



MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT

Held on August 8, 2011

The regular meeting of the Estero Bay Agency on Bay Management was held on August 8, 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
Karen Bickford	Lee County
Brian Bigelow	Lee County BOCC
Brenda Brooks	CREW
Matt Caldwell	Representative, District 73
David Ceilley	Self
John Curtis	Johnson Engineering
Wayne Daltry	
Win Everham	FGCU
Rand Frahm	Audubon of Florida
Wayne Gale	Lee County Mosquito Control District
Harry Gottlieb	FMBCA
Renee Kwiat	LCPA
Keith Laakkonen	Town of Fort Myers Beach
Sarah Larsen	FGCU
Diana McGee	Senator Bill Nelson
Laura Miller	LWV of Lee County
Cathy Olson	Conservation 2020
Judy Ott	CHNEP
Ellen Peterson	Self
Pete Quasius	Audubon of SWF / Snook Foundation
Erin Rasnake	FDEP – South
Shelly Redovan	Lee County Mosquito Control District
Carl Veaux	RGMC, Sierra Club

Agenda Item #1 – Call to Order

Meeting called to order by Dr. Beever at 9:30 a.m. Introductions were made.

Agenda Item #2 – Attendance

Attendance was taken through the sign-in sheet.

Agenda Item #3 – Agenda Additions, Deletions or Corrections

Commissioner Bigelow suggested adding a public comment statement at the top of the agenda to stating that "Public may comment at the discussion of each agenda item".

Dr. Beever asked if there were any other additions, deletions or corrections. There were no added additions, deletions or corrections.

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

None.

Agenda Item #5 – Minutes of June 13, 2011

MOTION BY MR. QUASIUS AND SECONDED BY MS. BROOKS TO APPROVE THE MINUTES OF JUNE 13, 2011. MOTION CARRIED UNANIMOUSLY.

Agenda Item #6 – Presentation: Legislative Updates

Representative Matt Caldwell, District 73, provided an update on legislative issues. Growth management was a huge issue this legislative session which totally reformed the 1975 Growth Management Act. He stated that the idea was to invert the process to be a bottom up process, changing the state from the classical role with the basic premise being to put the onus on the local governments.

Mr. Daltry asked if the state land planning agency was still in existence.

Representative Caldwell stated that there would not be a state comprehensive plan, but that there would still be an office within DEP that would keep track of what was going on. The central clearinghouse would still have oversight on issues of state concern as defined in the statute (i.e. encroachment on military bases, first magnitude springs, anything that would impact the Everglades, etc.)

Mr. Daltry asked if the Regional Planning Councils would be eliminated.

Representative Caldwell stated that the funding was cut, but they were not eliminated.

Discussion ensued on the state comp plan. Representative Caldwell stated that there was a vision in 1985 that the state would have a more aggressive role in outlining land use categories and growth. There is still a plan that outlines how to organize government.

Mr. Quasius stated that he thought the movement was towards longer term planning and sector plans rather than DRIs and more short-term operations.

Representative Caldwell said that basically the legislature took Rule 9J5 and with input from the community, staff and legislators, they kept the areas they wanted to keep and eliminated the others, Need being one of those.

Mr. Daltry asked if financial feasibility was eliminated.

Representative Caldwell stated that would be left to the local governments to decide. Eliminated was the requirement that the local municipalities follow the steps that had been required in the past. Municipalities now have more flexibility as to how to apply standards. None of the city plans were invalidated.

Discussion ensued on possible state policy looking at alternative forms of energy.

Representative Caldwell stated that this issue would most likely not be discussed in the current legislative session. It would probably be a couple of years. Senator Benaquisto, Chair of the Energy Committee, has been an advocate of getting this policy completed, however, the logistics of redistricting will have an effect, not only on this issue, but other major issues as well.

Dr. Everham said that one of his concerns as an ecologist, even though he understood the desire to give more local control, however, sometime our systems are outside our control. The Caloosahatchee River is a prime example. He asked Representative Caldwell if he felt that there was enough state oversight as people downstream might be negatively affected by local decisions upstream.

Representative Caldwell stated that we have looked at what has been built and have built smarter suburban environments. There are two problems: 1) Discouragement of urban development (transportation concurrency) that ruined the ability to have dense urban areas and 2) mortgage and financial subsidy structure of the federal government that discourages cash investment and encourages borrowed spending which has manifested itself in the larger suburban environment.

Dr. Everham asked if Representative Caldwell saw any changes in the state stepping in on the mining resource.

Representative Caldwell said that with the assistance from Senator Benaquisto had preemption removed from House Bill 991. There is a strategic resource in the rock and it is not a renewable resource. He hoped that this debate would take place at the local level.

