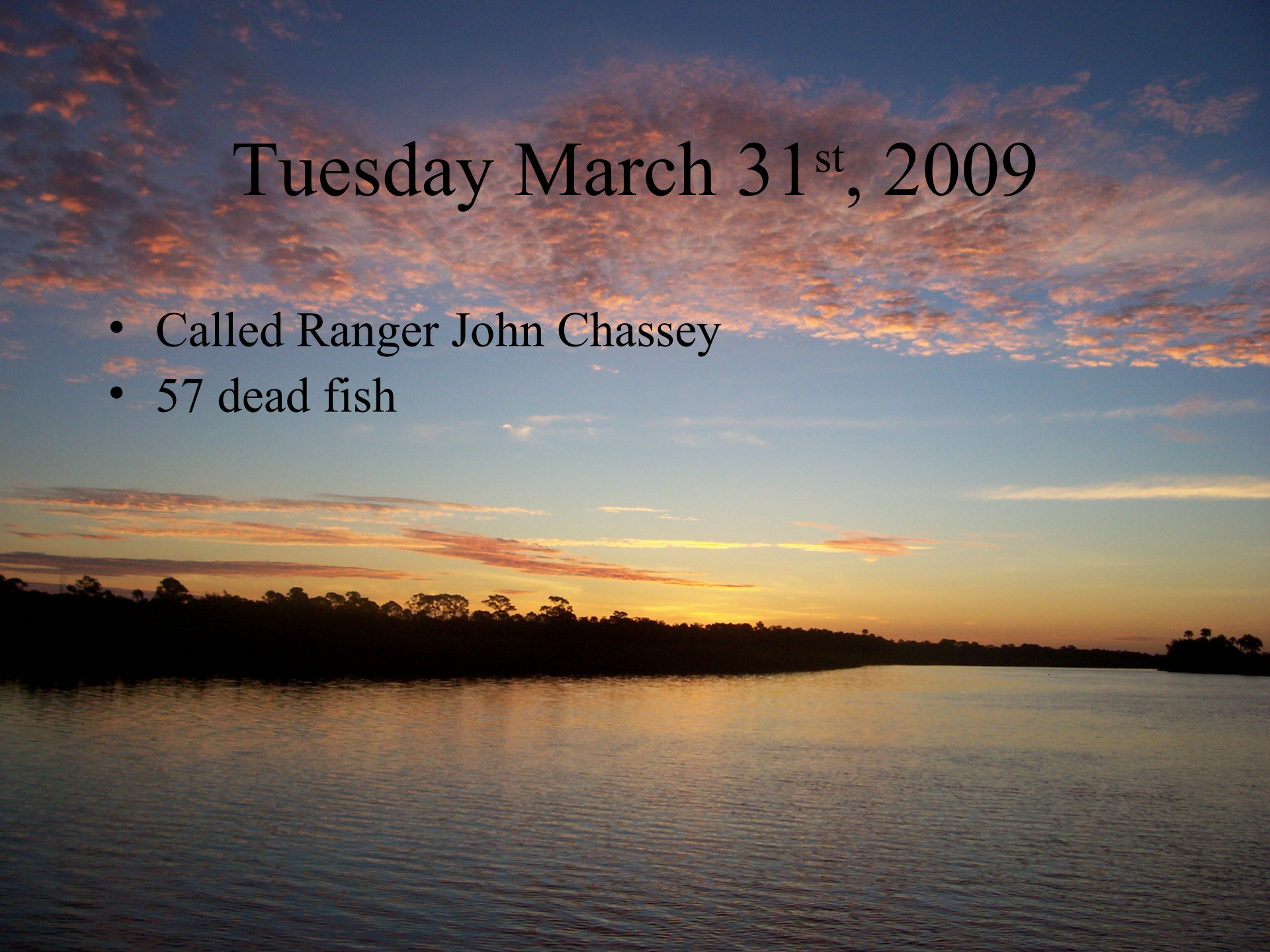
Wild, Scenic and Sometimes Toxic Myakka River

