

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

Blue Sheet No. 20040995

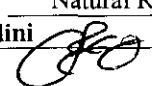
1. REQUESTED MOTION:

ACTION REQUESTED: Approve editorial corrections to the June 17, 2004 Lee County Manatee Protection Plan approved by the County Commission on June 29, 2004.

WHY ACTION IS NECESSARY: Corrects errors in the plan that was approved by the BoCC and entered into the record.

WHAT ACTION ACCOMPLISHES: Corrects typographical errors and omissions in the Plan version so that it reads correctly and consistently throughout the entire text.

2. DEPARTMENTAL CATEGORY: COMMISSION DISTRICT #: C-W 08 **C8B** **3. MEETING DATE:** **08-17-2004**

4. AGENDA: <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> APPEALS <input type="checkbox"/> PUBLIC <input type="checkbox"/> WALK ON <input type="checkbox"/> TIME REQUIRED:	5. REQUIREMENT/PURPOSE: (Specify) STATUTE _____ ORDINANCE _____ ADMIN. CODE _____ <input checked="" type="checkbox"/> OTHER _____	6. REQUESTOR OF INFORMATION: A. COMMISSIONER _____ B. DEPARTMENT <u>Public Works</u> C. DIVISION <u>Natural Resources</u> BY: <u>Roland Ottolini</u> 
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7. BACKGROUND:

On June 29, 2004, the Board of County Commissioners approved the Manatee Protection Plan version dated June 17, 2004. After the plan was approved, several errors were discovered in the body of the text that had been caused by the significant rewrite completed in the early part of June. The resulting errors were confusing to the readers and needed to be corrected. It is staff's opinion that the changes are strictly editorial and not substantive. The plan is being sent for Board of County Commissioners approval out of an abundance of caution and to make sure the official records are accurate.


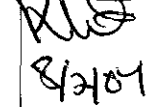
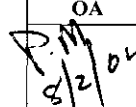
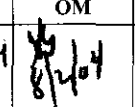
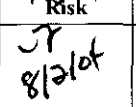
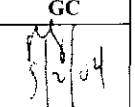
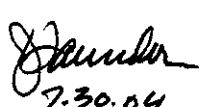
A summary of the changes is included for easy reference.

The entire Lee County Manatee Protection Plan is available for viewing by way of the Lee County web site at:
<http://www.lee-county.com/naturalresources/MPP.htm>

Attachment: Summary of changes.

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	
 7.30.04	N/A	N/A	N/A	 8/2/04	 8/2/04	 8/2/04	 8/2/04	 8/2/04	 7.30.04

10. COMMISSION ACTION:

- _____ APPROVED
- _____ DENIED
- _____ DEFERRED
- _____ OTHER

Rec. by CoAtty
Date: 8/10/04
Time: 1pm
Forwarded to:
Co. J. Jumper
8/2/04

RECEIVED BY
COUNTY ADMIN: JM
8-2-04
1:30
COUNTY ADMIN
FORWARDED TO: PK
8/13/04
4pm

MANATEE PROTECTION PLAN

The following is a summary of errors and needed clarifications discovered in the June 17, 2004 version after having been approved by the County Commission on June 29, 2004. The changes are only to correct errors in the labeling of parts of the document, grammatical errors, and clarifications to make sure the intent is clear and the document is consistent throughout.

Proposed modifications to correct the problems are shown as underlines for proposed additions and ~~strike-throughs~~ for proposed deletions. The left margin references the page number where changes are proposed.

- iii. Figure 16. Lands acquired by Lee County Conservation 2020 program 92
Figure 17. Caloosahatchee Creeks Preserve 93
Figure 18. Conservation land holdings in Lee County as of August 2002. 94

- vi. **Matlacha Isles** -- Beginning at the entrance to Matlacha channel (which provides access to the Matlacha Isles canal system) and encompasses the entire Matlacha Isles canal system.

