

**Myakka River Management Coordinating Council
Nature Center
Oscar Scherer State Park
1843 S. Tamiami Trail
Osprey, Florida**

**April 2, 2004
9:30 A.M. – 12:30 P.M.**

The meeting was called to order by Jean Ost at 9:30 A.M.

Sarasota County's Environmentally Sensitive Lands Program Update – Belinda Perry

Since the last meeting in December 2003, the county acquired, in January, a 3,600-acre parcel within the Myakka River Basin. It is located on the east side of the river, north of US-41, and is part of the Deer Prairie Creek priority site. The county is partnering with the Southwest Florida Water Management District (SWFWMD), which is paying 50% of the acquisition costs and will be jointly managing the property.

The county is getting closer to acquiring the parcel north of the I-75 rest area, from Blackburn Canal to Border Road. It was originally 80 acres, but an encroachment was found during the field inspection. The property is being resurveyed without the encroachment, and should close by the next MRMCC meeting.

There are additional sites in the Warm Mineral Springs protection priority area that the County is getting close to acquiring. These are less than 1-acre lots along the creek, and are being acquired for manatee protection.

To date, within the Myakka River Basin the County has acquired over 11,000 acres at a cost of approximately \$35 million, with 46% being reimbursed through SWFWMD and Florida Communities Trust.

Marlene Guffey stated that there was a beautiful one-acre lot, with 300 feet of river frontage, across the river from Blackburn Canal, for sale, and she thought the county should buy it for preservation.

Belinda stated that the property would need to be nominated into the Environmentally Sensitive Lands Acquisition Program. The process could take two to three months, and it was recommended that Marlene get a copy of the nomination application.

Southwest Florida Water Management District – Dianne McCommons-Beck.

The upper Myakka River minimum flows and levels (MFL) is behind schedule. Vegetation transects were established by consultants PBS&J, and hopefully the characterization work has been completed.

The development of the lower river MFL is on schedule. Work has begun on hydrodynamic modeling of Charlotte Harbor, water quality monitoring, invertebrate monitoring, and collecting measurements of the river and harbor's bathymetry.

Projects in the FARMS (Facilitating Agricultural Resource Management Systems) program: The Upper Myakka FARMS Program includes two new project applications under review for inclusion (Jerry-Daiken Dairy project and the 4-Star Tomato project).

Currently the Cameron-Daiken Dairy is the only project under contract. The McClure Farms contract is expected to be signed, when the consumptive (well) use permit is issued.

Update on Falkner Farms' Flatford Swamp Surface Water and Withdrawal Project: as of January 2004 over 189 million gallons have been diverted from the swamp and reused for bed prep, crop establishment, and irrigation. Falkner has constructed a second phase of the project without district funding. With the addition of the second phase 40% of the total water captured by the project occurred in December 2003/January 2004. Completion of the second phase has contributed greatly to the project. Currently, a third phase of the project is under development, and cooperative funding SWFWMD is expected to sought.

The Pacific Tomato Growers' Flatford Swamp Surface Water Exchange Program: cumulative total withdrawal from the swamp was over 350 million gallons. They have withdrawn approximately 150,000 gal/day (annual average) from the swamp. There are discussions regarding Phase II, which would expand the use of surface water in other areas of the farm. Hopefully, they will receive Phase II design and budget within the next few weeks, and fully operational by the fall of 2004.

North Port ASR Phase IV: work has begun on construction pipelines, meters, and treatment apparatus to connect the water treatment plant to the ASR well.

The City of North Port Watershed Management Program is ongoing. North Port requested cooperative funding again for the FY 2005 budget. Staff recommended it with a 1A Priority ranking.

The continuation of the Peace River/Myakka River Watershed Management workshops is also ongoing. Additional mapping workshops have been conducted.

City of North Port Update – Sam Jones, Planning Director

Thomas Ranch (formerly Taylor Ranch) received approval to the village district land use classification two weeks ago. The village policies and future land use classifications have been translated into the zoning district. After the *Comprehensive Plan* is updated and amended the Thomas Ranch development will go through the review process.

