

**Myakka River Management Coordinating Council
Lemon Bay Park
570 Bay Park Blvd.
Englewood, Florida 34223**

**June 22, 2012
9:00 A.M. – 12:47 P.M.**

MINUTES

The meeting began at 9:00 A.M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on Friday, June 8, 2012.

MEMBERS IN ATTENDANCE

Jono Miller - Sierra Club
Mike Coates - PRMRWSA
Ed Flowers - FFS
Tom Williams - FFS
Allain Hale - ECOSWF
Mike Chouinard - Homeowner
Stan Frank - City of North Port
Belinda Perry - Sarasota County
Kathleen Weeden - City of Venice
Suzanne Cooper – TBRPC

Peggy Morgan - FDEP
Mary Jelks - Friends of Myakka
Maran Hilgendorf - CHNEP
Greg Blanchard - Manatee Co.
Lou Kovach - Homeowner
Maya Burke - SWFWMD
Betsy Roberts - Manasota 88
Mark Schulz – FDOT
Bill Byle - Charlotte County

INTERESTED PARTIES

Jessica Ritter - SC Parks & Rec.
Judy Meents - FPS
Natalie Cole - FPS
Rod Ghioto - Ardaman & Assoc.
Dee Allen - Mosaic
Diana Donaghy - FPS
John Fellows - US Army Corp of Engineers
Dave Deloach - Ardeman & Assoc.
Martha Horton – Horton Ranch

Chris Becker - FPS
Hugh D. Dinkler - ESA
Andrea Lipstein - Sarasota County
J.P. Macheck - Mosaic
Kaley Miller - Mosaic
Ernie Estevez - Myakka Cnsrvncy.
Lisanne Morris - SWFWMD
Allan Horton - Horton Ranch

BUSINESS MEETING:

- **Call to Order, Roll Call and introductions were made.**
- **There were no public comments.**

- **Additions to the Agenda:** Ernie Estevez will speak about the Myakka Conservancy.
- **Revision and Approval of the Meeting Minutes from February 17, 2012 Council Meeting.** Maya Burke moved adoption of the Minutes. Belinda Perry seconded. The Minutes were adopted.

OLD BUSINESS: NONE

NEW BUSINESS:

Bill Byle – Charlotte County:

People are working very hard to review the Area Wide Phosphate EIS and Bill believes that the Council should make this a special priority. The outcome of this study is going to have a tremendous influence on the existing phosphate mines and all of the proposed mines for the next 50 years.

Charlotte County has been developing plans to put a boat ramp at Cattle Dock Point on the West side of the river. However, the economy forced the project to be temporarily placed on hold. On the east side of the river just north of the bridge the county approved a 150 unit RV park. The only facility they will have is a kayak launch.

Maran Hilgendorf – Charlotte Harbor National Estuary Program:

A forum will be held Monday afternoon, June 25, 2012 to give people an opportunity to come together to consider the phosphate AEIS at the Charlotte County facility on Harborview. There will be a day-long, free conference on September 13 for conservation land stewardship. Natalie will distribute the email invitation in early July.

A quarterly newsletter will come out. Don McGregor, an editorial cartoonist, was just commissioned to create illustrations for each issue.

The deadline for submitting photos for the calendar is July 14th. Send three images to show the beauty and diversity of the natural environment of SW Florida.

Micro grants are available now for projects that begin as of October 1st. This Council's website is funded with this type of grant. They also have public outreach grants available once a year up to \$5,000 located on their website.

This year for the first time after a three-year break they will have restoration grants available; two up to \$20,000 each. That guidance is being considered now so probably won't be released for another few months.

Maya Burke – Southwest Florida Water Management District Update:

It's been 5 years since they passed their Southern Water Use Caution Area (SWUCA) Recovery Strategy. They are evaluating whether or not the recovery strategy is on target or if it needs to be tweaked. As of right now it looks like the strategy is working as expected. The one caveat is land use transitions have not been occurring the way they

thought due to the present economic conditions. Agriculture has been shifting lands they thought would be transitioning to residential uses to changing crop types. Their approach is to increase the Farms Programs and anticipate going to their board by the end of this year.