- 2. (See ~~Appendix II~~Figure 14 for the Boat Speed Zones)

- 21. These points were then entered into a quarter-mile grid system that has been superimposed over Lee County to aid in trend analysis. ~~This is the same grid system used to analyze enforcement presence in the GIS project mentioned under §7.1.~~ Comparing these data, Lee County was able to extract number of available slips (number of constructed slips), number of vessels (number of occupied slips), and number of unoccupied slips (slips constructed but not housing a vessel at time of data collection).

- 26. The Lee County Marine Law Enforcement Task Force mission statement and goals are provided in Appendix ~~XIX~~.

- 28. In addition to the State zones, the Lee County Vessel Control and Water Safety Ordinance 02-14 (Appendix ~~III~~) establishes more restrictive idle speed zones within 500 feet of developed shorelines.

- 30. Lee County Ordinance No. 96-12 (See Appendix ~~VI~~), created the Lee County Conservation Land Acquisition and Stewardship Advisory Committee, (CLASAC), comprised of fifteen citizens. The CLASAC held its first meeting on February 20, 1997 and has been meeting regularly (usually once a month) to review real property nominated for potential purchase by Lee County. The CLASAC has formulated an official nomination form entitled Lee County Conservation 2020 (See Appendix ~~VI~~). This is a willing seller acquisition program. Recent purchases are shown in Figure ~~4~~16.

- 35. Each of these layers requires stringent permit review for both marina and dock development. In particular the objectives and policies listed under the Lee Plan Goals 77 and 98 (See Appendix ~~III-II~~ and ~~XIX~~) apply to marine facility development.

- 39. In January 1983 the Governor's Blue Ribbon Marina Committee issued their final report, which contained recommended siting criteria that formed the basis for future policies

regarding marina siting. The Lee County Comprehensive Plan (Lee Plan) contains Objectives and Policies that have incorporated the Recommendations of the Governor's Blue Ribbon Marina Committee and has expanded on these issues. These Objectives and Policies are included in Appendix XIX.

42. Dry storage is only included if wet storage of 5 slips or more is provided or the dry storage has direct water access through a lift or other means of conveyance ~~on the property of the proposed project or access is provided adjacent to the project.~~
44. Quantitative seagrass information must be collected using a scientifically acceptable method of determination and collected ~~between~~ during the months of April through October.
45. Relative manatee abundance is determined by calculating the average number of manatees observed per aerial survey flight within a five-mile radius. The most recent, complete surveys should be used where available (~~Asle97AMLEE97~~; 24 flights between 1/20/97–1/30/98). For the areas of Boca Grande and Burnt Store Marina where the Lee County aerial surveys did not fly, the surveys done in Charlotte County can be used (~~AscharAMCHAR~~; 48 flights between 1/14/87-12/14/88). Flight paths should be considered when determining manatee abundance in order to make sure that the area of the five-mile radius was completely flown. If the data sets are incomplete or data was collected on separate days, then the project must be evaluated on a case-by-case basis using a single, best-fit single data set.
46. For the Orange River, Franklin lock/dam, and Matlacha Isles:
 - Distance \geq 5 miles = 0
 - 5 miles $>$ Distance \geq 1 miles = +2
 - 1 mile $>$ Distance \geq 0.6-5 miles = +4
 - Distance $<$ 0.6-5 miles = +6

For the Ten-mile Canal and Cape Coral Canals:

 - Distance \geq 5 miles = 0
 - 5 miles $>$ Distance \geq 1 miles = +1
 - 1 mile $>$ Distance \geq 0.6-5 miles = +2
 - Distance $<$ 0.6-5 miles = +3
47. For the purposes of this plan, speed zones will not be considered an offsetting measure for projects if those projects are proposed within warm water aggregation sites (as ~~defined in the Appendix X~~ described in the List of Definitions). These areas are extremely important for manatee survival, and speed zones are not likely to completely offset disturbance impacts from high levels of boat traffic.
47. The project is located within a speed zone but is within a warm water refuge (~~defined in the Appendix XI~~) = 0
48. Located within two miles of a Gulf Pass, or ~~is within~~ directly accesses Pine Island Sound = -1
Located within one mile of a Gulf Pass or ~~is within~~ directly accesses Charlotte Harbor = -2

The final step of the process is determining ~~if~~ if the project is located in one of the two areas of Lee County that have been designated by the Service as Areas of Special concern. Projects located in these areas will ~~receive~~ have different ~~scores~~ outcomes as a result of their location. It is the opinion of the Service that ~~Projects~~ projects located in these areas may represent a higher risk to manatees than others for several reasons.

