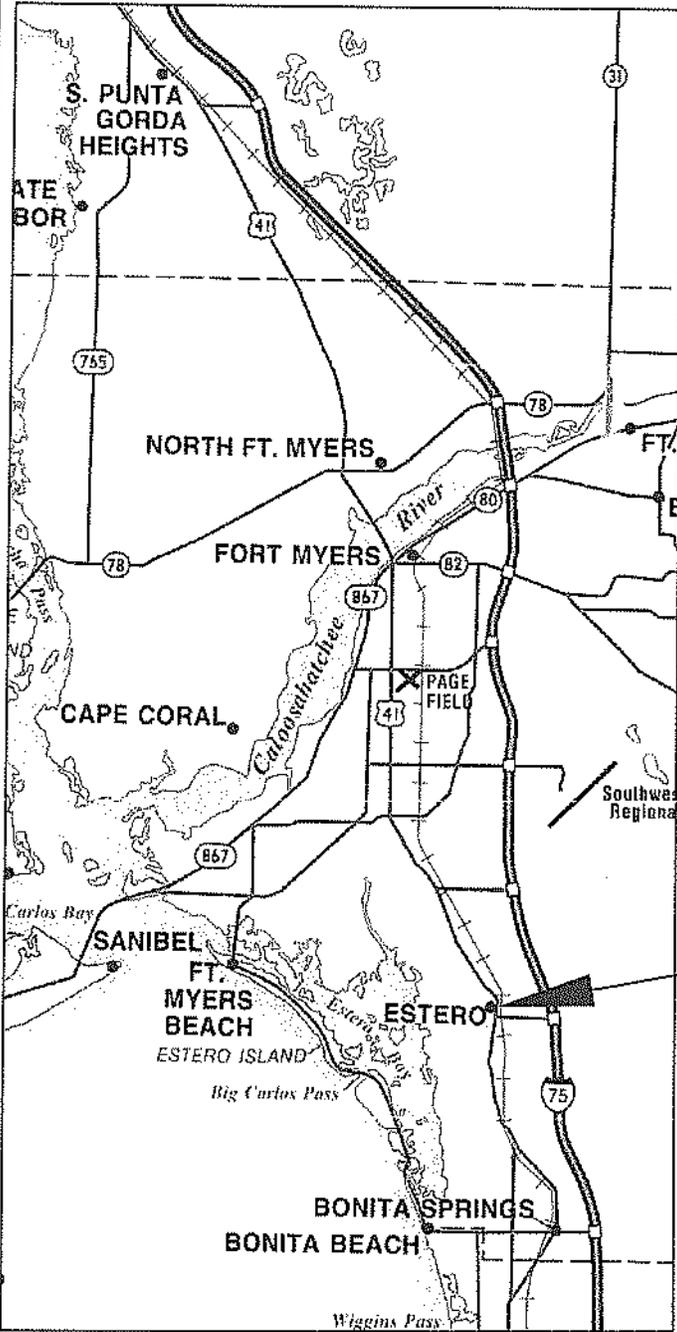
Comments regarding the application should be submitted in writing to the District Engineer at the above address within 21 days from the date of this notice.

If you have any questions concerning this application, you may contact Brianne McGuffie at the letterhead address, by electronic mail at [Brianne.McGuffie@usace.army.mil](mailto:Brianne.McGuffie@usace.army.mil), by fax at 239-334-0797, or by telephone at 239-334-1975 x34.

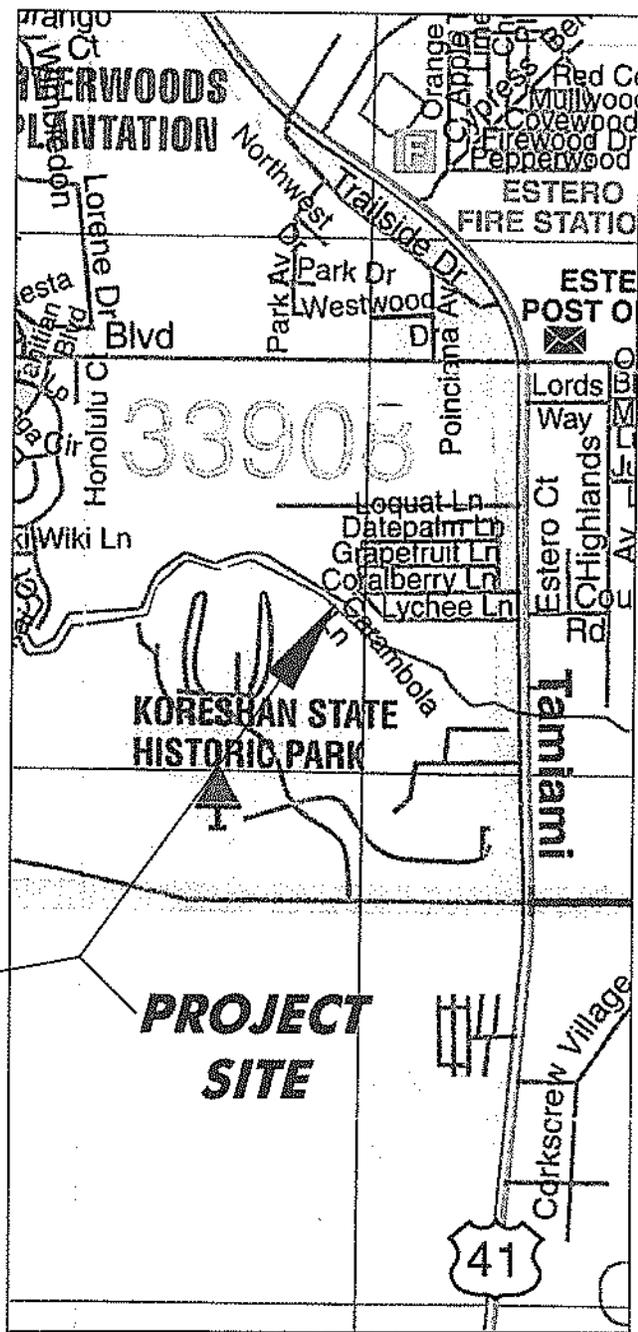
The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.

LATITUDE: 26:26:15.8N  
 LONGITUDE: 81:48:53.9W



**Vicinity Map**  
 SCALE 1" = 6 MILES



**Location Map**  
 SCALE 1" = 1/2 MILE

RECEIVED  
 MAY 13 2011

April 20, 2011 4:30:55 p.m.  
 Drawing: HONC1-MASTER.DWG

PERMIT USE ONLY, NOT FOR CONSTRUCTION

**HANS WILSON & I**  
 1938 Hill Ave. Ft. Mye  
 Tel: 239-334-6870 Fax  
 MARINE and ENVIRONME

SAJ-2010-01841(IF-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 1 of 9

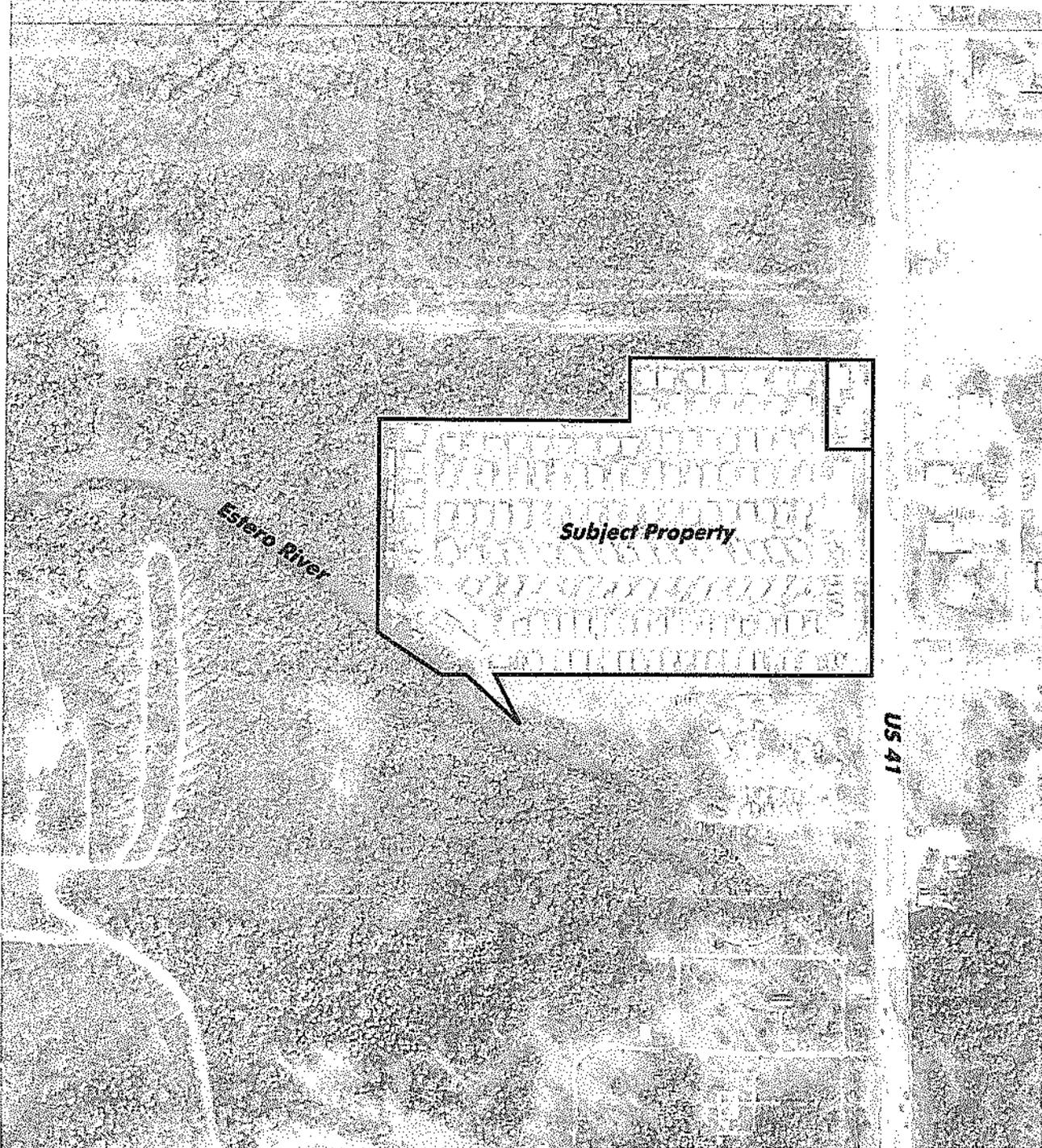
**Sunny Grove  
 Park**

SHEET

SECTION: 28  
TOWNSHIP: 46 S.  
RANGE: 25 E.