The other event occurring in the Myakka River Basin is management of the feral hog population via hog hunts with Sarasota County. Maya urges you to express support to the Sarasota County Commission in order to keep this tool.

Questions and answers followed. Maya explained the Farms Program.

Greg Blanchard – Manatee County Update:

Their department produces a very popular map of phosphate company property ownership and mining approval status in Manatee County. They have just updated this map. It is available from their website in the mining services web pages.

Mosaic has extended the operational lifetime of Wingate Creek Mine in the Upper Myakka Watershed. They have secured the operating permits from Manatee County for this. They will still use the dredging method of mining; no drag lines as originally planned. They have already ordered a new dredge. For further information contact Lisa Powers, mining coordinator, at the Natural Resources Department.

Tom Williams – Myakka State Forest Improvement Update:

The State Forest is charged to grow a timber crop. Around 10% of the forest is in plantation which is less than 900 acres. They grow longleaf pine and South Florida slash pine. The longleaf is the preferable pine in South East Florida but the South Florida slash actually does better here since it is wetter.

This year they have treated about 42 acres of melaleuca, 28 of Brazilian pepper and seven acres of cogon grass. He believes they have over 50% control on the exotics with the exception of cogon grass.

Two Eagle Scout projects resulted in rest stations on one of the trails and a fire pit in the picnic area which would serve as an outdoor classroom for groups.

They had their 75th Anniversary event of Florida State Forest. They plan to have more events in the future. A Family Fun Day is planned by the equestrians that use the forest.

Prescribed burning is a major operation. In addition to fuel reduction and habitat maintenance they also use it for site prep for their plantings. They normally try to burn about 2,000 acres/year which is a four-year rotation. They have been trying to reduce this rotation. This year they have 2700 acres scheduled to burn, about 32% of the forest.

Their most recent management plan was approved in 2010 and is online. Their five-year review (LMR) is coming up in January.

74 hogs and several quail were harvested so far this year through their hunt program. They had 1,497 visits and trapped 102 hogs. They are adding 1 week of muzzle loader hunting. For a copy of the new hunt brochure go to myfwc.com.

Questions and answers followed. More discussion of cogon grass, hogs, pythons and panthers ensued.

Diana Donaghy – Myakka River State Park Update:

They have treated over 300 acres of exotics in the upper lake, lower lake and the river; mostly water hyacinths, water lettuce and West Indian marsh grass. On the upland side they have cogon grass, and other incidentals such as Brazilian pepper and a small patch of melaleuca.

The burn program has completed over 12,000 acres this year. Their goal was close to 14,000. They have reached 80% of their goal for this fiscal year of 2011/2012.

Since November there has been no trapping of hogs since they have been trying to acquire a new contractor. They finally have gotten their new contractor who started at the beginning of June. In the meantime staff members have been shooting hogs. As of January the number of hogs shot was about 86. Normally 600 to over 1,000 hogs are removed from the park

Question about panther sighting was asked.

Jessica Ritter – US 41 and Myakka River Update:

Since the last update there have been two well attended, public meetings regarding the future park. Some of the requests and comments on the Myakka River/US 41 site included: fishing opportunities, restrooms, concerns about transportation, use of rowing shells, concessionaires providing boating access to the river, appropriate signage for inexperienced boaters and providing a buffer between park property and US 41.

The following concerns were raised regarding the Snook Haven addition site: comments about the entrance road maintenance and speed limit, providing possible speed bumps, paving the entrance road and fixing drainage issues. There were requests for restrooms at Snook Haven and Snook Haven Addition. Some commented that the events held there were too large. There were some suggestions about relocating the boat ramp at Snook Haven to the Snook Haven Addition site and perhaps switch some of the uses between the two properties. In general there were comments for more motorized access to the river and to keep both parks as natural as possible.