Chris Becker expressed that the council was also looking for an update on the Warm Mineral Springs development. The concern is that flows to Salt Creek would decrease, or that water temperatures would be lowered through activities of the development.

Sam responded that Warm Mineral Springs went through a *Comprehensive Plan* amendment process about three years ago. Comments were taken at that time. The zoning code to implement the future land use classification was adopted two years ago. Just recently the development received the “concept plan” approval. The City of North Port will rely on the state agencies to permit water withdrawals.

Jean Ost asked if a private owner was developing this.

Sam responded yes.

Charlotte County Update – Bill Byle.

Charlotte County is heavily involved with the phosphate mining issue. What lands that can be preserved along the river in the county, have pretty much been preserved.

A recent turn of events will insure that the phosphate industry will continue to be a threat to the Myakka River: the merger of IMC and Cargill. Cargill is one of the largest corporations in the world, and has sufficient financial resources to pursue the permitting efforts as long as necessary.

This group should be aware that there are two projects that could impact the Myakka River. The Pine Level Mine, nearly 30,000-acres, with a portion located in the headwaters of the Big Slough (Myakkahatchee Creek) watershed, inside the 100-year flood zone. Forty % of a phosphate mined area ends-up as solid clay 80-feet thick. That will impact the recharge area at the headwaters of Big Slough. The MRMCC should watch this proposed mine carefully.

State and federal agencies are moving forward with permitting without a Cumulative Impact Study, which looks at the big picture. Most of Charlotte County’s efforts fighting mining (Altman Tract, IMC’s Manson-Jenkins Tract, Four Corners Mine and Fort Green), currently are focused on an area that is at the headwaters of several major streams: Alafia, Manatee, Horse Creek, and the Myakka. Making 40 % of that land impermeable is not good for any of those streams. Where IMC left off, Cargill is going to pick up, and with more determination.

As in the past, Bill encourages members to read the “Tenoroc Study”.

FDOT Update – Kim Warren and Ann Venables.

Kim Warren distributed handouts about the **Englewood Interstate Connector**. The Project Development and Environment (PD&E) Study was started in late 1999, and is now complete. The Federal Highway Administration signed off on the document on March 16, 2004. During preliminary analysis there are 10.4 acres of wetland impacts. Mitigation sites will be determined after they start design and permitting. The listed species that could be potentially impacted by this project include alligators, Indigo snakes, Wood storks, Gopher tortoises, wading birds and Sandhill cranes. Protection measures will be setup for listed species, through to the construction phase. The project is funded through design phase in the current fiscal year. Right-of-way and construction phases have not been funded at this time.

The next project discussed was **State Road 72 resurfacing and widening**. The original scope was to resurface and widen to twelve-foot lanes, with five-foot paved shoulders with guardrails installed, from Myakka River State Park to Big Slough. The project scope was revised to also include replacing four bridges, which increased the project cost, and delayed the schedule for obtaining permits.

FDOT is also looking at whether they need to raise the roadway, to address drainage concerns due to flooding along the roadway.

Currently, construction is funded for the resurfacing in fiscal year 2005/2006. The bridge replacements are not funded.

Ann Venables, E. C. Driver & Associates, gave a PowerPoint presentation on the **I-75 Myakka River Bridge deck replacement** project.

The purpose of the project is to replace the decks (riding surface) of both bridges (Myakka River and the overflow bridges, both north and south). The decks are deteriorating, and require continual maintenance and monitoring for safety.

In order to replace the decks, maintain two-lanes of traffic, and allow for construction equipment, the bridge needs to be widened. The proposed widening is to add about 17’8” to the inside of north and southbound bridges. The existing bridge width is 42’3”, as proposed it will be 59’11”. They will add two piles per bent (bridge support pilings). After construction and deck replacement, no new lanes are proposed, with only two lanes marked in each direction.

Stormwater Treatment: The existing system will remain the same: scuppers (allows water to run into the river without treatment). Treatment of new pavement is not feasible, because the 100-year floodplain is adjacent to the bridge and reconstructing the bridge is too costly. The proposed compensatory treatment will treat an area 1.5 times larger

(three acres) of impervious pavement in the Myakka River Basin. This will improve water quality of runoff entering river and meet all SWFWMD requirements.