Michael and Betty Regan



Tuesday March 31st, 2009

- Called Ranger John Chassey
- 57 dead fish

Friday April 3rd, 2009

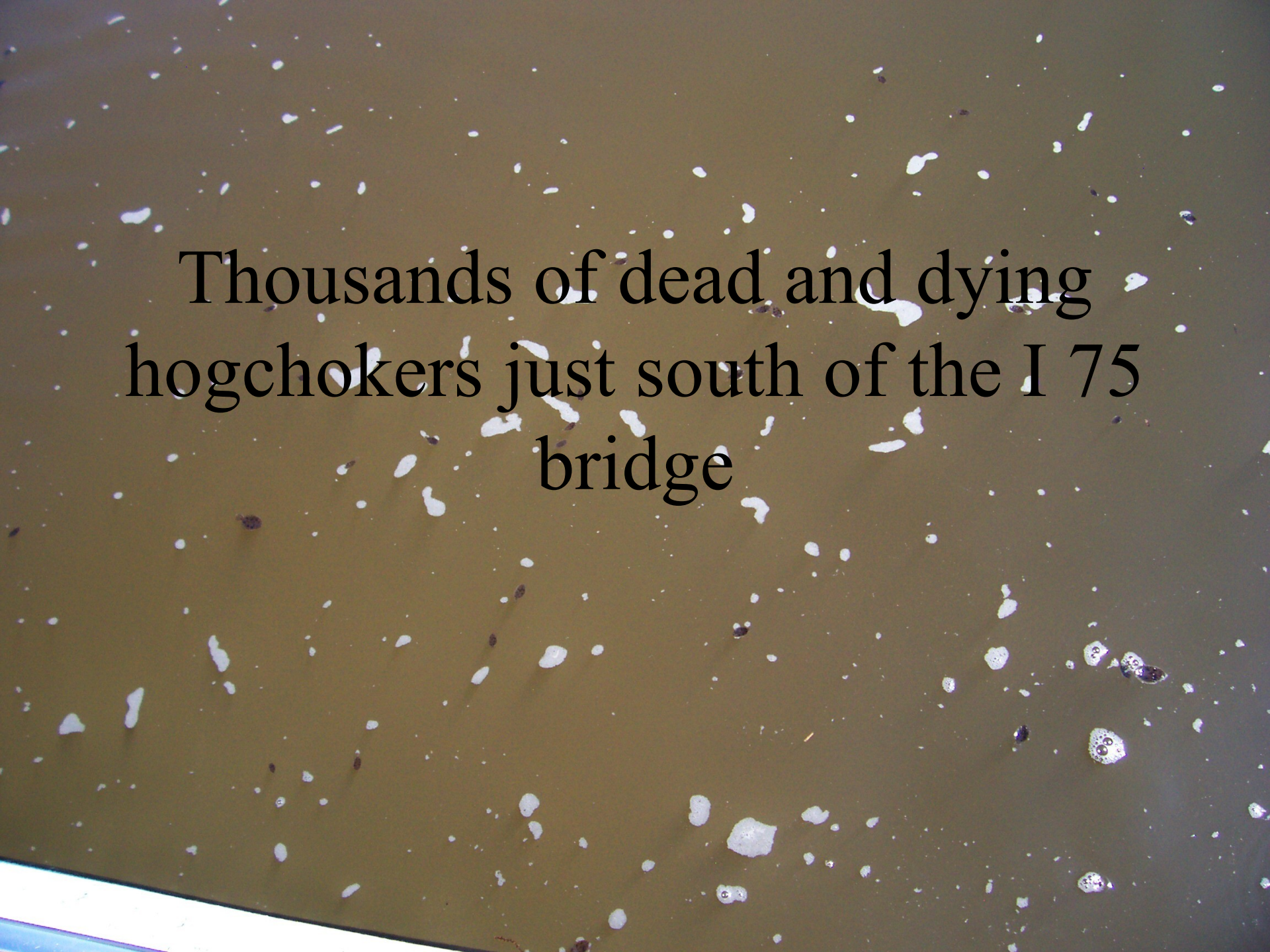
- Phone conversation with Ranger John Chassey in which he indicated it was far worse than what we had seen

- Called FWC fish kill hotline

  800 636 0511


Saturday April 4th, 2009
River inspection
Snook Haven to Border Road
Michael and Betty Regan

