



**MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT
Held on August 10, 2009**

The regular meeting of the Estero Bay Agency on Bay Management was held on August 10, 2009 at the offices of the Southwest Florida Regional Planning Council located on 1926 Victoria Avenue, Fort Myers, FL 33901.

Those in attendance included:

Karen Bickford	Lee County Division of Natural Resources
Brenda Brooks	CREW Land & Water Trust
Brad Cornell	Audubon of Florida
Clyde Dabbs	SFWMD
Renee Kwiatt	LCPA
Paul O'Connor	Lee County
Martha Simons	City of Bonita Springs
Jim Beever	SWFRPC staff
Peggy Egan	Izaak Walton League
Whitney Gray	SWFRPC staff
Deborah Kooi	SWFRPC staff
Judy Ott	CHNEP

1. Call to Order

Chairman O'Connor called the meeting to order at 9:45 a.m.

2. Attendance

Chairman O'Connor asked the committee members to sign in on the sign in sheet.

3. Agenda – Additions, Deletions or Corrections

Chairman O'Connor asked if there were any additions, deletions or corrections to the agenda. There were no additions, deletions or corrections.

4. Minutes of July 13, 2009

This item was postponed as a quorum was not present.

5. Presentations

Funding for Water Quality Sampling

Mr. Kibbey reported that the Lee County Division of Natural Resources is committed to retaining the same level of funding through the current tough budget times. The Division of Natural Resources spends \$1 million doing water quality monitoring throughout Lee County. Two major programs that might experience cutbacks are: 1) the sampling of tributaries in Estero Bay between US 41 and the bay proper and 2) the sampling of San Carlos Bay and lower Caloosahatchee River that had been part of a SFWMD study. The Estero Bay Aquatic Preserves collects the samples and Lee County Environmental Labs analyze them. The Aquatic Preserves office now has only one full time employee and, as such, will be unable to handle the sampling. Lee County is committed to maintaining the analysis and next year DEP Environmental Assessment and Restoration will collect samples for Estero Bay for a year. He further explained that there might be a need to find someone else to collect samples after this next fiscal year, come up with another source of money or re-staffing the Aquatic Preserve office.

For those not familiar with the estuary program monitoring program, they have a randomized, stratified network that has been broken into many different areas. The strata within Lee County include Estero Bay, Caloosahatchee River, San Carlos Bay, Matlacha Pass, Pine Island Sound and the southern part of Charlotte Harbor. From Mr. Kibbey's perspective, it costs about \$35,000 a year to monitor each area and collect samples.

Lee County is picking up Estero Bay and Pine Island and lab work with south Charlotte Harbor strata. Matlacha Pass is funded by the City of Cape Coral and Caloosahatchee – SFWMD and San Carlos Bay was done by the City of Sanibel. Sanibel has been doing this with funds from TDC and they have not approved refunding the project and will not take care of this unless they get TDC funds. SFWMD has recommended doing away with the Caloosahatchee Estuary sampling program. Everything else is status quo for the year. Don't know of any other rumors that anything else is going to be cut.

Brad Cornell asked when the dropping of the monitoring by the SFWMD would be effective for the Caloosahatchee Estuary.

Mr. Kibbey said he didn't know when this would be implemented or if it was approved. That was a recommendation the last he heard.

Ms. Ott said that there was a meeting about water quality about two months ago and at that point it was recommended to keep fixed stations as they were more efficient than the random sampling. As far as she knew, the effective date is October 1st. One advantage of the Coastal Charlotte Harbor Water Monitoring Network is the consistency of the method used through the entire coastal area which provides open water ambient conditions as has been done since 2002. The other advantage of the program is that it

really is a partnership as it is a good opportunity for the different agencies to communicate.

Mr. Kibbey said that the program also has a couple of other advantages. 1) Inferences can be made for the entire body of water because all of the body of water had a chance to be sampled and 2) the sampling is comparable to many other estuaries across the nation that use the same protocol for sampling so it is possible to see how a south Florida estuary compares to other estuaries across the United States. He stated that if the fixed station data was reviewed and graphed out which looked at the average chlorophylls by month, a significant peak would not be seen, thus implying that there was not a problem. However, if you used random data, the peak can be found.

Ms. Ott said that STORET is the national water quality database and that while combinations provide a better characterization of what the water quality is, the statistics are different.

