

**Myakka River Management Coordinating Council
SWFWMD Sarasota Service Office
6750 Fruitville Road
Sarasota, FL 34240
January 25, 2019
9:30 A. M. – 12:30 P.M.**

MINUTES

The meeting began at 9:30 A. M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on Friday, January 11, 2019.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Juliette Jones-Friends of WMS
Bob Clark – Venice Area Audubon
Wade Matthews-Sarasota Audubon
Corky Pezzati-SCLWV
Chuck Johnston – 2J Farms LLC
Vivianne Cross-FDOT
Becky Ayech-ECOSWF
Steven Schaefer-Friends of Myakka

Howard Berna - SCNR
Lee Amos-CFGC
David Jayroe – City of North Port
Steve Giguere- FDEP/MRSP
Heather Young-TBRPC
Mike Chouinard-Homeowner
Clint Wardlow-FFS
Jim Beever-SWFRP

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Chris Becker – FDEP/FPS
Andrew Polaszeh-FWC
Joel Allbritton-DRP
Diana Donaghy-SRQ-NAPPT
Lucille V-Kreiden-SCPRNR
Rebecca Armstrong – MRSP
Allain Hale-ECOSWF

Nadine Hallenbeck – FDEP/FPS
Tyler Maldonado-FDEP/FPS
Edie Driest-NP Fowl
Barbara Lockhart-NP Fowl
Sheila Scolaro-SRQ
Glenna Blomquist-ECOSWF
Valinda Subic-FDEP/FPS
Danielle Berhel-CHNEP

- **Call to Order and Roll Call was made.**
- **Approval of the Meeting Minutes from December 7, 2018 Council Meeting.**
Becky Ayech moved adoption of the Minutes. Corky Pezzati seconded. The Minutes were adopted.

OLD BUSINESS:

Chris Oliver gave an update on the status of the Recreational Carrying Capacity Subcommittee. More people are still needed for the subcommittee and it would be helpful to have a variety of people serving so they can get a more rounded input. Chris will contact the members who have

expressed interest and check to see if they would be willing to meet after the next Council meeting.

Discussion continued regarding the ideal make-up of the sub-committee and how it would function.

Becky asked for clarification on what should go in the supporting documents to accompany the letter regarding the C.R. 780 bridge from the motion made at the December 7th meeting. Jono passed around the supporting documents for members to read and decide if anything needed to be amended.

Jono mentioned that just like the Myakka River State Park (MRSP) Unit Management Plan (UMP) is required to be updated, every ten years, the Myakka Wild and Scenic River (MWSR) UMP is supposed to be updated periodically. Currently, we are part way through looking at individual actions to see if they have been completed or need modification. We have added some new concerns. We have been chipping away at it, but it has taken a long time. In theory, we would adopt the new plan and send it up to Tallahassee for approval.

Bob asked what the timeline for this was.

Chris stated the current (MWSR UMP) version is 2011 and ideally, we would have new plan around 2021. He continued noting that changes suggested five years ago, may not be applicable now and there is a lot of new information. There has been a push to make the MRSP UMP and MWSR UMP more consistent. For example, with the recreation carrying capacity (section) a lot of the MWSR UMP language implies it is from 2011 but is copied directly from the 1990 plan. This information was likely true then, probably less true in 2011, and out of date now.

Discussion took place on the possibility of having a separate subcommittee to review the MWSR UMP. The group would meet, review the UMP, and would report back to the group for a final review and discussion of any changes the subcommittee felt were needed.

Jim noted that there are two types of structural changes to the management plan. One is changes of facts, like the names of agencies that have changed. We could vote on an updated plan with the changes of fact. Staff could complete this part. The other is real changes of policies or action goals, and new objectives which full Council needs to look at.

Discussion on this process continued.

Motion:

Steve Schaefer motioned that at the next Council meeting, time will be set aside for the subcommittee on the Recreational Carrying Capacity to meet and Chris Oliver will give an update on the changes of fact in the Wild and Scenic River UMP. Lee seconded. Motion passed.

NEW BUSINESS:

Becky asked about the new North Port Stormwater resolution.