Dead Hogchoker


Thousands of dead and dying hogchokers just south of the I 75 bridge


Dead Snook


Dead turtle


Dead Snook


Turbid water


Dead fish everywhere


We saw thousands of dead and struggling fish

Sunday April 5th, 2009

- River Inspection
- Border Road north to power line crossing

Dead pig – we spotted several


Much of the same north of
Border Road

Observations from April 4th and 5th, 2009

- The discharge point was ground zero for turbidity, death and odor
- The sewer odor at the discharge point was intense and caused an irritating burning sensation in our eyes and throats
- Turbid water and death were observed from just north of Snook Haven, all the way to the power line crossing where the water began to clear
- Thousands of gallons of turbid, toxic, slurry entered the River daily from the discharge point
- After speaking with several home owners and fishermen, this was not the first time that this has occurred.
- PROMISE We are all stewards of our environment. On Sunday April 5th, 2009, I made a promise to myself and the River that I would do everything possible to make sure what we witnessed never has to be witnessed again.

Monday April 6th, 2009

- Accompanied Ranger Chassey, Park Environmental Specialist II Natalie Balcer and County Environmental Specialist Kathy Meaux to the discharge point
- Observed abnormal alligator behavior – lethargic and disoriented
- Kathy's comments- water was non toxic and safe
- My comments – I instructed Kathy to tell that to the fish. I then asked her what caused the alligator to act so strangely and what killed the pigs and turtles

April 7th, 2009

- Article in the Herald Tribune by Kate Spinner with regard to the fish kill
- The fish kill was characterized as a naturally occurring event caused by an algae bloom resulting in low oxygen levels
- Excerpt- “low oxygen remains the most likely cause, Meaux said”
- The article did not mention the dead pigs or turtles and also did not mention the discharge entering the river from the old dolomite mine
- I called Kate Spinner and asked her why there was no mention of the above

April 8th, 2009

- Got a call from Catalina Brown, Fish Kill Hotline Coordinator
- She informed us that the fish kill was not caused by a toxic algae bloom. There was little or no presence of algae in the water
- The water was markedly clearer and less odoriferous and the water flow entering the river from the discharge point was drastically reduced
- The ranger boat approached from the north. Inside were Ranger Chassey, Kathy Meaux and Bruce Maloney
- I informed them about the phone call we just received from Cat Brown. Bruce Maloney's comment was "how would she know"

Subj: **RE: Myakka update**
Date: 4/8/2009 5:31:41 PM Eastern Daylight Time
From: Catalina.Brown@MyFWC.com
To: Panfishcookers@aol.com
CC: epeebles@marine.usf.edu, Howie.Brown@MyFWC.com, Theresa.Cody@MyFWC.com, Carli.Segelson@MyFWC.com, Mark.Cunningham@MyFWC.com, Danielle_Stanek@doh.state.fl.us