LATITUDE: 26:26:15.8N  
LONGITUDE: 81:48:53.9W

**2010 Lee County Aerial**



**Project Aerial**

SCALE 1" = 400'

RECEIVED

MAY 03 2011

April 20, 2011 4:30:55 p.m.  
Drawing: HONC1-MASTER.DWG

E.P. South District

**PERMIT USE ONLY, NOT 1**



**HANS WILSON & ASSOCIATES**  
1938 Hill Ave. Ft. My  
Tel: 239-334-6870  
MARINE and ENVIRONMENTAL

SAJ-2010-01841(IP-BEM)  
Sunny Grove Park, Inc.-New Docks and Lifts,  
ATF structures  
Sheet 2 of 9

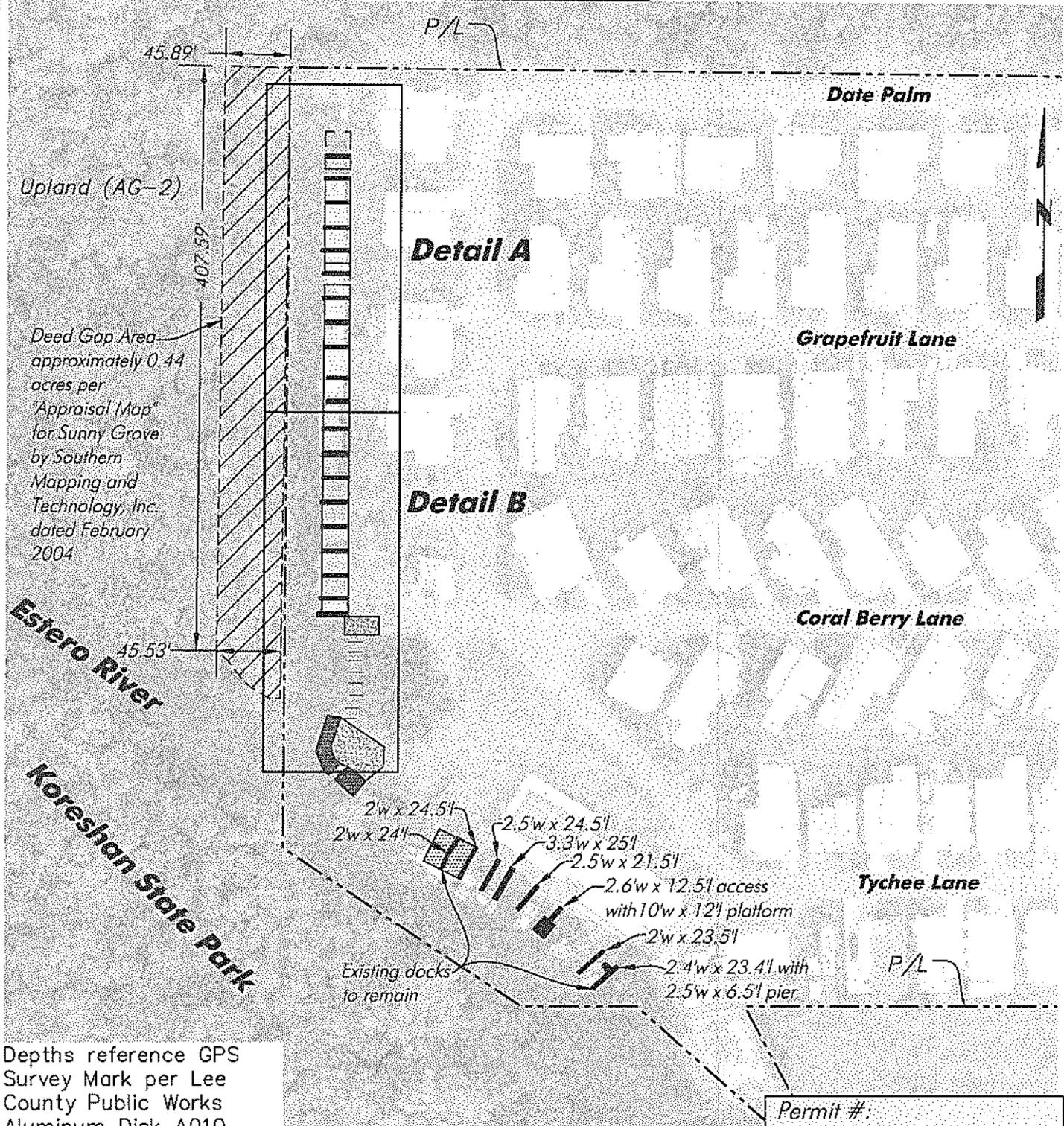
**Sunny Grove  
Park**

SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.

**2010 Lee County Aerial**

0 50 100  
 SCALE FEET



Depths reference GPS Survey Mark per Lee County Public Works Aluminum Disk A010 with elevation 12.73' NGVD located by Deni and Associates.

