

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

**Blue Sheet No. 20070695**

**1. ACTION REQUESTED/PURPOSE:**

Accept \$700,000 in funding from the US Department of the Interior through the Federal Transit Administration for planning activities in coordination with the City of Sanibel and Ding Darling National Wildlife Refuge as proposed in the grant application and allow the Chair to execute an interlocal agreement between Lee County, City of Sanibel & Ding Darling Natural Wildlife Refuge. Adopt budget amendment resolution in the amount of \$700,000 from awarded grant.

**2. WHAT ACTION ACCOMPLISHES:**

Accepts \$700,000 in funding from FY 2006 appropriations for the Alternative Transportation in Parks and Public Lands Program and allows the Chair to execute an interlocal agreement to manage the grant.

**3. MANAGEMENT RECOMMENDATION:**

Approve

**4. Departmental Category:**

**C6A**

**5. Meeting Date: May 22, 2007**

**6. Agenda:**

- Consent**
- Administrative**
- Appeals**
- Public**
- Walk-On**

**7. Requirement/Purpose: (specify)**

- Statute**
- Ordinance**
- Admin. Code**
- Other**

**8. Request Initiated:**

**Commissioner** \_\_\_\_\_  
**Department** Independent  
**Division** Transit  
**By:** Steve Myers, Director

**9. Background:**

On May 2, 2006, the Board authorized LeeTran to submit a grant application to the Federal Transit Administration requesting funding for a planning study under the Alternative Transportation in Parks and Public Lands grant program (reference BS#20060509). The grant application was prepared in cooperation with the City of Sanibel and Ding Darling National Wildlife Refuge staff. The grant requested \$1.5 million to fund a feasibility and alternatives analysis, coordinate public involvement and provide implementation guidance in developing transportation options at Ding Darling NWR. On September 12, 2006, the FTA issued an award notice, providing \$700,000 in funding for the planning activities proposed. The Board is asked to accept the \$700,000 in grant funding and allow for the execution of grant award.

Authorize the Chair to execute an interlocal agreement with the City of Sanibel and Ding Darling NWR to manage the grant.

Attachment: Interlocal Agreement, Alternative Transportation in Parks and Public Lands Grant

Revenue Account: KI5440148640.331420.9006 Ind Div, Fixed Route, Transit Capital, FTA USC5307

**10. Review for Scheduling:**

Transit Department	Budget Services	Other	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Myers</i> 4/30/07				<i>S. Myers</i> 5/2/07	<i>MP</i> 5/9/07	<i>MP</i> 5/14/07	<i>MP</i> 5/10/07	<i>MP</i> 5/9/07	<i>MP</i> 5-10-07

**11. Commission Action:**

- Approved**
- Deferred**
- Denied**
- Other**

RECEIVED BY COUNTY ADMIN: <i>DK</i>
5/3/07 <i>MP</i>
9:25
COUNTY ADMIN FORWARDED TO: <i>MP</i>
5/11/07
<i>9/11/07</i>

Rec. by CoAtty
Date: 5/2/07
Time: 2:00 pm
Forwarded To: Admin.
5/2/07 <i>SPM</i>

# RESOLUTION #

Amending the Transit Capital Budget to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2006-2007.

**WHEREAS**, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Transit Capital budget for \$700,000 of the unanticipated revenue from the U.S. Dept. of the Interior and an appropriation of a like amount for architectural and engineering services and;

**WHEREAS**, the Transit Capital budget shall be amended to include the following amounts which were previously not included.

## ESTIMATED REVENUES

Prior Total:		\$7,146,712
Additions		
KI5440148640.331420.9006	FTA USC5307 Grant	\$700,000
Amended Total Estimated Revenues		\$7,846,712

## APPROPRIATIONS

Prior Total:		\$7,146,712
Additions		
KI5440148640.503140.16	Architect and Engineering Services	\$700,000
Amended Total Appropriations		\$7,846,712

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Lee County, Florida, that the Transit Capital budget is hereby amended to show the above additions 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 \_\_\_\_\_, 2007.

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

FORWARD WITH AGREEMENT AND BLUE SHEET

ALL INFORMATION IS REQUIRED -DO NOT LEAVE ANY BLANKS - USE N/A WHEN NOT APPLICABLE

GRANT AT A GLANCE

GRANT AWARD INFORMATION

- 1. County Grant ID (project #): \_\_\_\_\_
- 2. Title of Grant: Ding Darling Alternative Transportation in Parks and Public Lands Grant
- 3. Amount of Award: \$700,000
- 4. Amount of Match Required: \$ none
- 5. Type of Match: \_\_\_\_\_  
(cash, in-kind etc)

6. SOURCE OF GRANT FUNDS & CATALOG NUMBER:

FEDERAL  CFDA #

STATE  CSFA #

7. Agency Contract Number: 404-562-3500

8. Contract Period:	Begin Date: <u>10/1/2006</u>	End Date: <u>9/30/2009</u>
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9. Name of Subrecipient(s) \_\_\_\_\_

10. Business Unit(s): \_\_\_\_\_

11. Scope of Grant: (describe project). The Alternative Transportation in Parks and Public Lands program grant provides funding to conduct planning and technical analysis evaluating transportation

12. Has this Grant been Funded Before?  YES  NO If YES When? \_\_\_\_\_

13. Is Grant Funding Anticipated in Subsequent Years?  YES  NO

14. If Grant Funding Ends Will This Program Be Continued at County Expense?  YES  NO

If YES What is the Lee County Budget Impact:

1st Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year
4 <sup>th</sup> Year	5 <sup>th</sup> Year	

Check Box if Additional Information on Program and Budget Impact is provided in *Comment Section* on page 2

ADMINISTERING DEPARTMENT INFORMATION

1. Department: Transit

2. Contacts:

Program Mgr. Steven L. Myers	Phone #: 533-8726
Fiscal Mgr. Susan Riley	Phone #:533-8726

