

**Myakka River Management Coordinating Council**  
**Virtual Meeting on Microsoft Teams**  
**October 22, 2021**  
**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, October 8, 2021.

**MEMBERS IN ATTENDANCE**

Jono Miller – Sierra Club  
Steve Giguere- FDEP/FPS/MRSP  
Bob Clark- Venice Audubon  
Jonathon Bennett- FDOT  
Matt Stevens- FWC  
Dennis Ragosta- SWFWMD  
Elizabeth Wong- City of North Port  
Steven Schaefer- Friends of Myakka  
Becky Ayech- ECOSWF  
Greg Blanchard- Manatee County  
Pedro Perez- City of Sarasota  
Hugh Havlik- GCHSC

Howard Berna – Sarasota County  
Chuck Johnston – O Bar O  
Ivor Mollema- FDHR  
Barbara Lockhart-NP FOWL  
Victor Dobrin-Homeowner  
Ryan Pieper-Charlotte County  
Megan Cousar-FFS  
Nicole Iadevaia-CHNEP  
Glenn Compton-Manasota 88  
Mike Choinard-Homeowner  
Amelia Williams-SWFRPC  
Lou Kovach-Homeowner

**INTERESTED PARTIES**

Chris Oliver – FDEP/FPS D4  
Chris Becker – FDEP/FPS D4  
Linda Dickson-Homeowner  
Allison Callis- FDEP/FPS/MRSP  
Brandon Moody-Charlotte County  
Sofia Brown-CHNEP  
Scott Moranda- Sarasota County  
Michelle Keirse- FDEP/FPS/MRSP  
Lisann Morris-SWFWMD  
Mike Sowinski- FWC

Nadine Hallenbeck – FDEP/FPS D4  
Ashley Ellis-Sarasota County  
Sean Yeager-Sarasota County  
Mindy Hogan-Charles - USACE  
Jon Robinson-Sarasota County  
Audie Bock -SSWCD  
Angela Bright - Sarasota County  
Mike Sosadeeter-Sarasota County  
Sammy Smith-SWFWMD  
Preston Earley – FDEP/FPS/OPP

- **Call to Order and Role Call were made.**
- **Public Comments:** Linda Dickson gave an update on the Hidden River subdivision which are summarized here. There is no homeowner's association in the Hidden River subdivision, meaning there is no entity to collectively represent all the property owners. Hidden River association is now a voluntary membership club with no authority over individual property owners. Below are some issues presented last year, which she believes should be included in the management plan. The critically damaged condition of Hidden River Dike is a known issue. She suggested the Council develop a mitigation plan for the predicted catastrophic collapse of the Dike. The following is either missing or an answer to comments in the draft plan. There is a large segment of the one mile of Hidden River Dike from the C.R.780 bridge into the park that lies within the boundaries of the park, and the Hidden River pump is on that segment of Hidden River Dike.

The landside drainage canal of the Dike collects subdivision storm water runoff. This is pumped directly into the river by the drainage system pump and always has been. The Wild & Scenic Myakka River encroaches up on the river side of the Hidden River Dike, which causes unmitigated deterioration. The survey lines for Hidden River properties extend well into The Wild & Scenic River. There is a real risk of a catastrophic collapse of the Hidden River Dike, including the segment on Myakka River State Park, which cannot be ignored. Private property owners are ill-equipped to handle the situation alone. The Hidden River property owners have been unsuccessful finding support from either a majority of property owners or the government to protect the integrity of the Dike and the Wild & Scenic River. Hidden River property owners believe that the Council and relevant agencies tasked with protecting the river have an obvious interest in protecting the integrity of the Dike. There are also three Calusa Indian mounds in the floodplain along the river. These mounds should be considered for protection and for the future conservation planning. The Agnelli cattle farm is a small operation that occupies approximately 50 acres but abuts 2,600 feet along the river at the junction of the Dike and the C.R.780 bridge. [A written comment was also received from the speaker was projected during this public comment and will be included at the end of the minutes.]

- **Approval of the Meeting Minutes from May 21, 2021 Council Meeting.** Jono made a few changes to the minutes. Under public comment, Linda Dickson's name was spelled incorrectly. On the top of page three, it should be Mr. Weiss, not Mr. Calhoun. Mr. Calhoun is the Ombudsman for the state DEP. On the bottom of page eight, it should be USGS study, not USG study. On page 16, it should be Flatford and not clap board. Becky Ayech motioned to approve the amended minutes. Howard Berna seconded. Amended minutes approved.

#### **UPDATES:**

##### **Jono Miller-Chairman's Report**

Jono was sent a photo of an American crocodile in the Myakka River near Border Road. Jono stated that the Council has questioned before whether there should be a recreational harvest of alligators on the Myakka. It seems like if there are crocodiles, taking alligators is not a good idea. It is also a Wild & Scenic River. The harvest rules indicate that if it is adjacent to a state park or preserve, then gators should not be taken.

On October 5<sup>th</sup>, Jono wrote to the DEP attorney in Tallahassee, Mr. Weiss, and asked if the document from the volunteers could be circulated. Mr. Weiss replied that it is a communication to board members about board business so outside of a proper meeting it is strongly discouraged, but not improper under the Sunshine Law and guidance from the Attorney General's Office. His recommendation is to have staff compile the document and circulate it to all Council members. When it is circulated, put a warning in the email to remind Council members not to discuss the document in any way with other Council members until October 22. He placed a document in the Council's official records on the October 22<sup>nd</sup> Council packet, as it will be considered a public record. There are no timelines applicable to the situation. Getting comments and recommendations from volunteers is okay, if they are made public. These comments must be recommendations, not decisions that no way make choices or actions on behalf of the Council, otherwise, there may be Sunshine implications.