Discussion ensued on mining, DRGR, preemption and damage to the water.

Mr. Beever said that another issue is the fertilizer ordinance which have been initiated from Collier County to Pinellas County and are stricter than the state standards. He asked if Representative Caldwell if we will see another attempt at preemption.

Representative Caldwell replied that he did not think it would be a legitimate issue.

Commissioner Bigelow asked about rock mining and the fertilizer ordinances as we tend to lose sight of the downstream consequences of rock mining and phosphate. These two factors have one of the largest negative impacts and extraction is potentially “Armageddon” for us.

Representative Caldwell stated that the debate is cost and property rights. Rock mining has as big an impact on Estero Bay as Lehigh has on the Caloosahatchee River. Mining was chosen as it only involved 10 owners.

Commissioner Bigelow stated that the ABM was extremely concerned with what has happened to water and habitat quality which is nearly in a cesspool status. The state needs to recognize that this is a state preserve. He asked if the ABM could rely on his office for assistance if they could come up with a 10-year plan with milestones.

Representative Caldwell said that he would be glad to help wherever he could. He had opposed the closing of the Estero Bay Aquatic Preserves office. The difficulty lies in the fact that it is not just rock mining that has changed. It is also the developments, roads and golf courses as well. Balancing that issue is extremely difficult.

Discussion ensued on basin rules, water quality, design improvements and the technologies used to treat, retain and reuse water on the site. Mr. Beever reviewed the history on the Southwest Florida basin rule. Representative Caldwell said that he would look further into this issue and get back with Karen Bickford and the members of the ABM.

Discussion ensued on TMDLs and the action plan ensued.

Mr. Veaux stated that the Florida Fish & Wildlife Conservation is working on a blueprint for conservation and expressed his hope that the legislature would find a way to get the land builders to mitigate their land for wildlife and approve preservation of the thruway for the panther and black bear population.

Representative Caldwell said that there was still a lot of work for the major agencies to do with respect to moving forward with less money and still preserve what they have. He felt that we should focus more on less-than-fee acquisitions rather than the fee simple acquisitions as they are less expensive and would relieve the state of the maintenance costs.

Discussion ensued on the reconsideration of funding of water management district in the next several years. Representative Caldwell asked everyone to vocalize their opinions to their legislators on reform, structure, localization, policy, etc. as this would be an active topic for the next several years.

Agenda Item #7 – Smokehouse Bay Preserve Mosquito Ditches Discussion

Cathy Olson, Lee County 2020 Program, presented this item. She explained that there are three primary tiers: 1) Conservation of natural resources, 2) Improving hydrological systems and 3) Nature based restoration. Their organization takes the land that has been altered over time and brings it back to the natural system.

Discussion ensued on mulching the melaleuca. Ms. Olson said that the cost was exorbitant. Mr. Beever said that the mulch will transport out of the system and create a water quality problem, and, therefore, it is better to leave it intact to let the natural processes occur.

Ms. Olson explained that their goals were to reestablish natural hydrology, reclaim palm grove into high marshes and salt flats, remove spoil piles, control invasive exotic plants and get the native plants back into the system. This technique is a well utilized restoration technique on the east coast, the west coast and up the eastern seaboard as well as in Australia. It will restore much of the natural water movement and enhance globally imperiled communities, increase bioproductivity on the site, reduce fragmentation and help maintain a healthy coastal system.

Discussion ensued on funding for the project which will be all grants if she is successful in getting the third grant.

Discussion ensued on the cost. Ms. Olson said that the cost is \$50,000 for the second phase and did not include design and permitting.

Agenda Item #8 – Mosquito Control on State Managed Lands Discussion

Wayne Gale presented this agenda item. He explained that Lee County has more of this acreage than any other county in high marsh and that restoring a tidal marsh to its natural condition will create this type of habitat. Mosquito control and marsh habitats have been an issue of concern in Florida for several years. Chapter 338 of Florida law provides for a Florida Coordinating Council on Mosquito Control which consists of folks from DEP, EPA, Fish & Wildlife and Mosquito Control, and meet three to four times a year to discuss these issues. There is also a Subcommittee on Managed Marshes which is comprised of marsh management experts who are available to discuss, provide expert advice and evaluate projects with an eye towards the impact on mosquito control.

Discussion ensued on permits for ditching and the types of fish found in the marshes and pools. Impacts from the birds and predators is very minimal. Mr. Beever stated that the horseflies are a major problem in the marshes.

Discussion ensued on alternatives to mosquito ditching and the impact to the environment, spoil piles and ditches.

