



AGENDA
ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, December 12, 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. Minutes of October 17, 2011
5. EBABM Draft 2012 Work Plan
6. Election of Officers for 2012
7. Cela Tega Subcommittee
8. Emerging Issues
9. Announcements
10. Public Comments on Items Not on the Agenda
11. Next Meeting, Time, Place, Agenda Items
12. EBABM: Monday, January 9, 2012 – 9:30 a.m.,
13. IAS: Monday, January 23, 2012 – 1:30 p.m.
14. Adjournment



MINUTES OF THE ESTERO BAY AGENCY ON BAY
MANAGEMENT

Held on October 17, 2011

The regular meeting of the Estero Bay Agency on Bay Management was held on October 17, 2011 at the Southwest Florida Regional Planning Council offices in Fort Myers, Florida.

NAME	ORGANIZATION
Keith Arnold	J. Keith Arnold & Associates
Gloria Beauchamp	FDEP/Lovers Key
Jim Beever	SWFRPC
Lisa Beever	CHNEP
Karen Bickford	Lee County
Brian Bigelow	Lee County BOCC
Brenda Brooks	CREW
Nora Demers	RGMC
Cheryl Clark	FDEP
Wayne Daltry	Audubon of Southwest Florida
Liz Donley	SWFRPC
Win Everham	FGCU
Brad Cornell	Audubon of Florida
Harry Gottlieb	FMBCA
Renee Kwiat	LCPA
Keith Laakkonen	Town of Fort Myers Beach
Beverly MacNellis	Estero CCL
Laura Miller	LWV of Lee County
Kate Moses	Lovers Key
Paul O'Connor	Lee County
Cathy Olson	Conservation 2020
Marisa Polgar for Jennifer Hecker	Conservancy of SWF
Pete Quasius	Audubon of SWF / Snook Foundation
Erin Rasnake	FDEP – South
Heather Stafford	Estero Bay Buddies
Lynda Thompson	Lee County
Carl Veaux	RGMC, Sierra Club

Agenda Item #1 – Call to Order

Dr. Beever called the meeting to order at 9:35 a.m.

Agenda Item #2 – Attendance

Attendance is taken through the sign-in sheet.

Agenda Item #3 – Agenda Additions, Deletions or Corrections

Dr. Beever reported that Ellen Peterson passed away on October 14 and requested a moment of silence in her honor.

There were no additions, deletions or corrections to the agenda.

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

None.

Agenda Item #5 – Minutes of August 8, 2011

Brad Cornell had a correction to the list of attendees as Rand Frahm was shown as the representative for Audubon of Florida instead of himself.

MOTION TO APPROVE THE MINUTES OF AUGUST 8, 2011 AS AMENDED BY ERIN RASNAKE AND SECONDED BY BRENDA BROOKS. MOTION CARRIED UNANIMOUSLY.

Agenda Item #6 – Presentations

Keith Arnold – Legislative Update

Mr. Arnold of J. Keith Arnold & Associates stated that he was very proud of this organization to protect Estero Bay and offered his congratulations on sustaining their funding this year. Representative Trudi Williams was very instrumental in this legislative process. (He was probably referring to the funding for the Estero Bay Aquatic Preserve office of FDEP).

This ABM came out of the effort to build FGCU. Reflecting back on the controversies, there was the premise that if we built it, students will come as well as the infrastructure and a lot of development around it.. This would lead to urban development and result in tremendous growth and impacts to the environment around the university. It was work through people as Ellen Peterson to preserve the southwest Florida that they came to know, love and appreciate. Her passing reminds us of difficulties and struggles in the past and her involvement in these issues, but when we see urban sprawl and development, it reminds us of the issues and challenges that lie ahead.

With the projects that this ABM has had to wrestle with these past years, what do we hope to accomplish and what is the collective ability of organizations to determine our own future? The challenges in Tallahassee and the opponents to organizations like this use the economic times as an excuse to say “development growth is about job creation and is more important than the environment.” The mindset is towards economic development and job creation with less commitment to environmental causes today. How do we preserve a little bit of the past while moving towards the future?

There is less of a commitment to planning and growth management from the Tallahassee perspective than there ever has been. He reviewed the history of the legislature and the cities and

counties over the past several years. The legislature is now saying that growth management is not needed which was a complete role reversal, with the agencies trying to preserve growth management. The legislature has substantially unraveled the growth management laws. Appropriate planning is needed as part of the development process. This is not the answer. The agencies that were combined in the State represent less commitment to the environment. At some point, the economy will rebound and there will be a demand for additional housing and developments for the State of Florida.