**GRANTOR AGENCY INFORMATION**

(The agency you signed this agreement with)

- 1. Grantor Agency: US Department of Transportation – Federal Transit Administration
- 2. Program Title/Division: Alternative Transportation in Parks and Public Lands Program
- 3. Agency Contact: Elizabeth Martin
- 4. Phone Number: 404-562-3500
- 5. Mailing Address: USDOT – FTA Region IV Atlanta Federal Center Suite 17T50  
61 Forsyth Street SW, Atlanta GA 30303

**SOURCE OF FUNDS**

- 1. Original Funding Source: FTA  
(name of agency where funding originated from)
- 2. Pass Through Agency: \_\_\_\_\_  
(middleman if any? Example: federal \$\$ from US DOT given to STATE of FL DOT--then from STATE DOT to Lee County DOT --- STATE of FL DOT is the pass-through agency).
- 3. Additional Information for Other Agencies Involved:  
\_\_\_\_\_  
\_\_\_\_\_

3a. Is the County a Grantee or Subrecipient in #3 above: \_\_\_\_\_

**REPORTING REQUIREMENTS**

1. Does this grant require a separate subfund? YES  NO   
(Example: you need to return interest earnings)

Please Explain: \_\_\_\_\_

2. Is funding received in advance? YES  NO   
(If YES, please indicate conditions for returning residual proceeds, or interest and the address to return it to, if different from the Grantor Agency Information)

**COMMENTS--INSTRUCTIONS:**

Empty box for comments and instructions.



**U.S. Department of Transportation  
Federal Transit Administration**

**Alternative Transportation in the Parks and Public Lands Program  
Project Proposal for Fiscal Year 2006 Funds – Planning Project**

**BASIC PROJECT INFORMATION**

Project Title: **Ding Darling National Wildlife Refuge Alternative Transportation Planning Study**

Project Sponsor(s): **Lee County Transit Department**

Park or public land unit(s) involved:  
**Ding Darling National Wildlife Refuge**

City/County(ies) and State(s) involved (if applicable):  
**City of Sanibel, Lee County, Florida**

Federal Land Management Agency managing the above unit(s):

- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife Service**
- Forest Service
- National Park Service

Qualified Participant(s) involved:

- Bureau of Land Management
- Bureau of Reclamation
- Fish and Wildlife Service**
- Forest Service
- Local Government
- National Park Service
- State Government
- Tribal Government

General Type of Project:

- Planning**  
(Implementation projects, including equipment, please use the alternate form)

- New project**
- Ongoing project

Dollar amount of assistance requested:  
**\$1,500,000**

Percent of total project cost: **100%**

Provide a basic summary of what the requested financial assistance would fund (Use no more than 1000 characters):

This proposal requests assistance in funding the necessary planning and technical analyses to evaluate alternative transportation options to reduce the number of vehicles entering environmentally sensitive property within the City of Sanibel and at J.N. Ding Darling National Wildlife Refuge including the coordination of non-motorized transportation systems. The proposal seeks \$1.5 million in funding to: complete a feasibility analysis; conduct island and refuge carrying capacity analyses; conduct public involvement; develop alternatives for alternative fueled transportation modes and infrastructure; and produce a feasible alternative transportation plan consistent with the Sanibel Plan, the Refuge Plan, LeeTran's plan and others as may be identified, including federal policy.

Attach the budget for the proposed planning project, including a detailed breakdown.

Describe the timeframe for implementing the project and funding needs per year.

**This request is expected to be completed within 24 months of the consortium issuing a notice to proceed.**

### CONTACT PERSON

Name: **Steven L. Myers**

Phone: **239-533-0322**

Position: **Director, Lee County Transit - LeeTran**

E-mail: **slmyers@leegov.com**

Address: **LeeTran, 6035 Landing View Road, Fort Myers, Florida 33907**

### REQUIREMENTS

- If a State, tribal, or local government entity is proposing the project, the applicant has the consent of the Federal land management agency or agencies affected.
- The project is consistent with the metropolitan and statewide planning process.
- The project is consistent with agency plans.
- If this is a planning project, it will analyze all reasonable alternatives, including a non-construction option.

### EVALUATION CRITERIA

Please attach your responses to the evaluation criteria questions (attached). Your responses should total no more than 10 pages in at least ten point font.

**US Department of Transportation  
Federal Transit Administration**

**Alternative Transportation in the Parks and  
Public Lands Program**

**Ding Darling and City of Sanibel Planning Proposal**

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**Project Objective:**

This proposal requests planning and technical analysis funding to assist in the coordination of resources and the evaluation of alternative transportation options to reduce the number of vehicles entering environmentally sensitive property within the City of Sanibel and at J.N. Ding Darling National Wildlife Refuge including non-motorized transportation systems, existing and potential pedestrian and bicycle modes of travel, as well as alternate fueled and appropriately sized vehicles.

This proposal seeks \$1.5 million in funding to conduct an analysis to establish island and refuge carrying capacity thresholds for preserving the wildlife habitats humans seek to observe.

- 1) Within that threshold, develop an analysis of transportation alternatives that are consistent with the necessary environmentally sensitive infrastructure of the Refuge and City of Sanibel as well as consistent with the City of Sanibel's Transit Policy.
- 2) Rank potential implementation options, including a no-build option, with appropriate analysis indicating infrastructure, capital, operating, financial and management factors to be considered if said implementation is to materialize.