**Existing Plan**  
 SCALE: 1" = 100'

Permit #:  
 Sunny Grove Park  
 April 20, 2011  
 Page 3 of 9

June 14, 2011 4:30:08 p.m.  
 Drawing: HONC1MASTER.DWG

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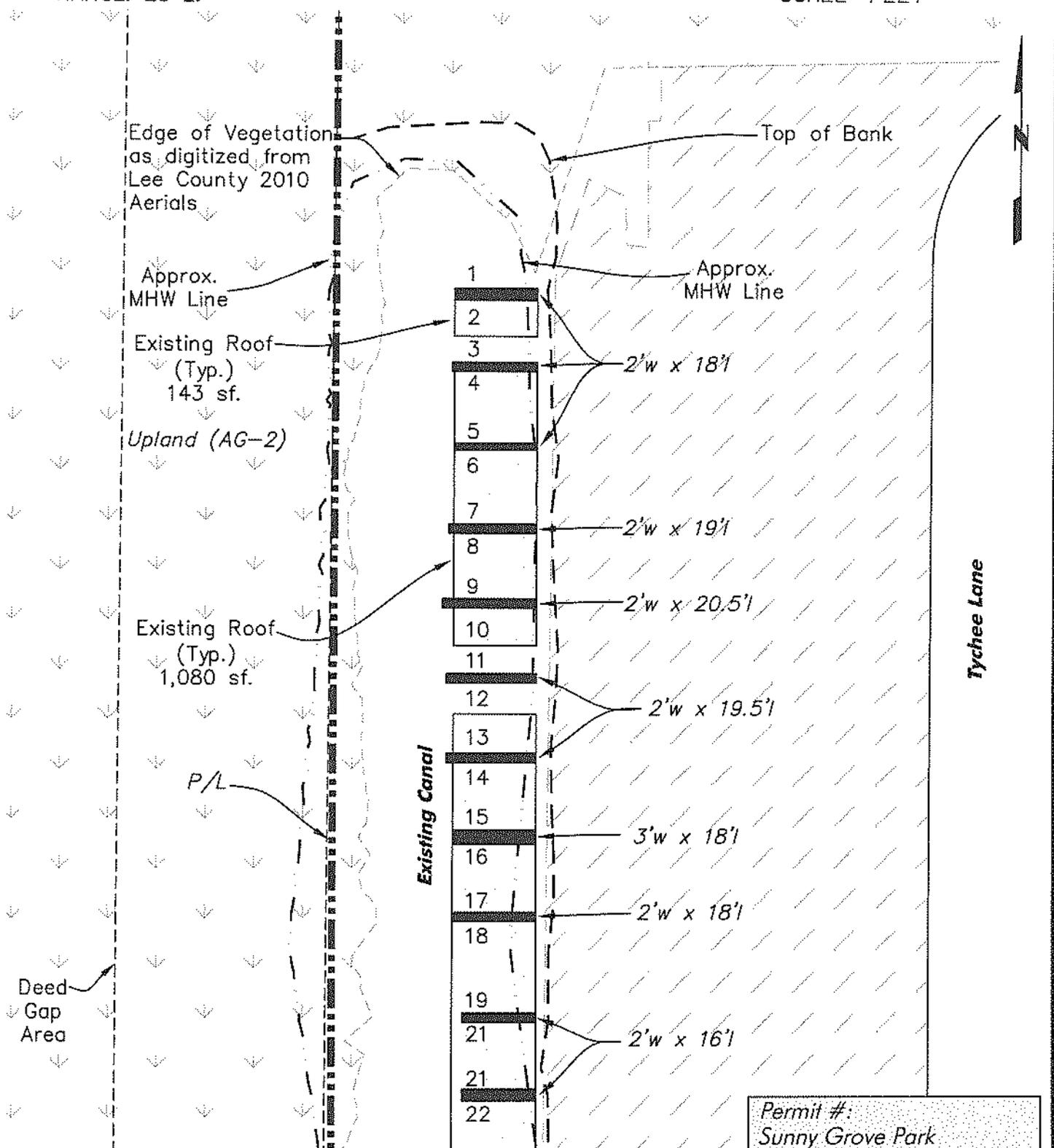
**HANS WILSON & ASSC**  
 1938 Hill Ave. Ft. Myers, Flor  
 Tel: 239-334-6870 Fax: 239-  
 MARINE and ENVIRONMENTAL C

SAJ-2010-01841(IP-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 3 of 9

**Grove Park**  
 SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.

0 15 30  
 SCALE FEET



**Detail A - Existing Plan**

SCALE: 1" = 30'