This organization was formed to protect Estero Bay and the issues of environmental protection and preservation do not go away. We must remember the struggles and recommit ourselves to moving forward. In Tallahassee and at the local level, the sense of commitment has been lost. The question is how do we have public focus on these issues? It is difficult when people have economic struggles to deal with. Dr. Beever's earlier request for us to reflect on Ellen Peterson and her commitment to us in the past and what brought this organization together and the work she had done really says something about this organization and what opportunities are in the future. We have to recommit ourselves.

Mr. Quasius asked if it made more sense to be support given the diminishing commitment to environmental protection.

Mr. Arnold said that funding for agencies that support environmental causes are not in vogue now and that it was almost as if people questioned Americanism. The conservative elements of American politics forgot that Teddy Roosevelt was the father of environmental movements. It is a struggle at the local level.

Dr. Everham stated that we still need to recognize that communities don't operate in isolation. He asked if the concept of state oversight was part of the conversation in Tallahassee as we need state oversight.

Mr. Arnold said that if we were to view the role of the state, the role is one of coordination and assistance to integrate more. That is the role of the regional planning councils and as Florida has grown, the reason to address these issues is more apparent. Regionalization takes on different concepts. Growth management at this point is a regional issue. The initial focus of growth management law was to provide for overlay and for support of those areas to deal with growth management, and to assist local governments that didn't have the ability to deal with growth management. The state has a role to make sure there is a regional approach to growth management. The impact to Lee County is far more enormous than the impact to Charlotte County.

Mr. Daltry asked how the federal representatives who were trying to dismantle the social service network that enables retirees to conclude their golden years and have easier times could think that Florida would still continue to grow.

Mr. Arnold said that all of government is affected by the current response of federal and state legislators as to what they perceived were wrong with the government. This is a global tumultuous time and government is the enemy. There is a lot to be pessimistic about. We will still have sunshine and people will start coming back down here again. We have to do a better job of planning for our future. The top down strategy doesn't work.

Ms. Stafford asked if the people in Tallahassee actually understood this.

Mr. Arnold said that he was not sure that they do. The tourism officials and the rank and file administrators do, but I'm not sure about the legislators.

Discussion ensued on Florida Forever, streamlining of environmental regulation HB 991 and the preemption of local authority over rock mining.

Mr. Arnold stated that preemption rock mining is an issue that Tallahassee only wants to control when they think that local government has stepped out too far. State law is needed to make sure rock mining permitting processes are the same throughout the state, but he did not think it would come back this year.

Mr. Daltry asked if there was any coordinated effort on behalf of regional planning which is basic to the future of our society.

Mr. Arnold said that regional planning was being questioned now and that perhaps the best avenue might be working with Economic Development and Chambers of Commerce which can include our efforts for planning on a regional basis. Will there be a venue to do this? House Bill 991 will resurface in an effort to streamline regulatory oversight of state and local governments. He expressed his disappointment about where we are with Florida Forever as there was minimal commitment to it in Tallahassee.

Paul O'Connor arrived and took over as Chair of the meeting.

Agenda Item #6 – Presentations: Keith Laakonen – Laguna Shores Project

Mr. Laakonen reviewed the Laguna Shores project which was primarily a navigation project in the south end of Fort Myers Beach. Over time, access has been cut off due to a shoal which has developed resulting in navigation issues.

Discussion ensued. The Department of Environmental Protection is concerned about sea grasses. He reviewed the sea grass survey which was done in early October 2010.

Discussion ensued on abandoning the channel. Mr. Laakonen reviewed it in detail stating that dredging in an aquatic preserve was a very touchy subject. The property owners have no access to the aquatic preserve. The WCIND awarded us a grant and the Town of Fort Myers Beach will be reimbursed. It will cost about \$250,000 for dredging.

Discussion ensued on the letter in support of this.

Mr. Laakonen said the DEP might be nearly finished with their review, but the Corps is behind as they are treating this as a new permit.

Mr. Daltry said that he was puzzled by the fact that there was no public access. Mr. Laakonen said that there was no maintained public navigational access.