**Project Methodology:**

The signatories of the project sponsoring partnership indicate a commitment to incorporate the following methodology in each phase of the project:

- 1) Consistency with federal policy and environmental assessments needed to comply with the National Environmental Policy Act of 1969 (NEPA), Section 4(f) of the US DOT Act of 1996, as amended, Section 6(f) Land and Water Conservation Funds Act.
- 2) Consistency with the Policies of Ding Darling Refuge Management.
- 3) Consistency with the *Sanibel Plan*, the City of Sanibel's Comprehensive Land Use Plan.
- 4) Consistency with the City of Sanibel's Shared Use Path Master Plan.
- 5) Consistency with the City of Sanibel's Council Adopted "Transit Policy."
- 6) Consistency with the commitment of all transportation planning to thorough, on-going public participation throughout each project phase.
- 7) Commitment to keep the MPO apprised of the project's development in order to provide the Lee County MPO with a model for planning and developing successful alternative transportation expansion projects in appropriate areas of Lee County.
- 8) Consistency with Lee Tran's Transit Development Plan.

**Project Management:**

Project management for this venture is unique in that our proposed structure enables the project to move beyond the conventional approaches for agency operation toward the innovative creative planning we believe to be the intent of both the program and this project.

Inter-local agreements are the state designated way for inter-governmental collaboration. Accordingly, Ding Darling Refuge, The City of Sanibel—the gateway locality, and Lee Tran—the County's Transit agency will begin this venture with an Inter-local Agreement reflecting the content of this proposal.

In addition, because the Lee County MPO is in the process of creating a Transit Authority, the City of Sanibel MPO representatives at the levels of the Citizen Advisory Committee, Technical Advisory Committee and MPO Policy Board will be part of a Project Management Consortium that includes Inter-local signatories and seeks to both meet the ongoing project needs of the Refuge and the Gateway locality, but also to work with Lee Tran and the Lee County MPO in having this project result in a unique alternative transportation model useful for replication in other parts of Lee County. This project management model will maximize the impact of these planning dollars.

Project Budget Allocations can be found at the conclusion of this proposal. Funds will be allocated in a manner appropriate to accomplishing the above project objectives. While the Project Management Consortium identified in the above management paragraph will make policy decisions on how to allocate each work element within the project objectives and methodology, this consortium will assign the work based on appropriateness and level of capability for performance of a given task. This will result in utilizing both internal partner resources and in securing external resources.

## **Demonstration of Need**

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### **Purpose and Need:**

The City of Sanibel, incorporated in 1974, encompasses over 17.5 square miles with 24.5 miles of shoreline along the Gulf of Mexico and San Carlos Bay. The Sanibel Plan, first adopted in 1976, has been recognized nationally as one of the first land use and growth management plans to be based on a comprehensive analysis of the island's fragile ecological system. For over thirty years, the Sanibel Plan and the companion Land Development Code, have served as the island's "constitution" by providing a framework of policies and regulations that focus on habitat preservation and the conservation of the barrier island and sanctuary environment.

J.N. Ding Darling National Wildlife Refuge was established by Presidential Executive Order December 1, 1945 on Sanibel Island in Lee County, Florida. The refuge spans 6,354 acres dedicated to the protection and preservation of its pristine subtropical wildlife habitat. The refuge encompasses an estuary, sea grass beds, mud flats, mangroves, hardwood hammocks, spartina swales, open water and brackish water impoundments. J.N. Ding Darling NWR is home to several threatened and endangered species including the eastern indigo snake, American alligator, American crocodile, bald eagle, wood storks, peregrine falcons, west Indian manatee and the Atlantic loggerhead turtles, and serves as a rookery, with over 238 birds species identified. Ding Darling also hosts several public facilities including a visitor center, auto-tour route, fishing, hiking trails, canoe and kayak rentals, and bicycle rentals, interpretive programs and an interpretive tram service touring the refuge.

The most popular form of touring the refuge and its wildlife is through the 4-mile one-way Wildlife Drive roadway leading through the heart of a mangrove forest. Last year, over 800,000 visitors on foot, on bicycle and in vehicles traveled this roadway, continuing a steady pattern of growth in the number of visitors over last year.

The partners in this proposal, seek the most appropriate and environmentally sensitive solutions for reducing and managing the number of vehicles visiting the refuge and circulating on island, as well as creating a safer environment for residents and visitors seeking to enjoy the islands numerous walks, paths and bikeways. Sanibel currently has no transit service outside of an employee vanpool program operated by LeeTran. Visitors staying on the island, including seasonal residents experience significant congestion at peak times.



## **Severity of the Problem:**

The Sanibel Plan's land use and natural resource protection policies recognize that the island's carrying capacity, in terms of both population and vehicles, must be carefully managed. The recent 2005 Evaluation and Appraisal Report of the Sanibel Plan (City Council Resolution No. 05-003) identifies traffic congestion, particularly during the peak season, as a growing stress on the carrying capacity of the island's natural systems including the J. N. Ding Darling National Wildlife Refuge.

J.N. Ding Darling closes the main road on the refuge, Wildlife Drive to all traffic on Fridays. This is done to limit the disturbance to Wildlife and the impact of noise and pollution on the refuge. The *Federal Lands Alternative Transportation Systems Study*<sup>1</sup> sites the refuge among the most congested and the most proactive having implemented a tram system to manage visitors. The proximity to island beaches maintains the refuge as the most popular on-island destination for visitors. The refuge is besieged with thousands of visitors each year who are either vacationing on the island or in other areas of the county, bringing along vehicles and idling in traffic for hours, overrunning limited parking at the refuge. Gulf Shore Business, a leading business publication in Southwest Florida ranked Ding Darling as one of the top 5 attractions in the area based on attendance.<sup>2</sup>

The documented severity of the problem - traffic congestion, increased traffic accidents and enforcement actions, increased numbers of tourists and visitors is evident in the continued struggle of the refuge to accommodate additional parking near the refuge and manage the impact of visitors. The cumulative impacts of this traffic have forced the refuge to plan for removal of vehicular traffic from this scenic drive. This proposal will assist in evaluating and recommending alternatives which would allow the refuge to move their plans forward and continue to allow for residents and visitors to experience Sanibel and the refuge.

