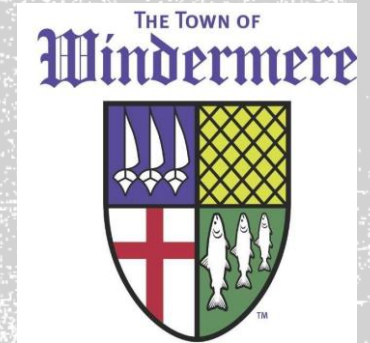
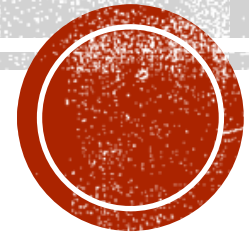


FERNWOOD PARK WORKSHOP



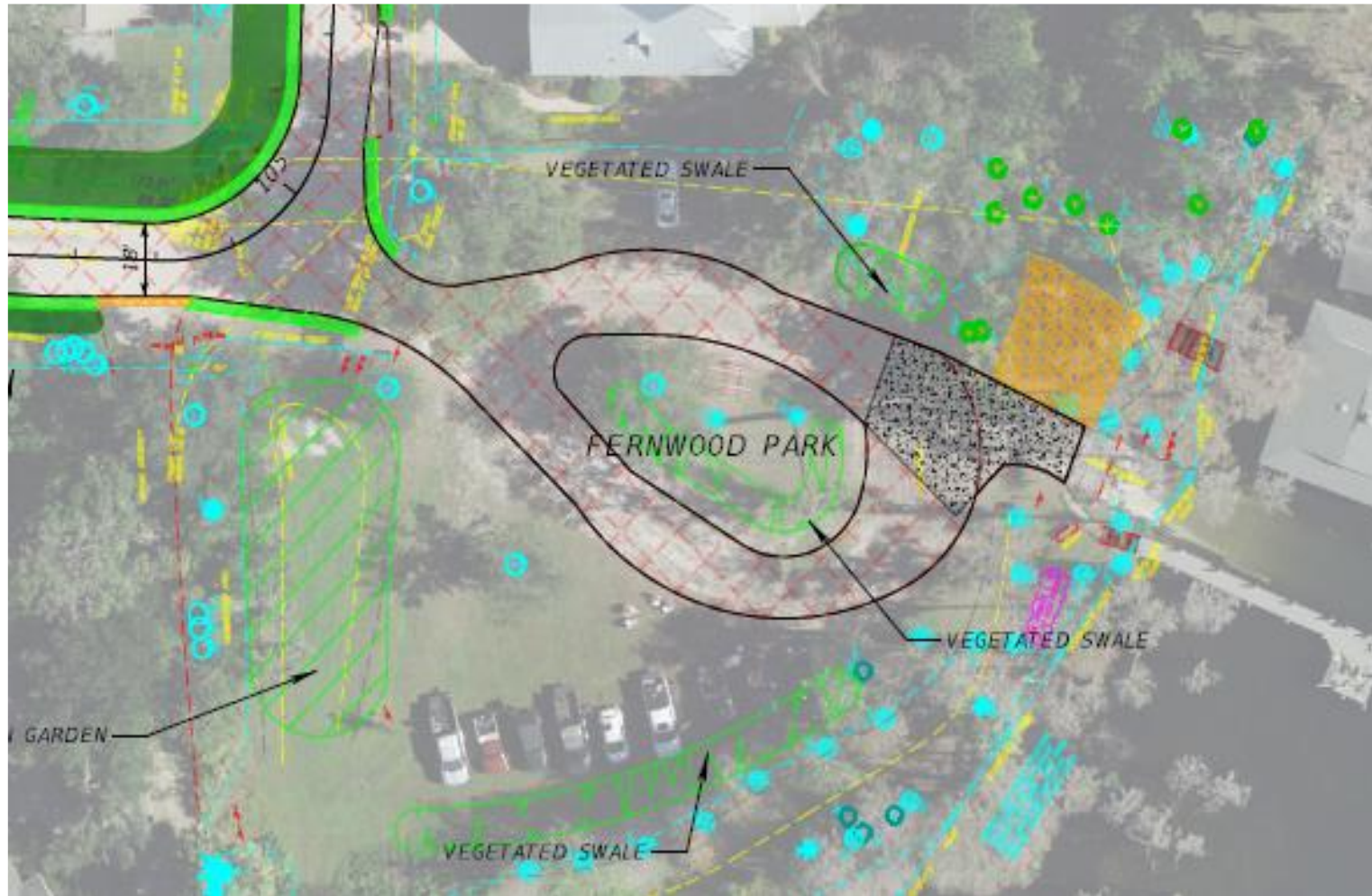
Presented August 2, 2021



BACKGROUND

- Fernwood Park: On Lake Butler with entrance at Seventh Avenue and Butler Street. Town boat ramp, boat dock, parking (No boat trailer parking).
- Entrance is in a horseshoe shape with stormwater retention on north and access to FWC, OCSO and WPD facilities to the South