Mr. Laakonen asked about treating mosquitoes after the habitat shift as it would make spraying more efficient.

Mr. Gale said that the habitats are so small and temporary that it would have little effect.

Discussion ensued on rotary and starburst ditching.

Ms. Redovan said that there would be a meeting in two weeks and that one of her ideas was to go to an open marsh system or rotary ditch situation. She explained that she was not proposing to fill every mosquito ditch and that the benefits largely outweigh the increase in cost.

MOTION BY MR. QUASIUS AND SECONDED BY DR. EVERHAM TO HAVE THIS ITEM ON THE NEXT IAS AGENDA. MOTION CARRIED UNANIMOUSLY.

Agenda Item #9 – Final FGCU Master Plan Update

Dr. Everham said that the Master Plan Update had been sent in.

Discussion ensued.

MOTION BY MR. DALTRY AND SECONDED BY MR. QUASIUS TO SEND THE LETTER PRPERED BY DR. EVERHAM.

Mr. Daltry said that he did not find any mentioning of the research center off campus.

Dr. Everham said that it will be presented to the Board of Trustees in September.

Commissioner Bigelow asked if the students had been asked to comment on the master plan.

Mr. Daltry said he also did not see the Sunshine Expressway mentioned either which was supposed to be on the east side of the university.

Mr. Carl Veaux began the discussion on the concerns regarding 951 and the widening of Corkscrew Road. The east road would have given better access by emergency vehicles.

Discussion continued.

Dr. Beever called the question.

MOTION AMENDED THE LETTER TO INCLUDE ALL PROPERTIES IN THE MASTER PLAN. MOTION MAKER AND SECONDER AGREED. MOTION CARRIED UNANIMOUSLY.

Agenda Item #10 – Alico Road Extension – Wayne Daltry (moved to IAS Committee)

This item was moved to the IAS Committee for action.

Agenda Item #11 – ABM Attendance Reminders

Mr. Beaver presented this item. Ms. Larsen and Ms. Kooi had researched the attendance of each member. Currently two members (EPA and the U.S. Fish & Wildlife Service) will be sent a letter with respect to attendance issues.

Agenda Item #12 – ABM Media Release Guideline Discussion (TABLED)

This item was tabled to next month.

Agenda Item #13 – ABM Funding Request Letters (will be e-mailed)

The draft letters for ABM Funding Requests from FGCU, FDEP, SFWMD, and Lee County were reviewed.

MOTION BY MR. QUASIUS AND SECONDED BY DR. EVERHAM TO APPROVE THE SENDING OF THE LETTERS. MOTION CARRIED UNANIMOUSLY.

Agenda Item #14 – Draft Mosquito Control Presentation Thank You letter (to IAS)

Ms. Larsen said that she will amend the letter to include the presentation by Ms. Olson, Mr. Gale of Mosquito Control today.

MOTION BY MR. QUASIUS AND SECONDED BY DR. EVERHAM TO APPROVE THE SENDING OF THE THANK YOU LETTER TO MR. GALE AND MS. REDOVAN. MOTION CARRIED UNANIMOUSLY.

Agenda Item #15 – Committee Reports and Scheduling

- Cela Tega Planning

Dr. Everham gave a brief report. The keynote speaker will be from the National Public Radio (NPR).

Mr. Beaver said this meeting will be critical as the agenda will be finalized.

- IAS

Discussion on the conflicts of meeting times with the Lee County Zoning Committee certain board members for the ABM meeting. Commissioner Bigelow said he would talk to Mary Gibbs about the conflict with the Zoning Committee meeting on the second Monday.

Agenda Item #16 – Emerging Issues

Stewart Cypress Slough Mitigation Permit Application #110727-7. Mr. Beever presented this item. This needs to be examined closely to determine if the agency would have anything to go after if didn't maintain the system.

Sunny Grove Park, Estero River Permit Application

10-year plan for Estero Bay

Agenda Item #17 – Announcements

None.

Agenda Item #18 – Next Meeting, Time, Place, Agenda

Cela Tega/IAS: Monday, August 15, 2011 – 1:00 p.m./2:00 p.m. at the Sugden Welcome Center, FGCU.

EBABM: Monday, September 12, 2011 – 9:30 a.m. SWFRPC. Mr. Keith Laakonen said a report will be given on the Laguna Shores dredging project.

Agenda Item #19 – Adjournment

**MOTION BY MR. DALTRY AND SECONDED BY MR. QUASIUS TO
ADJOURN THE MEETING AT 11:32 A.M. MOTION CARRIED
UNANIMOUSLY.**