## **National Resources Impacted:**

Over 7200 acres or 65% of Sanibel Island is held as conservation land. The City of Sanibel's charter states: "Sanibel is and shall remain a barrier island sanctuary, on which a diverse population lives in harmony with the island's wildlife and natural habitats. The Sanibel community must be vigilant in the protection and enhancement of its sanctuary characteristics."

The enclosed Figure 1 defines the Sanibel Planning Area for the purpose of this Alternative Transportation in the Parks and Public Lands Program proposal. This Figure illustrates the critical inter-relationships between the J. N. Ding Darling National Wildlife Refuge, other lands owned and managed for conservation purposes, the Gulf and Bay Beach zones and access points and the primary connecting road, parking and shared use path infrastructure within the City of Sanibel.

The Refuge consists of over 6300 acres of pristine wildlife habitat; 2800 of those acres are given the special designation by congress as a Wilderness Area. The Wilderness Area borders the wildlife drive, which is the refuge's most popular route. Wildlife Drive is a dike road that offers a unique access to a mangrove forest and tidal estuary. The ever-present wildlife on the 4-mile Wildlife Drive is what makes the refuge so popular, especially during the fall, winter and spring months. Over 230 species of birds have been recorded on the refuge. The refuge also has 50 species of reptiles and amphibians and 32 mammals. Wading birds are conspicuous including the endangered wood stork, white ibis, yellow-crowned night herons, and reddish, great, and snowy egrets. As many as a third of the U.S. population of the striking roseate spoonbills can be in the refuge at times. The mudflats can be covered with shorebirds including black bellied plovers, Dunlin, Red Knots, and Dowitchers. American alligators bask in the sun

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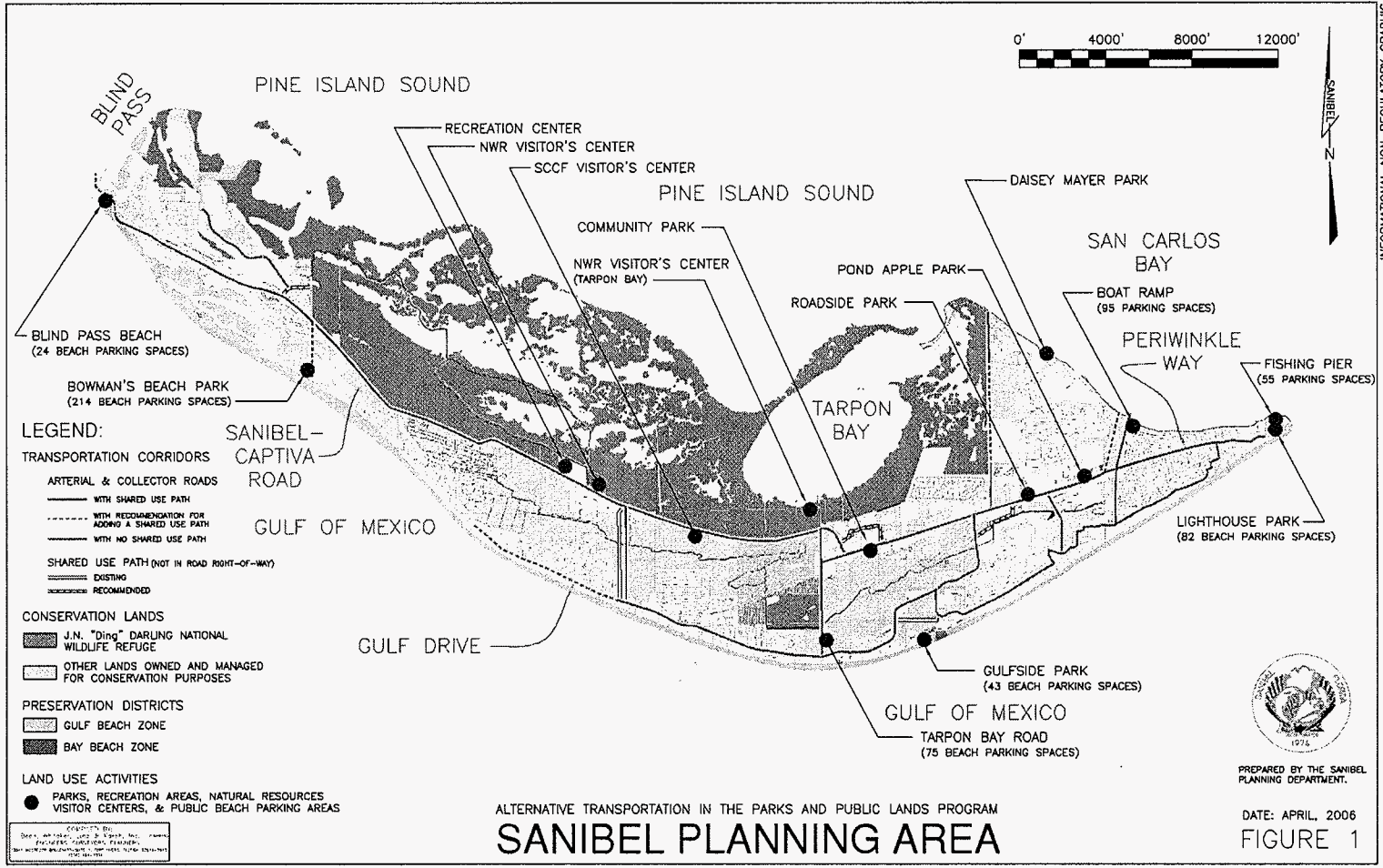
<sup>1</sup> Federal Lands Alternative Transportation Systems Study, Volume 3, Summary of National ATS Needs, Report No. FTA-TPL10-2000.1 FHWA-EP-00-024

<sup>2</sup> Gulfshore Business, May 2006. "The Buzz – Top Southwest Florida Attractions"

along the drive and an 11-foot endangered American crocodile also likes to bask on Wildlife Drive in an area that had to be roped off because unwary people were getting too close.

