



DRAFT AGENDA
ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, May 11, 2020 – 9:30 a.m.

SWFRPC

Virtual GoToMeeting

- 1) Call to Order
- 2) Attendance
- 3) Approval of Minutes from March 9, 2020 (requires a quorum)
- 4) Overview of 2019 State of the Bay Report – Discuss data gaps and address needs for future reports
- 5) Overview of EBABM Principles
- 6) Review of Work Plan – Call for deliverables
- 7) New Business
- 8) Emerging Issues
- 9) Announcements
- 10) Public Comments on Items Not on the Agenda
- 11) Set Date for Next EBABM
- 12) Adjournment

Estero Bay Agency on Bay Management

The regular meeting of the Estero Bay Agency on Bay Management met on Monday, March 9, 2020 at the 9:30 AM at the SWFRPC offices.

The minutes are as follows:

MINUTES ESTERO BAY AGENCY ON BAY MANAGEMENT

Monday, March 9, 2020 – 9:30 AM.

SWFRPC Offices
1400 Colonial Boulevard, Suite 1
Fort Myers, Florida 33907

Call to Order – Dr. Demers called the meeting to order at 9:36 AM.

Attendance- As usual attendance was taken from the sign in sheet:

| NAME | ORGANIZATION |
|----------------------|------------------------------|
| Brenda Brooks | CREW Land and Water Trust |
| Peter Cangialosi | ECCL |
| Brad Cornell | Audubon Florida |
| Phoebe Clark | FGCU Masters Student |
| Dr. Nora Demers | RGMC |
| Win Everham | FGCU |
| Stephanie Erickson | EBAP |
| Capt. Roger Jacobsen | Pelican Landing Com. Assoc. |
| Laura Miller | LWV |
| Patty Whitehead | Bonita Lions Club Green Team |

Staff in Attendance: Mackenzie Moorhouse

Guests: James (Jim) Beever – Retired Gentleman Scientist; Louise Kowitch - FOLK and Calusa Waterkeeper

Changes to the Minutes from the February 10, 2020 meeting were requested by Mr. Jacobsen to change “Pelican Cove” to “Pelican Landing” located on page 3, and by Dr. Demers and Mr. Everham to include the presentation date for the FGCU author event located on page 3.

Motion to Approve the Minutes of the February 10, 2020 meeting was made by Mr. Jacobsen and seconded by Mr. Cornell. Approved unanimously.

Jim Beaver – 2019 State of the Bay Report.

Mr. Beaver gave a presentation on the recently completed 2019 State of the Bay Report. The report addressed water quality parameters, hydrology, wildlife monitoring, sea grass monitoring, conservation land extents, and various social factors. The 2017 Hurricane Irma was recognizable by major spikes in many data sets, especially water quality and hydrology. Significant areas of improvement were associated with the adoption and implementation of fertilizer ordinances as well as the construction of filter marshes in the headwaters. Filter marshes lead to nutrient reduction, principally phosphorous and chlorophyll-a. As of 2016, Chlorophyll-a was no longer being collected. There were also data gaps in bald eagle nesting, where nests were counted but success rate was not monitored. Various data sets were no longer publicly available, including gopher tortoise data and frog listening. The next report will begin in 2024 and be published in 2025. Funding for the report was provided by the City of Bonita Springs. To review the report, go to <https://www.swfrpc.org/programs/ABM/>

Overview of EBABM Principles. Members were given a tutorial of where to locate the EBABM principles online. After a brief review of the principles it was agreed upon that time would be set aside at a future meeting to review and discuss these principles. A copy of the EBABM principles can be found at <https://www.swfrpc.org/programs/ABM/>

Review of Work Plan. Members agreed to allow for time at a future meeting to review and discuss work plan deliverables.

Tour Invitation – “The Place” by Cameratta Companies. Mr. Ray Blacksmith of Cameratta Companies has offered to give a tour and presentation at their recently developed community called “The Place”. As outlined in an email memo provided by Ms. Moorhouse, Cameratta Companies has been giving tours to showcase the restoration work being done on the property. Members agreed to attend a tour, which will tentatively take place in lieu of an EBABM meeting during the month of May. The tours and presentation are approximately two hours long.