Jill Luke, one of North Port's commissioners, spoke about the resolution. Stormwater is supposed to filter about 80% of the nitrogen and phosphorus out. Currently, it is only filtering about 40% of the nitrogen. About 10 years ago, a committee was formed and they came up with a document of best practices. This was not passed at that time, so nothing has been done yet. They have now set a resolution requesting legislators pick the manual back up, review it and complete it. This could take from six months to a year to finish vetting it.

Mike Chouinard asked if the canals are dredged.

Jill advised they are not but there is a maintenance program in place.

Jim Beever recommended that the Council look at this document before endorsing it to make sure they agree with the methodology and best practices described in the document.

Becky asked how the Council should expect to receive this document so it can be reviewed.

Chris said that if someone who has the document would send it to him, he will distribute it to the members.

COUNCIL ELECTIONS:

Chris reviewed the by-laws for the voting process for the Chair and Vice Chair positions.

Bob Clark nominated Jono Miller for Chair. Becky Ayech seconded. Jono Miller was voted in as Chair.

Becky Ayech nominated Jim Beever for Vice Chair. Juliette seconded. Jim Beever was voted in as Vice Chair.

NOMINATIONS OF PROSPECTIVE NEW MEMBERS:

Chris reviewed the process for nominating new members of the Council.

Becky nominated the North Port Friends of Wildlife. Bob Clark seconded. Nomination was passed.

Juliette nominated the Suncoast Beekeepers Association. Corky Pezzati seconded. Steve Schaeffer, Chuck Johnston, Lee Amos, Becky Ayech and Mike Chouinard abstained. Nomination was passed.

Becky advised the Council that at the end of Verna Road, right before leaving Sarasota County, there is a vacant building. There is a group that wants to turn that area into a church, a meditative center and farm stand. They want to build five additional buildings to be used as

dormitories. They are anticipating about 118 people, it is located on 19 acres of land, and they are estimating that 144 parking spaces will be needed.

Becky also advised the Council, two hamlets are being proposed in Eastern Sarasota County. They will be approximately 4,000 acres. The builder is looking to take development rights off one hamlet and put it in the other hamlet. This will double the density to two units per acre and would mean only 60% open space which can include lakes. A public meeting was held and no one from the public seemed to be in favor of this.

Break 10:53 to 11 am

Tyler Maldonado-FPS/Office of Park Planning

Tyler reviewed the format of the public meeting that took place on January 24th for the Myakka River State Park UMP. Tyler is accepting comments until February 8, 2019. The deadline for him to submit to the Division of State Lands is March 5th, 2019. Then it is sent to ARC for their 100-day review period. Tyler then gave an overview of the park, its history and some of its features.

Tyler outlined trends considered during the process including attendance comparisons with other parks in the region. He discussed some of the Resource Management Objectives in the plan. One of which is to conduct a hydrological assessment and feasibility study to determine the effects of historical hydrologic alterations on the Myakka River System. Some other objectives include prescribed burning, exotic removal, a restoration project on the dry prairie, exotic/invasive removal from Upper Myakka Lake and replacing it with native species. These are already being conducted and will continue. There will be an annual monitoring of archeological sites, bringing 17 into good condition.

The Visitor Center needs updating. The main Park Bridge area is congested and there are potential safety issues. The Day Use Area (DUA) at the UML is also congested and needs to be re-envisioned with better parking and circulation.

The current plan is to create a long-term Redevelopment Conceptual Master Plan. A plan that envisions what is needed for the park not for 10 years but for 50 or 100 years. A meeting will be held with stakeholders and the public to come up with this plan.

Tyler addressed the carrying capacity issue and the objective for a study. They realize that it is something that is needed but it remains an unfunded need, at least for the time being.

They are also planning to relocate management support facilities and address facility repair and any renovation needs.

Jono Miller-UMP Update

Jono gave a PowerPoint presentation focused on four main concerns of the previous draft, voted on by the Council.

The first concern was the scant recognition of the Wild and Scenic Designation, Myakka River Rule and Management Plan. The Council suggested adding a page summarizing how the Statute, Rule and Management Plan affect management of the park. The most recent draft provides much improved recognition of the Act, Plan, and Rule. The Act and Rule are included in the Appendices; however, the Appendices are now a separate document and the River Rule is not identified with a header in the Appendix – it simply launches in with definitions.