The J.N. "Ding" Darling NWR has been listed as essential shorebird habitat as it offers thousands of acres of habitat for migratory shorebirds to rest and feed during their migratory journeys between North and South America. The refuge continues to rank in the top 5 birding destinations in the country by Birders World Magazine.

With this level of distinction and popularity, the refuge's visitation will continue to grow. A study conducted in the early 1990's by Mary Klein on visitor disturbance to wildlife within the refuge stated: "Humans visiting natural areas often disturb wildlife, possibly displacing animals from desirable habitat... The number of human visitors may have to be reduced or the wildlife drive closed on certain days during the tourist season." A series of management techniques have been taken to curbe the affect visitors are having on wildlife, however visitor populations continue to rise.



## **Gulf and Bay:**

The beaches on Sanibel Island are also critical habitat for nesting shorebirds and endangered sea turtles. Each year over 150 Loggerhead Sea Turtles nest on Sanibel's beaches. Although all nests are marked, disturbance by heavy visitation to the beach could be reduced. The island has 4 main public beach access points that included parking areas. These public areas are often crowded and therefore visitors are often pushed into more sensitive areas of the beach. Social paths within the dunes have fragmented dune systems. More planning is needed to determine carrying capacity and set limits of acceptable change in order to determine a comprehensive management plan.

## **Visitation Levels:**

In 2005, the refuge recorded 21,591 visitors utilizing the tram, slightly down from 21,817 in 2006 due to recent hurricanes. This number does not include the 60,314 hikers and bikers who utilized Wildlife Drive or the staggering 90,945 vehicles which traveled along the road (down from 2003 from a record 107,742 vehicles). The refuge has averaged 640,588 visitors over the last 5 years, with a high in 2002 of 702,809 guests.

Travelers onto the island via the Sanibel Causeway are undeterred by long delays, lane closures, and detours caused by the construction associated with the replacement of the bridge currently underway. Last year, Lee County documented 2,731,392 vehicles that paid the \$6 toll to access the barrier island. The single road system which connects several thousand condominiums, hotels, restaurants, schools, marinas and homes struggles to accommodate bicycles and pedestrians with an ever increasing number of cars. The reduction of vehicles traveling onto the island and the refuge along with their negative impacts is at the forefront of our community's traffic management efforts.

The City of Sanibel has not established air quality, volume to capacity ratios or other traffic impact management measures at the time of this submittal. Rather, this proposal requests that the carrying capacity of the island and the refuge be analyzed as a critically important deliverable as part of this planning grant.

Lee County is also experiencing a dramatic increase in residential and commercial growth. During the last 5 years the population of Lee County increased by 100,000 persons. This translates to an average growth rate of 4.5%, which is extremely high for a mid-sized metropolitan area. This growth will continue to have an impact on Sanibel's beaches, the Refuge, and conservation lands thereby impacting the rich natural resources that Island residents have been protecting since the 1930's.

In addition to the accelerating patterns of growth, a new airport terminal opened in 2005 allowing for more visitors to the SW Florida area.

## **Protection of Resources**

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### **Levels of Resources Impacted:**

This planning proposal will address the alternative transportation needs of both the refuge and the City of Sanibel in a manor that incorporates the needs of wildlife and their habitats first. The primary focus of the plan shall be to reduce impacts to wildlife and corresponding habitat as it will be to reduce, and better manage, traffic throughout the island including the Refuge. No such study or plan would be complete without the planning for the reduction of negative wildlife/visitor interactions. The plan should offer alternatives that would significantly reduce: disturbance to wildlife; noise pollution; vehicle, pedestrian and bicycle conflicts; and vehicle emissions. Vehicles circulating the island and Refuge not only cause significant traffic problems for local roads, but also create barriers that fragment wildlife populations. The plan shall encompass measures to reduce road kills to wildlife. Therefore, reducing the circulator traffic

from beach resorts and other locations to the refuge will be a large part of the planning project. This must be done in ways that will manage visitation to the refuge and Sanibel while enhancing the visitors' experience.

### **Studies and Documentation:**

In 2007, the JN Ding Darling National Wildlife Refuge will be writing a Comprehensive Conservation Plan (CCP) that will detail our management plans and strategies for the next 15 years. The input of a comprehensive transportation plan for the refuge and Sanibel will ultimately be apart of the CCP. Current Management plans including a public use plan and water management plan can be obtained upon request. An alternative transportation study on the refuge was conducted in 2000. The report can be viewed at [www.fws.gov/refuges/roads/3039study/DingDarlingFL.doc](http://www.fws.gov/refuges/roads/3039study/DingDarlingFL.doc).

A 1995 report by Mary Klein entitled *Effects of Ecotourism on Distribution of Waterbirds in a Wildlife Refuge* was published in the journal of the *Society of Conservation Biology*. The abstract reads, "Humans visiting natural areas often disturb wildlife, possibly displacing animals from desirable habitat... The number of human visitors may have to be reduced or the wildlife drive closed on certain days during the tourist season." The report can be located in *Conservation Biology*, Vol. 9, No. 6. (Dec., 1995), pp. 1454-1465.

Lee County's Transit Department operates transit service in the county as LeeTran. LeeTran in compliance with state statutes develops and annually updates a Transit Development Plan (TDP) serving as guide for the development and implementation of transit services. LeeTran's TDP has identified an on-island circulator as part of its future plans. This plan can be viewed at [www.rideleetrans.com](http://www.rideleetrans.com).

The City of Sanibel's adopted comprehensive plan (The Sanibel Plan) has addressed transportation issues, including the importance of alternative transportation modes serving the island. (A primary goal of the Sanibel Plan is to "Provide a safe, convenient and efficient motorized and non-motorized transportation system for all residents and visitors to the City of Sanibel while preserving the natural beauty and unique atmosphere of the island". Objective 2 of the Plan also states "A balanced transportation system is desired which is compatible with other elements of the Sanibel Plan. It should provide, to the extent possible, transportation alternatives to the automobile, compatible with the City's character, that create the higher level of service through reduced traffic demand rather than increased roadway capacity").