Presentation Invitation – Danville Leadbetter; London Bay. Ms. Moorhouse announced that Mr. Leadbetter from London Bay Development Group has offered to present at a future EBABM meeting to discuss important updates made to the company’s “Bayview” project. Members agreed to requesting a presentation.

Old Business. No old business was discussed.

New Business. No new business was discussed.

Emerging Issues. Mr. Cornell suggested that the Agency persevere on requesting a presentation from Mr. Roland Ottolini regarding the Lee Flood Mitigation. It was agreed that a formal letter would be drafted to send to Mr. Ottolini.

Mr. Everham suggested that once the 2019 State of the Bay Report is published, the EBABM should set an agenda item to review the data gaps and reach out to the corresponding agencies to discuss making data reports available and consistent.

Dr. Demers announced that Ms. Hecker, with CHNEP, received a grant to work with the Water Management District to do a hydrologic study model for south Lee County watershed restoration initiatives. Mr. Cornell added that CHNEP is trying to coordinate with Corkscrew Swamp's hydrologic modelling efforts.

Announcements.

Mr. Everham announced that there will be a presentation at Florida Gulf Coast University by author David Wallace-Wells on his book "The Uninhabitable Earth: Life After Warming." The presentation will begin at 6:00 pm on Tuesday, March 17 at the FGCU Cohen Center Ballroom. Doors open at 5:30.

Ms. Whitehead announced that the Friends of River Oaks Preserve will be holding a Gopher Tortoise Day on April 10. Located at the end of East Broadway and Estero.

Dr. Demers announced that there will be a Corkscrew Watershed Science Forum on April 3 at Corkscrew Swamp Sanctuary. More information can be found at <https://www.eventbrite.com/e/corkscrew-watershed-science-forum-2020-tickets-90019136661#>

Dr. Demers met with Mr. Luis Molina and looked at models from the South Lee County flood modeling project. It appeared that based on the modelling, proposed efforts to stop flooding would not have any effect on flood events. Mr. Molina will continue research to determine what approach will help flooding matters. Ms. Demers also learned that Lee County would be hiring AIM Engineering to assess methods to reduce future flooding downstream.

Dr. Demers received an invitation from Big Cypress Water Management District to give a presentation on her environmental endocrine disruptor research at the end of April.

Dr. Demers announced that Lee County put in a grant request and received almost \$7 Million for the San Carlos Park area to do restoration dredging and culvert and sidewalk replacement.

Mr. Cangialosi announced that on March 10 at 10 o'clock, Lee County will be holding an event at Prairie Pines Preserve to celebrate the Conservation 20/20 milestone of 30,000 acres purchased. More information can be found at <http://www.leegov.com/conservation2020/celebration>

The next Meeting Time and Place, for EBABM is April 13, 2020. 9:30 A.M., SWFRPC.

Adjournment was at 11:45 A.M.

Principles of the Estero Bay Agency on Bay Management
Revised May 13, 2002

The Estero Bay Agency on Bay Management (ABM) is a non-regulatory body whose directive is to make comments and recommendations for the management of Estero Bay and its watershed. The waters of Estero Bay provide a tremendous resource for local residents and tourists who enjoy fishing and appreciate the local vegetation and wildlife. It is also important to note that Estero Bay is Florida's first aquatic preserve. Due to the forthcoming increase in population density on and near the shores of Estero Bay and its watershed and the attendant increase in boat traffic, the Estero Bay Agency on Bay Management have adopted the following guiding principles. These principles are an attempt by the ABM to make strong and clear recommendations for the preservation and restoration of this rare and unique ecosystem. The ABM realizes that some situations within the Estero Bay Watershed may not allow the strict adherence to these principles; however, the ABM recommends that they be utilized wherever and whenever possible.

I. General

- I. A. The ABM will be cognizant of the "big picture" and to the concept of "ecosystem management" and sustainable development.
- I. B. Water conservation practices and wastewater reuse will be encouraged throughout the watershed to protect potable water supplies.”
- I.C. All re-zoning requests within the Estero Bay watershed will be critically evaluated to ensure protection of water quality, rare and unique habitats, listed wildlife, and ecosystem functions.
- I.D. Variances from environmental regulations and deviations from development standards will be the exception, not the rule.
- I.E. Environmental protection and long-term quality of life will not suffer based on short-term economic impacts or political pressures.
- I.F. Zoning resolutions that are required as a part of the approval for re-zoning must be tracked for future compliance and enforcement.
- I.G. Compliance and enforcement of existing environmental regulations will be a top priority for regulatory agencies.
- I.H. Additional staff will be hired to assist in the compliance and enforcement of zoning resolutions related to environmental issues.
- I.I. Agency staffing will keep pace with increased demand on services, especially environmental protection issues. Trained and experienced wildlife biologists and environmental scientists will be hired to ensure adequate development review.
- I.J. Activities in the watershed by any regulatory agency shall provide the opportunity for public participation.