Jono asked what sort of review analysis and suggestions individual members can engage in without creating Sunshine problems. Mr. Weiss wrote back on the 12<sup>th</sup> saying that Council members may review materials discussed during earlier meetings, including comments made during a Sunshine meeting, although they cannot discuss these older materials among themselves, either personally or through staff, as that has the possibility of creating conversation outside of a properly noticed meeting. Members can ask staff questions about material or ongoing projects. Members may be given homework to review from

staff or other members, if the homework is new material to review in preparation for upcoming meetings. This homework cannot be discussed between Council members until the next meeting. If there is a situation that can create conversations between Council members outside of a meeting, it is recommended not to do so to avoid conflicts with the guidance from the law and the Attorney General.

Jono clarified that non-members can ask any member anything, they can plan, make proposals and submit comments. This guidance is only to make sure that members of the Council are not communicating regarding Council business outside of the actual meeting.

### **John Robinson-Sarasota County**

The Sarasota County Park's department (PRNR) reviewed a previous work plan for the Myakka River for acquisition through the Neighborhood Park Lands Program, and the various properties nominated through the Environmentally Sensitive Lands Program to make sure they were looking at the river as a whole. The direction given was to focus on the area between I-75 and US-41, which does not look at the whole river. The county has entered into conversations through their transportation department to work with FDOT in regard to the former FDOT rest station, just north of I-75 on the Myakka River which is located between Sleeping Turtles South and Sleeping Turtles North. PRNR are discussing an option to have that property transferred to the county, to operate as a natural area. They are also talking about having it remain within FDOT for their future use but being able to provide some recreational amenities on the property and those conversations are ongoing. PRNR is currently in the process of developing a letter that would be sent to the Council, supporting the efforts to create a Recreational Carrying Capacity Study for the Myakka River and offering some financial assistance for that in proportion to the county's ownership or the public sector ownership in the area of the river being protected.

Jono added that previously it was a nightmare to those residents who lived across from it when it was a functioning rest area. Since then, it is been closed and used as a staging area by FDOT for various projects along I-75 and hopefully it could be added to park planning.

### **Ashley Ellis-Sarasota County**

The County has an application from the Diocese of Venice (DoV), Lady of Perpetual Peace Retreat Center related to some erosion problems at their entrance to the property. The DoV applied for a building permit and Myakka River Variance with Sarasota County to construct a section of bulkhead along the river where they are experiencing erosion.

This will have to be voted on by the Board of County Commissioners because it is located within the Myakka River. There will be a public hearing, but it is not scheduled at this time. At this point, the application has been deemed incomplete. A request for additional information has been sent to the applicant and their engineer. Once they have the items requested, there will be public notices published in the newspaper and the Council will also be notified via letter with a copy of their plan for comment.

Jono added that there is also a letter from the DoV asserting that in the flooding over the summer, they lost about a foot of additional bank and it is now within about four feet of a sewage line. They are requesting emergency consideration.

Becky asked what was lacking in the application.

Ashley replied that they have asked the applicant to demonstrate avoidance and minimization efforts to reduce the amount of hardening or filling of the river, and any visual impacts for river-users.

### **Greg Blanchard-Manatee County**

Manatee County is having a board work session Wednesday, October 27<sup>th</sup> at 3:00 PM, where the board will discuss parks and natural resources plans for the land bond referendum, and conservation lands planning process. Greg encouraged anyone who wants to participate to head to [www.mymanatee.org](http://www.mymanatee.org) for more information.

### **Ryan Pieper-Charlotte County**

Charlotte County continues to explore options at the Manchester Waterway but is in the beginning feasibility stage. There used to be connectivity from the Manchester Waterway to the Myakka River via a lock system. That lock was removed in 2006 with the proper permitting. It is now being proposed for connectivity again, to reestablish that punch through to the Myakka River. They want to gain access to the river and dredge the waterway to have more navigability.

Jono asked if this has been endorsed by the Board of Commissioners.

Ryan replied that they are looking into how to do the surveys, what it would cost, how much effort would this be, and what the return on investment would be. They are working out all the permitting, the easements, who oversees what submerged land, and the different types of jurisdictions.

Jono asked if there had been any effort to assess what the impacts would be on the river and natural resources from proposed dredging and increase in boat traffic.

Ryan replied that there was an advisory board and it was proposed that it could take about \$100,000 to do the surveys along the waterway to fully understand what type of justifiable dredging and work would be required of Public Works. They are collecting all the facts on how to move forward and then what type of permitting would be required for this project.

### **Elizabeth Wong-City of North Port**

A few months ago, the Commission approved a resolution to ask the state to give Warm Mineral Springs prioritization. The city passed a resolution and Elizabeth offered to send the resolution to Chris to distribute to the Council. She received an email from Maria Merrill at FWC in late September that indicated that there is funding available to support the restoration project at Salt Creek to help manatee access (to warm water areas upstream). Senate Bill 2500 includes funds to assist with projects to address the ongoing manatee unusual mortality events. All the plans and permits have been secured for this proposed work. Maria also indicated that the contracting process is coming up in the next couple of months and they are hoping to start construction in spring of 2022.

Becky mentioned that Joe Gruters would be a champion for protecting the Springs. It is something he is very interested in so when the City of North Port sends its letter, perhaps someone can meet with Mr. Gruters individually and let him take the banner up.

The city is also working on a bacteria pollution control plan. The city has a total maximum daily load (TMDL) by the EPA in 2011 on fecal coliform for the Big Slough Watershed, which discharges into the Myakka River. Since then, the indicator of bacteria pollution has changed from fecal coliform to E. Coli. DEP has indicated that they are not impaired for E. Coli, however, they still want a bacteria pollution control plan, and additional monitoring for E. Coli. The city is also going to do a "Walk the WBID" (Water Body Identification Number) Exercise, looking for sources of bacterial pollution. They kicked off the "Walk the WHIB" Exercise on August 19<sup>th</sup> this year.