December 2006, the City will have completed a major update of the Sanibel Plan based on the April 15, 2005 Evaluation and Appraisal Report. In April 2006, City Council approved a work program that will produce a comprehensive update of Sanibel's Shared Use Path Master Plan. Following a recent series of public workshops focused on redevelopment issues facing Sanibel's residential, commercial and resort properties, a report detailing these issues, priorities and planning work programs has been developed. These plans can be viewed at [www.mysanibel.com](http://www.mysanibel.com).

Alternatives will be developed to be consistent with the Sanibel Plan and other locally adopted plans.

### **Carrying Capacity:**

At the time of this submittal the carrying capacity of the transportation system serving the island and the refuge has not been established. The City of Sanibel has determined that prior studies need to be updated to be relevant for planning purposes and management of public and natural resources. This planning proposal requests technical assistance to complete a carrying capacity analysis and identification of management strategies and thresholds as the basis for evaluating and recommending alternative modes of transportation. This planning project will also guide resources managers to set limits of acceptable change for our most sensitive area. These limits will prompt resource managers at the

refuge and city to take certain actions based on the level of changes that are occurring to the natural and scenic resources as a result of increase visitation and transportation on the island.

## **Financial Sustainability and Operational Efficiency**

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### **Alternative Evaluation Approach:**

This proposal seeks to explore, document and assist in the assessment of alternatives that provide the most benefit for Ding Darling NWR and the City of Sanibel through the provision of alternative transportation modes including transit, bicycle and pedestrian. The proposed analysis will include an assessment of a no-build alternative as well.

**Phase 1**            Feasibility Analysis  
\$350,000            Coordination of Resources and establishment of a project management Consortium of Sanibel and Refuge Stakeholders, completion of a Carrying Capacity Analysis.

It should be noted that due to the unique nature of the proposed partnership that will come together to undertake this study, an Interlocal Agreement will be executed by all participating parties. The Agreement would state that objectives, management, financial and product review responsibilities.

**Phase 2**            Public Involvement  
\$300,000            On-going throughout program, necessary due to the sensitivity of the resource and to establish a good public understanding of the potential benefit of alternative transportation options.

**Phase 3**            Alternatives Analysis  
\$ 400,000            Propose and evaluate appropriate alternatives, including no-build for use both within the Refuge and for use to reduce congestion in the gateway locality, the island City of Sanibel

**Phase 4**            Implementation Plan  
\$ 450,000            Develop a locally preferred alternative that: sets forth an action and implementation plan; identifies environmentally sensitive infrastructure and capital needs; explores the opportunity to improve hurricane evacuations; coordinates existing and future alternatives and non-motorized transportation modes; and defines financial commitments for operations as warranted as well as preparing a thorough financial analysis. The final product will be prepared in such a manner as is useful to: 1) the refuge for its internal management; 2) the gateway locality—the City of Sanibel who may wish to enter future Inter-local agreements or other service mechanisms to implement plan results; and 3) to Lee Tran in the form of a model that can be replicated in other parts of Lee County.

### **Financial Planning Approach:**

The initial phase of this proposal provides a feasibility analysis, which will include the identification of resources and will serve to define financial impacts and benefits for the project. Financial commitments from partnering agencies will be developed after the scope of services is developed and agreed to in the implementation plan and agreed to by all parties as part of an Interlocal Agreement.

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## **Public Benefit**

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### **Transportation Mobility Issues:**

Federal assistance in providing the necessary technical analysis and public involvement in the planning and development of alternative transportation services on the island is necessary to address and manage the number of visitors to both the Island and Refuge. Currently trips onto the island are experiencing significant construction delays associated with the replacement of the Sanibel Causeway and a doubling of the toll. Upon completion of the causeway in 2008 and with the implementation of "Speed Pass" automated toll payment system, traffic onto the causeway is expected to significantly increase exacerbating the need for alternative transportation solutions as well as the need for traffic management that respects Sanibel Island's carrying capacity and the need to reduce speed, noise, air pollution and congestion in order to minimize disturbance to the island and refuge wildlife.

### **Safety Issues:**

Sanibel Island has no traffic lights. The barrier island's traffic flow is managed through a system of 4-way stops, with many residents and visitors relying on the 23 mile shared use path system. Recently, the Department of Health has documented an increase in the number of traffic incidents involving all modes pedestrian, bicycle and vehicular countywide. (stats pending from DOH) The Shared use Path Master Plan that is now in development will focus on this problem and can, in conjunction with this project, sharpen the focus on transportation safety useful to both the City and the Refuge.

### **Energy Efficiency:**

The American Public Transportation Association<sup>3</sup> documents the issues of energy independence and the impact of increased energy use on the environment, citing that for every passenger mile traveled, public transportation uses about one half of the energy consumed by cars and about a third of the energy used by SUVs and light trucks. In addition to exploring alternative fueled transit vehicles under this proposal, the use of other alternate fueled vehicles will be explored. At a time when conservation of fuel and the use of transit are being promoted at the federal level, this proposal can serve as a model of environmental preservation and conservation.

### **Coordination – Partnering:**

This planning project has a strong coalition of partners who are dedicated to finding the most appropriate solution to reducing and managing vehicular traffic traveling to Ding Darling NWR and Sanibel Island. Upon award of this planning grant, an Interlocal Agreement consistent with locally adopted plans will be signed affirming the goals and objectives, roles and responsibilities of the planning grant and providing the necessary legal vehicle for our local government and municipalities to participate.

### **Key Community Involvement Participants**

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Ding Darling Refuge, The City of Sanibel—the gateway locality, and Lee Tran—the County's Transit agency will begin this venture with an Inter-local Agreement reflecting the content of this proposal.

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<sup>3</sup> "Conserving Energy and Preserving the Environment: The Role of Public Transportation" by Robert J. Shapiro, Kevin A. Hassett and Frank S. Arnold.