Staff will be meeting with FDOT representatives regarding the Myakka/41 site to share some of the suggestions and proposed improvements to the site. They would like to see what comments FDOT has regarding transportation.

On July 12th they will be presenting to the Park Advisory Recreation Council and get some more input and thoughts from the board. They are scheduled to go to the County

Commission on August 21st at which time they will provide the board an update on both of the park properties, and the public meetings they have held.

More due diligence for Snook Haven Addition site will be done as well as meet with various stake holders. An engineer will be hired to look at what can be done between the Snook Haven Addition and Snook Haven. Then they will go back to the public and then the board.

Information for Myakka River/US 41 site can be found at the County website, click on Parks and Recreation, find Planning Park Section, then Myakka River/41 Project Site. You can view the presentations and look at graphics.

They are moving forward with a park name for the site which will be brought to the board on August 21st.

Questions and answers followed.

Belinda Perry – Sarasota County Update:

The county has been working with the City of North Port on recreational opportunities in the Myakka River Watershed. An initial proposal for connection within North Port and the larger conservation public lands will be going to the Joint County Commission meeting on July 16th. The schedule for the Agenda can be found on either the city or county website.

A number of different areas have been investigated based on public input as well as constraints and the possible impacts of opening different connections. For instance, at Warm Mineral Springs Resort Area, jointly acquired between the City and the County, they are looking at a connection into Deer Prairie Creek using some of the drainage areas. They expect to get more direction from the Commissions at their July 16th meeting.

Other connections from Myakkahatchee Creek Environmental Park north would have to cross a drainage canal. There are questions about where the funding would be coming from. Different proposals will be heard and each board will be able to provide more input for them to proceed further.

The SWFSMD proposal on hog hunting will be heard by the County Commission on July 10th at South County Chambers. The district will have an opportunity to present their proposal. The County is providing much of the background information in terms of strategies, and what has happened on the preserve to date. The preserve is not seeing enough of a reduction in hog control just through trapping.

The bridge over the Myakka River north of the state park on Myakka Road is scheduled to be replaced, repaired or rehabilitated by 2014. A more definitive design or plan will be made available on the County's website. There will be a temporary bridge built so that it will be passable during construction.

They are still pursuing negotiations with acquisition under the Environmentally Sensitive Lands program. On July 10th they will be going back to the County to see if they will pick up an option for 5 acres within Manasota Scrub Preserve. This will make it easier for management.

They are also being approached by families with estates looking at creative ways of providing the County an opportunity to negotiate an acquisition. Some are in the Myakka River Watershed.

Questions and answers followed.

Natalie Cole: Myakka River Biologist Update:

Since the last meeting the river has been low. There has been quite a bit of turbidity in the Lower parts of the river north of Snook Haven up to Laurel Rd. In late March or early April there was a workday with some of the Sarasota County staff working south of the park treating cogon grass along the banks of the river along with some Brazilian pepper. Natalie intends to go back out with a boat and a big sprayer and get some of the bigger patches.

Judy Meents and Natalie have been entering data into the wildlife database. This is data that dates back to the early 90s. They are up to 2004.

Natalie had one pre-application meeting at the Myakka River Oyster Bar. They are looking to do some improvements to the existing bulkhead to make it safer for people to dock their boats and reach their restaurant.

In their 2013 Agency proposal they submitted the decriminalization of the Myakka Wild & Scenic River Rule once again. This would allow minor violations to be punishable by fines instead of the 2nd degree misdemeanor.

At the last meeting Natalie was asked to briefly go over the Myakka River Management program objectives and actions that were included in the management plan that was just adopted. The new objectives include the following actions:

- 1.9 – The MRMCC should conduct a survey of the Myakka waterfront property owners in Manatee and Charlotte Counties to see if they perceive any management needs for the river.
- 1.10 – Seek additional funding sources to acquire Vanderipe Slough as a conservation easement.
- 2.5 – Petition the Environmental Regulatory Commission to amend Chapter 17-3 Board of Administrative Code to designate the entire Myakka River as outstanding Florida water.
- 2.10 – The Department of Recreation and Parks should post “You are entering Myakka River Watershed” signs along roadways which cross through the watershed to create public awareness of the Myakka Watershed Basin.
- 2.11 – Encourage that saltwater intrusion resulting from water withdrawal shall be prohibited.