Jono suggested this section be improved by simply stating that, in general, “any activity which adversely impacts resource values” requires a permit and all activities in the River Area “are presumed to have adverse impacts”. There is a presumption that all of them do, so you must prove you are not impacting resources, is that fair?

Chris responded that 62D-15 is different than many other permitting processes. 62D-15, the river rule does state that any action or non-action is presumed to have negative impact on river resources.

Jono continued noting the dumpster at the UML was not permitted and that despite the passage of the Act and Rule, historically the Park has not sought permits for activities in the River Area. Hopefully, we are entering a new era where changes in the river area are considered under a permitting process.

The second concern with the plan was there is no mention of any analysis of visual impacts on recreational river user – no avoidance of new impacts, and no proposals to remove or ameliorate existing visual intrusions. The Council’s suggestion was to add “avoid or” to all references to minimizing impacts on river values. The current draft could be more emphatic in advocating avoidance of impacts, but the word “avoid” does make an appearance on page 112. On page 117 the plan states “Current recreational demand indicates that gradual redevelopment of the park’s existing use areas will be needed to maintain the balance between safe public access and protection of park resources.” “To address this challenge, the DRP will create a comprehensive vision for the park through the development of a new conceptual master plan.”

“The master plan will address potential redesign of the park’s most popular day use destinations through careful consideration of interpretative programming, recreational activities, park operations, pedestrian and bicycle circulation, accessibility, critical viewsheds, and potential impacts to the park’s natural and cultural resources.” Page 119, “Implementation of all proposed park improvements will need to carefully evaluate potential impacts to the viewshed of the Myakka Wild and Scenic River. Designs should minimize the intrusion of manmade elements into the river’s critical viewshed.”

Concern three was the capricious and inaccurate mapping of the Protection Zone Floodplain, which excludes most development. The suggestion by the Council was to have more accurate mapping. Now the term “Protected Zone”, which was featured on page 118 in the June 2018 draft, appears nowhere in the current draft. And while there is a Protected and Developed Areas Map, there is no discussion regarding, or definition of, a ‘Protected Area’. Instead, or possibly in addition to, a new set of terms related to Visitor Experience Zones. These zones are not based on how people use the park recreationally, but rather on existing management zones that were created independently of any recreational consideration. In addition, the “developed areas are

very small on the Protected and Developed Areas Map and are not depicted on the more detailed South Entrance and Upper Myakka Lake Day Use Areas Map. As a result, there is a lot of ambiguity about the status of the former Protected Zones, the implications of the Visitor Experience Zones, and the rules used for mapping Developed Areas accurately. So, we don't know the implications of an area being designated as developed and how the boundaries of the developed areas are defined. Could you give two people the instructions on what a developed area is, would they both go out and agree on it? I think this is still a problem.

The fourth concern is a Recreational Carrying Capacity Study being done. The Council's suggestion was to find short term funding for the study and to hold off on increased recreational opportunities in the Upper Myakka Lake Day Use River area until completion of the study.

Jono highlighted that there were at least three approved positions directing the completion of a recreation study. The need for a study is not just from the Council but a goal of the Management Plan, it is an explicit requirement of the statute passed in 1985 and an explicit finding/recommendation of the 2014 Land Management Review. It needs to be a short-term funded project, especially considering the proposed increased recreational uses of the River.

(Excerpts from cited language in presentation)

**Florida Statutes
Chapter 258.501**

(5) DEVELOPMENT OF MANAGEMENT PLAN

(c) The proposed management plan shall include provision for:

Periodic studies to determine the quantity and mixture of recreation and other public uses which can be permitted without adverse impact on the resource values of the river area.

MWSR Management Plan (2011)

Action 6.2 Restrict additional public motorboat access on the Myakka River until a recreational carrying capacity study is established and enforceable.

