

PELICAN BAY SERVICES DIVISION
Municipal Service Taxing and Benefit Unit

NOTICE OF PUBLIC MEETING **THURSDAY, DECEMBER 27, 2012**
THE CLAM BAY SUBCOMMITTEE OF THE PELICAN BAY SERVICES DIVISION
BOARD WILL MEET THURSDAY, DECEMBER 27 AT 1:00 PM AT THE
COMMUNITY CENTER AT PELICAN BAY, 8960 HAMMOCK OAK DRIVE,
NAPLES, FL 34108.

AGENDA

The agenda includes, but is not limited:

1. Roll call
2. Approval of December 10 Clam Bay Subcommittee minutes
3. Clam Bay transition
4. Clam Bay dredging permit
5. Updated Clam Bay management plan
6. Audience comments
7. Adjourn

ANY PERSON WISHING TO SPEAK ON AN AGENDA ITEM WILL RECEIVE UP TO THREE (3) MINUTES PER ITEM TO ADDRESS THE BOARD. THE BOARD WILL SOLICIT PUBLIC COMMENTS ON SUBJECTS NOT ON THIS AGENDA AND ANY PERSON WISHING TO SPEAK WILL RECEIVE UP TO THREE (3) MINUTES. THE BOARD ENCOURAGES YOU TO SUBMIT YOUR COMMENTS IN WRITING IN ADVANCE OF THE MEETING. ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDING PERTAINING THERETO, AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING YOU ARE ENTITLED TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE PELICAN BAY SERVICES DIVISION AT (239) 597-1749. VISIT US AT [HTTP://PELICANBAYSERVICESDIVISION.NET](http://pelicanbayservicesdivision.net).

**CLAM BAY SUBCOMMITTEE
OF THE PELICAN BAY SERVICES DIVISION BOARD MEETING MINUTES
MONDAY, DECEMBER 10, 2012**

LET IT BE REMEMBERED that the **Clam Bay Subcommittee** of the **Pelican Bay Services Division Board** met on **Monday, December 10, 2012 at 3:00 PM** at the Community Center at Pelican Bay, 8960 Hammock Oak Drive, Naples, Florida. The following members were present:

Clam Bay Subcommittee

Susan O'Brien, Chairman
Tom Cravens
Mike Levy
Mary Anne Womble

Pelican Bay Services Division Staff

W. Neil Dorrill, Administrator
Kyle Lukasz, Operations Manager
Mary McCaughtry, Operations Analyst
Lisa Resnick, Recording Secretary

Also Present:

Susan Boland
Tim Hall
Jim Hoppensteadt
Kathy Worley

AGENDA

1. Roll Call
2. Draft Clam Bay mangrove maintenance annual report
3. Draft Clam Bay tidal analysis annual report
4. FDEP Data for copper levels in Clam Bay
5. Proposed BCC Ordinance amendment discussion
6. Date and tops for next Subcommittee meeting
7. Audience Comments
8. Adjourn

ROLL CALL

All members were present.

DRAFT CLAM BAY ANNUAL REPORTS

Chairman O'Brien explained the draft Clam Bay mangrove maintenance and tidal analysis annual reports were included to review briefly; Mr. Tim Hall and Mr. Ken Humiston would present the full reports at a future Board meeting.

Mr. Hall commented that historically when Clam Pass has closed, the water furthest from the Pass becomes stagnant and increasing contaminants and algae growth. As oxygen levels decrease, fish and wildlife move to unaffected locations. The longer the flow is constricted, the greater the chance for mangrove die-off, especially during the rainy season. Areas identified as stressed continue to be monitored on the south side of Inner Clam Bay (Plots 3 & 4) and north of Clam Pass (Plot 7). An unintended consequence of the 1998 dredging was an increase in the tidal range creating a lower, low tide, and exposed seagrasses. Because of changes in the water level, seagrasses are growing in other areas. Mr. Hall and Ms. Kathy Worley agreed it would be difficult and costly to propagate seagrasses.

**Clam Bay Subcommittee Meeting Minutes
December 10, 2012**

FDEP DATA FOR COPPER LEVELS IN CLAM BAY

The Subcommittee briefly discussed Clam Bay copper data.

PROPOSED BCC ORDINANCE AMENDMENT DISCUSSION

The Subcommittee briefly discussed the proposed amendments to the Pelican Bay Services Division's Ordinance and a budget currently deficient of funds to carry out the additional Clam Bay responsibilities.

CONSTRUCTING AN OSPREY NEST BOX

Mr. Cravens made a motion, second by Mr. Levy to make a recommendation to the Board that in a cooperative effort with the Foundation, investigate constructing an osprey nest site adjacent to the South beach restaurant facility with a webcam. The Subcommittee voted unanimously in favor and the motion passed.

AUDIENCE COMMENTS

Ms. Marcia Cravens distributed correspondence regarding the Clam Bay dredging permit.

ADJOURNMENT

Mr. Cravens made a motion, second by Ms. Womble to adjourn. The Subcommittee voted unanimously in favor, passing the motion, and the meeting adjourned at 3:53 p.m.

Susan O'Brien, Chairman

Minutes by Lisa Resnick 12/19/2012 4:53:04 PM

DRAFT

December 15, 2012

One-way communication with PBSD directors:

Since I will be up north and unable to attend the December 27 meeting of the Clam Bay Subcommittee, I want to pass on the following thoughts.

It is essential the PBSD move quickly to assume its assigned responsibility for managing all facets of the Pelican Bay Conservation Area, including Clam Bay. It is a responsibility assigned by the Board of County Commissioners. It is not an option. And at least some of us feel it is an important opportunity for the PBSD.

I have been assured that county staff and the Pelican Bay Foundation will assist in the transfer of those responsibilities to the PBSD. Everyone appears to be on board.

There are, by my count, four areas of management. Action will be needed, I believe, in three of the four areas.

(1) Clam Pass dredging – how to handle the permitting and how to manage the dredging.

Regarding permitting, there are two obvious possibilities: Withdraw and replace the active application or revise the active application. Changes to be considered are the permittee, which now should be the PBSD; width of cut at the mouth, which probably should be changed to “no more than 80 feet;” and triggers for dredging, which could be specified based on input from Tim Hall and Ken Humiston or left qualitative. Timely issuance of a permit to deal with the current shoaling is obviously important.

Our agents could be Turrell Hall Associates and Humiston & Moore, the advantage being they know Clam Pass and are local, or Adkins, the advantage being it prepared the existing dredging permit application.

(2) Water purity – transfer of data and ongoing sampling and monitoring.

Things to be monitored include nutrient levels (dissolved nitrogen and phosphorus), dissolved oxygen, bacteria and copper.

Transfer of all data from the county and the Foundation should be straightforward, as should assignments of future sampling by the PBSD.

Adkins could be retained, reporting to the PBSD, for data analysis, or this could be assigned to Tim Hall and the local folks.

(3) Hydrolytic measurements – tidal flow and bathymetry.

Ken Humiston already does analysis of flow measurements for the PBSD. We should probably have him do bathymetry as well; he used to do that some years ago. I believe sampling for bathymetric data would have to be transferred from the county.

(4) Mangrove maintenance

Tim Hall already does a terrific job for the PBSD.

The Seagate lawsuit is another matter, which should be addressed separately.

I personally feel we should involve the Foundation in a constructive partnership, not only during this transition period but later in proactive management of the conservation area.

I hope these comments are helpful. I have great confidence in Neil Dorrill and in Susan O’Brien and her committee. Good luck!

Dave Trecker

-----Original Message-----

From: Neil Dorrill [<mailto:Neil@dmgfl.com>]

Sent: Tuesday, December 18, 2012 11:24 AM

To: ResnickLisa

Subject: FW: SAJ-1996-02789 Clam Pass project - application and management items - status note (UNCLASSIFIED)

-----Original Message-----

From: McAlpinGary [<mailto:GaryMcAlpin@colliergov.net>]

Sent: Tuesday, December 18, 2012 9:30 AM

To: OchsLeo; CasalanguidaNick; LorenzWilliam; Neil Dorrill; Neil Dorrill

Subject: FW: SAJ-1996-02789 Clam Pass project - application and management items - status note (UNCLASSIFIED)

FYI - Received this last night from Linda Elligott - USACE.

-----Original Message-----

From: Elligott, Linda A SAJ [<mailto:Linda.A.Elligott@usace.army.mil>]

Sent: Monday, December 17, 2012 5:41 PM

To: McAlpinGary

Subject: SAJ-1996-02789 Clam Pass project - application and management items - status note (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Gary,

I received an email from Georgia Hiller (as below) which indicated that this project will be revised. The email was also sent to USFWS/Howe and NMFS/Sramek. As a result, USFWS has informed the Corps that the ESA consultation has been suspended and the draft Biological Opinion that you have reviewed/provided comments for in concert with the ongoing Corps permit review will not be completed in the previously-stated timeframe.

Due to pending project revisions, the need for revised plan sheets and uncertainty with respect to Collier County management for a long-term permit of this nature, the Corps intends to withdraw this project. A formal letter will be sent to you as the on-record point of contact for Collier County; a copy will be forwarded to Atkins/Tabar as the consultant of record.