Tom Moralee expressed his disdain at this point, stating that this should be totally unacceptable. Heated discussions continued. Jean Ost stated that this was not treatment. Marlene Guffey also raised concern about the treatment of stormwater at the rest area.

Because of the MRMCC's concerns about stormwater treatment, and other issues related to I-75, it was suggested that a subcommittee be formed to discuss these issues.

Flooding: The proposed improvements will not increase the flooding risk or the rate of stormwater discharge into the river.

Mitigation for Visual Impacts: Offsite on the FDOT abandoned the rest area. To enhance the 50-foot buffer adjacent to river, exotics will be removed and desirable upland species will be planted. FDOT will also address stockpiling fill at that site.

Marlene Guffey expressed concern about the fill situation.

Noise: A noise study is not required by the Federal Highway Administration, since there will be no additional travel lanes and nor changes to existing alignment.

Tom Moralee asked "How do we affect the design of this bridge, and how do we affect this project to make sure that FDOT keeps things within its project budget? How do we take a new look at how this bridge can be replaced or the pavement/decking be replaced in a manner that keeps dignity for a nice wild and scenic river as well as keeps dignity for FDOT?"

Ann Venables explained that FDOT considers this project a maintenance project.

Ernie Estevez stated that in some respects he is sympathetic because the bridge and parking area were there before the river became wild and scenic and FDOT did acquiesce to this council's pressure to close the rest area. He asked, if a third lane could occupy that space in the future without having to widen the bridge?

Ann explained that was an engineering question and she could not answer. From discussions she had heard it would be pretty tight.

Ernie continued that on its face there are no more lanes of traffic being added so the runoff is not greater by virtue of the project as proposed. But we need to guard against the possibility that 5-10 years hence FDOT will want a three-lane interstate and will then need to use that space on the bridge for the third lane. Strategically this council would lose the opportunity to influence decisions correctly for this area, because this council has been told that bridge traffic (number of traffic lanes) is not changing, while another concrete lane is being added to the deck. So according to the rules, extra drainage, flood control, noise etc. does not have to be provided for at this time. Ernie does not know how

to address this issue other than have good group memory regarding what the terms were for this project, and to intervene at the earliest stage in the future when FDOT or consultants come in and try to finesse extra pollution, noise, etc.

Ann replied that Ernie is correct, but the FDOT will have to address stormwater, water quality and all the other issues if they ever decide to widen to three lanes. The water management district will require it.

Ernie expressed further doubt.

Don Caillouette with the City of Venice stated that what is missing from this conversation is a representative from FDOT. It is his understanding that a study is being done about increasing lanes along I-75, from State Road 681 to River Road.

Tim Mitchell with Sarasota County Farm Bureau is very familiar with the area. Presently the bridge is not safe. He understands preserving the river, but we also have to preserve human life and liability. He feels we need to find some compromise.

Discussion continued.

Chris Becker suggested that all the council's concerns (about the I-75 corridor) get listed, so that in the future it would be easier for FDOT to address them. Chris will be reviewing permits under the Wild & Scenic River Program for this project. He has not received that permit application, but there was a meeting prior to submittal of the permit application to address concerns that the council raised at their last meeting. Chris added there is an opportunity for a subset of this council to review the permit application, when he receives it. Chris continued, it might not be this particular project that gets some of the concerns addressed, but if we at least have that list of concerns it would help him and FDOT.

Kim Warren added that she and Ann Venables are here representing Gwen Pipkin, and they will report back to Gwen of today's meeting, and also Ann will report back to the Design Project Manager for the Myakka Bridges about concerns that were raised.

Marlene Guffey made a motion to request that FDOT take a look at increasing the capacity of the overflow bridge, and also take a look at treating the stormwater going into the rest area.

Tom wanted to rephrase the motion asking FDOT to revisit the drainage, sound, and other issues that were raised at this meeting.

Motion fails for lack of second.

Ernie Estevez made a motion that this council create a committee of volunteers to produce a report in 2004 which provides a vision of I-75 and the Myakka River

region and includes council ambitions for stormwater, flood control, noise control, habitat, water quality and related issues.