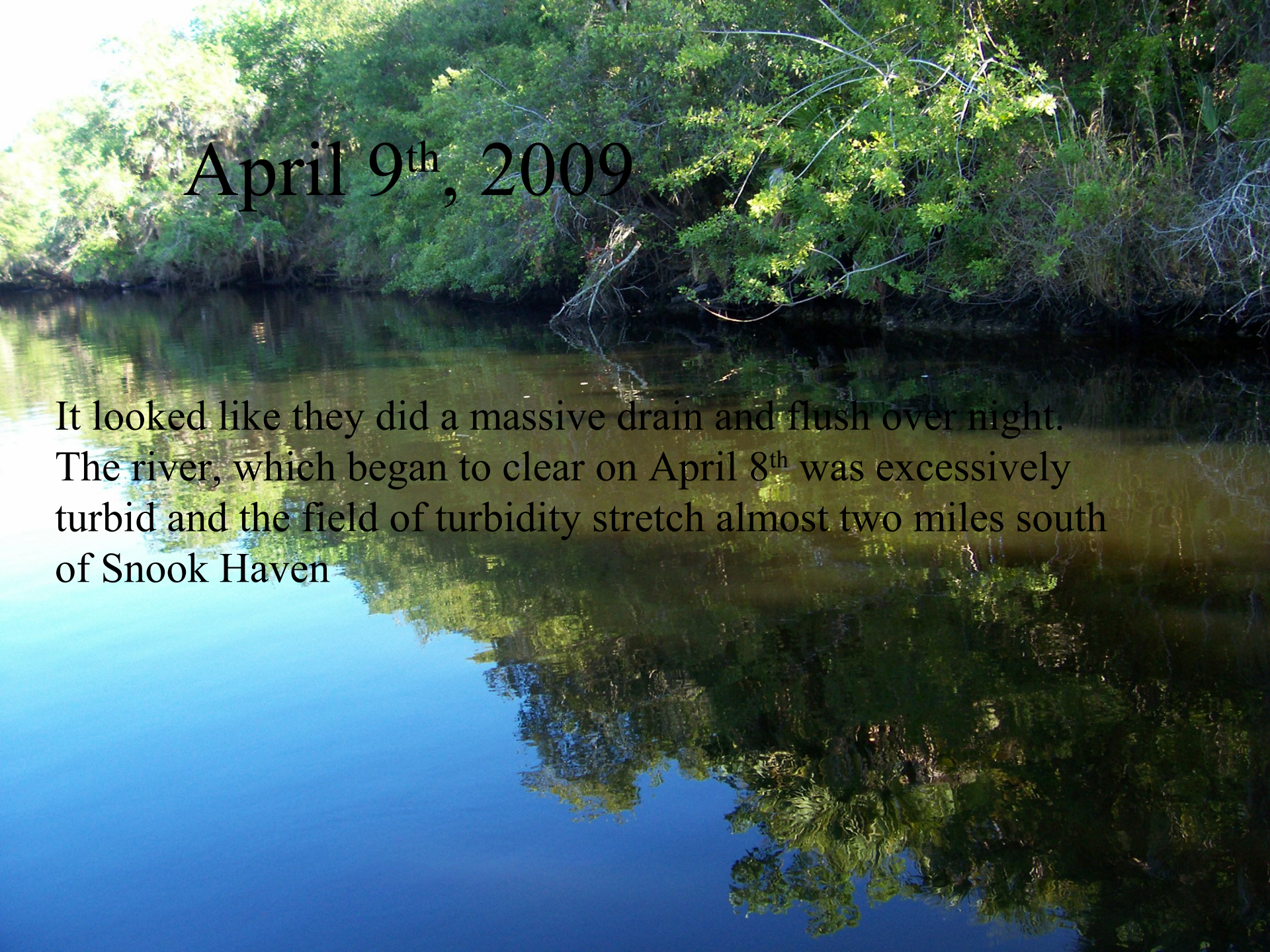
Good afternoon

Thank you for forwarding the latest update. I want to reiterate that FWC/FWRI has conducted several investigations, and that no algal blooms, or HAB's were found in the water samples collected from the Myakka River. No cyanobacteria, not blue green algae, no golden algae, nothing that indicates this fish kill is related to a HAB or algal bloom
Please let me know if you have any questions
Thank you

Catalina E. Brown
Biological Scientist
Fish Kill Hotline Coordinator
Fish & Wildlife Health
Florida Fish and Wildlife Research Institute
100 8th Avenue SE
St. Petersburg, Fl 33701
(727) 896-8626
Fish Kill Hotline: (800) 636- 0511


Discharge point- April 8th, 2009


Discharge Point April 8th, 2009



April 9th, 2009

It looked like they did a massive drain and flush over night. The river, which began to clear on April 8th was excessively turbid and the field of turbidity stretch almost two miles south of Snook Haven