II. Uplands, Headwaters and Isolated Wetlands

II. A. Land Management and Acquisition

- II. A. (1) Lands identified as critical for listed species shall be targeted for public purchase and managed to maintain their environmental value.

- II. A. (2) The Lee County Conservation Land Acquisition and Stewardship Advisory Committee will consider priorities for land purchases adopted by the "Arnold Committee" and the ABM.
- II. A. (3) The Lee County Conservation Land Acquisition and Stewardship Advisory Committee will use proactive approaches to investigate the willingness of landowners to be voluntary sellers, as specified in the requirements of the ordinance that established the land acquisition program.
- II. A. (4) Regulations within the existing "Notice of Clearing" process by Lee County will be developed that require wildlife surveys, habitat assessments, and a development plan for the agricultural operations so that critical habitats for state and federal listed species can be preserved.
- II. A. (5) Conservation easements will be used as an option to protect critical habitats.
- II. A. (6) Programs such as the "Keep It Clean" and "Florida Yards and Neighborhoods" programs should be promoted, to minimize inputs of storm water pollutants into the bay.
- II. A. (7) Before off-site mitigation for wetland and listed-species upland impacts is considered, opportunities for avoidance, minimization, and on-site mitigation must be exhausted.
- II. A. (8) Off-site mitigation projects should be within watershed and within habitat type wherever possible.

II. B. Vegetation

- II. B. (1) Natural, native vegetation within natural systems will be retained to the greatest extent possible.
- II. B. (2) Physical removal of invasive vegetation will be utilized for control rather than widespread chemical treatment.
- II. B. (3) Limited application of herbicides that rapidly degrade may be used, according to the product label, on a case by case basis for the control of nuisance and invasive non-native vegetation and to maintain native plant communities.
- II. B. (4) Promote, whenever possible, the active and aggressive removal of invasive non-native plants from all common areas, conservation easements, preserves and natural areas within the Estero Bay watershed.
- II. B. (5) Isolated and seasonal wetlands are recognized for their importance for flood protection, unique fish and wildlife habitat, water quality, and water quantity. These wetlands should be preserved to the greatest extent possible.

II. C. Physiographic

- II. C. (1) Consideration will be given to the ancient relief of the watershed by: preserving vegetation that provide the characteristic habitat and canopy; retaining the relic natural features; and reconnecting historic natural flow ways that have been diverted or severed.

II. D. New Construction

- II. D. (1) Construction within flood plains shall be avoided wherever possible.
- II. D. (2) For construction that must occur within flood plains, utilize techniques that do not adversely impact the capacity of the floodplain (e.g. use of pilings to raise living floor elevations versus use of fill).
- II. D. (3) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood) within flood plains.

II. E. Hazardous Materials

II. E. (1) Specifically placed larvicides and biological controls are the preferred methods for mosquito control. Adulticides should only be used in compliance with Section 388.011(1) Florida Statutes.

II. F. Agriculture

II. F. (1) Tax incentives should be created so that landowners may continue land use practices that maintain ecologically important habitat.

II. F. (2) Adequate staff at Property Appraisers Offices within the watershed will be provided to review the high number of applications and strictly enforce the rules for Bona fide agricultural tax exemptions.

II. F. (3) The minimum time period for re-zoning of agricultural land should be increased from three years to ten years to reduce the speculative clearing of agricultural land for "higher use" which results in the loss of natural habitat and the loss of tax revenue.

II. F. (4) Legislation should be implemented that provides inheritance tax, real estate tax and estate tax relief for agriculture landowners and their heirs, who will maintain their land in agriculture.

II. F. (5) Legislation should be implemented that provides inheritance tax, real estate tax and estate tax relief for landowners and their heirs, who provide permanent conservation easements on their property.