Dr. Mary Jelks seconds the motion. The motion carried. The following volunteered to be on the committee:

Dr. Jelks	Ernie Estevez
Thomas Moralee	Marlene Guffey
Jean Ost	Jono Miller (probably)
FDOT (must be included)	Bill Smith (if not a conflict of interest)

Chris was directed to send notice of I-75 volunteer committee meetings to all members.

The same committee members will be used for the I-75 Bridge deck replacement permit review.

Charlotte Harbor NEP Update – Maran Hilgendorf.

Maran reported the *CHNEP Study Area Water Quality Data Analysis and Report* CDs are available.

The three-day Charlotte Harbor Watershed Summit will be held next year. Tentatively scheduled for February 15, 16 & 17, 2005. Most of the presentations will be technical and scientific in nature.

National Estuaries Day Celebration will be held this fall. You are all encouraged to host an event. The program can offer some financial assistance.

The process of updating their *Comprehensive Conservation Management Plan* (CCMP) has begun. This might be an opportunity for this council to discuss issues, concerns, and actions to be addressed, as they relate to the Charlotte Harbor study area.

Maran is working on several documents: A 2005 calendar (seeking artwork); a map showing environmental education and nature centers in the region; and, a document on things people need to know to protect estuaries.

The last Citizen's Advisory Committee meeting was held in Winter Haven. The April Meeting will be at the Venetian Golf and River Club in Venice. It includes a tour of a "green" house, which has environmentally friendly building materials and other features. Council members are encouraged to attend.

The June meeting will be held at Mote Marine Laboratory with a tour of the facilities.

The MRMCC Website presently includes meeting minutes, a calendar, members, management plan, river rule, etc.

Conducting a Water Budget Workshop for the Greater Charlotte Harbor Estuarine System, on May 11-12.

Southwest Florida Regional Planning Council – Marisa Morr

The developer of the Riverwoods Subdivision (Development of Regional Impact) which is located along the Myakka River in Charlotte County has decided not to pursue a marina on the river. They realized it would be too much work to mitigate damages caused by the dredging, such as restoring wetlands, etc. No marina will be constructed on the Myakka River and the upland areas will become housing.

Myakka River Biologist's Report – Chris Becker.

Chris distributed copies of a written report. The report lists the interesting observation made on his monthly trips including, wildlife, vegetation (plants in flower), manatees, frogs calling. It is a brief synopsis of the monthly river inspection reports for December 2003 through March 2004. Chris discussed the written report:

Water levels are taken from the gage near Chuck Downs' dam, a retired USGS staff gauge and station there. This is used as the benchmark every month.

In December there was wetland vegetation clearing and filling violation. Approximately ten thousand square feet of fill was put into wetlands, and approximately 1-2 acres of wetland vegetation was cut down. A fringe of a little bit taller stuff was left, but everything behind the fringe was leveled. Chris passed around photos of a young man with a chain saw that shows the clearing – caught in the act. The property owner will be doing extensive wetland restoration, and will be required to plant an upland buffer as an additional penalty for what was done. Florida Park Patrol Officers are keeping a close watch on the restoration, to make sure it gets done.

Turbid water was coming from the Venetian Golf and River Club, which is a new development under construction. The developer quickly responded to this complaint and the turbid discharge ceased.

In December, a flock of American White Pelican was observed near Deep Hole in the State Park. They frequent the Myakka lakes during the winter, when they are shallow. They are cooperative feeders that herd schools of fish into the shallow where the fish are easily caught.

Also in December, many immature bald eagles, more than Chris has ever seen on a river trip, were observed. Most were near Deep Hole.

Discussions continued, including discussions about an American crocodile report in the local paper.

Chris explained that water levels have remained high in the Myakka during the last four months. Rainfall events, 2-3" over a few days, partly explain the higher than normal water levels.

Chris has been busy permitting. He has had pre-application meetings with DOT on the I-75 Bridge, and also the Venetian Golf and River Club, who would like to construct a canoe launch on the river for their homeowners.

