



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 23rd 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 23rd.

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 8th, 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 4th 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 20th.

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 12th 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.