The city has identified different areas to look for sources of bacteria, such as homeless camps, and dog friendly parks. They made recommendations for improvement for signage, pet waste stations and garbage cans. They looked at agricultural sources and evaluated the function of sewer crossings over waterways. They also obtained data from the Department of Health on failing septic systems, and they are going to be conducting some field observations as follow-up.

They got approval on September 28<sup>th</sup> from their Commission to allocate funding in the amount of \$169,000 to do a survey of the canal segment from water control structure to major water control structure on the Coco Plum Canal. This is the final canal before discharging into the Myakkahatchee Creek, which connects with the Myakka River. This is an important segment of the canal and they know it has accumulated sediments over time. The first thing to do is survey and quantify the amount of dredgings. Future work will include analyzing these dredgings for key pollutants and working with DEP and the Army Corps for subsequent permitting. Taking all the dredging from the canal and properly disposing of it would help with water quality improvement.

The city has a vacancy for an Environmental Technician. The Technician is the liaison on the Environmental Advisory Board and works on NPDES, wetland, and wildlife issues.

### **Sofia Brown-CHNEP**

The CHNEP has recently completed the Gateway to the Myakka Marsh restoration. This project site is located upstream of the Upper Myakka Lake. The site included three acres of floodplain marsh, and one mile of riverfront. It was identified as an important piece of the Myakka River corridor. Exotic plants were removed, and native planting work was completed. They attended the Myakka Hootenanny at the beginning of October, which was a lot of fun. They got to talk to people about projects underway, as well as, habitat and stewardship. They have started planning for their second climate summit, which will be a hybrid event on April 7<sup>th</sup> and 8<sup>th</sup>, with the physical location being at the Collaboratory in Fort Myers. Registration will be required and can be completed on their website, [www.chnep.org](http://www.chnep.org)

Jono asked what the climate summit will include.

Sofia replied that they are still working on their speaker's list, but they are looking for a wide variety of speakers to talk about a wide variety of climate related impacts. Last year, they had a lot of presentations on what climate change is, the impacts that are going to be felt in Southwest Florida, including some health-related impacts. They also had a video address from the governor and the FDEP secretary, which can be seen on their website.

### **Matt Stevens-FWC**

Craig Mollison and Jamie Richardson of FWC are doing community fish samples on the lower part of the river. They have been doing that for the last couple of weeks and have seen a lot of different fish that they did not see in prior years. That is a good sign of a healthy river.

Once water levels get a little lower, they will return to doing threat assessments on the Myakka, which looks at imperiled sites for restoration. This will probably be in November or December.

Jono brought up this summer's incident with the commercial fossil hunter that was bitten right off Snook Haven Park (SHP) and asked about the legal issues.

Matt stated that he had reviewed the Florida statutes on fossiling noting it was clear that the activity is not allowed in any state park. He noted that the Florida Museum of Natural History (FMNH) issues permits for fossiling for five dollars but there are conditions including prohibitions against fossiling in certain areas like managed state lands and preserves. As far as the river is concerned, all the riparian rights apply. You cannot be fossiling even if it is private land to the high-water line. On the DEP website, it states this applies to vertebrate fossils, but there is an exception just for sharks' teeth where one does not even need a permit.

Jono added that he thinks there is a lot of overlapping legislation and rules which are not being viewed altogether. All finds of interest have to be reported to the FMNH. You cannot dredge in the Myakka River without a permit. Any disturbance of the bank or the bottom, technically, would be considered dredging. People are going in with digging equipment for commercial ventures.

Chris Oliver added that there is some confusion on the topic, including in terms of what law enforcement thinks is allowed. The Myakka Wild and Scenic River (MWSR) program has had a consistent view on this since 1990 based on the definitions in 62D-15, "Dredging by any means of excavating materials, by any method, in the river area" and discussed in 62D-15 as prohibited, unless you get a permit. Dredging permits are only allowed if they are in the public interest. So commercial activity for fossils, or collecting shark's teeth, or anything else is going to have a high burden of being in the public interest. He continued to note he has been talking to Tallahassee, including the Division of Historical Resources and DEP law enforcement officers. The consensus is that you cannot dig or modify the bottom or banks, even with that FMNH permit in any kind of a preserve or a park where other protections would trump that permit. The Wild and Scenic River designation would fall into that category. The FMNH permit conditions states that hunters must comply with state and local restrictions, and on preserves, so fossil hunters have the responsibility to ensure they are in the right place to dig. The problem is that no one follows up on those permit conditions. The Program is hoping to get better signage and clarifying statements.

Howard added that the dredging of the Myakka River is prohibited in Sarasota County and a permit for commercial operation would require Sarasota County Commissioners Board approval. It is not just an easy, over the desk review.

Matt added that the punishment for not having the permit or any of these fossil related crimes is a maximum fine of \$500 and up to six months in prison.

Chris added that 62D-15 makes unauthorized dredging a second-degree misdemeanor.

Jono concluded by noting that we have on-going discussions with FWC about the need for more law enforcement on the river. That is an issue the Council needs to get back to and address in the updated management plan.

#### **Dennis Ragosta, Lisann Morris and Sammy Smith - SWFWMD**

Dennis had no updates on other WMD matters and turned it over to Lisann and Sammy to discuss Flatford Swamp, aquifer recharge and natural systems enhancement.