- 3.5 – Restore marsh conditions in Tatum Sawgrass to restore its historic ecological and hydraulic functions.
- 3.6 – Project a range of sea level rise scenarios and their potential effects on the aquatic habitat of the Myakka River.
- 4.6 – Encourage and provide information to help create a homeowner’s guide to regulatory requirements on the Myakka River and promote awareness and appreciation of the history and ecology of the Myakka among people living and working in the watershed.
- 4.7 – Coordinate and collaborate the management of the extensive public lands in the Myakka Watershed towards common goals and objectives. Focus should be on watershed restoration and management of key wildlife species.
- 5.4 – Continue to encourage Sarasota County to acquire the rest area located at I-75 River Road interchange.
- 5.5 – Mitigate and reduce light from all road crossings in the communities located south of the Carlton Reserve.
- 8.4 – Designate a local museum in the Myakka River vicinity as an educational and curatorial facility to receive artifacts collected within the Myakka River Watershed.

Ernie Estevez – Myakka Conservancy Update:

The Myakka Conservancy is an independent NGO. Their purpose is to preserve the ranching and natural resource of the system. They hold easements and own property on SR 780 where the bridge crosses the river. It is over a mile long from the bridge down to the Myakka River State Park.

In February they had a BBQ fundraiser at the Strickland Ranch in Manatee County for the bridge crossing at SR 780. The board was to meet a week from this meeting to discuss this project and to contribute to the final process. Concerns discussed in the past include hydrology - flooding, water quality, storm water; ecology - wetlands; wildlife, roadkills; scenic issues – canopy designation, noise, light, litter, safety and recreational uses. They hope to get answers on what role their property could play in promoting wise management of that unit of SR 780.

When they have their meeting and learn more someone could return to discuss it. He mentions the DOT has ranked this bridge as obsolete for several inspections in a row. He looks forward to helping.

Questions and answered followed.

PRESENTATIONS:

John Fellows – Draft Phosphate EIS Presentation:

He wants comments on the document so he encourages people to read it.

The two goals of doing the Area wide EIS is (1) the concept of disclosure and transparency, and (2) information and to facilitate public comments.

This application is being reviewed under the authority of Section 404 of the Clean Water Act. This act deals with the discharge of dredged or fill material into waters of the United States (which include open waters, surface waters, streams and so forth, and wetlands determined to be jurisdictional to the corp.)

As the COE goes through their permitting review they have different standards that have to be met such as the 404B-1 guidelines, public interests tests, and standards set up by the Center on Environmental Quality (CEQ) that determine the environmental affects of the projects. NEPA is another standard of their review. The point of doing EIS is to do the NEPA review for a project.

Under NEPA federal agencies review the environmental consequences of their actions. For the Corp of Engineer's regulatory program their action is permit review and issuance. There are many regulations that need to be considered during the review by several different agencies including the Florida Department of Environmental Protection and the Environmental Protection Agency. The COE is also working with local governments who provide information and answer questions.

An EIS starts when an agency makes a determination that an action, or in the case of an areawide EIS a set of actions have significant environmental effects. They publish a Notice of Intent in the Federal Register to let the public know. They conduct scoping to learn the public input into what the issue should be, what the public thinks about the potential actions. Based on the scoping and based on other work that's done, (analyses and so forth by the agency or directed by the agency) they produce a draft EIS. Not very many conclusions and recommendations are made in the draft. The final EIS comes after the draft EIS. After that the actual decision document for action or actions that are being considered is called the Record of Decision. And finally, they implement the action.

There are several opportunities for public comment; one during scoping, another during the draft EIS in the comment period and after the agency puts out a final EIS there is a 30-day wait period for public comments. The Corps captures substantive comments and they become a part of the final EIS probably in the Appendix.