April 15th, 2009

- It rained again on April 14th and the river turned deadly again

April 15th, 2009

- Keep this date in mind

April 17th, 2009

- The death continues


April 17th, 2009

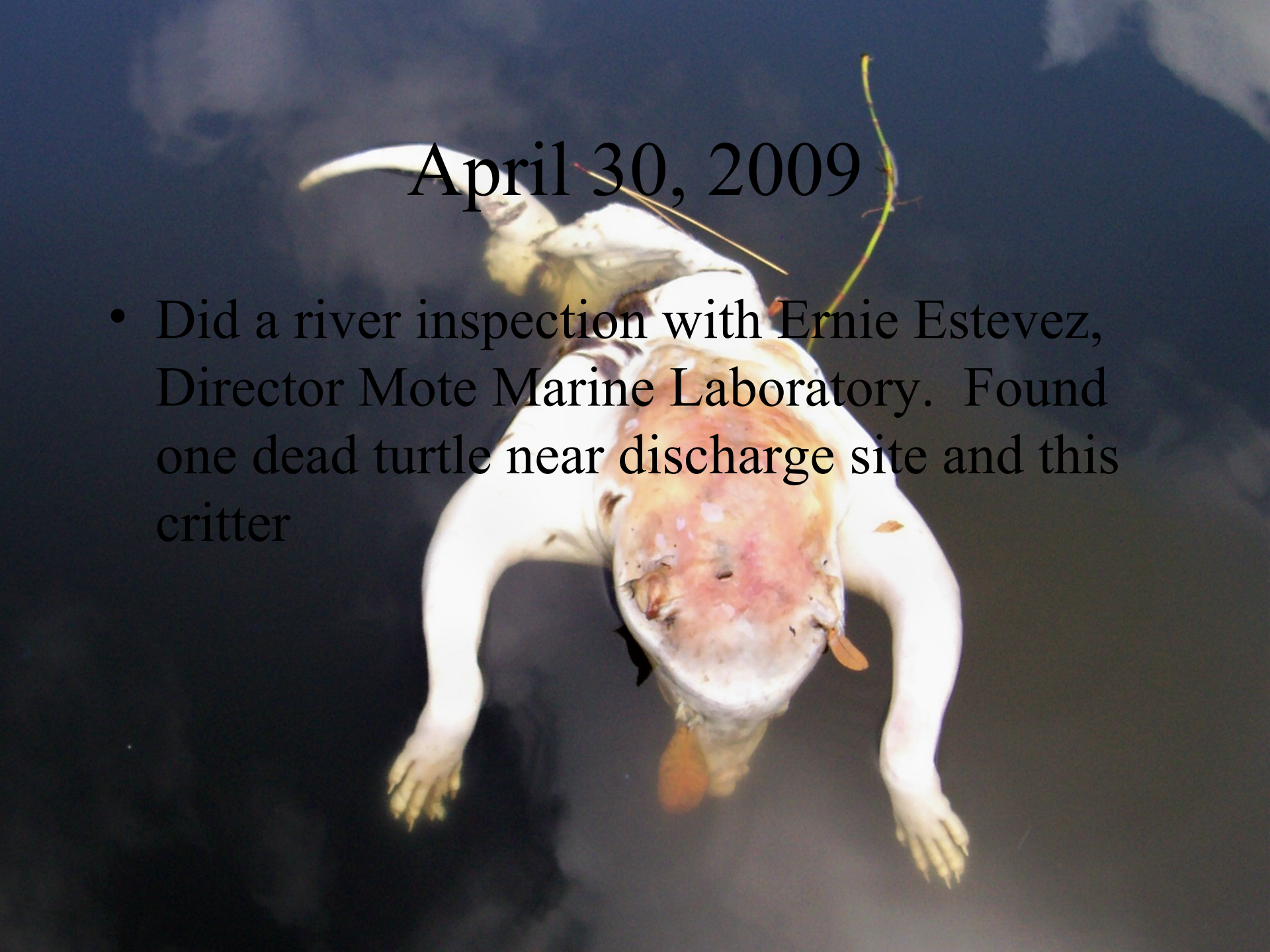

April 17th, 2009


April 17th, 2009


April 29th, 2009

April 30, 2009

- Did a river inspection with Ernie Estevez, Director Mote Marine Laboratory. Found one dead turtle near discharge site and this critter



SARASOTA COUNTY INTERGRATED WATER RESOURCE MANAGEMENT INSPECTION REPORT May 4th, 2009

- **Investigators** Kathy Meaux and Bruce Maloney **Date** April 15th, 2009
- There was no turbid or otherwise suspected illicit discharge from the ditch or other locations on the property observed during the inspection. MISLEADING
- Three was no evidence observed to support the assumptions that any runoff from the lake or ditch to the river was the direct cause of the early April fish kill. NOT TRUE
- The flow observed from the ditch appears to be tidal water from the river that backs up during high tide and flushes out the ditch on the outgoing tide. NOT TRUE
- SUMMATION: Considering that algae blooms were observed farther upstream and dead fish were observed as far as 1 mile north of subject property, it is most likely that the 1.5 inch rainfall acted as a "first flush" effect that contributed high levels of nutrients to the river, which resulted in algal bloom "die/offs" that depleted the dissolved oxygen causing the fish kill NOT TRUE – MORE LIES TO SUPPORT COVERUP