In addition, to the above three partners, because the Lee County MPO is in the process of creating a Transit Authority, the City of Sanibel MPO representatives at the levels of the Citizen Advisory Committee, the Technical Advisory Committee and the MPO Policy Board will be part of the Project Management Consortium in order to both meet the ongoing project needs of the Refuge and the Gateway locality, but also to ensure that this project becomes a model for Lee Tran and the Lee County MPO that can be replicated elsewhere in Lee County.

Principle Contacts:

JN Ding Darling National Wildlife Refuge  
Robert Jess, Refuge Manager  
(239) 472-1100  
1 Wildlife Drive  
Sanibel, Florida 33957

City of Sanibel  
Mayor Carla Brooks Johnston  
Contact Information  
Robert J. Duffy AICP, Director, Department of Planning  
800 Dunlop Road  
Sanibel, Florida 33957-4021  
(239) 472-8826

Tami Hall, Chair  
Lee County Board of County Commissioners  
Contact Information  
Steven Myers, LeeTran Director  
6035 Landing View Road  
Fort Myers, Florida 33907

Florida Department of Transportation  
Richard Shine, Transit Project Coordinator  
SW Area Office  
2295 Victoria Avenue  
P O Box 1030  
Fort Myers, Florida 33902-1030

**Funding Leverage**

The State of Florida's Department of Transportation (FDOT) is a member of the development team that has helped to draft this request. FDOT has stated that it will consider funding requests for this project within their application cycle and currently lends technical assistance in the development of the project.



**INTERLOCAL AGREEMENT FOR  
ALTERNATIVE TRANSPORTATION IN PARKS AND PUBLIC LANDS  
PROGRAM GRANT BY AND BETWEEN  
LEE COUNTY, FLORIDA, THE CITY OF SANIBEL, FLORIDA, AND  
J. N. "DING" DARLING NATIONAL WILDLIFE REFUGE**

THIS INTERLOCAL AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2007, by and between LEE COUNTY, a political subdivision and charter county of the State of Florida, hereinafter referred to as "County", acting by and through its Board of County Commissioners, the governing body thereof, the City of Sanibel, a municipality incorporated in the State of Florida, hereinafter referred to as "City", acting by and through its City Council, the governing body thereof, and the J. N. "Ding" Darling National Wildlife Refuge managed by the U.S. Fish and Wildlife Services, hereinafter referred to as the refuge, collectively, the "Parties" hereto.

**RECITALS**

WHEREAS, both the County and City are duly empowered pursuant to Florida Statutes, in particular, Section 163.01, to enter into Interlocal Agreements for the sharing of certain governmental powers and obligations; and

WHEREAS, the United States Department of Transportation, Federal Transit Administration announced the selection of projects to be funded under the Fiscal Year 2006 appropriations for the Alternative Transportation in Parks and Public Lands (ATPPL) program authorized by Section 3021 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users of 2005 (SAFETEA-LU) and codified in 49 U.S.C. 5320; and

WHEREAS, the goals of the ATPPL program are to conserve natural, historical and cultural resources; reduce congestion and pollution; improve visitor mobility and accessibility; enhance visitor experience; and ensure access to all, including persons with disabilities through alternative transportation projects; and

WHEREAS, the County, City and J. N. "Ding" Darling National Wildlife Refuge jointly submitted a proposal on May 2, 2006 for funding consideration under the ATPPL program which provides for the tasks to be undertaken in this project; and

WHEREAS, the Department of Transportation Federal Transit Administration has issued notice in the Tuesday, September 12, 2006 Federal Register, Volume 71, Number 176, of funding award for the public land unit known as J. N. "Ding" Darling National Wildlife Refuge, managed by the U. S. Fish and Wildlife Service, identifying the eligible funding recipient as Lee County Transit on behalf of the County to conduct a study for the planning, technical analyses, evaluation and coordination of alternative transportation systems as provided in the approved proposal; and

WHEREAS, the parties to this Interlocal Agreement desire to participate cooperatively in the performance of planning processes identified in the proposal submitted to the U. S. Fish and Wildlife Service; and

WHEREAS, County, City, and J. N. "Ding" Darling National Wildlife Refuge find that entering into this Interlocal Agreement serves a public purpose and is to the public's benefit.

NOW THEREFORE, in consideration of the above recitations and the mutual covenants herein set forth, the Parties hereto mutually agree as follows:

**SECTION ONE: PURPOSE**

- A. The purpose and intent of this Interlocal Agreement is to define the terms and conditions by which the Parties will coordinate participation in the project processes for completion of the planning tasks identified in the grant proposal.
- B. The Interlocal Agreement will insure close collaboration between the County, J. N. "Ding" Darling National Wildlife Refuge and the City throughout the process so that the project results will meet the expectations of all Parties and be able to move forward without objection.
- C. The Parties agree that the above named Parties will enter into this Interlocal Agreement. This Interlocal Agreement shall be binding only upon the Parties that execute this Interlocal Agreement. No Party that executes this Interlocal

Agreement shall be bound by its terms to any third party who has not entered into this Interlocal Agreement.

**SECTION TWO: TRANSPORTATION PLANNING AND PROJECT MANAGEMENT ROLES AND RESPONSIBILITIES**

- A. County will coordinate, manage and otherwise direct the day-to-day consultant(s) professional planning services.
- B. The Sanibel City Manager and Sanibel Planning Director shall serve as the primary project management staff representing the City.
- C. The Refuge Manager or designee shall serve as the primary project management staff representing Ding Darling National Wildlife Refuge.