FERNWOOD PARK ISSUES



- Due to the proximity to Egret Island (Bird Island), we have received several complaints from residents relative to:
 - Noise
 - Violence
 - Drinking/Drugs
 - Trespassing
 - Illegal Commercial Activities (Jet Ski Pick Up)
 - Non Residents utilizing Boat Ramp
 - Other issues





EGRET ISLAND/BIRD ISLAND

- Egret Island (a.k.a Bird Island) is a 20 acres naturally vegetated island located along the eastern side of Lake Butler just west of the Town of Windermere. With its 4,000 feet of natural shoreline beauty it has become a hot spot for boater's on the Butler Chain to rest, party or stop to appreciate nature and the riches of wildlife. Unfortunately, Egret Island has in recent years become the center of law enforcement activity related to large and noisy congregation of boaters, underage drinking, fights and different types of disorderly behavior. This has resulted in numerous arrests, increased litter, fires and destruction of trees and vegetation within Egret Island preservation boundary.
- It appears that many lake residents are unaware that in 1958, the state of Florida dedicated Egret Island to the Florida Audubon Society in perpetuity for the preservation as a wildlife sanctuary for the Butler Chain.
- The boundaries of Egret Island were surveyed and ten (10) No-Trespassing signs were installed in 2014. This action was a coordinated effort to educate and protect the island wildlife and its natural vegetation from human impacts. This action was futile based on the number of violations occurring on a weekly if not daily basis.





EGRET ISLAND/BIRD ISLAND

- The survey revealed that Egret Island is actually half-moon shaped and that a good portion of the island remains flooded during most of the year, providing shelter to a large number of permanent and migratory birds, alligators, otters, small fish and mammals.
- Bird Island (Egret Island) is a Wildlife Conservation/Bird Sanctuary area under the Florida Audubon Society. The island receives no maintenance because it not a park. Some residents believe that Egret Island is a park where they can walk, camp, etc.



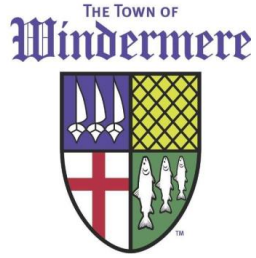


WHO HAS JURISDICTION OF THE WATERWAYS?



- The state currently has and will continue to have sole jurisdiction over Lake Butler. The lake is listed in Appendix C of the Maloney Book from 1968 as a meandered lake. The county currently handles boating accidents, regulates speeds, no wake zones, etc. under the authority provided by Chapter 327 of the Florida Statutes, and as approved by the Florida Fish and Wildlife Conservation Commission. [See e.g., 327.46, 327.60 Fla. Stat.]
- The Town has jurisdiction from the normal high water elevation but not into the waterways unless there is a mutual aid issue (rescue). Any calls that come in we relay to the proper authorities
- Based on discussions with OCSO and FWC there are several enforcement issues:
 - Staffing: FWC has limited officers of several counties. The same with OCSO but we coordinate with them constantly on increasing enforcement.
 - Enforcing current regulations: With the amount of boaters, FWC has expressed frustration with noise, speeds, etc.





WHAT HAS/IS THE TOWN DOING?



- Windermere Navigation Board pays the Town for Off Duty Services on the Weekends to provide added security to Fernwood Park. The Town also makes sure we utilize Reserves or Off Duty Staff on Holiday weekends and when we know of an event.
- Alcohol is prohibited in the Park and the Town can now do cooler checks.
- Town adopted Orange County's noise ordinance to provide consistency in enforcement.
- Stricter Boat Pass Rules.
- New signage being installed.
- Security Camera System being installed which will give live feeds to law enforcement as well as license plate readers. Alerts will be set for after hours activity as well.



THE COUNTY IS CURRENTLY WORKING ON BOTH ESTABLISHING SWIM AREA AND A CRITICAL WILDLIFE AREA.