FACTS – WHAT WE KNOW

- The inspection report made **NO** mention of the deaths to the turtles, pigs and other mammals "the canaries in the coal mine"
- The fact the death was observed at such a distance from the discharge point is an indication of the magnitude, volume and toxicity of the discharge whose parameters were defined by death and turbidity.
- Snook Haven to I75 bridge- 1.68 miles (by boat) Snook Haven to discharge point- 2.9 miles (by boat) Discharge point to Border Road bridge- .25 miles (by boat) Discharge point north to power line crossing- 1.98 miles (by boat)
- pH readings, critical in determining water quality, were absent from the report
- During the Myakka River inspection conducted on March 26th, 27th and 30th, conducted by Natalie Balcer and John Chassey, there were no observations of algae blooms recorded. No water was observed flowing over Down's Dam. Turbid water was observed from Border Road bridge to I75 bridge. Water was discharging from the old Dolomite mine and 26 dead fish were observed.
- No soil or sediment samples were taken during the inspection.
- MSDS- Dolomite (calcium magnesium carbonate) Incompatibility- reacts with acids to form CO2

- Carbon Dioxide is roughly 200 times more soluable than oxygen in water and can be toxic (hypercapnia)
- According to Dr. H.J. Roberts of the Palm Beach Institute for Medical Research Dolomite can also be a source of such toxic minerals as lead, arsenic, mercury and aluminum.
- Hydrogen Sulfide – H2S- Ernie Estevez theorized that the strong odor was caused by Hydrogen Sulfide. H2S is heavier than air and is both an irritant and a chemical asphyxiant. Low concentrations irritate eyes, nose, throat and respiratory system. Moderate to high concentrations can cause headache, dizziness, coma and death.
- During the initial investigation, FFW Research Institute requested information from Sarasota County. The County refused to cooperate and supplied "0" information.
- River inspection, April 28th and 29th by Natalie Balcer, Sally Braem and John Chassey. Algae bloom were observed in lower lake and other parts of the river north of Down's Dam where **no** flow was present. (FIRST FLUSH?) Sulfur smell (Hydrogen Sulfide) was still present in the area of the Dolomite mine.

MRMCC Meeting 9/18/2009

- After Kathy Meaux's presentation on a "fish kill" I asked a question (twice). Why were the pH readings so low at the time of the fish kill? Her response was that the low pH readings were the result of an equipment malfunction.

RESEARCH TIME

- Since low pH's were discussed at the previous meeting, I emailed Natalie Balcher and asked her when she first learned of the equipment malfunction excuse. She heard for the first time when I did.
- The YSI650MDS meter, serial number 04J15525AA was repaired under warranty and shipped on August 28th, 2009. That is 147 days or just under 5 months after the low pH readings were taken on April 3rd, 2009.
- According to Brian Bendis, Regional Manager for YSI, Inc., turnaround time for repairs of this nature are generally 5 to 7 days

ENTER JACK MERRIAM

Sarasota County Environmental Manager

- On Friday, Nov. 6th, 2009, Mr. Merriam called to discuss the fish kill. He indicated that the County had conducted a thorough investigation and that there were no facts or scientific evidence that supported my conclusion that the deaths were caused by the discharge.

QUESTIONS FOR MR. MERRIAM

On Nov. 19th, 2009, I emailed Mr. Merriam several questions

- On April 6th, 2009 during an **incoming** tide why were the DO and temperature levels significantly lower at the discharge point?
- During an **incoming** tide water should have been slowly entering the ditch, however, on April 6th the discharge magnitude and volume was so great that it cooled the water as far north as the Border Road bridge. What would cause this?
- What were the pH readings taken during the property inspection on April 15th and why were they not included in the report?

- When was it first determined that you had an equipment malfunction or problem with your test meter?
- What killed the turtles, pigs and other mammals?
- Section 62C-36.008, Florida Administrative Code. The following standards apply to each entire new mine after October, 1986 and **to any new surface area disturbed after Jan. 1st, 1989 at existing mines.** Do Florida Mine Reclamation Standards apply to this property?