Chairman O'Connor said that Lee County had heard complaints that certain DRIs have specific water quality monitoring they are required to do and there are complaints that data has been put on the shelf and not reviewed or utilized. He asked for Mr. Kibbey's perspective.

Mr. Kibbey replied that historically that would be the correct answer as it is typically handled by a consultant and packaged for the developer. Lee County has been recently trying to get this information sent to them in an electronic format and is reviewing this data.

Ms. Bickford said that the data is being put into a database. Ms. Bickford said that as far as downstream impacts, they are allowed to have a certain discharge rate that wouldn't actually qualify as good quality ambient water. It looks like a mixing zone from the outfall with the runoff from the land as expected. Secondary impacts on the watershed have not been investigated as of yet. Discussion ensued on electronic data by Ms. Bickford.

Chairman O'Connor asked if this agency could do anything to make more positive situation.

Mr. Kibbey said that the older programs were not required to be put into a database.

Ms. Bickford said the STORET is not the appropriate place to put this data as it is compliance and enforcement data. We need to task somebody with analyzing data and tracking how the input affects the receiving watersheds. It would be nice to have a staff person or someone take the data and do an analysis on the impact on the receiving waters for these permitted values.

Discussion ensued on Outstanding Florida Water (OFW) designation.

Mr. Kibbey said that the quality of old data is not the quality that it is today. There is a lot greater variance in the old data. Today, there are better controls, better statistical ways of looking at things.

Ms. Ott said at the time aquatic preserves were designated there was no data to define what ambient conditions were. Variability has improved in lab analysis and field techniques and gives us a lot more confidence in the data and validates the Coastal Charlotte Harbor Monitoring Network value because of the strong operating procedures. The WQS&T has been compiled by a contract with the CHNEP and we are currently in the process of redoing this via a new contract.

Ms. Bickford stated that in 2002 Lee County contracted with Tom Fraser to do a study to find surrogate water quality standards for OFW in Estero Bay tributaries that could be good representative surrogate values for water quality. Tony Janicki has done similar work under the SWF Feasibility Study to address the target values based on the surrogate. DEP is getting ready to do a TMDL in these areas.

Mr. Beever stated that he did not think this was the proper way to do it. We have good data on what we expect natural systems to behave like. TMDLs do a better job of showing what a system can actually assimilate as opposed to saying the ambient is what the system is handling because that is what has been done.

Mr. Kibbey said a lot of the bodies of water are looking very nice. He has been seeing grassbeds in Estero Bay that he hasn't seen in 20 years as we have been in a drought and have not had stormwater runoff. It would be nice when it starts raining if we could keep it the way it is now. There are minimal water control structures going into Estero Bay as it is not a highly managed system like some of the other systems.

Mr. Beever said that TMDLs are better method of setting water quality standards than surrogacy.

Ms. Ott said that one of the greatest values of estuaries is the variability between freshwater inflows and salinity changes seasonally and annually.

Mr. Beever said at the FLERA meeting last week, the Tampa Bay Nutrient Management Consortium is trying to reduce the amount of nitrogen getting into the bay in Tampa and that they also had phosphorus problems. Apparently, now they are being told that their Basin Management Action Plan approved by FDEP is not sufficient to meet their TMDL Basin Management Action Plan required by EPA and that they have to do a recalculation of their loadings. Here is program that is achieving positive outcomes and is working.

Mr. Beever also reported that Lee County staff was going to work on a basin management action plan for Estero Bay.

Mr. Kibbey said that this is a tough call as TMDLs are driven by models and that, hopefully, we will be able to continue sampling for Estero Bay and that SFWMD will find it is important to fund estuary monitoring. He also stated that he would be anxious to see the outcomes of TMDLs.

Discussion ensued on use of tourist development dollars for beach renourishment.

Councilwoman Simons arrived at 10:18 a.m.

Councilwoman Simons asked if the County had taken on beach water quality monitoring as the Tourist Development Council had taken this out of its funding.

Mr. Kibbey said that they did not in the most recent round. About five or six years ago, it was picked up by the Health Department and different funding sources on the beaches. His department had been conducting this monitoring once a month and the Health Department did it once a month. However, as the Health Department does it once a week now, his department has stopped doing so.

Councilwoman Simons said that the TDC is spending money on water quality monitoring on Sanibel and took it out of funding this year to send to the county. She felt that letters should be written regarding this matter.

Mr. Beever said that Estero Bay monitoring is going to continue, but the problem is staffing for DEP.