II. G. Urban

II. G. (1) Old surface water management (SWM) systems built before current regulations will be retrofitted, using best available management practices, to meet current SWM standards.

II. G. (2) Permitting must address cumulative impacts to the water storage capacity of the watershed.

II. G. (3) Grants or incentives should be provided for retrofitting old surface water management systems that are not effectively managing water volume or flow, or removing nutrients and other pollutants.

II. G. (4) Proposals that reduce impacts to Estero Bay and its watershed, that might include: rural village concepts, urban infill, redevelopment sites, greenways; should be encouraged.

II. H. Roadways

II. H. (1) All future roadways to be located in the floodplain within the Estero Bay watershed will be designed and constructed to not impede flows from a 25-year, 3 day, storm event.

II. H. (2) Transportation planning shall be undertaken with goals of increasing public transportation and enhancing new and existing roads with walkable, bikeable passageways that are connected and landscaped.

III. Water Courses

III. A. Physiographic

III. A. (1) Non-structural approaches versus structural approaches will be used for water resource management solutions.

III. A. (2) No further canalization or dredging of remaining natural watercourses will occur.

- III. A. (3) A better balance of ecological needs versus water flow will be used for water resource management decisions.
- III. A. (4) Establish and restore the historic basin flood plains to the maximum extent possible.
- III. A. (5) The ancient relief of the upper tributary reaches will be maintained by: preserving vegetation that provide the characteristic riparian habitat and canopy, retaining the relic natural features of the tributary bank contours, and reconnecting historic natural flow ways that have been diverted or severed.

III. B. Vegetation

- III. B. (1) Natural, native vegetation versus non-native invasive vegetation within flow ways and natural systems will be retained to the greatest extent possible.
- III. B. (2) Physical removal of invasive vegetation versus widespread chemical treatment will be utilized for control.
- III. B. (3) Limited application of herbicides that rapidly degrade may be used on a case-by-case basis, under the supervision of certified personnel, for control of nuisance and invasive non-native vegetation and to maintain native plant communities.
- III. B. (4) Promote, whenever possible, the active and aggressive removal of invasive non-native plants from all common areas, conservation easements, preserves and natural areas within the Estero Bay watershed.

III. C. New Construction

- III. C (1) New setback criteria will be developed and implemented along watercourses to provide construction setbacks to the maximum extent possible. These setback criteria will be based on the best available scientific data.
- III. C. (2) Construction within tributary flood plains shall be avoided wherever possible.
- III. C. (3) For construction that must occur within flood plains, utilize techniques that do not adversely impact the capacity of the floodplain (e.g. pilings to raise living floor elevations versus fill).
- III. C. (4) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood) within flood plains.

III. D. Hazardous Materials

- III. D. (1) Specifically placed larvicides and biological controls are the preferred methods for mosquito control. Adulticides should only be used in compliance with Section 388.011(1) Florida Statutes.

III. E. Boating

- III. E. (1) No special accommodations will be made for boats (e.g. no cutting of over story vegetation, no removal of oxbows, no dredging or filling except for permitted maintenance of navigation channels).

IV. Bay Waters

IV. A. Water Quality

- IV. A. (1) Regulatory agencies will adopt requirements for "Best Management Practices."
- IV. A. (2) Operation of overloaded and outdated package wastewater treatment plants will be discontinued.
- IV. A. (3) All urbanization will be served by centralized sewage systems.
- IV. A. (4) There should be uniform application of water quality protection measures by regulatory agencies. A holistic management scheme should be implemented that takes into consideration ecological impacts of regulated activities.
- IV. A. (5) Compliance and enforcement of existing regulations are needed to protect water quality and biological integrity.
- IV. A. (6) There shall be no discharge of hazardous materials into Estero Bay.
- IV. A. (7) Surface water management systems in new developments will be required to utilize state-of-the-art best management practices and increased BMP's.
- IV. A. (8) Grants and other incentives for retrofitting old or ineffective storm water systems should be encouraged.
- IV. A. (9) The State of Florida will actively investigate and prosecute water quality violators.
- IV. A. (10) Retrofitting existing shorelines hardened with vertical seawalls to sloping lime rock revetments or native, salt tolerant vegetation, should be encouraged wherever possible.
- IV. A. (11) Compliance and enforcement of existing environmental regulations will be a top priority for regulatory agencies.