Lisann Morris and Sammy Smith, who is the Technical Lead on the Flatford Swamp project gave an update (and a visual presentation was provided). Flatford Swamp is located in the upper reaches of the Myakka River Watershed. Excess water from agricultural operations, land use changes, and land alterations impacted the hydroperiods of Flatford Swamp, to where the swamp had too much water. The team developed an integrated model to estimate how much excess water was coming in, but the District had already been doing [FARMS](#) projects in this upper Myakka region.

The FARMS program helps by co-funding water conservation BMPs with farmers. One effort included having farmers use surface water instead of groundwater, but they found through modeling efforts that the FARMS projects needed some help. The team looked at how to grab the water before it got into Flatford and how it can be used beneficially. Flatford is located in the Southern Water Use Caution Area (SWUCA). It is uniquely located just east of the most impacted area. Monitoring wells for salt water intrusion, minimal aquifer levels are in red, and are a part of their SWUCA recovery strategy. The concept is to recharge the excess water at Flatford, build up the aquifer, and slow down saltwater intrusion inland. The District's Flatford Swamp property is approximately 2,357 acres. The Myakka River runs in the north side of Flatford Swamp. There are several tributaries that come in from the east and west. Then the river leaves at the south and continues to Sarasota County and ultimately, Charlotte Harbor. The first thing the team did was get a DEP underground injection control construction and testing permit. Then they mobilized on site. The recharge well was drilled approximately 1,300 feet into the Avon Park Formation of the Upper Floridan Aquifer. Just to the north, the Suwannee Limestone monitor well was drilled approximately 500 feet in the zone above and will be used for water quality testing.

The last two monitor wells, MW1 and MW2, are drilled into the Avon Park Formation recharge zone, approximately 1,100 feet. MW1 is the compliance well and the permit says they must meet primary and secondary drinking water standards at the property boundary. With the source water they are using, their primary concern would have been coliform. The MW2 well they put in voluntarily and are going to use that as a check well, doing water quality testing to see how fast and how far the recharge water moves. The wells were completed in February of 2019. They found they had a suitable zone for recharge and good confinement in between the Suwannee Limestone and the Avon Park Formation.

Next was figuring out how to get the excess water to the recharge well. The design and permitting of the diversion infrastructure was completed in May 2019. The Army Corps of Engineer (ACOE) permit was not complete until December 2019. The construction contract was executed in May 2020. There were delays in the construction because of COVID. Some of those have been as long as nine months. They are looking for completion of construction in early 2022. They have also started baseline wetland monitoring in the test well area in accordance with the ACOE permit.

The contractor was out there recently testing some of the equipment. The excess water will travel by gravity to the pump house, and then by pipe to the chemical feed shed. Sodium bisulfite (SBS) is added to the surface water to knock down the oxygen content. This helps mitigate any chance of arsenic mobilization in the aquifer. The flow will continue down to the recharge well. The three monitor wells look the same and have the same setup.

The permit requires them to meet primary and secondary drinking water standards. Because of the construction delays, they need to extend the construction and testing UIC permit. During the course of this process, they need to check in with DEP on certain points. They were nearing construction completion and asking about the extension. DEP told them that they needed to provide primary drinking water standards before injecting into the aquifer. That would be disinfection for coliform before injecting. Before it was being done in the aquifer, they were following up on some of the successful studies they have seen. North Port has been doing some work here and have had very successful coliform die-off in the aquifer.

The initial design concept was to utilize the sodium bisulfate for the dissolved oxygen content. But they found with some piloting that it did have some disinfection properties. It knocked down the coliform but would not get them to the primary drinking water standards. Their focus has shifted to chloramines including the SBS. The original infrastructure is complete. They are negotiating a change order with a

contractor to add that additional treatment train. They are also preparing a permit renewal, which includes the new treatment train and hope to start testing in 2022.

Becky asked what the quantity of excess water coming in to the Flatford is.

Lisann replied that it varies seasonally, it could be anywhere from approximately 1.4 to 4.7 Million gallons a day, annual average.

Becky also asked if the problem they are experiencing in this area is due to the upconing of poor mineralized water, which would be classified chemically as salt water.

Sammy Smith replied that it is a twofold issue. There is upconing in certain areas and there is inundation. There is some that comes from groundwater or up through the aquifer via upconing. There is also a migration of salt water inland via the surface aquifer or the surficial aquifer. There are two different sources of potential saltwater intrusion in the MIA (Most Impacted Area). What this project would help address is more closely related to the upconing via the groundwater source and deeper in the aquifer.

Becky indicated that prior District presentations did not suggest movement via the surficial aquifer.

Sammy replied that most of the saltwater intrusion in that portion of the district is with upconing. There is the potential for saltwater intrusion via the surficial aquifer, if there is enough of a storm surge or inland movement of saltwater that way. It is certainly not the larger problem in this portion of the district.

Becky asked about the drinking standards, the chemical they are using and if there is a reject well.

Sammy replied that there is no reject well. One of the reasons they opted for the chemical treatment train, which includes chloramines (a combination of sodium hypochlorite and ammonium sulfate) is because of the source water. They want to disinfect in a way that is going to be efficient at meeting permitting requirements from DEP. Permitting requirements are most focused on coliforms and E. coli and there must be less than four colonies at the wellhead.

The chloramine will treat for the die-off of those coliforms prior to injection. They are using sodium bisulfite as a follow-up because it has a twofold approach. Sodium bisulfite is a dissolved oxygen scavenger as well as a free chlorine scavenger. Any of the excess free chlorine that comes from that chloramine treatment is scavenged by that sodium bisulfite as well as the dissolved oxygen. That helps mitigate the potential for any arsenic mobilization in the aquifer when they inject into that native groundwater. The free chlorine is scavenged and pulled off and it dissipates so that they have far less of any kind of risk of disinfection byproducts when there is interaction between the injected water and the native ground water.