In terms of what the Corps is doing they have four applications for Section 404 permits; three from Mosaic for the Desoto Mine, Ona Mine and the Wingate East Mine; and one application from CF Industries for the South Pasture Extension. The EIS study area goes well beyond the boundaries of the mines. For example, they do look at the entire Peace River Watershed especially downstream of the impacts down to Charlotte Harbor and Myakka River Watershed as well.

John then described the components of the Draft EIS.

May 25 was when they placed the draft on the website. Officially, the Notice of Availability for the "Draft" Areawide EIS was in the Federal Register on June 1st, the beginning of their formal comment period. The public notices for the Section 404 Permit applications went out at the same time.

They have had two Corps public meetings for the draft on June 19th and June 21st. There is one more scheduled for Charlotte Harbor NEP on June 25. There is a 60-day comment period that ends July 31st. This includes the 15-day extension. An email comment on the Draft AEIS can be sent to their project email address (teamaeis@phosphateaeis.org). Regular mail, commercial carrier, Fed Ex, etc. can be sent to his office. There is a web-based comments form on the Draft AEIS. They encourage people to be as specific as possible and note the chapter, page, and section.

Their schedule is to have the final AEIS done by December 2012. At least 30 days after that in the beginning of 2013 they plan to issue the AEIS Record of Decision.

Questions and answers followed.

Access to copies of full EIS applications is being worked on.

Break from 11:17 a.m. to 11:35 a.m.

Lisa Anne Morris, Project Manager – Flatford Swamp Hydrological Restoration Feasibility Study and other members of the team - J.P. Macheck and Dee Allen from Mosaic, Rod Ghiotto and Dave Deloach, consultants from Ardeman & Associates:

Lisanne Morris: In early 1990s soon after the purchase of 2300 acres in Flatford Swamp through the Preservation 2000 Program they began to get reports of abnormal tree die-off. Studies and evaluations found that land-use changes and storage and conveyance alterations had impacted the hydro-periods of the swamp such that there was too much water in the system. It was especially evident during the dry season.

The Intercession of Flow model gave them the closest model to the historic hydro-period of the swamp. They set up collection points at three of the tributaries, Maple Creek, Myakka River and Ogleby Creek. A conveyance channel would grab the water before it reached the swamp, then go through a control structure into a sump or pond subsequently piped over to a central storage or collection point.

Mosaic was approached to discuss partnering on the Flatford Restoration to provide a final destination for the excess water. In November 2010 the district and Mosaic signed a Memorandum of Understanding agreeing to explore the possibility of doing the project. First phase of the MOU is the Flatford Feasibility Study.

Dave Deloach – Ardeman & Associates – Flatford Swamp:

Ardeman has been performing activities that relate to understanding the supply timing and deliveries that would move water from the Flatford area up to Mosaic's Wingate Mine as well as the feasibility and storage options, water quality, characteristics of the water and treatment options.

Using the information that has been generated by the district's consultant, Interflow, they are evaluating flows and storage performance in order to look at different alternatives on how to store and/or convey the water to Mosaic. The Reservoir Routing Model matches up very closely with the results of the MRWI model. Seepage is the only thing they are not currently evaluating.

The the MRWI study determines average excess flows available from the tributaries associated with the Flatford project. The flows (daily average) being contemplated are about a third from the Myakka River, a third from Ogleby and a third from Coker with some additional from Maple Creek. They are trying to evaluate whether storage should be a component of that system. The factors that affect these decisions are the variability of the inflows received, the delivery limits that can be moved into the Wingate area as well as water quality and treatment requirements for beneficiation, etc whether it is no storage, above-grade or below-grade storage and other operational considerations.