49. While telemetry data ~~is~~ are available for other parts of Lee County such as Estero Bay, St. James City area, Sanibel and the Burnt Store area, the majority of points are found within the Caloosahatchee River and Matlacha Pass waterway systems. ~~This~~ These data indicates that the Caloosahatchee River and Matlacha Pass represent an important corridor between these two aggregation sites; thus, there is a potential likelihood for an adverse interaction between manatees and watercraft to occur.
50. The first two steps in the screening process ~~is~~ are to determine consistency with the seagrass and water depth requirements.
52. **Preferred:** These projects may allow unrestricted development outside of areas of special concern. Within areas of special concern, a maximum of five (5) slips can be constructed for every 100 feet of linear shoreline controlled by the applicant. Shoreline length for the ~~construction site~~ project location will be rounded up to the next hundred foot increment. (~~EG~~ Example: 0' to 100' = 1 slip, 101' to 200' = 2 slips)

Conditional: These projects present a medium risk to manatees and require additional mitigation measures that shall include, but not be limited to funding for enforcement as per section 8.4.5. Projects outside areas of special concern may construct up to five (5) slips per 100 feet of linear shoreline. Within areas of special concern, a maximum of three (3) slips can be constructed for every 100 feet of linear shoreline controlled by the applicant. Shoreline length for the ~~construction site~~ project location will be rounded up to the next hundred foot increment.

53. Quantitative seagrass information must be collected using a scientifically acceptable method and collected ~~between~~ during the months of April through October.

Using the last 10 complete calendar years, calculate the number of watercraft-related deaths within a five mile radius of the project location, divided by the countywide number of watercraft deaths ~~for the last 10 complete calendar years~~:

54. Located within two miles of a Gulf Pass, or ~~is within~~ directly accesses Pine Island Sound = -1
Located within one mile of a Gulf Pass or ~~is within~~ directly accesses Charlotte Harbor = -2
58. Of higher priority for this criterion will be funds allocated for additional marine law enforcement. In order to offset expected cumulative and secondary impacts from additional boats, applicants will make a ~~donation~~ payment to the Lee County Manatee Protection Fund as required by Section 8.4.3. In their interim guidance documents, the US Fish and Wildlife Service calculated that for each new boat slip, an increase of 1.65 hours of law enforcement per year for ten years is a sufficient conservation effort. Service calculated this cost at \$520.00 per slip + \$26.00 for administrative costs for a

total of \$546.00 for high-risk counties, of which Lee County is one. Documents showing the Service breakdown calculations of these costs are shown in ~~APPENDIX~~Appendix ~~IX~~VIII. At the request of the Lec County Department of Natural Resources, the Lec County Sheriff's Office provided figures for the same 1.65 hours for the ten-year period and the dollar amount was comparable to that provided by the Service. Lee County has entered into an agreement with the Lee County Sheriff's Office to provide a mechanism for Lee County applicants' contributions to increase marine law enforcement by the necessary hours per year. Monies contributed to Lee County in this manner will be used to increase on-the-water marine patrol hours. Lee county has created a form (See ~~APPENDIX~~Appendix ~~VIII~~VI) by which applicant's donations are collected by the county at the time of local permit issuance and dispersed to the Lee County Sheriff for use in Marine Enforcement.

60. Data from studies identified in ~~the "Ongoing Research and Data Collection"~~ section 10.1 of the Manatee Protection Plan.
87. *Inserted missing graphic and renumbered pages accordingly.*