Mr. Merriam, Environmental Manager, Sarasota County holds a position of public trust and therefore is obligated to answer environmental questions from the citizens of Sarasota County who pay his salary. To date, Mr. Merriam has refused to answer any of my questions.

- On Dec. 18th, 2009, I received an email from Mr. Merriam. He indicated that it was clear to him that spending time, and resources trying to find out what killed the turtles and pigs was not a good investment of our funds. He also stated that they were going to revisit the property with **proper monitoring equipment.**

MYAKKA RIVER METER READINGS

Date	Location	Latitude	Longitude	Tide	Depth_ft	Temp_C	Persat_do	do_mgl	Sp_Cond_umho	Salinity	pH
4/3/2009	Border Road Bridge	27.12250	-82.34998	Incoming	5.379			0.75			3.86
4/3/2009	Border Road Bridge	27.12250	-82.34998	Incoming	2.781			0.85			4.23
4/3/2009	Border Road Bridge	27.12250	-82.34998	Incoming	1.132			1.05			4.87
4/3/2009	Snook Haven	27.10128	-82.33322	Incoming	6.913	26.47	82.9	6.04	21098	13.16	5.66
4/3/2009	Snook Haven	27.10069	-82.33298	Incoming	1.48	26.52	81.6	5.87	22346	14.21	5.05