Permit #:  
 Sunny Grove Park  
 April 20, 2011  
 Page 4 of 9

June 14, 2011 4:30:08 p.m.  
 Drawing: HONC1MASTER.DWG

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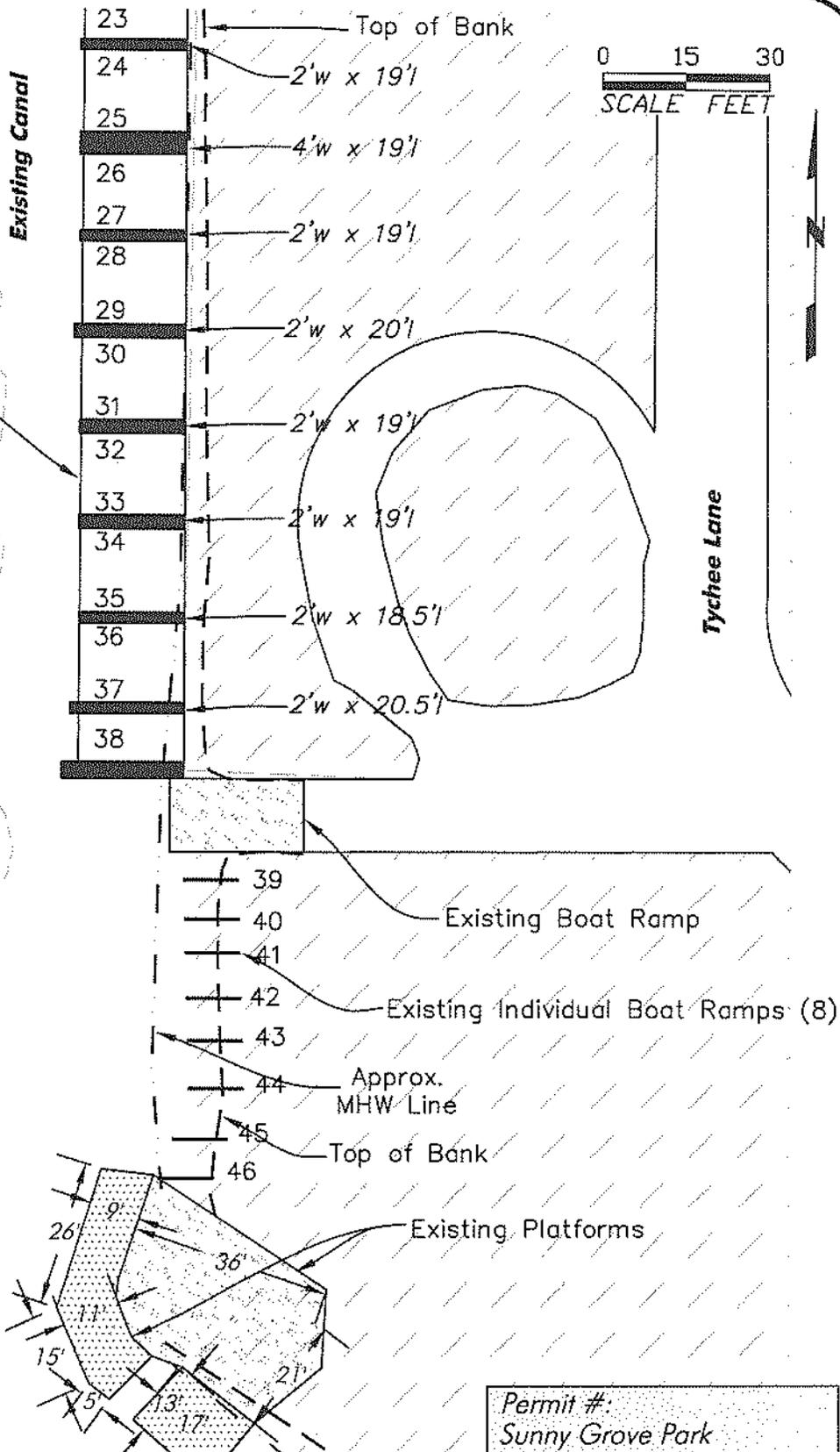
**HANS WILSON & SONS**  
 1938 Hill Ave. Ft. Myer  
 Tel: 239-334-6870 Fax: 239-334-6871  
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SAJ-2010-01841(IP-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 4 of 9

**Sunny Grove Park**

SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.



Edge of Vegetation  
 as digitized from  
 Lee County 2010  
 Aerials

Existing Roof  
 4,356 sf.

Upland (AG-2)

Approx.  
 MHW Line

P/L

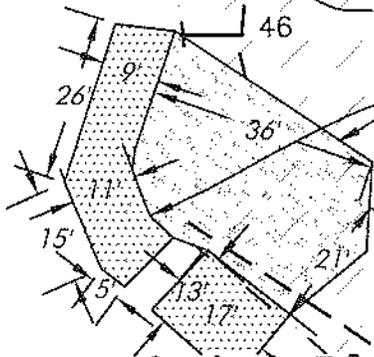
Deed  
 Gap  
 Area

Tychee Lane

**Estero River**

**Detail B - Existing Plan**

SCALE: 1" = 30'



Permit #:  
 Sunny Grove Park  
 April 20, 2011  
 Page 5 of 9

June 14, 2011 4:30:08 p.m.  
 Drawing: HONC1MASTER.DWG

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 1938 Hill Ave. Ft. Mye  
 Tel: 239-334-6870 Fax  
 MARINE and ENVIRONME

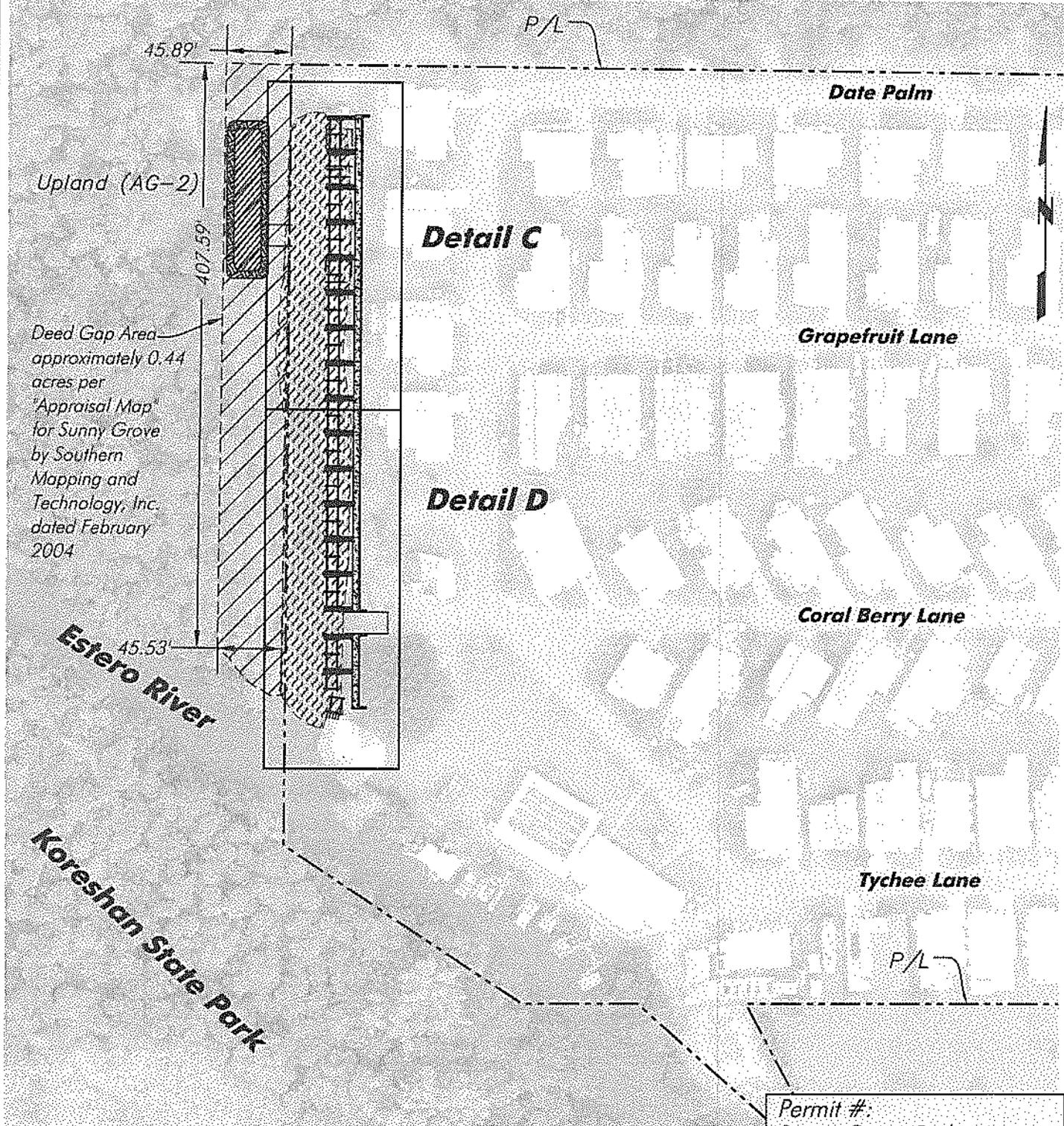
SAJ-2010-01841(IP-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 5 of 9

**Sunny Grove Park**  
 SHEET

SECTION: 28  
TOWNSHIP: 46 S.  
RANGE: 25 E.

**2010 Lee County Aerial**

0 50 100  
SCALE FEET



**Proposed Plan**

SCALE: 1" = 100'

Permit #:  
Sunny Grove Park  
April 20, 2011  
Page 6 of 9

June 14, 2011 4:30:08 p.m.  
Drawing: HONCMASTER.DWG

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1938 Hill Ave. Ft. Myers, FL  
Tel: 239-334-6870  
MARINE and ENVIRONMENTAL

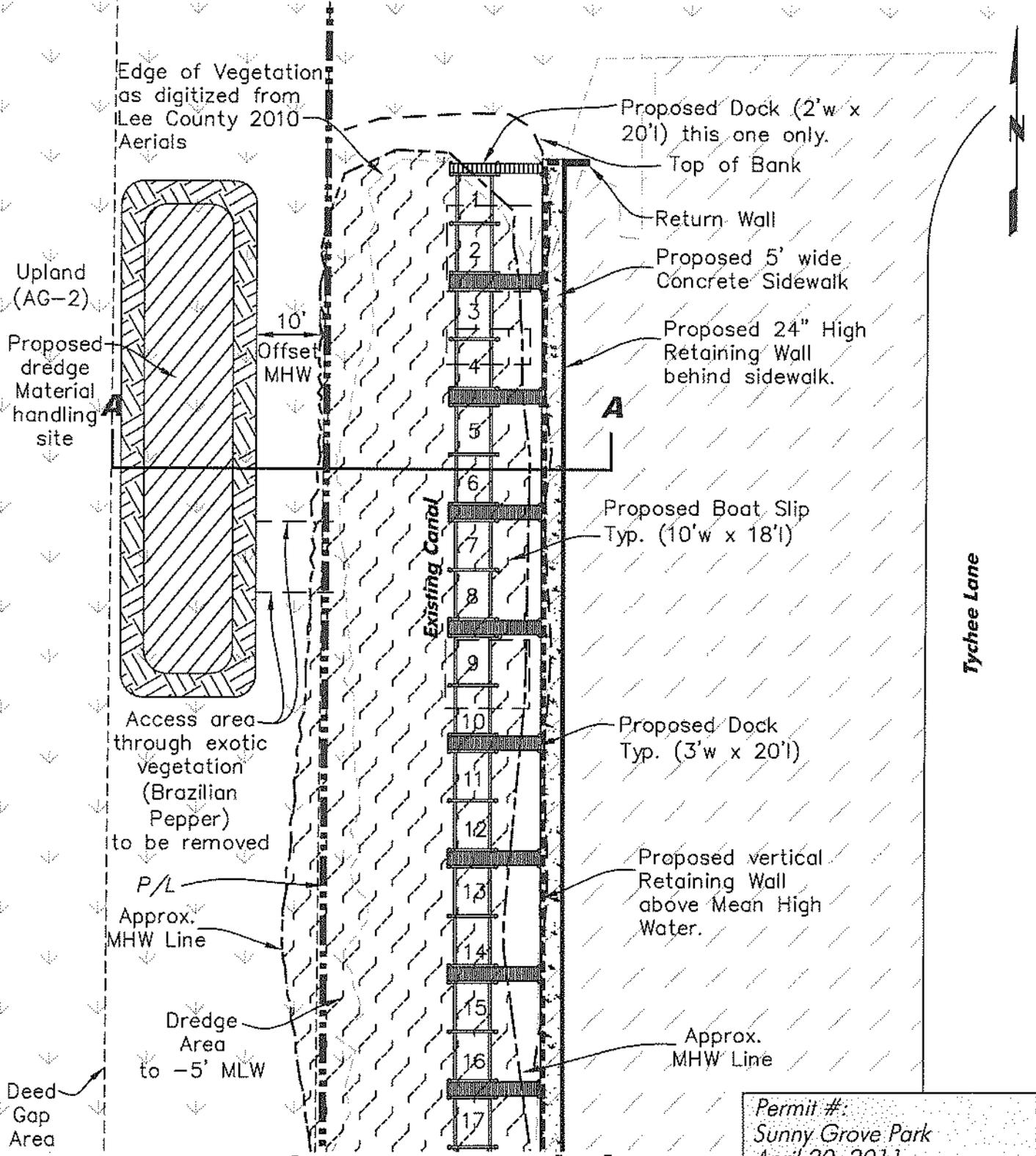
SAJ-2010-01841(IP-BEM)  
Sunny Grove Park, Inc.-New Docks and Lifts,  
ATF structures  
Sheet 6 of 9

**Sunny Grove Park**

SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.

0 15 30  
 SCALE FEET



**Detail C - Proposed Plan**

SCALE: 1" = 30'

Permit #:  
 Sunny Grove Park  
 April 20, 2011  
 Page 7 of 9

June 14, 2011 4:30:08 p.m.  
 Drawing: HONC1MASTER.DWG

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**HANS WILSON & A**  
 1938 Hill Ave. Ft. Myer  
 Tel: 239-334-6870 Fax:  
 MARINE and ENVIRONMEI

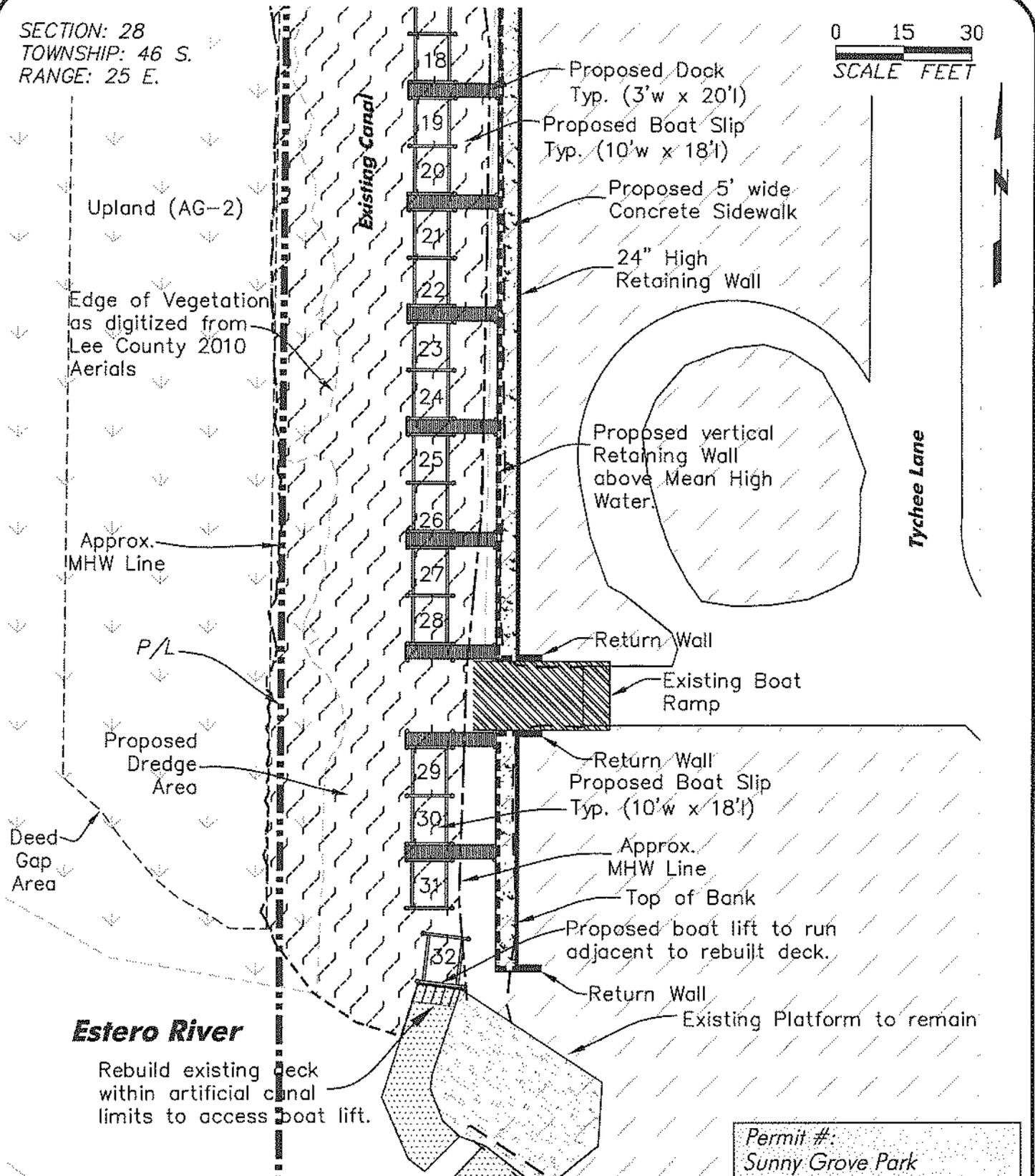
SAJ-2010-01841(IP-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 7 of 9