IV. B. Habitat Alteration

- IV. B. (1) No further alteration of Estero Bay bottom shall occur, except as proven necessary for the health, safety and welfare of the natural resources of Estero Bay and of the people in the watershed.

IV. C. New Construction

- IV. C. (1) New construction projects should utilize best management practices to minimize negative impacts to the bay to the greatest extent possible; and in addition, the project as a whole, including mitigation, should be necessary to protect the public health, safety, or welfare, or the property of others, and should improve the current condition and relative value of functions being performed by the areas affected by the project.
- IV.C.(2) Utilize non-polluting construction materials (e.g. concrete pilings versus treated wood).

IV. D. Wildlife

- IV. D. (1) A manatee protection plan will be adopted to reduce the number of boat-related manatee mortalities and that respects the rights of other users of the bay; to achieve a sustainable manatee population (the goal of the Marine Mammal Protection Act); to protect manatee habitat; to promote boating safety; and to increase public awareness of the need to protect manatees and their environment.
- IV. D. (2) Efforts by wildlife protection agencies will be accelerated to reduce other non-boat related manatee mortalities.
- IV. D. (3) Maintain and improve the overall ecology of the bay and its watershed.

IV. D. (4) Wildlife resources such as rookeries, sea grass beds and fisheries are under increasing threat from human activity. Greater efforts are required by regulatory and other agencies and groups to insure the sustained productivity of these resources.

IV. D. (5) Additional manatee research funding should be provided.

IV. E. Recreation

IV. E. (1) Regulatory agencies and boaters will make special effort to maintain the bay as a major natural resource for fishing and appreciation of vegetation and wildlife.

IV. E. (2) Safe operation of vessels is mandatory.

IV. E. (3) Respect for wildlife, its habitat, and other bay users are particularly important in a crowded bay.

IV. E. (4) Use of non-motorized boats, such as kayaks and canoes, is encouraged and supported.

**ESTERO BAY AGENCY ON BAY MANAGEMENT (EBABM)
WORKPLAN PROJECTS AND ACTIVITIES 2019**

1. Provide Comments and Report to the Southwest Florida Regional Planning Council (SWFRPC) and others 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.
2. Develop strategies and recommend actions to reduce impairment to Estero Bay waters. This will include comment on important initiatives including Surface Water Improvement Management (SWIM), development of TMDLs, establishment of Minimum Flows and Levels, Pollution Load Reduction Goals (PRGs), Basin Management Action Plans (BMAPs), Numeric Nutrient Criteria (NNC), and refinement of the Southwest Florida Special Basin Rule.
3. Seek continuing funding support from EBABM partners and external grant sources for special projects, event, and staff support of the EBABM.
4. Coordinate activities with the Charlotte Harbor National Estuary Program (CHNEP), the Estero Bay Aquatic Preserve, the Calusa Waterkeeper and the Southwest Florida Watershed Council.
5. Collect and maintain a data library for Estero Bay at the offices of the SWFRPC and contribute to the CHNEP water atlas. Make copies of all EBABM documents archived and electronically searchable at FGCU digital.
6. Explore the addition of these Estero Bay materials to Digital FGCU.
7. Review and comment to regulatory and infrastructure agencies on issues affecting Estero Bay and its watershed.
8. Review and participate as appropriate on other current issues affecting Estero Bay, such as the Caloosahatchee watershed and its tributaries.
9. Assure effective dissemination recommendations and findings to decision makers and the public. Develop presentations (or use currently available presentations) on Estero Bay, and/or regional issues, to be presented to our local governments and additional audiences of influence."
10. Support land acquisitions and protections in the Estero Bay Watershed including participation in the implementation of the Florida Water and Land Conservation Initiative, (Amendment 1)
11. Continue mapping project that shows relationship of projects that impact conservation lands, critical habitats, watersheds and flow-way areas. Make progress on compiling all data from proposed development in the EB watershed so that we can mesh them together into a single model.
12. Continuing pursuing the project to mark locations within the Estero Bay Watershed where tributaries that feed the Bay can be marked with identifying road signs. Explore funding options for this project.
13. Complete the 2019 Estero Bay State of the Bay
14. Explore coordinating with The Water School at FGCU