They are seeking a zone of discharge for the secondaries, which consists of a small handful of constituents. Color and odor are two of them. The actual groundwater where they are injecting into the Avon Park high permeability zone has high TDS. It has high odor from hydrogen sulfide. The background on that native water where they are injecting has higher secondary standards in some cases than what they are injecting. They will get either a zone of discharge on those secondaries, or a water quality criteria exemption from DEP for those few constituents.

Becky asked the group to notice the dead trees in the first slide we saw, that is what the whole area looks like, nothing but dead trees.



Linda Dickson ask if there would be any impact to water levels along Hidden River.

Sammy responded that the project would removing excess water, lowering levels.

Jono asked under what stages will the water be going through the diversionary structure and when will the water be taken.

Sammy advised that their system is designed for up to two million gallons per day, possibly slightly more. They will be withdrawing water during the rainy season when there are high flows in the river. During dry season, when it is low flow conditions, they do not plan to be withdrawing from the river when there is not enough source water to be doing so. The original intent of the project started out with the die-off of specific hardwood species of trees in the swamp. This was because of the inundation of excess water. But they also wanted to supplement the aquifer and to help the MIA. They want to aid in mitigating saltwater intrusion, so they came up with some conceptualized project that would allow them to utilize that excess water in some beneficial manner, but also restore normal hydroperiods to the swamp and aided in the rejuvenation, or at least mitigated the die-off of hardwood tree species.

Jono stated that he understood the issue with Flatford was the length of the hydroperiod and asked why they would be removing water in the rainy season but not the dry season.

Becky reiterated that the cause of the problem at Flatford was during the dry season, water levels in the swamp were elevated due to lateral seepage from agriculture. It is not about the water level in the rainy season. Farmers are not watering for bed preparation in the wet season. That is the natural level. We should only be taking out water in the dry season.

Sammy replied that their plan is to adjust the extraction of the water through the intake structure, according to when the water is available. If there is excess water during what should be the dry period, they will be utilizing the excess water that is available. During the rainy season, especially dependent upon the severity of hurricane season, there are times when they are had such an extreme excess amount of water that they are had equipment flooded. The natural hydroperiods of the swamp been thrown off because of land use alterations, surrounding agriculture and various other reasons. The District can adjust the pumping accordingly, whether in the dry or the wet season to utilize the excess surface water to try to help restore those.

Jono asked about the diversion.

Sammy replied that it is a gravity flow to the pump house, but once it reaches the pump house infrastructure, they have the capability of controlling it.

#### **Megan Cousar-FFS**

Megan noted there is a weir project in process. The project is going to begin within the next month or so.

#### **Becky Ayeche-ECOSWF**

Becky gave an update on the Florida Land Trust. The people voted to give money to purchase environmentally sensitive lands throughout the state of Florida. The legislature spent this money on chairs, cars, salaries, and computers. ECOSWF has been in a lawsuit over that since the first adopted budget came out. On October 27th, they will go for a summary judgment. They are anticipating winning and that the judge will give a ruling by the end of the year.

ECOSWF sits on the SWFWMD Environmental Advisory Committee and they were given two different reports. One report was about how reuse water for lawn irrigation contributes more nitrogen to surface water than septic tanks do. Sarasota County is going to Advanced Wastewater Treatment for all their affluent water so that when they are sending it out, they are not sending nitrogen out.

Polk County is now taking up a toilet to tap. The sewer plant is on one side of the road and the potable water utility is on the other side, and it'll be piped from one to the other. Several years ago, the legislature had a plan to identify all potential sources of water to meet population needs, whether it is permittable or not permittable. The argument has always been that if it is not permittable, they will stop it at the permitting point. They must do this because they have more reuse water than they can put out and they have more homes that are requesting water than they are able to get from their groundwater. This is because of the minimum level that has been put on the Floridan aquifer because of SWUCA. Time and time again, ECOSWF has asked each time they review this to take the Myakka River off the potable source that is identified. Once it is on a paper, it is on a paper. Now, you hear the machinations that we are going to do, because we are not going to enforce the rule to keep the farmers from letting their water run off laterally. We know there is a better way, farmers have attested to it. We are injecting water down in an aquifer which has cross connections with people's domestic well water. It is incumbent upon us to recognize the growth we will have, given the pro-growth government in Sarasota County, that it may not be in the too distant future that people will be asked to divert water. Oh, which by the way was recharged by taking water during the rainy season when it should have been dry season and we start taking water off the Myakka River for future sources. That allowed to remain is a big issue, we need to keep the river out of list of sources that have been identified.

#### **Chuck Johnston-O Bar O Ranch**

The Regional Director for NRCS is going to be making a visit next week to look at some of the projects the ranch has done. They are trying to increase their solar water pumping in the north area. They use the solar water rather than the commercial electricity for pumping into the water tanks for feeding livestock. Livestock will pass up a pond or wetland and be able to go to that cleaner water. They are working with NRCS on their grazing rotation and reviewing records showing the ranch's BMPs.

#### **Steve Giguere-MRSP**

MRSP had a successful burn year with close to 11,000 acres burned last year. For the upcoming year, they have close to 13,000 acres planned. Last year, the park treated almost 2,200 gross acres, which totals 28 infested acres of invasive plants. Many of the infested acres were focused in the floodplain to a floodplain restoration, knocking back West Indian Marsh Grass (WMIG) and paragrass from the Myakka River floodplain. Yesterday, in an effort with FWC, about 170 acres of floodplain invasive grasses were treated. The park is looking to burn those areas in a month or two. Wildlife has been responding positively in those areas and native plants have been spreading. Efforts are continuing with hogs, and 415 feral hogs were removed last year. The previous year, they had almost 1,200 removed. The park has had a lot of assistance from United States Department of Agriculture, including trapping, direct removal and large-scale aerial removal of feral hogs. In three days, they removed 120 feral hogs. They have been seeing an increase in manatee sightings in the river. As Downs' Dam continues to degrade, they have had regular manatee sightings within the park boundaries. They had close to 400,000 visitors in the park last year.

