

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

Blue Sheet No. 20061189

1. ACTION REQUESTED/PURPOSE: Request Board rescind mitigation proposal from Boylan Environmental Consultants, Inc. for mitigation of wetland loss for Sunrise Lakes Development at Caloosahatchee Regional Park. Approve a reduction Budget Amendment Resolution in the amount of \$231,267 for mitigation work.

2. WHAT ACTION ACCOMPLISHES: Withdraws mitigation application that would not be acceptable to South Florida Water Management District.

3. MANAGEMENT RECOMMENDATION: Rescind mitigation proposal withdrawing application.

4. Departmental Category: 11 C11A		5. Meeting Date: 09.26.06
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	8. Request Initiated: Commissioner Department Parks and Recreation Division By: John Yarbrough <i>John Yarbrough</i>
	<input type="checkbox"/> Ordinance	
	<input type="checkbox"/> Admin. Code	
<input checked="" type="checkbox"/> Other		

9. Background:
At the June 27, 2006, Lee County Board of County Commissioners meeting, the Board approved a mitigation proposal from Boylan Environmental Consultants, Inc. to mitigate wetland loss for Sunrise Lakes Development, a private development, at Caloosahatchee Regional Park. The mitigation work included removal of 9.3 acres of Brazilian pepper; re-grade berm and installation of native vegetation, without any cost to Lee County. This mitigation work was compatible with the long-term goal of removing all exotic vegetation from Caloosahatchee Regional Park and improving wildlife habitat along Fichter's Creek. This project allowed Parks and Recreation and Boylan Environment Consultants, Inc. to present the mitigation project to South Florida Water Management District (SFWMD) for approval and receive funding for a project that Parks and Recreation would supervise.

In August 2006, it was determined that the work requested by the SFWMD had increased to a point that it was not economical feasible for the developer to pursue. The environmental consultants worked with the County and SFWMD to come up with a satisfactory conceptual mitigation plan. However, after the formal ERP application was submitted, it was concluded that even with some modifications, the plan would not be acceptable. Hence, the application has been withdrawn.

Funding will be deleted from the Destructive Vegetation Control project in the amount of \$231,267 from account: 40176100100.503490.840 Maintenance CIP-Destructive Vegetation Control- Other Contracted Services-Sunrise Lakes Development

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
<i>Cam</i> 9-8-06				<i>W. Davis</i> 9/12/06	Analyst <i>9/12/06</i>	Risk <i>9/12/06</i>	Grants <i>9/12/06</i>	Mgr. <i>9/12/06</i>	<i>9-13-06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *CA*

9/12/06 11:20 *mb.*

COUNTY ADMIN
FORWARDED TO: *PL*

9/13/06
5PM

Rec. by CoAtty

Date: 9/12/06

Time: 8:50am

Forwarded To:
CoAtty Admin
9/12/06 10:59am

RESOLUTION

Amending the budget of General Fund 00100 to reduce Estimated Revenues and Appropriations for fiscal year 2005-2006.

WHEREAS, in compliance with Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the General Fund 00100 budget by reducing estimated Revenues for \$231,267 for unanticipated revenue and a reduction of a like amount in Appropriations for construction costs.

WHEREAS, the General Fund 00100 budget shall be amended to reflect the following amounts.

ESTIMATED REVENUES

Prior Total:		\$538,966,693
Reductions		
40176100100.337400.9018	Contribution-Sunrise Lakes	\$231,267
Amended Total Estimated Revenues		\$538,735,426

APPROPRIATIONS

Prior Total:		\$538,966,693
Reductions		
40176100100.503490.840	Other Contracted Services	\$231,267
Amended Total Appropriations		\$538,735,426

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the General Fund 00100 budget is hereby amended to show the above reductions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: _____
DEPUTY CLERK

CHAIRWOMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA



August 8, 2007

Roger S. Clark
Land Stewardship Manager
Lee County Parks & Recreation
3410 Palm Beach Blvd.
Fort Myers, FL 33916

Laura Greeno
Land Stewardship Coordinator
Hickey's Creek Mitigation Park
17980 Palm Beach Blvd.
Alva, FL 33920

RE: Fichters Creek Offsite Mitigation

Dear Roger and Laura:

With your assistance, we have been working with the District to accomplish offsite mitigation at Fichter's Creek for one of our projects. Unfortunately, the work requested by the District has increased to a point where it will not be economical for us to pursue. As a result, we will have to abandon our pursuit of offsite mitigation in Fichters Creek.

We regret this decision and believe this would have been a "win-win-win" for the Sunrise Lake Project, Caloosahatchee Regional Park, and the environment / public - particularly when looking at the marginal wetland on Sunrise Lake that is proposed for impact.

Our environmental consultants, Rae Ann Boylan and Jim Keltner, have had several informal meetings with Lee County and SFWMD staff to iron-out details on a satisfactory conceptual mitigation plan for the small wetland impact at Sunrise Lake. Jim was under the impression that the plan was acceptable to the District and the various details of the plan seemed to be acceptable during these meetings.

However, after submitting a formal ERP application on behalf of Lee County, were we informed by SFWMD that the mitigation plan would not be acceptable to SFWMD and it was unlikely that any modifications of the plan would make it acceptable.

We would like to thank Lee County staff for the time that they spent working with us on developing the mitigation plan that would really have been a benefit to everyone.

Sincerely,



Ronald E. Inge

Boylan
Environmental
Consultants, Inc.

*Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments*

11000 Metro Parkway, Suite 4, Fort Myers, Florida, 33912
Phone: (239) 418-0671 Fax: (239) 418-0672

August 16, 2006

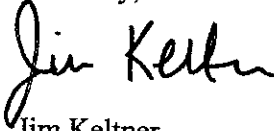
Marie Dessources
South Florida Water Management District
2301 McGregor Blvd.
Ft. Myers, FL 33990

RE: Fichters Creek Wetland Mitigation
Application No: 060609-4

Dear Marie:

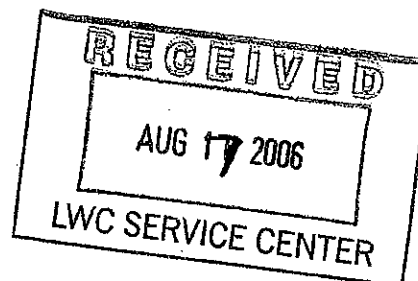
Please withdraw the referenced ERP application. Thank you.

Sincerely,



Jim Keltner

Cc: Ron Inge
Laura Greenó





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

LOWER WEST COAST REGIONAL SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(239) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (239) 338-2936 • www.sfwmd.gov/lwc/

CON 24-06

District Application: **060609-4**
March 24, 2006

Jim Keltner
Boylan Environmental Consultants, Inc.
11000 Metro Pkwy Ste 4
Fort Myers, FL. 33912

Dear Sir:

Subject: Confirmation of Application Withdrawal:
Fitchers Creek Wetland Mitigation
County: Lee
Section 18 Township 43 South Range 27 East

In response to your written request dated August 16, 2006, the above referenced application has been withdrawn and the file closed.

If you have any further questions in the matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Foley", written over a light gray background.

William Foley, P.E.
Senior Supervising Engineer
Lower West Coast Service Center

WJF/ap

GOVERNING BOARD

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