MRSP Land Management Review (October 10, 2014)

The team recognizes the increased visitation to the area, and the team recommends that carrying capacity and infrastructure needs to be studied, and solutions be explored. (6+0-)

Managing Agency Response: Agree. A study of the park's carrying capacity and infrastructure needs will be addressed in the next Unit Management Plan. Costs associated with the study will be included in the plan but can only be allocated as fund become available on a statewide priority needs basis.

Because of being in the River Area and being the most congested area of the park, the Upper Myakka Lake Day Use Area is the area where the Carrying Capacity Study is most needed. Unfortunately, the Upper Myakka Lake Day Use Area is where the largest increases in visitor use are being proposed. So, I see a conflict there.

Finally, the current draft shows dramatic increases in proposed recreational use, increases not simply in terms of the current carrying capacity, but even in terms of the June 2018 draft. According to the June 2018 draft, the existing capacity was 4,202 and was proposed to increase to 4,362. The January 2019 draft shows a total increase to 5,582. The only proposed increase in 2018 was picnicking.

This 2019 draft shows changes in three uses relevant to the Wild and Scenic River: Canoe and Kayaking proposed numbers were reduced from 240 to 140, but neither of these figures involved an analysis of impact on river area resources. There is no data or analysis to suggest these numbers do not impact river resources or values.

Jono stated that even without considering the resources issues, there is the other part of it. These people all have to park. You've got this optimum use projected in the table:
120 picnicking + 140 boat parking + 100 parking for boat tour + 100 parking for tram tour + 40 random (gift shop, etc.) Makes 500 people in the area divided by ~100 spaces. If everyone came five to car, problem solved, but that is not going to happen. And this will increase congestion in the most congested area.

Jono suggest that before raising any capacity the master plan and recreational study should be completed to guide the process.

On Power Boating, the overall proposed increase from 132 to 140, despite there only being parking for 7 boat trailers. This is complete overkill for Upper Myakka Lake. There is no documentation of demand, nor is any data or analysis to suggest these numbers do not impact river resources or values.

Tyler noted that the UMP table indicates 140 people, 4 people per boat for 35 boat not 140. And, that there are 20 pull though slots in the main parking lot.

Discussion continued on how many boats use the UML and what spaces are available. It was noted that the lake is not popular for boating and the numbers of boaters per day is much lower than the proposed number.

Lee asked if there was any language in the draft UMP about switching from the airboat to the pontoon for the UML concession? Whether it should or should not be an airboat?

Tyler responded that there is not much language on it, but reduced noise may be less of an impact. Water displacement may be an issue for the pontoon boat.

Jono responded that when you switch to pontoon now you have props in the water with manatees coming into the UML.

Discussion continued on the potential issue with motorized boats and the concession tour boat. And if the park could require a move away from gasoline powered craft.

On boat tours, overall proposed increase from 210 to 800, from 3 trips a day with 70 people to 8 trips a day with 100. The boat tour increases are apparently being rationalized on a premise that tour boat operators have previously been operating in violation of existing carrying capacity limits, as if, persistently breaking the law somehow changes the law. No data was presented to document increased use in excess of adopted carrying capacity and no justification is provided. Any increase above 210 should require a permit and the permit should be based on a recreational carrying capacity study.

Jono also voiced his desire for the DEP to express a commitment to enforce the carrying capacity limits it does establish.

Tyler clarified while we can go back and forth on the number in the tables, they are meant to be estimates, that can be used to let the Park Manager how many people could be in his park. It does not mean that is the actual number that are going to use it. Some of the numbers may be too high.

Steven Schaefer stated that you should use an asterisk when you are guessing, like with the power boats. It is just not factual accurate and that there are people running out of parking places. If you are going to put a chart in there, it should be fact based. You should be able to record the actual numbers of use.

Jono responded that part of the problem is that at some point these numbers were identified as a carrying capacity and they are not, they are just rules of thumb developed by someone in Tallahassee. Looking at an 800-acre lake, what is the appropriate number of boats, then you start with that number. The UMP indicates that the number should be adjusted to fit the actual needs.

Tyler noted that Chris spoke earlier about the MWSR Management Plan, that it has elements that were just copied from the earlier (1990) version. The 210 number probably came from the 1994 MRSP UMP, just cut and pasted from there, and never updated. The new numbers are more accurate to what it currently is and what the new boat will run.