The Upper Myakka Lake (UML) Restoration Project weir removal should be taking place this coming spring in the dry season. They are now in the process of awarding a bid.

The concession building is still closed to the public. There was some water damage in the building from some faulty construction when the building was first built, which resulted in some old issues that got into

the air conditioning system. They are been working for the past several months to try to get that building back and operational, but they are running into funding issues. It is a costly repair, so it is still closed with no reopening date on the horizon. At the bridge over the Myakka River on the main park drive, there has been some erosion issues along the head walls and that project has gone to bid. Those head walls would be rebuilt this year in the dry season, doing like for like material.

Discussion of hog removal methods continued.

Becky was wondering about the number of coyote sightings in the park.

Steve replied that observations of coyotes have been low over the past year.

Becky also asked about staffing at the park.

Steve replied that the park is short four positions right now.

Becky asked if the concessionaire was bearing the burden for the building repairs.

Steve replied that since the damage was as a result of inadequate construction of the building, it would be the State's responsibility.

### **Chris Oliver-MWSR Program**

There have been many manatee sightings. There was one sighting on Triangle Ranch by the ranch manager, at their Eastern boundary, which is three miles past the C.R.780 bridge. That would be the Northern most sighting.

There are some shoreline structures that are in process right now. A permit from the South District Regulatory Office that includes the Myakka Wild and Scenic River permitting under 62D-15. The MWSR program is looking at options for Downs' Dam as far as what permits will be required if that area is restored.

The program has been doing a lot of work with AHRES (FWC's Aquatic Habitat Restoration and Enhancement Section) and in house. The park has a new Argo unit, which is like an ATV that can go through water and has a very low impact because it has tracks. Staff has been able to get into areas and treat a lot of the floodplain marsh, mostly for WIMG and paragrass, which are the two worst invasive grasses in the floodplain. In treated areas, new native grasses have come in, some that have not been seen in some of those sections in a long time. Native species are occupying bigger areas of the marsh and creating a good mosaic. The coreopsis blooms in Big Flats are now over a bigger area, expanding into areas previously occupied by invasive grasses.

During this last high-water season, Steve, park employees and the MWSR Program coordinated with people including Chuck Johnston of O Bar O Ranch about law enforcement issues. There was a lot of blatant noncompliance with the posted speed limits and these incidents were reported in real time. At least two times law enforcement did interact with these violators and made citations. Hopefully, this will help. Chris is working with the Conservation Foundation about a proposal toward getting some additional funding for law enforcement patrols. One potentially is for a fossil linked period and maybe some summer speeding patrols. On a related note, there are several areas within MRSP where we received permission from FWC's Office of Boater and Waterways Management to change from slow speed minimum wake to idle speed no wake. That would include most of MRSP. The Upper Lake would remain slow speed, but the other areas would be idle. Chris has had conversations with law enforcement about

fossiling. The MWSR program is going to attempt to get statements and have some of the websites remove the confusing language, before February or March 2022, so it is very clear that the Myakka Wild and Scenic River is an area where you are not allowed to fossil with tools.

## **NEW BUSINESS:**

### **Jono Miller-Shoreline stabilization issues presentation**

The Myakka River naturally meanders. This means that instead of being straight like a canal, natural processes lead to a situation where the outer curves are eroding, and the inner curves are depositing. This is a natural condition and helps define the character of the river. Typically, they erode slowly, which allows the cabbage palms to fall in slowly and they can adjust and start trying to grow vertically again.

The river changes both subtly and significantly at times. The outer curves where the river is eroding is sometimes higher land. In other words, it is not alluvial land that has previously been eroded, but it is saw palmetto or pineland. Because people like being close to the water, they found spots like that and would put structures on those higher banks. When erosion threatens the human structures, people try to do what they can to stop that and it is typically by armoring the riverbank. This summer there were three different episodes in MRSP during which the river left its bank. There was a period in July, a brief period in August, and another period in September. If you had property along the river, you were subjected to high flows. Then the river was within its banks. Then it came up out of the banks again briefly, and then another period in September. As a result of the prolonged period, maybe two months of five, Jono anticipates that there will be more requests for permits to stabilize the shorelines both as a result of the flows themselves and from people that are speeding on the river creating boat wakes that aggravate erosion. Jono showed several situations where he anticipates that people will be seeking permits to stabilize the shore of the Myakka River.

Some examples of these locations include, the blue house (off N. Jackson Rd.) where you can see the river is close to the supports. Another house, with the bank eroding close to supports. At the Venice Myakka River Park (VMRP), they have planted some grasses and have post and cable, but this is a rapidly eroding shoreline that threatens a paved path that people use to access a picnic pavilion. Even though the cabbage palm roots are prolific in this area, they are never going to stop the river from eroding that section. On one of the Sleeping Turtle properties, a bench was installed and there is a potential for that area to erode. The Diocese of Venice property already has a permit in. An overlook on the Venetian Golf and River Club property is also jeopardized along with the historic structure at Snook Haven. There is an underground pipe from the Carlton Reserve that goes underneath the river. At some point the infrastructure of the underground piping is going to be exposed.

The Act anticipated the need for people to stabilize the riverbank. There is specific language that talks about creating, repairing or maintaining shore protection structures. If you are going to fill in the river area, which is typical, people usually put up a wall and fill behind it, which is filling in the river and needs to be clearly in the public interest. The Act states, "Dredging or filling activities should be permitted only upon a determination by the department that the proposed activity will not adversely impact resource values and is clearly in the public interest."