Discussion continued regarding the permitting for the canoe launch at the Venetian Golf and River Club. Thomas Moralee registered a fear of an eventual boat ramp being permitted. Chris assured him that this would not be possible under existing rules and regulations.

Since the last meeting, Chris has been going out with Sarasota County staff by boat and helicopter to document "existing conditions" of the river, for the County's new Myakka River Protection Zone Regulations. Geographic Positioning Systems (GPS), photographs, and video will be used to create an interactive GIS map for use in rule/regulation compliance and enforcement.

Lt. Hand, Florida Park Patrol, added that a personal watercraft (PWC) is being used by law enforcement officers on the river, and is working pretty well.

Role was taken and it was determined there was a Quorum.

Belinda Perry moved for approval of the Minutes for December 5, 2003. Dianne McCommons-Beck seconded. The Minutes were adopted.

Chris Becker discussed having the Minutes posted on the website (myakkarivermanagement.org), instead of distributing paper copies in the mail. The council agreed that it was a good way to distribute the Minutes, but a few had difficulty printing them. Maran agreed to talk to the host of the site and see if there was a way to make the Minutes easier to print.

Report on Chairperson's Activities – Jean Ost.

Jean as part of the CHNEP's Citizen Advisory Committee, she toured the lakes of Winter Haven. Birding was fabulous, with one side of the lake covered with bird nests, and the other with people. It was very interesting.

Federal Wild and Scenic Designation – Steve Bowes, National Park Service.

Chris Becker invited Steve Bowes to talk about pursuing Federal Wild and Scenic River Designation.

Back in the 1980s, when the Myakka River Wild and River Federal Study was done, there was really only one way to get a federal designation. It usually meant federal land acquisition and federal land management.

Currently, there are three different ways to pursue the federal designation:

1. A federally designated and managed wild and scenic river (with the current Myakka River State Designation, we are beyond this point).
2. A modified federally managed river. This means the river is treated the same as the above (option 1), but now it becomes what they call a partnership river. The federal government might have representatives on an advisory committee for the Myakka Wild and Scenic River, and they would be able to enter into cooperative agreements to provide state parks with funding for the river. It requires an Act of Congress, which takes several steps. It does not require much federal involvement, but it gets federal protection. It brings with it Section 7, of the Wild and Scenic River Act, which requires federal government review for anything affecting the river's quality upstream, downstream, and tributaries, that gets federal funding. For instance, if federal funding were used on the FDOT Myakka River Bridge project, it would have to go through federal government review before it could be approved.
3. A third level –2A2 – state owned and managed wild and scenic river. This is within the wild and scenic river program the Loxahatchee River is one example. The difference between this and the other types is that you get the Governor to apply to the Director of the Interior to designate the river as a Federal Wild and Scenic River. The river would not be eligible for funding through Congress. There is some federal enforcement protection, but it will be state owned and state managed.

These are the three types of federal designation available to the MRMCC, if they choose to pursue this designation. Steve has a good understanding of what needs to be done, and would work with the MRMCC to pursue one of these designations.

Thomas Moralee asked if the federal government could get the several counties and cities concerned with the river to work together.

Steve answered that what would happen if the MRMCC were to pursue the federal designation through an Act of Congress, we would have the Myakka Wild and Scenic River Act. A management plan would be developed which generally is done within three years of the study, and would define the boundaries of the river. All the protections that come with the designation would apply to the boundaries defined in the management plan. Also the enforcement issues (mining for instance) in Section 7 of the Wild and Scenic River Act would probably go into the management plan.

More questions and discussion followed.

Steve suggested that at a minimum, a feasibility study should be done, and have the Governor nominate the Myakka through the Secretary of the Interior as a 2A2 State Managed Wild and Scenic River. This is the lowest level of federal designation.

Steve suggested that the MRMCC might want to pursue the Partnership River Status. We need to weigh the political support, see what our representatives think, and see if someone would sponsor a bill.

Chris stated that one of the concerns mentioned at the last meeting was that if we get this designation is it going to cause a spike in recreational use.

Steve answered that the Wild and Scenic Program is not a recreation promotional program. It is a protection program. It will increase visibility within certain circles, and those would be professionals. The average American recreational user would not learn of its new designation.

