

**November 29, 2007**  
**Lee County Blind Pass Update**

**Items Previously Completed:**

The County, with assistance from CEPD and the City of Sanibel, has been working to complete a Joint Coastal Permit (JCP) for the maintenance dredging of Blind Pass. The permit application has been submitted to the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems (BBCS). The BBCS is responsible for coordinating with additional State and Federal Agencies. Although there are other agencies involved, the principal agencies reviewing this project are the BBCS, the Florida Fish and Wildlife Conservation Commission (FWC), and the Charlotte Harbor Aquatic Preserve (CHAP) on the State level and the US Fish & Wildlife Service (FWS) and NOAA National Marine Fisheries (NMFS) and the US Army Corps of Engineers (USACE) on the federal level. The agencies are listed below by acronym for reference.

- State - BBCS, CHAP, FWC
- Federal – NMFS, FWS, USACE

To this point the project has been conceptually agreed upon by all parties. It is just a matter of putting the details on paper; however, the devil is in the details. The biggest issue outstanding is exactly how and where the County will mitigate for approximately 0.75 acres of seagrass that will be destroyed during construction. A solution provided with assistance from the J. N. Ding Darling National Wildlife Refuge is to provide a minimum of 170 acres of a “No Motor Zone” in the vicinity of Wulfert Flats. To qualify as mitigation, this zone must include approx. 5 acres of prop scars. As part of the mitigation the County will document a minimum of 5 acres of prop scars and document how it changes during the permit life (5 yrs.). The 5 acre verification will occur immediately prior to construction. If there is not 5 acres of actual prop scars in the zone, additional mitigation will have to be done. This will include transplanting the existing seagrass to be impacted by the dredging, or planting new stock from a nursery.

**Current Status:**

As stated, up to this point the project has only been conceptually agreed upon. The details had to be put in writing through the following documents:

- Sediment Quality Assurance / Quality Control Plan,
- Physical Monitoring Plan;
- Biological Monitoring Plan;
- Shorebird Management Plan;
- Mitigation Plan and a Dredge Plan;
- Permit Sketches; and
- Construction Drawings and Specifications.

All items except the construction drawings and specifications should be completed by Friday, November 30<sup>th</sup>. All other items except the permit sketches were submitted for Thursday (today) delivery.

**Outstanding Issues:**

Once the BBCS approves the Mitigation and Biological Monitoring Plan, FWS can complete the federal review for the Biological Opinion. This is expected to take 4 months from today, or to the beginning of April. In the meantime, the County will be completing the construction documents (Plans, specifications & contract) and preparing to bid the project for construction once the federal review process is complete.

As always, until the permit is issued there is a possibility for delays. The important piece of the submittal in reference to time is the Mitigation Plan. We are confident this piece will be approved due to extensive coordination between us (CEPD, City of Sanibel, and Lee County), and the State agencies. (FWC, CHAP, and BBCS). Any issues with the remaining items may be resolved while the federal review process is occurring so the project may be bid in the 2<sup>nd</sup> quarter of 2008.

The next update will be issued the first week of January 2008.