Filling and putting in a seawall would negatively impact the resource values. It is not strictly scenic, and it is affecting habitat quality. In order to balance that out, the applicant would need to be doing something that was clearly in the public interest. Jono wrote to the Southern District Office (SDO) in Fort Myers, who does the permitting for the Myakka, to inquire if the Council could get some clarity on how

applicants might meet this public interest test. He wrote that he anticipated a flood of permit applications and repeated that it would have to be in the public interest.

Jono reminded the SDO of the application for Senator Bob Johnson's old place on the river. The engineers seeking the application were unfamiliar with the Myakka River. They did not understand the constraints of the Rule. There was a costly delay for the property owners, and they should not be subjected to that. He asked if someone could come up from the SDO to review how a proposed activity would adversely impact resource values and how applicants can demonstrate that their project is in the public interest. They replied that, at this time, they are not attending public meetings.

Jono replied that if it is possible for someone to attend to let him know. The sooner these issues are resolved the better for the applicant, agency personnel and river values. He looks forward to working with the SDO to clarify how the mandates of the Myakka legislation and rules are to be applied.

Jono continued, the staff person that was assigned in the SDO to work on the Diocese of Venice's proposal is no longer in that position and there is a new person. It would be challenging for a person who has never been on the Myakka, who is working out of a Fort Myers office and is unfamiliar with the legislation, management plan, the rule or the joint agreement between the governments to issue permits.

SDO responded and said that the department will process applications as they are received, following the rules as written, working closely with the Office of General Counsel, if there are any special circumstances. Jono replied that there are many special circumstances on the Myakka. While modifications must deal with the particulars of the situation and follow-up act with double rules, it would be advantageous to have all involved, the applicants, their engineer consultants, the permitting staff, and Office of the General Counsel, all understanding and agreeing on what rules apply on the Myakka, so that clarity and consistency may prevail.

Jono's concern is that there is going to be a variety of different engineering firms that are unfamiliar with what is expected, submitting permit applications without understanding what is going on and having the SDO not fully understanding either, causing a lot of contention. He outlined some of the actions an applicant could take to balance the impacts and resource values with something in the public interest. The first is to avoid needing a permit in the first place. If you have a bench that is along the river, rather than putting in a seawall to protect the bench, you could move the bench back.

In some cases, a permit to put in a structure would not be necessary. The VMRP is a little more complicated because there is a trail there is that people use to access some facilities, but there is a possibility that trail could be accessed other ways. Some other things people could do to improve wildlife habitat would be either planting native materials or moving exotic materials, improving water quality, improving the scenic values of the area, some mitigation, and if they cannot do it on their property, do it elsewhere along the river, or build the most minimally intrusive structure.

Rather than put in a pink vinyl seawall with reflectors, maybe people could put in a wooden structure or something less conspicuous. The concern is that every year we are going to see these outer bands of the river continue to erode and that is going to lead to a request for stabilizing structures, which are allowed. However, it is necessary to both minimize the impact of the structures and make sure that when they are permitted, they are in the public interest.

Chris added the main goal of the Wild and Scenic River Program is to preserve and, when possible, to enhance river values. It seems like preserve is the minimum standard with the goal being to enhance. This sets up a conflict because you want to allow property owners to save physical land that is a part of their

property and structures. There are a few houses with this issue, some of the areas on North Jackson Road, like Senator Bob Johnson's old home, in pristine areas of the river. It is not like the lower tidal Myakka in Charlotte County where there is a lot of seawalls and there will be big impacts to the viewshed.

If the Our Lady of Perpetual Peace Retreat proposed project happens, the oaks on the right side of the river will be gone because they must be removed to install the seawall since they are between the water level and the top of the bank. A lot of these areas are pristine and when a wall is put in, you are not only putting up four to five feet of a structure, but in order to install it, they will have to take out a fair amount of vegetation, whether it is palmettos or overhanging oaks and that has a large impact. A lot of times with mitigation strategies, on paper, they look good. For example, when the mitigation strategy was set-up for North Jackson, the idea was to have vegetation in front of the seawall, and it would block out the vinyl structure. In the end, they realized it could not be done, so they planted some vegetation on top and while there are a few tiny palmettos and maybe some Fakahatchee grass, there is no visual mitigation to the viewshed. The mitigation that was done to help make it more in the public interest had minimal value and did not preserve or enhance Wild and Scenic values. When you remove overhanging tree snags and branches, you reduce fish habitat. The way engineers typically look at these projects would have to be changed. Instead of a vinyl wall, you could do boulders with submerged logs or other materials, which have been done on the Peace River. They take more thought and sometimes cost more money but sometimes they cost less because they are using less engineered products.

Discussion continued on mitigation, staff review, and delineation of the river area as permitting issues.

Becky added there must be an ability to enforce, she has often seen conditions or rules but there is no staff or money to enforce. Looks good on paper but you end with a disaster. It is a Wild and Scenic River.

Bob commented that with sea level rise, the same issues at the south end of the river will appear upstream with the erosion. The public interest is to have the river Wild and Scenic. When anyone wants to do anything along the river, does that contribute to it being Wild and Scenic, or does it contribute to being something other than that? If it is going to be Wild and Scenic, there is must be enforcement and strong language defining what that means.

Jono suggested that the SDO would be well advised to create a booklet or online document that advises property owners on the rules that apply and to suggest things that could work when it comes to erosion. Promises of things that are supposed to take place in the future are less desirable than something that is installed at the get go, is obvious and permanent. The notion that they are just going to deal with each on a case by case basis is a recipe for disaster. There is going to be a lot of heartache for property owners and a lot of tension and clarification to help people understand the various things that apply along the river in Sarasota County.