Sizing and depths of storage fall into three different categories. (1) No storage (just picking water up as it's delivered from the pump stations on the intercession and conveying that water to Mosaic). (2) introduce excavated storage into the system, and (3) elevated above-grade storage. All three of these different alternatives can accomplish the Flatford Swamp diversion per the MRWI. Mosaic can make good use of up to about 20 CFS of additional flow. All evaluations use this 20 CFS limit on the flows delivered to Mosaic.

Performances of the 3 alternatives were discussed. If they go with the no storage option, there will be some bypasses in the wet season, but good uses of water are made throughout the year by taking it to Mosaic. If they construct below or at grade storage a 50-acre, 5 ft. deep storage pond, 30 of the 55 cfs being intercepted will be put into the facility and then moved it to Mosaic. It is little better performance in terms of use of the water over to Mosaic and the bypasses do not increase or decrease too much. With the above grade storage option they would use 185 acres and construct a pond 15 feet deep. With this alternative, there is a little better reliability in use of water going to Mosaic during certain months. There is not as much bypass early in the wet season since the reservoir is filling, but it is much more costly to build.

Looking at historical water quality (data from USGS and recent data from SWFMWD on quarterly samples from 2009-2011) for Coker, Ogleby, Maple and Myakka River as well as blended values for those tributaries, gives them a way to characterize those flows that will be intercepted and potentially delivered to Mosaic. They also have some monthly data collected by DEP for the tributaries of the Myakka River that help them understand the seasonal variability of the data. What they have seen so far for sulfates, calcium, magnesium and conductivity tends to be higher values in the dry season, while nutrients and total carbon tend to be higher in the wet season. Overall they are seeing that the Myakka River has better water quality than the tributaries.

From the USGS data and the water quality information they could potentially put together some indicators based upon conductivity values that might help develop an

operational decision scheme to pick better times when the water quality would meet their targets. They are beginning to look at which treatment methods would match up with their targets. They have to meet certain criteria for these parameters in order for Mosaic to be able to use the water.

They have recently submitted a technical memorandum to the district and to Mosaic that outlines the performances of the various alternatives and outlines their findings on water quality and source of flows. Future tasks through the end of this year are to refine these alternatives, to develop costs associated with each and to look at regulatory requirements which might impact the feasibility of these projects.

Questions and answers followed.

Future Agenda Items:

- Myakka Conservancy Presentation
- Status of the EIS

Next Meeting Date:

It was decided to use Doodle website for members to select a Friday in September or October.

Suzanne Cooper moved to adjourn. Ed Flowers seconded. The meeting was adjourned.

Allan Horton – Horton Ranch Conservation Easement:

Horton Ranch was a neighbor to Myakka River State Park on two sides when they bought the property (2400 acres with four land owners) in 1958. Since 1960 when Hurricane Donna destroyed their windmills they have been a dry-land ranch. They have raised as many as 400 head of cows. When thistles and myrtles started coming up they knew they were overgrazing and they got rid of 200 head. With their conservation easement they are restricted to raising about 190 head of cows. This spring they drilled their first 4in well in the lane that splits the ranch east to west so that no cow has to walk more than a mile to get a drink of water.

They were negotiating the conservation easement for five and a half years. They still have the title and can sell it, but the owner has to conform to the restrictions of the easement. It can never be developed; no rows crops, and never drill a well over four inches. The easement is reviewed once a year. A 10-acre family reserve in the middle of their property is excluded from the easement. They were the last in the state of Florida to be approved in 2011, three days before the deadline moving into the new fiscal year of October 1st.

Maran Hilgendorf – Water Atlas Review:

Natalie will post the presentation on the website. The Water Atlas is not unique to Charlotte Harbor. There are about 10 water atlases that the University of South Florida

has developed. Sarasota County and Manatee County have one. It is a great place to get data.

Charlotte Harbor program is going to implement an annual quality assurance, quality control review of the data to be sure that when people go to the website the information is accurate. They are trying to encourage others to post their data on the website. They will provide assistance if necessary. If there is data this group thinks should be there, they would like to help make that happen.

Anyone can go to the website and print maps, do analyses and look up data.

The meeting ended at 12:47 p.m.