- The Swim Area will create a buffer around the island that would prevent any motorized water craft to be within that restricted area and preclude watercraft from mooring onto the island. The intent is to push the trespassers further out from the island and hopefully diminish their interest in utilizing this area for congregating.
- County's next steps and timeline for establishing Swim Area:
 - Stakeholder Meetings (at least 2) (EPC day / hybrid evening): August/September 2021
 - Amend draft ordinance as needed based on stakeholder feedback: October 2021
 - Final FWC Boating and Waterways Section permitting review: November 2021
 - District Commissioners, Senior Staff, County Administrator and Mayor Briefings: December 2021
 - Finalize draft ordinance: January 2022
 - BCC ordinance adoption hearing: February/March 2022
 - Prepare RPH
 - BCC Staff Report (prep SR)
 - BCC noticing and advertising (prep advertising language)
 - Apply for FUWM permit for vessel-exclusion zone/swim area at Egret Island: March 2022
 - FWC FUWM
 - TIITF
 - ACOE
 - USCG
 - Apply for permit for additional FUWM boating safety zones (No Wake): April 2022



THE COUNTY IS CURRENTLY WORKING ON BOTH ESTABLISHING SWIM AREA AND A CRITICAL WILDLIFE AREA.

- The width of the proposed swim area varies depending on the contour of the shoreline, and is approximately between 45' to 90' in width, and 631' in length along the northwestern shore of the island.
- The proposed no wake zone is approximately 680' in length, and proposed for the location between the northeast side of the island extending to the Lake Butler shoreline.



THE COUNTY IS CURRENTLY WORKING ON BOTH ESTABLISHING SWIM AREA AND A CRITICAL WILDLIFE AREA.

- The County & Town are doing the documentation in regards to human activity but there needs to be an environmental assessment to document the wildlife component. This would be Phase 2 of the buffering approach but takes a lot more documentation. Currently there hasn't been much movement on this.
- What is a Critical Wildlife Area?
 - Critical Wildlife Areas are established by the FWC under the Florida Administrative Code to provide needed conservation at locations that support significant concentrations of wildlife. CWAs are discrete sites, such as mangrove islands or sandbars, where species gather daily or seasonally for essential activities, such as breeding, feeding or resting. The FWC establishes CWAs at sites where there is already documentation of human disturbances interfering with these activities.
 - CWAs are an important conservation tool for imperiled species. Many CWAs are established for the protection of wading birds and shorebirds during the breeding season. Both types of birds can be easily disturbed if people approach too closely. Such disturbance can cause birds to flush from their nesting sites, exposing eggs and chicks to predators, sun exposure and other harm. State rule specifically prohibits dogs, vehicles, vessels and fishing within areas posted as "Critical Wildlife Area - Closed to Public Access" (68A-19.005 F.A.C.).
 - For each site, the CWA designation must be supported by the landowner. The boundary distance and closure season for each CWA is dependent on site conditions and is described in the CWA establishment order. At some locations, the CWA boundary may be larger than areas posted closed to allow for shifts in wildlife use over time. Visitors should look for CWA educational and regulatory signs when recreating near CWAs.



THE COUNTY IS CURRENTLY WORKING ON BOTH ESTABLISHING SWIM AREA AND A CRITICAL WILDLIFE AREA.

- What are the steps in creating a Critical Wildlife Area (CWA)
 - Requirements for establishing a CWA:
 - Has to be a significant aggregation of sensitive species.
 - Has to have a problem with human disturbance.
 - Has to be manageable / accessible.
 - The landowner has to approve the designation.
 - A request for establishment of a CWA should be submitted to the appropriate Regional Species Biologist and CWA Coordinator for consideration. The request should include:
 - Background information - site importance, history, evidence of a problem and what actions have already been taken.
 - Management: Can include any past activities including informational approaches, erosion control, plantings, signage, predator control, exotic removal, etc.
 - Why it is necessary to designate the site as a CWA – why current protections are not enough.
 - Specified closure period (seasonal or year-round).
 - Monitoring plan.
 - Commitment to signage, management, monitoring, enforcement, etc. (financial and otherwise).
 - Describe how boundaries will be enforced (anything beyond FWC law enforcement).
 - Written concurrence of the landowner.
 - Letters of support from key partners / stakeholders recommended and documentation of stakeholder input and public meetings.



THE COUNTY IS CURRENTLY WORKING ON BOTH ESTABLISHING SWIM AREA AND A CRITICAL WILDLIFE AREA.

- CWA establishment will be presented to the Regional Leadership Team for their concurrence.
- If it is determined that there is sufficient need for the proposed CWA and there are sufficient resources to conduct establishment, management and enforcement, then the CWA Coordinator will prepare an executive summary and establishment order. The establishment order will contain:
 - The location and boundaries of the proposed CWA using latitude and longitude for corners, or other features, whenever possible.
 - A map that shows the proposed boundaries of the CWA diagrammed on an aerial photo.
 - What species would be protected and during which life stage.
 - A clear statement of the specific restrictions that would be imposed.
 - The potential area within the CWA boundary that would likely be posted closed.
 - The period of the year during which areas would be closed.
 - Specific actions of people, animals, vehicles, or vessels that would be restricted.
- The executive summary and establishment order will be submitted to the FWC Commissioners for their approval by the DHSC Director, or designee. If approved, the order will go into effect as of the date specified on the order.
- Requests to re-establish CWAs which do not require stakeholder input and requests to disestablish CWAs will be submitted to the Executive Director as the Commissioners' designee.





WHAT ELSE CAN WE DO?



- Additional measures can be taken in order to not only ensure the safety and well being of the residents that enjoy the area, but also the quiet enjoyment of those that live within the vicinity of Fernwood itself.
- Fernwood Park can be changed from a Public Park to a Boat Ramp.
 - How does this help?
 - No Parking can be enforced. If you don't have a pass you cannot park in the area.
 - Designate Parking Area for both residents and emergency personnel.
 - No parking on weekends to be placed on ROW on Forest and 7th. Can't do resident parking only on ROW due to enforcement issues. Town Manger discretion on parking (landscapers, parties, etc..). Also, can open up for events: hurricanes, boat parades, fireworks, ...
 - Rod Iron Fending to be installed. Small gate opening for residents to still access area.
 - Staff can also look to move gate from ramp to entrance.



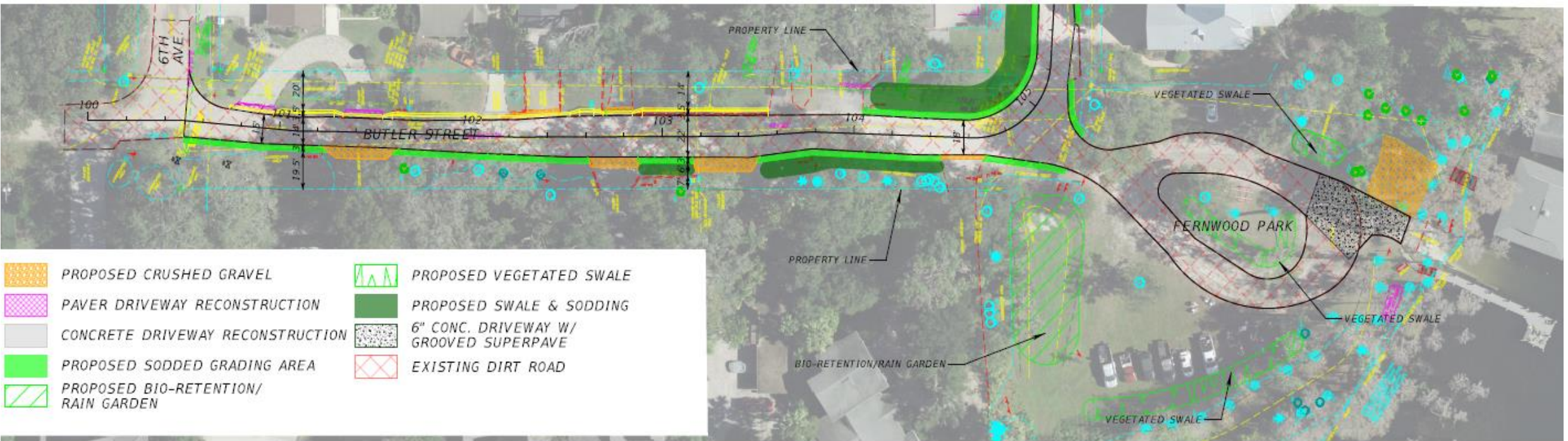


WHAT ELSE CAN WE DO?



- Will these measures cure the issue?
 - It may not but it is a step in the right direction. The more enforcement we can place at the park the more of a deterrent it will be for troublemakers.
 - Restricting the parking again creates more of a deterrent since the only locations to park would be 5th/Forest and Town Facilities which includes the Police Department.
 - This would be done concurrently with Orange County seeking the swim area, no wake zone and critical wildlife area.
 - The balance Elected Officials have had to weigh with not only this issue but also the traffic issues are how many restriction do you want to place on your own residents for issues not created by them. Establishing the park as a boat ramp doesn't prevent residents who don't have a pass from visiting the area, they just can't park there.





QUESTIONS?