Valinda noted that according to the airboat operator they were taking ten trips per day during the season.

Jono asked about when the airboats started. Discussion on that continued.

Robert Dye indicated that it was early 1970s when the Foxx brothers ran airboats.

Jono noted that back then, and back in 1985, they were not running 800 people. In 1985, we passed an Act saying we need to assess the impacts to the resource, and for 33 years no one has done that. And, now it is up to 800, and we are saying we are running at 800. It seems like things just creep up overtime without review and now we should examine what is appropriate.

Could we just keep the numbers we have (2004 UMP) and talk about changing them during the master plan process.

Valinda responded, no, then we are setting ourselves up to be in violation of the UMP, which we were, so we are trying to fix that.

Jono asked if the park was in violation when it said 210 and there were 800 people taken out? What was being violated?

Valinda said, it was contrary to the numbers list in the UMP, previously this was not an issue for the public.

Jono stated that maybe 210 is a better number, and once the ARC approves a plan that states 800 is OK, how can we go back in and say that it should be another number.

Steven Schaefer stated that changing the number to 800 just to be compliant in the plan, you are in essentially approving the number.

Jono added that it would be an endorsement of the number without conducting any study or getting any permit.

Diana Donaghy asked if the numbers in the table can be annotated noting that there needs to be an evaluation in the near future. Noting the number is subject to change. The evaluation does not have to be a capacity study. But, the visitor experience is severely suffering.

Tyler attempted to clarify, stating so the visitor experience is being impacted by the congestion, not necessarily because a few boats are going out. The reason why there is congestion is partly because people are going to take the boat tour and park.

Steven Schaefer replied, that may make sense, but you have not scientific data to know that.

Tyler replied, that he could watch the activity as boats go out. And, if they shuttle people in to the area, rather than allow them to park, that would reduce the congestion. What if the Tram Tour starts at the South Entrance.

Jono noted that would be a long time from now, and we need to think about any current impacts to resources, for example, potential impacts from 8 boat tours a day. Somewhere along the line, it has morphed and expanded, vessel and method of propulsion has changed, at some point a permit is needed.

Diana added that when the tour boat goes out, there are other smaller craft. Every time you flush birds and alligators, you are changing the opportunity for the visitors.

Robert Dye stated it is important to consider the energetic cost to the animals.

Jono stated he understands that people love to see alligators on the move, flushing. He does not blame the operators trying to make a living, taking the boat close to the alligators but somewhere along the line that practice should be questioned, and determination should be made if that were appropriate in a state park, and on a state designated Wild & Scenic River. On a related topic, there is a current concern that the gators at Deep Hole are abandoning Deep Hole. So many people are going down and flushing them that the alligators are relocating to other areas. Those other areas may not have ideal water temperatures or depth. The conditions at Deep Hole seem advantages for them, and we may need to evaluate if we are forcing them to relocate and what impact that is having. When we get to the park master plan process there are a lot of issues to resolve.

A brief discussion of developed area mapping occurred.

Conversation returned to issues, previously discussed in the meeting, regarding the C.R. 780 Bridge.

Motion:

Becky Ayech motioned that Jono Miller send a letter stating the Council's prior position, from the December 7th meeting, and incorporate material Becky researched and provided to the Council, which people have reviewed. Mike Chouinard seconded. Howard Berna, Heather Young and David Jayroe abstained. Motion passed.

Becky advised that Amendment I is still in litigation. North Port City Commissioners passed a resolution to request payment and have sent it to other city officials.

Bob Clark from the Venice Area Audubon Society reported that the Christmas Bird Count was a success this year. He worked with Chris Oliver, and it was conducted along with Chris' normal monthly survey of the river. He encouraged other Council members to get out on the river with Chris to see for themselves the types of violations and activities that are occurring on the river.

Future Agenda Items:

Presentation from Law Enforcement groups on patrol schedules, what happens with violators, etc.

Becky Ayech motioned to adjourn the meeting. Steve Schaefer seconded.

The Meeting was adjourned at 12:30 p.m.