Discussion ensued on public access, general access and tributaries, as well as the environmental benefits for moving the channel

Mr. Laakonen said that the Town of Fort Myers Beach had proposed putting the dredged material back into the old channel and bringing it to an upland site next door. The Town of Fort Myers Beach was dipping into reserves for the engineering fees.

Discussion on timeline for the letter ensued. Mr. Laakonen said he was asked by Heather Stafford to bring this to the ABM.

Mr. Quasius asked if the Town was ready to propose a draft letter. Mr. Laakonen said it would be depending on what the will of the ABM was, but that he would have to abstain from voting.

Dr. Everham said that he was concerned about creating a precedent that it would be okay to do new dredging when it saves the county more money. He would like the letter to address this and not used as a precedent for a lot of new ideas. He recommended taking this matter to the IAS.

MOTION BY MR. QUASIOUS AND SECONDED BY DR. BEEVER FOR CONSIDERATION OF THE LETTER TO THE CORPS. MS. THOMPSON WAS OPPOSED AND MR. LAAKONEN ABSTAINED.

Agenda Item #7 – Smokehouse Bay Preserve Mosquito Ditches Letter

MOTION BY MR. DALTRY AND SECONDED BY MS. THOMPSON TO APPROVE THE SMOKEHOUSE BAY PRESERVE MOSQUITO DITCHES LETTER.

Discussion ensued. It was suggested to change the phrase in the second paragraph as it was inappropriate to recommend any change at this late date.

MOTION MAKER AND SECONDER AGREED. MR. O’CONNOR ABSTAINED. MOTION CARRIED.

Agenda Item #8 – South entrance to FGCU Discussion

Mr. Beever provided a report on this item. FGCU said the road was needed for safety issues.

Discussion continued. After discussion, it was decided to bring back this item to the November ABM meeting.

MOTION BY MR. QUASIOUS AND SECONDED BY MR. CORNELL TO BRING THIS ITEM BACK TO THE NOVEMBER ABM MEETING. MOTION CARRIED UNANIMOUSLY.

Agenda Item #9 – Alico Road and Power Line Road Discussion

Mr. Beever said that Mr. Daltry had requested that this item be on the agenda. The request is to have the MPO to tell us what is going on. Mr. Beever said that the MPO is examining moving away from the RPC, but that they have indicated a willingness to speak at a future meeting about this project.

Mr. Daltry stated that this roadway was to be a four-lane road with varying degrees of limited access. It was shown as financially feasible, although there was no specific source of funding

identified. Power Line Road is extends from Treeline north of Alico at Airport Hall Road and is also shown as financially feasible. Traffic counts are not included. Although the MPO approved it in 2010, we need to look at land uses upon which 2010 was based. The 2012 Work Plan is supposed to take a look at land use and see if can recalibrate towards an infill strategy.

Mr. Quasius said that visuals would be helpful.

Lee County has acquired most of the right-of-way for the extension.

Chair O'Connor stated that the three issues were as follows:

- 1) South entrance road
- 2) Power Line Road
- 3) Extension of Alico Road out to Sunshine Boulevard in Lehigh Acres

Chair O'Connor said that there was a development on the south side of Corkscrew Road (Bella Terra and east of it) that has an existing plat – 260 single family lots – 350 to 400 acres that applied for a comp plan amendment to change from a density reduction groundwater resources to sub-outline suburban – two dwelling units an acre.

Discussion ensued on having the applicant at a future meeting.

MOTION BY MR. DALTRY AND SECONDED BY MR. QUASIUS TO HAVE THIS ITEM BROUGHT TO THE IAS AT THEIR NEXT MEETING. MOTION CARRIED UNANIMOUSLY.

Agenda Item #10 – ABM Media Release Guideline Discussion

Mr. Beever reported that he had prepared a draft document which is going through internal review at the RPC which is a simple document and sets up spokesperson cascade. The IAS will also review it. Liz Donley will make sure it meets state statutory regulations and then it will be brought back to the ABM.

Agenda Item #11 - Committee Reports and Scheduling

Cela Tega – Dr. Demers reported that 36 people had registered, five of which are from the ABM. There is a diverse group of people planning to attend. The date is November 2nd from 8:00 a.m. to 5:00 p.m. She reported that one of the speakers, Kevin Irwin, would be in Southeast Asia and that she was waiting to hear from him. Bill Hammond and Kirk Beck had been asked to speak and she stated that she was waiting to hear back from Bill Hammond and that she would be talking with Mr. Beck later this week.

Invitations had been sent to all elected issues in the area. Discussion ensued on agencies having a table at the event. There will be a Cela Tega meeting next Monday at FGCU, followed by the IAS.

IAS – Dr. Everham gave a report on the Master Plan and the activities of IAS, as well as the ten year plan for Estero Bay. Dr. Everham said that the Hope Hospice permit application was forwarded by Sarah Larsen. The applicant will be at a future meeting for a presentation.

Commissioner Bigelow said that there would be an administrative hearing for the DRGR (challenge to the Lee County amendments) on October 24th and, therefore, he would be unable to attend.

Agenda Item #12 – Emerging Issues

Mr. Beaver said that the SWFRPC had reorganized and that his classification was changed to a Planner IV. The field for the Executive Director is narrowed down to 22 and will be reduced to seven who will be interviewed. Most of applicants are from the east coast and desert southwest. At the beginning of the New Year, we will have a new Executive Director. Funding depends on getting support externally for next year funding. Discussion continued.

Chair O'Connor said that there are three amendments to the comp plan which are in the watershed. Airport Hall Road and Alico Road property is an approved DRI and they are requesting amendment to allow dormitories. The third amendment is east of Fiddlesticks Country Club. They are requesting a change from current rural designation to an urban designation with a density increase.

Agenda Item #13 – Announcements

Dr. Demers said that Gulf Coast Live will have a broadcast at noon honoring Ellen Peterson today. There will be two parties on November 13th at 1 p.m. at Fisheating Creek and on December 3rd at 3:00 p.m. in Happehatchee.

Mr. Quasius reported that on October 27th there would be an Eco breakfast sponsored by Audubon of Southwest Florida Responsible Growth Management Eco Breakfast and tribute to Ellen and awarding of a scholarship in memory of Ellen Peterson on October 27th. Tom Swihart will be the guest speaker.

Dr. Everham said that on October 27 at 6:00 p.m. there will be a Terry Williams Student Dialogue and the focus would be the ocean conservancy and sustainability. The panel discussion is at 7 p.m. at the Student Union. The 21st annual SWFL Water Resources Conference is on November 18th and entitled “Blossoming Concepts in Water Management Technology” which will be held at the Naples Botanical Gardens.

Ms. Beauchamp reported that on October 29th there would be a Lovers Key Great Outdoors Adventure Day Event which is free with paid admission to the park.

October 29th – 1st annual Panther festival at North Collier Regional Park

October 30th – Monofilament Madness

Agenda Item #14 – Next Meeting, Time, Place, Agenda Items

Cela Tega/IAS: Monday, October 24, 2011

EBABM: Monday, November 14, 2011

Agenda Item #15: Adjournment

Meeting adjourned at 12:03 p.m.

**ESTERO BAY AGENCY ON BAY MANAGEMENT (EBABM)
PROPOSED PROJECTS AND ACTIVITIES 2012
Adopted by EBABM on XXX**

- 1. Develop strategies and recommend actions to reduce further impairment to and restoration of the health of the Estero Bay waters and its native habitat.**
- 2. Seek continuing funding support from EBABM partners and external grant sources for special projects, event, and staff support of the EBABM.**
- 3. Coordinate activities with the Charlotte Harbor National Estuary Program, the Estero Bay Nutrient Management Partnership, and the Southwest Florida Watershed Council.**
- 4. Provide Comments and Report to the Southwest Florida Regional Planning Council (SWFRPC) on relevant Items of Review such as; Comprehensive Plan Amendments, Developments of Regional Impact, update of the Strategic Regional Policy Plan, Intergovernmental Coordination and Review projects, etc.**
- 5. Collect and maintain a data library for Estero Bay at the offices of the Southwest Florida Regional Planning Council (SWFRPC) and contribute to the Charlotte Harbor National Estuary Program's (CHNEP) water atlas.**
- 6. Encourage conservation of critical habitat in the Estero Bay Watershed through land acquisition and other tools, to facilitate a re-examination of the Master Mitigation Plan and to include seeking funding for a workshop on the future of the Lee County's "Conservation 20/20" Land Acquisition Program.**
- 7. Review and comment to regulatory agencies on issues affecting Estero Bay and its watershed.**
- 8. Review and comment on other current issues affecting Estero Bay.**
- 9. Develop and implement a 10-year work plan for the improvement of the Estero Bay Watershed**