The file may be re-activated with provision of an updated application and a complete submittal.

Note that the project, when re-activated, would be subject to review by NMFS-PRD for potential impacts to swimming sea turtles and the smalltooth sawfish; this type of consultation may take 10-12 months from the date of consultation package "completion", based on current turnaround times.

If you have any questions, please do not hesitate to contact me.

Thanks, Linda

<START COPY>

Please be advised that the Collier Board of County Commissioners voted this week to transfer management of the Clam Bay System back to the County's Pelican Bay Services Division - Neil Dorrill, Administrator.

The Board of County Commissioners took further action to direct a revision of the Clam Bay Management for dredging activities within Clam Pass, and that dredging permits be amended accordingly. Specific details of changes to this project will be provided to the Corps as soon as they are available. The dredging plan will be consistent with updates that will be made to the existing Clam Bay Management Plan.

We believe the changes will remain within the scope of the current application. As such, please continue the ongoing coordination with the resource agencies.

With thanks -

Commissioner Georgia Hiller, Esq.
Chair, Board of County Commissioners

<END COPY>

Linda A. Elligott
Project Manager
U.S. Army Corps of Engineers
Fort Myers Regulatory Office
1520 Royal Palm Square Blvd., Suite 310
Fort Myers, FL 33919

Telephone: 239-334-1975 x 22
email: linda.a.elligott@usace.army.mil

Classification: UNCLASSIFIED
Caveats: NONE

December 12, 2012

Re: Clam Bay Management Plan

Dear Pelican Bay MSTBU Board Members:

I am writing in response to the responsibility given to you by the County Commission and the December 11th Commissioner's meeting to develop and implement a management and monitoring plan for Clam Bay.

The idea to manage Clam Pass and the Bays as a whole is something that I have advocated for since the early 90's, There is a need for a comprehensive plan to protect the estuary, which consists of environmental resources that are found in the Pass, Bays, Tributaries and the landward habitats including the mangrove forests, scrub and dunes.

Given that the Pass is only ~ 50% functional I think it would behoove you to first concentrate on getting a dredging permit before the wet season gets here and then take some time to develop a management and monitoring plan that addresses the concerns of the entire estuary. I believe you does not have to start from scratch regarding the dredging permit as the one currently in the hands of FDEP could be tweaked (i.e. the width of the dredge cut and footprint, etc. if you so desire) to accomplish in the short-term resolving flow and phase lag issues in the back bays that were illustrated in the current Humiston and Moore report.

By separating out the dredging permit for the moment and keeping it under the auspices of the Mangrove Restoration Plan you could get the Pass operating on all cylinders again and take the time necessary to develop and true management and monitoring plan for the estuary that would include the dredging permit as a part of the tools needed to alleviate future pass closures or inefficient estuarine function. I urge you to establish a **working group** that includes all of the stakeholders that have worked to preserve this system and have the scientific expertise necessary to assist in Plan development. In particular those groups that were a part of the original "working group" in the 90's that dealt with the mangrove die-off problem (the Conservancy, Audubon, MAG, and Collier County Natural Resource Department, etc.) not only have a vested interest, but have the expertise along with Turrell, Hall and Associates, and should have direct input into a new Management Plan for the area.

"The fundamental objective of mangrove management is to promote conservation, restoration or rehabilitation and sustainable use of mangrove ecosystems and their associated habitats, supported where necessary by ecological restoration and rehabilitation" (World Bank et al., 2004). The original Clam Bay Management Plan was developed to restore the mangrove forests and was very successful. Moving forward we need to not only focus on the health and viability of the mangrove forest (though they are near and dear to my heart!), but the entire ecosystem and its recreational uses. The plan should have the objective of sustaining the entire estuary, which would include the mangrove forest, benthic habitats and invertebrates (seagrasses and other organisms that

Kathy B. Worley
Re: Clam Bay Management Plan
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makeup the bottom of the food chain), fish, birds, the dune and waterway systems, water quality, hydrology, etc. since all of these components are interconnected and vital in order for the estuary to be “healthy”. It is generally recognized by ecologists, ichthyologists, managers and policy makers that mangroves are tightly linked by adjacent ecosystems and that managing them in isolation is unsustainable (Ellison, 2008).

Taking the time to fully vet a management plan is the prudent approach that will lessen the chance of making snap decisions that may be inappropriate in pushing forward a plan quickly. Thus concentrating first on getting the dredging permit and then taking time later to develop a management plan seems the most logical route forward.

Thank you for your time and consideration.

Sincerely,

Kathy B. Worley
Director of Science, Conservancy of Southwest Florida
239-403-4223
kathyw@conservancy.org