

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020553

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Resolution supporting creation of a slow speed boating safety zone in the Intracoastal Waterway (ICW) channel at Shell Point.

WHY ACTION IS NECESSARY: To address concerns about unsafe boating conditions

WHAT ACTION ACCOMPLISHES: Supports state process to designate a slow speed zone in the ICW near Shell Point between Markers 93 and 99 from 9:00 AM to 7:00 PM on weekends and holidays.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: 3

C8A

3. MEETING DATE:

05-28-2002

4. AGENDA:

5. REQUIREMENT/PURPOSE:
(Specify)

6. REQUESTOR OF INFORMATION:

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

- A. COMMISSIONER Judah
 - B. DEPARTMENT Lee County-Public Works
 - C. DIVISION Natural Resources
- BY: Roland Ottolini, Nat. Res. Dir.

[Signature] 975

7. BACKGROUND: The Caloosahatchee River is part of the Intracoastal Waterway (ICW) and a large volume of boating traffic traverses this area. All traffic originating along the Caloosahatchee River as well as cross-state traffic bound for the Gulf of Mexico eventually is funneled through a narrow channel at Shell Point between Markers 93 and 99. This channel is subject to shoaling conditions, limited visibility, and intense vessel traffic and congestion, particularly during peak boating times. All areas outside of the channel are regulated as slow speed for manatee protection. This forces all boats desiring to traverse the area into the same channel regardless of size. This situation has generated numerous comments from citizens concerned about the dangerous boating conditions in this area

The Florida Fish and Wildlife Conservation Commission has the statutory authority to regulate vessel traffic in the ICW. Their Division of Law Enforcement proposed a rule to make the area between Markers 93 and 99 a slow speed zone on weekends and holidays between the hours of 9:00 AM and 7:00 PM. This is designed to reduce potential conflicts during peak boating hours when congestion is most serious. The rule would be adopted pursuant to Chapter 120 Florida Statutes and subject to a local public hearing conducted by the Florida Fish and Wildlife Conservation Commission prior to adoption. The resolution would be offered as formal County support for the rule adoption.

Lee County has resources in the form of funding from the West Coast Inland Navigation District that would be used to mark the zone. The County would take the leadership role in this effort. Permits would be cooperatively sought from all applicable agencies and the County would oversee installation of the signs and assume the maintenance responsibility.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager	
					OA	OM	Risk	GC	
<i>J. J. Jander</i> 5-15-02	N/A	N/A	N/A	<i>Andrea Schneider</i> <i>only</i>	<i>R.M.</i> 5/15/02	<i>M.O.</i> 5/16/02	<i>J.P.</i> 5/16	<i>R.G.</i> 5-16-02	<i>J. J. Jander</i> 5-15-02

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN. *PM*
5/15 2:15 PM
COUNTY ADMIN.
FORWARDED TO:
5/16 10:30

REC'D 5/15/02
by CO. ATTY.
1:00 PM
CO. ATTY 5/15/02
FORWARDED TO:
Bucche
1:06 PM

RESOLUTION NO. ____

**A RESOLUTION TO THE FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION SUPPORTING
CREATION OF A BOATING SAFETY SLOW SPEED ZONE
IN THE CALOOSAHATCHEE RIVER AT SHELL POINT**

WHEREAS, the Caloosahatchee River is part of the Intracoastal Waterway (ICW) and a large volume of boating traffic traverses this area, and

WHEREAS, the area of Shell Point from ICW markers 93 to 99 is a narrow channel subject to shoaling conditions, limited visibility, intense vessel traffic and congestion, particularly during peak boating times, and

WHEREAS, Lee County has received numerous comments from citizens concerned about the dangerous boating conditions in this area, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission has the statutory authority to regulate vessel traffic in the ICW, and

WHEREAS, the Florida Fish and Wildlife Conservation Commission has proposed a rule to make the area between markers 93 and 99 a slow speed zone on weekends and holidays between the hours of 9am and 7pm,

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that

1. Lee County supports the Florida Fish and Wildlife Conservation Commission proposal for a boating safety zone in the Caloosahatchee River between ICW markers 93 and 99, and understands this area is proposed to be regulated as slow speed on weekends and holidays between 9am and 7pm.
2. Lee County, in cooperation with the West Coast Inland Navigation District and the Florida Fish and Wildlife Conservation Commission Division of Law Enforcement will install and maintain proper signs to mark the boundaries of the zone.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Lee County, Florida this ____ day of _____, 2002 by a vote of ____ to ____; the motion was made by _____, seconded by _____ and upon being put to a vote, the vote was as follows:

Bob Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

**BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA**

Bob Janes
Chairman

ATTEST:

CHARLIE GREEN
CLERK OF THE CIRCUIT COURT

APPROVED AS TO FORM:

BY: _____

BY: _____

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION



DAVID K. MEEHAN
St. Petersburg

H.A. "HERKY" HUFFMAN
Deltona

JOHN D. ROOD
Jacksonville

QUINTON L. HEDGEPEETH, DDS
Miami

EDWIN P. ROBERTS, DC
Pensacola

RODNEY BARRETO
Miami

SANDRA T. KAUPE
Palm Beach

ALLAN I. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

DIVISION OF LAW ENFORCEMENT
LT. COLONEL DON HOLWAY, INTERIM DIRECTOR
LT. COLONEL JIM McCALLISTER, DEPUTY DIRECTOR
MAJOR J. K. THOMPSON, INTERIM DEPUTY DIRECTOR
(850)488-6251 TDD (850)488-9542

May 10, 2002

Mr. Steve Boutelle, Senior Environmental Planner
Lee County Department of Natural Resources
Post Office Box 398
Ft. Myers, Florida 33902

RE: ICW Marker 93 - 99 - Caloosahatchee River

Dear Mr. Boutelle:

The Boating Safety and Waterway Management has begun a review of the area from marker 93 to marker 99 for a possible rule promulgation for a boating safety zone. We have received comments through our local district office stating the congestion in this area is continuing to pose a possible boating safety concern. We have been advised that due to the number of inquiries the county has received on this specific area, that they are preparing a resolution to send us for rule promulgation for this area.

With this in mind we met with the Office of Protected Species Management (OPSM) yesterday and proposed the attached draft for boating safety. We also posed a possible back channel for the smaller vessels to get out of the ICW. This proposal was to be for the north side of Big and Little Shell Island, generally between ICW markers 93 and 99, and would be in effect only when the ICW boating safety zone was in effect. It would be slow speed minimum wake all other times. This portion of the rule draft was tabled. I have attached a copy of the current draft proposal for your review.

LEE COUNTY DIV. OF
NATURAL RESOURCES

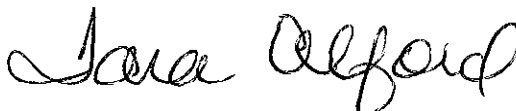
MAY 13 2002

RECEIVED

Mr. Steve Boutelle, Senior Environmental Planner
Lee County Department of Natural Resources
May 10, 2002
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As always, should you have any questions or if I can provide additional assistance, do not hesitate to contact me. I will be out of the office next week, but you can reach me via cell phone at 850-251-7220.

Sincerely,



Ms. Tara Alford, Planner
Boating Safety & Waterway
Management Section
Division of Law Enforcement

/tra

Attachment

cc: Mr. Joe Embres, USCG
Ms. Lucy Blair, FDEP
Mr. Brad Hartman, OPSM-FWC
Mr. Kipp Frolich, OPSM-FWC
Mr. Greg Holder, South West Regional Director
Mr. Ross Burnaman, FWC - Legal
Major Calvin Davis, FWC
Captain Richard Moore, FWC

Mr. Joe Bachelor, USCOE
Mr. Vic Heller, Assistant
Executive Director
Ms. Dawn Griffin, OPSM-FWC
Lt. Colonel Don Holway, FWC
Chief Wayne Gellner, FWC
Captain Denis Grealish, FWC
Captain Alan Richard, FWC

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THE FULL TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.136 Lee County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway within Lee County, the following Boating Restricted Areas are amended ~~is established~~:

- (a) Caloosahatchee River at the Alva Bridge - No change.
- (b) Marker 93 - 99 - A "Slow Speed Minimum Wake In Channel, Weekends and Holidays 9:00 A.M. - 7:00 P.M.; 25 MPH All Other Times" from Shell Point (26°31.5"/81°59.9") generally northeasterly for approximately 1,050 feet to green daymark 93 (26°31.6"/81°59.7") continuing generally southwesterly for approximately 6,000 feet to green daymark 99 (26°31.0"/82°00.9")

(2) Lee County is authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within such ~~the~~ boating restricted areas and ~~shall install and maintain "Idle Speed No Wake" and "Resume Normal Safe Operation" markers at the east and western boundaries of the boating restricted area.~~

(3) The boating restricted areas is ~~is~~ are depicted in the following drawings: