

RESOLUTION 10-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH URGING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO IMPLEMENT MINIMUM FLOW LEVEL (MFL) PLANNING TO PROTECT ESTERO BAY, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Estero Bay was designated as the State of Florida's first Aquatic Preserve in 1966 for the purpose of preserving the area in an essentially natural condition so that its aesthetic, biological and scientific values could endure for the enjoyment of future generations; and

WHEREAS, Estero Bay and its tributaries have been designated by the State of Florida as Outstanding Florida Waters; and

WHEREAS, Estero Bay is vitally important to commercial and recreational fisheries which include tarpon, snook, redfish, blue crab, shrimp, stone crab, and mullet; and

WHEREAS, a significant number of the state's endangered and threatened species are found with the area of Estero Bay and the area is home to many bird nesting colonies and is an important stopping area for migrating birds; and

WHEREAS, the natural estuarine balance of Estero Bay has been impacted by changes in the timing and volume of fresh water inflows to the bay; and

WHEREAS, the Town of Fort Myers Beach Comprehensive Plan states that the Town shall take a leadership role in facilitating resolution of any jurisdictional problems; and

WHEREAS, Chapter 373, Florida Statutes, requires the South Florida Water Management District to submit to the Florida Department of Environmental Protection a priority list of water bodies for MFL development and Estero Bay is on the 2010 Priority List and Schedule for MFLs; and

WHEREAS, the Town believes it is essential that the South Florida Water Management District develop an Optimal Flow and Level for Estero Bay, Mullock Creek, Hendry Creek, Estero River, Spring Creek, and the Imperial River that will protect the delicate ecology of Estero Bay.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are hereby adopted and incorporated herein.

Section 2. The Town Council hereby urges the South Florida Water Management District to implement MFL planning to protect the ecology of Estero Bay. Such planning should include, but is not limited to, the development of a comprehensive Optimal Flow and Level that includes not only Estero Bay, but also Mullock Creek, Hendry Creek, Estero River, Spring Creek and the Imperial River that will protect the delicate ecological balance of that entire area.

Section 3. Effective Date.

This Resolution shall become effective immediately upon adoption by the Town Council of the Town of Fort Myers Beach, Florida.

Section 4. The Town Clerk shall forward a copy of this Resolution to the South Florida Water Management District.

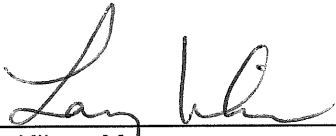
The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Mandel and seconded by Council Member List and upon being put to a vote, the result was as follows:


Larry Kiker, Mayor aye
Tom Babcock aye
Alan Mandel aye

Bob Raymond, Vice Mayor aye
Jo List aye

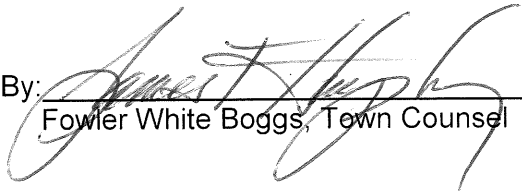
DULY PASSED AND ADOPTED THIS 16th DAY OF AUGUST 2010, BY THE

TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH

By: 
Larry Kiker, Mayor

ATTEST:
By: 
Michelle D. Mayher, Town Clerk

Approved as to form and legal sufficiency:

By: 
Fowler White Boggs, Town Counsel