

RESOLUTION NUMBER 17-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, LEE COUNTY, FLORIDA, OBJECTING TO ENVIRONMENTAL RESOURCE PERMIT #36-0320034-001 ON LITTLE ESTERO ISLAND AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Florida Department of Environmental Protection (“DEP”) issued a notice to proceed for an environmental resource permit and sovereign submerged land lease , DEP File permit #: 36-0320034-001, pursuant to Florida Statutes Chapter 120; and

WHEREAS, the actions of DEP adversely impact Little Estero Island located on the southern tip of Barrier Island, Estero Island, and falls within the boundaries and jurisdiction of the Town of Fort Myers Beach; and

WHEREAS, Little Estero Island consists of sand bars, tidal pools, and a low gulf dunes system with vegetation, and the habitat of Little Estero Island is rare and known as coastal dune scrub and contains the Little Estero Island Critical Wildlife Area (“LEICWA) and a favorite spot for birders and LEICWA is a significant nesting area for least terns, snowy plovers, willets and black skimmers and is an important over-wintering area for at least sixty-eight (68) of shore and wading birds, and is closed to trespassing from April 1 to August 31 each year and posted by the Florida and Fish and Wildlife Conservation Commission with signs, stakes, and ribbon; and

WHEREAS, the Town has specific provisions in the Town’s Comprehensive Plan and Land Development Regulations protecting vital coastal areas within the boundaries and jurisdiction of the Town of Ft. Myers Beach, including Little Estero Island and the LEICWA; and

WHEREAS, the proposed construction and action of the DEP are in violation of the Town’s Comprehensive Plan and Land Development Regulations aimed at protecting the LEICWA, Little Estero Island, and coastal areas within the boundaries and jurisdiction of the Town of Ft. Myers Beach.

IT IS HEREBY RESOLVED by the Town of Fort Myers Beach as follows.

Section 1. The above recitals as set forth in the various “Whereas” clauses are hereby adopted by reference and incorporated into the body of this Resolution.

Section 2. The Town Council hereby objects to the actions of DEP and any and all orders, permits, approvals, or authorization for construction for any structure located within the boundaries of Little Estero Island including the Little Estero Island Critical Wildlife Area.

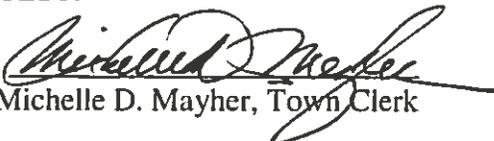
Section 3. This resolution is effective immediately upon adoption.

THE FOREGOING RESOLUTION was adopted by the Town Council upon a motion by Council Member Cereceda and seconded by Council Member Shamp and upon being put to a vote, the result was as follows:

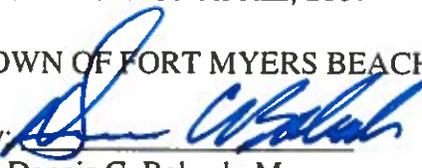
Dennis C. Boback, Mayor	aye	Tracey Gore, Vice Mayor	aye
Anita Cereceda, Council Member	aye	Joanne Shamp, Council Member	aye
Bruce Butcher, Council Member	aye		

DULY PASSED AND ADOPTED ON THIS 17th DAY OF APRIL, 2017

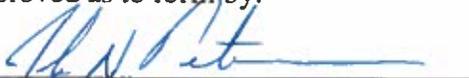
ATTEST:

By: 
Michelle D. Mayher, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Dennis C. Boback, Mayor

Approved as to form by:


Peterson Law Group, Town Attorney