Discussion continued on the public interest and permitting guidance topic.

Chris added that the MWSR Management Plan update could also include a discussion with example of what types of project are compatible with river values and the public interest.

### **Motions**

Becky Ayech motioned for the chair, Jono Miller, to send a letter on behalf of the Myakka River Management Coordinating Council to the South District Regulatory Office to ask that their standards for permitting be consistent for all permit requests and consistent with the goals of the Myakka Wild and Scenic River legislation and rule as defined in 62D-15.002 (23) and Section 8. Robert Clark seconded. Howard Berna, Jonathon Bennett, and Steve Giguere abstained. Motion passed.

Becky Ayech motioned for Jono Miller to send a letter to the Sarasota County Board of Commissioners to ask the Southern District to present to the Council how they interpret or apply criteria for public interest regarding requests to harden the shoreline of the Myakka River in the Wild and Scenic Designation. Robert Clark seconded. Elizabeth Wong, Howard Berna and Jonathon Bennett abstained. Motion passed.

Becky Ayech motioned that Jono Miller send a letter to Nancy Edmondson, Julie Morris, Paula Benshoff, Debbie Blanco, Belinda Perry, John Robinson, and Diana Donaghy for their hard work reviewing and submitting comments on the Wild and Scenic River Management Plan. Robert Clark seconded. Motion passed.

### **Wild and Scenic River Management Plan**

Chris sent the Council members the document with the suggested changes from the seven volunteers, and most of those suggested changes are factual matters that would have to be incorporated in the management plan by FPS staff. Those should be viewed merely as suggestions to consider. Near the end, there were some specific suggestions related to objectives and actions.

Members can comment on the factual material. The most guidance is on the specific objectives and actions, and those should be submitted to Chris. Then they will be circulated to members prior to the next meeting.

Members are going to submit comments or proposed changes in the management plan, either in the factual descriptive portion or in the objectives and actions, to Chris by January 10<sup>th</sup>. They are going to list the page number of what they are commenting on. Chris is going to take those and form into a Word document. He is going to cut them and paste them so that all the comments related to a particular page are going to be lumped together. This will be distributed to the Council 14 days before the next Council meeting.

### **Future Items:**

Becky would like the opportunity to go through Table 4 and see exactly where the park is in the process of completing the projects listed. She would also like to discuss how to ask to get the park more money so it can do all the things that have been identified.

Jono mentioned that Sarasota County may be interested in contributing money to the Recreational Carrying Capacity Study. He also would like to continue to pursue the question of when water is being taken from Flatford Swamp.

Chris reminded the Council that at the next meeting is the only time new members can be considered. If members think of others that they would like to nominate, send suggestions to Chris.

Bob Clark suggested discussing the issue of saltwater intrusion.

**Becky Ayech motioned to adjourn the meeting. Steven Schaefer seconded. Meeting adjourned at 12:30 PM.**

## MEMO

Date: 2021 10 22

To: MRMCC  
From: Linda J Dickson  
Re: Myakka River Management Plan

As an interested party living in Hidden River Subdivision, I bring to your attention issues that I believe appropriate for consideration in the management plan of WSMR. I brought these issues of concern to the attention of MRMCC last year.

As an update, there is no HOA in Hidden River subdivision, meaning there is no entity to collectively represent all the property owners, and individual property owners are not subject to any governing documents.

Since the critically damaged condition of Hidden River Dike is a known issue, I suggest MRMCC develop a mitigation plan in case the predicted catastrophic collapse of Hidden River Dike does happen. I am happy to work with any committee and share my documentation to confirm or answer questions.

Here are a few items I found either missing or in answer to comments in the draft plan:

1. The Hidden River Dike runs from the 780 Bridge into the MRSP with a large segment of the dike within the boundaries of the park. The pump, which is part of the subdivision drainage system, is located on the segment of Hidden River Dike within the boundaries of MRSP.
2. The canal on the landside of the Hidden River Dike serves as a catchment area for subdivision stormwater runoff which has always been pumped directly into the WSMR by the drainage system pump. While unconfirmed, it is likely stormwater runoff from outside the subdivision also makes its way into the Hidden River drainage canal and out into the WSMR via the pump.
3. The WSMR encroaches up on the riverside of the Hidden River Dike, causing unmitigated deterioration.
4. Survey lines for Hidden River properties extend well into the WSMR.
5. The mile long segment of Hidden River Dike along the WSMR remains in seriously compromised condition posing a risk of catastrophic damage not only to the residents of Hidden River but also to the WSMR Watershed in the event of a breach. This very real risk should not just be ignored, and private property owners are ill equipped to handle a situation of this magnitude.
6. The damage extends into the MRSP segment of the dike. Despite the efforts of concerned private property owners, there has been no success in finding support from either the majority of the property owners or the State or Local government to protect the integrity of Hidden River Dike. Although Federal EWP Grant funds were approved to the tune of \$1.4 million to protect the Myakka River watershed, a sponsor has yet to step up. Hidden River Dike influences the WSMR some Hidden River property owners believe MRMCC has an obvious interest in the integrity of the dike, as well as the relevant agencies tasked with protecting WSMR.
6. Other non-native species / animals inhabiting the WSM River area include: chickens and goats.
7. There is at least 1 Calusa Indian mound on Hidden River Road, inside Hidden River Subdivision, and maybe another plus one that was destroyed, all marked in the USDA DSR SAR 001.
8. Agnelli Cattle Farm, a small operation, occupies approximately 50 acres abutting 2600 feet along the WSMR at the junction of the Hidden River Dike and the 780 bridge. This might be relevant for future conservation planning.