Councilwoman Simons said that the City of Bonita Springs will be doing water quality monitoring on Spring Creek and submitted two projects to get the ponds cleaned up. The city also conducts water quality monitoring on the Imperial River.

Councilperson Simons asked if the Imperial River information been uploaded to Storet?

Mr. Kibbey said he did not know, but that the City of Bonita Springs should upload this information.

Ms. Rasnake of DEP said that she could ask for water sampling in the bay as they have a contract with the Water Management District to look at tributary information and minimal flows and levels. We started in May and data loggers were out there (2 in Hendry, 2 in Estero, 1 in Spring Creek and 2 in Imperial recording ph, salinity and temperature every 15 minutes. Oxygen data will be obtained in November. Although funding has been cut off for water quality data due to budget cuts, we will continue to conduct the water sampling through the end of the year (December 30) as we don't have money to buy the equipment. She expressed hope that DEP could get them to change their mind and give them more funding to continue.

Ms. Ott said that she needed to talk with Ms. Rasnake about getting data into GOMA.

Councilwoman Simons asked about sending a letter to the county regarding water quality monitoring.

Mr. Beever said that San Carlos Bay had been funded by TDC and asked if letter would go to Sanibel and that he would take this matter to the next BMP meeting to determine which avenue would be best.

Chairman O'Connor asked if that also meant considering a letter to the Water Management District and the Department of Environmental Protection.

Mr. Beever said yes and that staff would look into who would get the San Carlos letter.

6. Committee Reports and Scheduling

Estero Bay Watershed Public Symposium Update

Ms. Gray provided a brief update.

- On Sunday, September 27, 2009, field trips will be conducted at no cost to participants or the agency. Individuals interested in attending these field trips can register online.
- On September 28, 2009, the symposium will be held in the FGCU ballroom. A poster session will be held in the morning. There will be a variety of speakers on various topics such as land use in the DRGR, transportation issues, water quality presentations, fish surveys, bird rookery surveys and a variety of presentations throughout the day and a State of the Bay update will be provided that day.
- Lunch will be provided at no charge and Amy Bennett Williams from Tropicalia will be the guest speaker.
- A cocktail hour will be held in the evening followed by a fundraising dinner for a minimal cost of \$35. Any amount over \$35 will go towards conservation land acquisition in the Estero Bay Watershed through Lee County 2020.
- Craig Pittman author of "Paving Paradise" will be the dinner speaker.
- An art show will be held a week before and after the event with a portion of the sales going to the land conservation effort. The website for the event showcases the artists that will be participating.

Ms. Gray said that she would include the URL address into this month's meeting minutes. (<http://itech.fgcu.edu/faculty/ndemers/EsteroWatershedSymp09/index.htm>) She asked the board members to generate as much publicity and promotion of the symposium as possible and that it would be greatly appreciated.

Mr. Beever encouraged those interested in the field trips to register as soon as possible as these will fill up quickly.

Ms. Brooks complimented staff getting the news out and asked what the numbers are as far as registration and if a portion of the \$35 will go to the land acquisition as she didn't know the actual cost per person.

Mr. Beever said \$35 meets cost of the supplier, facility, etc. and anything above is a donation.

Ms. Gray said she did not get a report last Friday as Dr. Demers had this information. There are numerous students involved in this and two students are getting credit for helping to organize the symposium. Two student organizations are also helping and the Progressive Student Alliance has given money as a sponsorship. The University President will give the welcome speech.

Mr. Beever said that the overall sponsors were the CHNEP, Lee County, RGMC, FGCU (donating parking and facilities), and the ABM is also a sponsor as well.

Discussion ensued on a speaker on offshore oil drilling and permitting a speaker who is running for office to speak on this issue.

Councilwoman Simons suggested calling Senator Nelson's office to speak on this issue. He has been a defender and fighter on this and since he ran in 2006, it would not be a problem.

Ms. Rasnake said it might draw people into the event.

Ms. Gray said that August 28th is the planning meeting for this event at the Blue Sushi.

Councilwoman Simons said that since speakers are not being paid a fee, the ABM is not giving them anything.

Ms. Gray said you cannot ask them to speak on a subject that is part of their campaign.

7. Emerging Issues

Mr. Beever said that one issue was a presentation on planned restoration projects for Spring Creek. Staff has contacted the individuals working on this and they will have ideas for this in the autumn.