MYAKKA RIVER METER READINGS

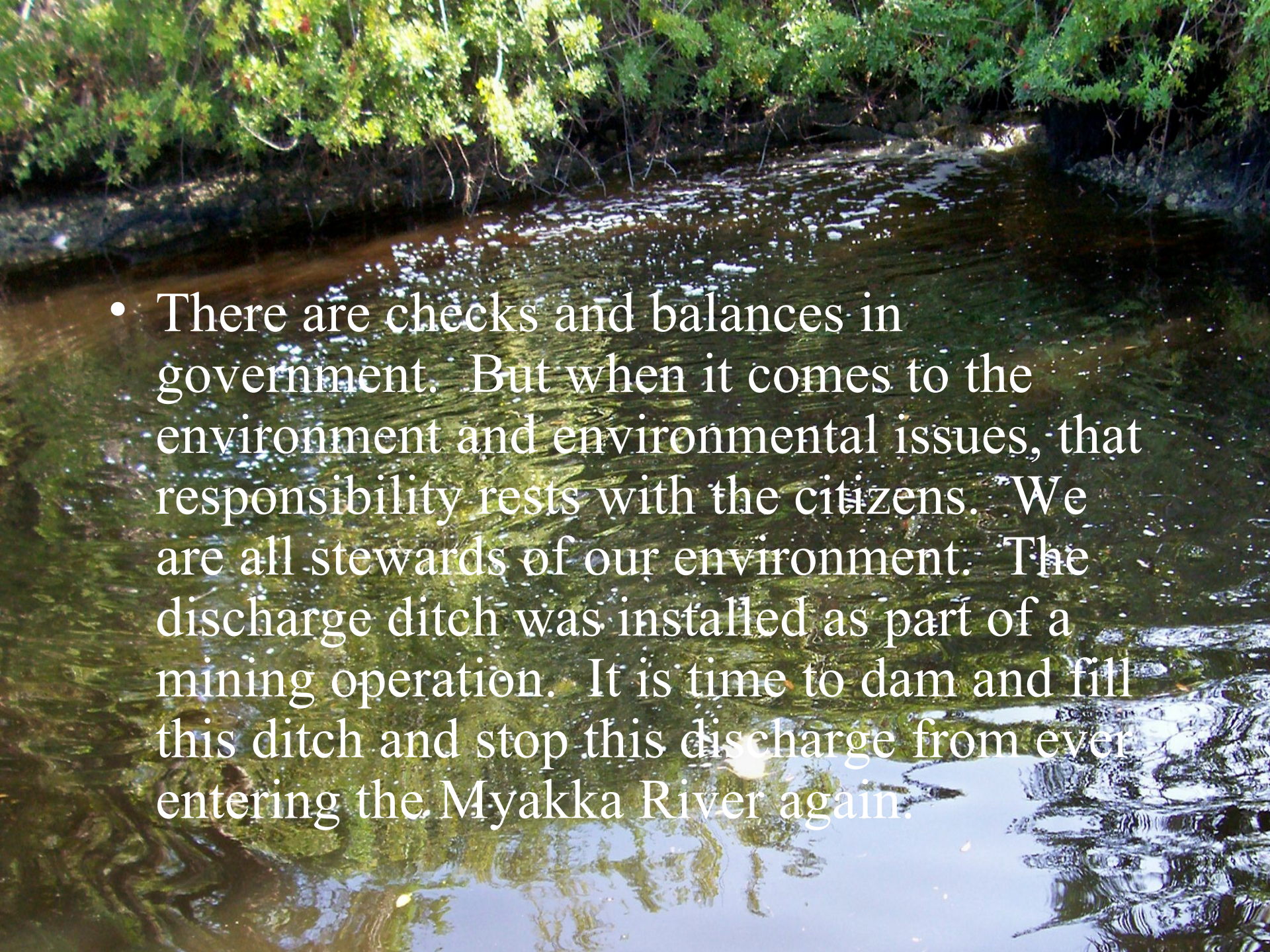
Date	Location	Latitude	Longitude	Tide	Depth_ft	Temp_C	Persat_do	do_mgl	Sp_Cond_umho	Salinity	pH	Comments
4/6/2009	Snook Haven	27.10069	-82.33298	Incoming	3.161	26.49	90.3	6.71	23391	14.11	7.18	Off of Boat Ramp
4/6/2009	Snook Haven	27.10128	-82.33322	Incoming	3.667	26.5	91.1	6.77	23104	13.93	7.36	
4/6/2009	Snook Haven	27.10187	-82.33605	Incoming	4.923	26.45	88.9	6.61	22016	13.21	7.43	
4/6/2009	Upstream of Snook H	27.10356	-82.33638	Incoming	3.542	26.36	83.6	6.24	19713	11.73	7.26	
4/6/2009	Upstream of Snook H	27.10683	-82.33794	Incoming	1.962	26.32	63.9	4.88	16896	9.89	7.09	
4/6/2009	Upstream of Snook H	27.10884	-82.34062	Incoming	5.082	26.23	49.4	3.66	14600	8.46	6.91	
4/6/2009	Upstream of Snook H	27.11395	-82.34384	Incoming	2.042	26.06	26.7	2.08	11813	6.73	6.83	
4/6/2009	Downstream of Disc	27.11356	-82.34782	Incoming	2.144	25.6	15.3	1.21	10057	5.66	6.68	Blackburn Canal Flowing to River
4/6/2009	Discharge Point	27.11991	-82.3469	Incoming	1.00	22.89	8.5	0.77	7534	4.16	6.48	Dolomite Mine Discharge Point
4/6/2009	Border Road Bridge-	27.12250	-82.34998	Incoming	7.56	25.56	15	1.14	6830	3.73	6.79	
4/6/2009	Border Road Bridge-	27.12250	-82.34998	Incoming	3.56	25.62	12.5	1.01	6531	3.58	6.76	
4/6/2009	Border Road Bridge-	27.12250	-82.34998	Incoming	1.652	25.66	13.7	1.11	6474	3.53	6.74	

Myakka River Readings

- In order to get answers to the questions on Dec. 21st, 2009, I filed a FOIA Public Records Request. The "Sunshine" Law 119.01 allows access to and personal inspection and copying of public records by any person.

SUMMATION

- In conclusion, thousands upon thousands of gallons are discharged weekly from this site into the Myakka River. The magnitude and volume of the discharge does not appear to be significantly affected by drought and rainfall conditions and is neither controlled or regulated by tidal influences. In March and April of 2009, this discharge turned turbid, toxic and pungent.
- Sarasota County has made a conscious and deliberate effort to cover up the cause of this event and through media outlets has misled, misinformed and lied to the citizens of Florida and of Sarasota County. In doing so, they have violated the trust of their positions.



- There are checks and balances in government. But when it comes to the environment and environmental issues, that responsibility rests with the citizens. We are all stewards of our environment. The discharge ditch was installed as part of a mining operation. It is time to dam and fill this ditch and stop this discharge from ever entering the Myakka River again.


Discharge Point
January 18th, 2010 10:00 a.m.
Respectfully submitted
Michael and Betty Regan