**Sunny Grove Park**

SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.

0 15 30  
 SCALE FEET



**Detail D - Proposed Plan**

SCALE: 1" = 30'

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Permit #:  
 Sunny Grove Park  
 April 20, 2011  
 Page 8 of 9

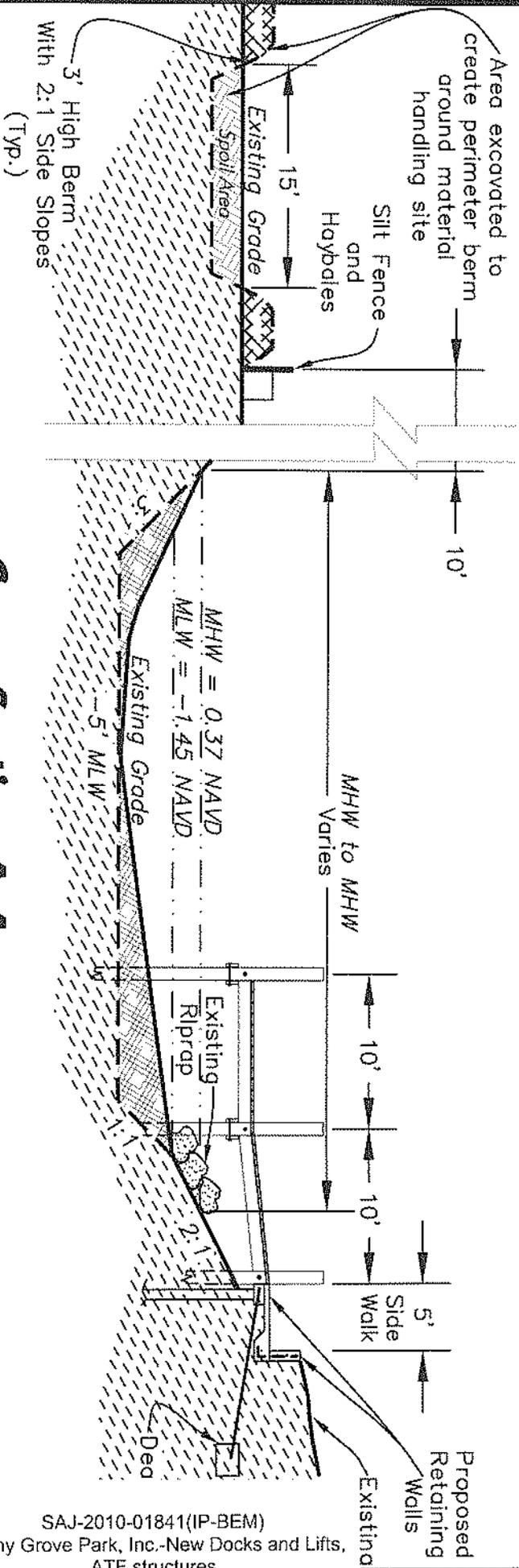
June 14, 2011 4:30:08 p.m.  
 Drawing: HONC1MASTER.DWG

**HANS WILSON & ASS**  
 1938 Hill Ave. Ft. Myers, FL  
 Tel: 239-334-6870 Fax: 23  
 MARINE and ENVIRONMENTAL

SAJ-2010-01841(IP-BEM)  
 Sunny Grove Park, Inc.-New Docks and Lifts,  
 ATF structures  
 Sheet 8 of 9

**Sunny Grove Park** SHEET

SECTION: 28  
 TOWNSHIP: 46 S.  
 RANGE: 25 E.



**Cross Section A-A**

SCALE: 1" = 10'

Notes: Tide data per DEP Tide Station  
 872-5346, Estero River : MHW = 0.37'  
 NAVD, MLW = -1.45' NAVD.

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**HANS WILSON & ASSOC., INC.**  
 1938 Hill Ave. Ft. Myers, Florida 33901  
 Tel: 239-334-6870 Fax: 239-334-7810  
 MARINE and ENVIRONMENTAL CONSULTANTS

6-14-11

JJB

**Sunny Grove Park**

SHEET

Permit #:  
 Sunny Grove Park  
 April 20, 2011  
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June 14, 2011 4:50:08 P.M.  
 Drawing: HONCMASTER.DWG

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Service, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



Donald W. Kinard  
Chief, Regulatory Division