Councilwoman Simons said that she went to a meeting in Collier County with the Governing Board of the Water Management District. Culvert changes were submitted and while it was going to be expensive to put a culvert by I-75 for Spring Creek, it is in a resolution by the City of Bonita Springs. A representative of Agnoli, Barber and Brundage spoke about the plans for the reconnection to Spring Creek. She commented that something needed to be done about Quinn Street and the Manna Christian area as it floods every year. On Shangrila Road where Centex had built a planned

development, the drainage was not done correctly and Councilwoman Simons asked for any ideas on how to make a project better from an engineering and water quality view.

Mr. Beever said that the plan was expected to include this, but he was not sure if it will be in October or November.

Councilwoman Simons stated that there was an attempt to try and get a comp plan amendment for the DRGR area on the schedule by December, but the City Council rejected it. As new councilmembers will be on the City Council in January, there will be another push to get this comp plan amendment by June.

Chairman O'Connor said that a letter had been received from the Izaak Walton League to be made a member of the ABM. This will be considered at the next meeting in September as a quorum was not present.

Ms. Bickford said that with regard to Corkscrew Mining there had been an application in review for quite some time. Lee County will present a report on impacts on leftover land use, drawdown effect and the kind of conditions that might go into the final application that would have to meet. It might be a good idea to have Mr. Ottolini give a presentation on the findings and the county's position.

Chairman O'Connor said that he thought it was the county's position that it would be denied.

Ms. Bickford said that if the plan for all the mines were approved there would be nothing left. A footprint of the mines takes up a big portion of the DRGR.

Councilwoman Simons said that Dan Delisi had done a study years ago using cluster density to reduce urban sprawl. Although the public seems to favor this scenario, as there are a lot of small parcels, putting in a large DRI or PUD will not clean this up. There will be more traffic on roads that are already congested. Mining has been banned in Bonita Springs. Clustered housing is favored, but we already have urban sprawl.

Chairman O'Connor said the County was dealing with the cluster issue with current recommendations on the DRGR changes for Lee County. LPA made a recommendation to basically follow staff recommendation on how to deal with the issues out there.

Councilwoman Simons asked Chairman O'Connor if Lee County was doing TDRs and how they were going to work.

Chairman O'Connor said that Dr. Nicholas did work to come up with ratio about a month ago and the way the program is being offered now is by a voluntary program. The consultant is offering a new urbanist design that if they opt into the program; they will not have to go through a long approval process as an incentive. There are two

proposals - one is for individual large property owners to cluster on their own property and the other is to create TDRs on those properties and cluster them into allowable cluster development through TDR program

Councilwoman Simons asked if this was countywide or just in the DRGR?

Chairman O'Connor said that the TDRs could be used on countywide basis. They are only assuming a small percentage will opt to do so. The County was looking at areas of mixed use overlay and also looking at Lehigh Acres to make them eligible.

Councilwoman Simons said that she was concerned because of the pressure in Bonita Springs on the DRGR as we are trying to purchase the area down by the river to save it in whatever we can. She asked if there was any discussion about cooperating municipalities and the interlocal TDR program and that she would like to see the report. Chairman O'Connor stated that the issue has been discussed in the past but came under criticism by the City of Bonita Springs City Manager, but the report did not go into this topic. Lee County staff will be taking this matter to the Board of County Commissioners on September 23rd and 24th for the transmittal of the comp plan amendment. The water model is still being tweaked as the delay is the old topography.

8. Announcements

Mr. Beever reminded the committee to sign up for the symposium. On August 26th, there will be an Evaluation and Appraisal Report for Comprehensive Plans (EAR) workshop here at the SWFRPC. Jason Utley has been working on getting AICP credits for this EAR workshop. On August 28th, the DCA secretary will be at the Harborside to explain Senate Bill 360.

Ms. Bickford reported that on August 18th there will be a meeting in Temple Terrace to discuss changing Class 1, 2 and 3 waters into "fishable", "swimmable" and "recreational". August 19th would be the next Cape Coral BMA meeting. The first Basin Management Technical Working Group is September 23rd and the Southwest Florida Feasibility Study will be sometime in September, but she did not have the final date.

9. Public Comments

None.

10. Next Meeting, Time, Place, Agenda Items

The next ABM Meeting is scheduled to take place on Monday, September 14, 2009 at 9:30 a.m.

11. Adjournment

The meeting was adjourned at 11:08 a.m.