**SECTION THREE: REQUEST FOR PROPOSALS**

- A. County will prepare and administer the Request for Proposals for the procurement and award of professional planning services to consultant(s).
- B. County will coordinate with the Parties for the ranking and selection of consultant(s) to perform the necessary transportation planning tasks.
- C. The City of Sanibel's Planning Director shall serve as the City's representative for the proposal review and consultant interview team.
- D. Sanibel City Council shall review and approve the Request for Proposals and Scope of Services prior to release by County.
- E. The Refuge Manager or designee will serve as the Refuge's representative for the proposal review and consultant selection team.
- F. The Refuge Manager or designee will review and approve the Request for Proposals and Scope of Services prior to release by County.

**SECTION FOUR: CONSULTANT CONTRACT, SCOPE OF SERVICES AND WORK ORDERS**

- A. Pursuant to this agreement, County will contract for professional and technical planning services through the issuance of work orders with an established scope of services and budget.
- B. All consultant(s) studies and work orders will be completed in accordance with the scope of services provided by the County and agreed to by the Parties to this Agreement.
- C. The scope of services will be completed consistent with all State and local plans including:
  - 1. Federal policy and environment assessments needed to comply with the National Environmental Policy Act of 1969 (NEPA), Section 4(f) on the US DOT Act of 1996, as amended, Section 6(f) Land and Water Conservation Funds Act; and
  - 2. Plans and policies of J. N. "Ding" Darling National Wildlife Refuge; and
  - 3. The "Sanibel Plan", the City's Comprehensive Land Use Plan, and the Sanibel Policy and Position Paper on the proposed Transit Authority.
- D. The consultant contract, final scope of services and project work program shall be submitted to Sanibel City Council for review and approval prior to execution.
- E. Amendments to the Study's contract, scope of service and work program shall be submitted for review and approval by Sanibel City Council prior to execution.
- F. County will negotiate the terms of the work orders.
- G. NOTE: Insert Roles and Responsibilities for J. N. "Ding" Darling National Wildlife Foundation.

**SECTION FIVE: ALTERNATIVE FORMS OF TRANSPORTATION TO BE EVALUATED**

- A. The one (1) preliminary and two (2) final ranges of alternative forms of transportation will be evaluated as part of the study, including a no-build alternative, shall be submitted for review and approval by Sanibel City Council.
- B. The alternative forms of transportation that will be evaluated and recommended pursuant to the Study's scope of work shall conform to the "Sanibel Plan", the City's

Comprehensive Land Use Plan, and the Sanibel Policy and Position Paper on the proposed Transit Authority.

- C. NOTE: Insert Roles and Responsibilities for J. N. "Ding" Darling National Wildlife Foundation.

**SECTION SIX: PUBLIC PARTICIPATION PROCESS**

- A. A detailed public participation process shall be developed in conjunction with Sanibel's Planning Director and defined as part of the final work program submitted to Sanibel City Council for review and approval.
- B. All public meetings and related public involvement processes shall be conducted on Sanibel consistent with the prior work program approved by the City Council.
- C. The results/data of all public participation events will be tallied after each event and provided to all Parties prior to formulating decisions.
- D. The Refuge will participate in all public participation processes developed as defined in the adopted grant proposal.

**SECTION SEVEN: COMPENSATION AND METHOD OF PAYMENT**

- A. The County agrees to pay for costs incurred to carry out the professional planning services once the County approves a negotiated scope of work in accordance with the terms of this agreement.
- B. Payment will be made by the County within thirty (30) days of completion of the scope of work and acceptance by the County.

**SECTION EIGHT: MONITORING, AUDIT**

All cost records and accounts shall be subject to audit by representative(s) of either the County or the City, at their election, during normal work hours and upon reasonable notice. Said records and accounts shall be made available at the offices of Lee County Transit, Lee County, Florida.

**SECTION NINE: MODIFICATIONS, DISPUTE RESOLUTION AND TERMINATION**

- A. All modifications to this Interlocal Agreement hereto must be in writing and signed by all Parties with the same formality as that contained herein.
- B. Any disputes arising from this Agreement which cannot be resolved by the Parties may be settled through arbitration of the disputed matters by following the procedures as set forth in Section 44.104, Florida Statutes, or the Parties may utilize any other legal remedies available to them with respect to the disputed matters.
- C. Any Party may terminate this Agreement for any reason by giving the non-terminating parties thirty (30) days written notice of its cancellation.

**SECTION TEN: LIABILITY AND INSURANCE**

Parties agree that by execution of the Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limit of liability as provided for in Section 768.28, Florida Statutes, as may be revised or amended from time to time.

**SECTION ELEVEN: NOTICES**

All written notices to the Parties under this Interlocal Agreement shall be directed to the following addresses:

For Lee County:

Steven L. Myers, Director  
Lee County Transit Department – Lee Tran  
6035 Landing View Road  
Fort Myers, Florida 33907

For the City of Sanibel:

Judie Zimomra, City Manager  
City of Sanibel  
800 Dunlop Road  
Sanibel, FL 33957

For J. N. "Ding" Darling  
Wildlife Refuge

Rob Jess, Refuge Manager  
J. N. "Ding" Darling National Wildlife Refuge  
1 Wildlife Drive  
Sanibel, FL 33957

**SECTION TWELVE: SEVERABILITY**

If any provision of this Interlocal Agreement is held invalid, the remainder of the Interlocal Agreement shall not be affected thereby and all other parts of this Interlocal Agreement shall nevertheless be in full force and effect.

**SECTION THIRTEEN: FILING**

This Interlocal Agreement and any subsequent amendments hereto shall be filed with the Lee County Clerk of the Circuit Court, the Clerk of the City of Sanibel and the Director of J. N. "Ding" Darling National Wildlife Refuge.

IN WITNESS WHEREOF, the PARTIES hereto have caused this Interlocal Agreement to be executed on the date and year first above written.

Attest:  
CITY OF SANIBEL

By: \_\_\_\_\_  
Clerk

CITY OF SANIBEL

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
City Attorney

Attest: Charlie Green,  
Clerk of the Courts

By: \_\_\_\_\_  
Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Office of the County Attorney

JN "Ding" Darling National Wildlife Refuge

Attest:

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_