Dr. Jelks voiced concern over water being skimmed out of the river and wanted to know if this new designation would help control that.

Chris Becker wanted to see if this group recommends pursuing the federal designation.

Marlene Guffey would like additional information on the three levels of designation, before a decision is made.

Thomas Moralee suggested that the MRMCC consider having a subcommittee to look at the different proposals and make a presentation to the MRMCC with a recommendation.

Discussions continued.

Steve mentioned that the first step would be to get local political support. He spoke about submitting an application for his time to help with this project.

Maran Hilgendorf suggested that the MRMCC chairperson (Jean Ost) who happens to be a Charlotte Harbor National Estuary Program Citizen Advisory Committee (CAC) member, should ask the CAC to consider two things:

- (1) Compare and contrast the three federal wild and scenic river programs that were mentioned today and express them in a way that is easy to understand**
- (2) Determine the commitment of the three counties the Myakka River flows through in regards to the federal wild and scenic designation**

Have this information ready for discussion at the August MRMCC meeting.

Ernie Estevez moved to make this motion, and Thomas Moralee seconded, the motion passed.

Other Agenda Items

- Marlene Guffey spoke again about a 1-1/3 acre lot on the Myakka River directly across from Blackburn Canal (Curry Creek) which could be acquired for \$125,000-\$150,000. She would like the MRMCC to consider acquisition of this lot.

Belinda Perry reminded the MRMCC that to be acquired through the County's Environmentally Sensitive Lands Program, the parcel needs to be approved using five criteria adopted by ordinance. The five criteria: water quality, connectivity, rarity, manageability and ecology. Someone needs to bring an application to the Environmentally Sensitive Lands Oversight Committee, which meets monthly on the 1st Thursday of every month.

- Ernie Estevez announced that the Myakka Conservancy recently accepted a donation of a 25-acre parcel just upstream of the Sarasota/Manatee County line from a resident in Myakka City and a management plan is being developed.

The Myakka Conservancy website is up and running: myakkaconservancy.com.

- Dr. Mary Jelks talked about skimming water from the Myakka River. She distributed a handout summarizing her comments called "Comments of Water Planning".

Dr. Jelks made a motion for the MRMCC respond to the Water Planning Alliance in a letter that:

- (1) We vehemently oppose any skimming of water from the Myakka River system.**
- (2) Regulate the overuse of potable water for lawn irrigation (voluntarily is not doing it). Fines and Enforcement are needed.**
- (3) Charge the industry to clean up its own superfund sites before any further mining is allowed.**

Thomas Moralee seconds the motion.

Discussion followed.

Diane McCommons-Beck spoke about the Water Planning Alliance (WPA) project list. SWFWMD has sent a letter to a resource planner for the WPA. The list of eleven projects identified on the Myakka came from several sources such as Capital Improvement Projects from the local governments, and *SWFWMD Regional Water Supply Plan* (2001). However, there are projects on the WPA list that cannot be permitted, and would go over the amount of water that could be taken from any

source. SWFWMD's letter recommends that the WPA only use the list of projects published in the *Regional Water Supply Plan*.

Myakka River is identified in the *Regional Water Supply Plan*, but only as a potential source. There are no projects proposed for the Myakka River.

Chris Becker mentioned that he attended the last board meeting of the WPA. At that meeting they said that right now they are taking public comment on their list. After the comment period, in July, they want to adopt a short list of the projects that they will seek funding for.

There was further discussion.

Chuck Downs spoke about the conversion of agricultural lands (large ranches) into housing developments and the need for water. He was in favor of using river water, since "once that water flows over the dam it is gone forever".

Dr. Jelks' motion was modified for the MRMCC to send a letter to the Regional Water Planning Alliance that expresses the MRMCC's concerns and opposition to the inclusion of the Myakka River as a water supply source. Seconded by Thomas Moralee

Maran Hilgendorf, Dianne McCommons-Beck, Marisa Morr and Bill O'Shea abstained on Dr. Jelks' Motion. The Motion carried.

The next meeting date is August 13, 2004.

Thomas Moralee moved to adjourn. Peggy Morgan seconded.

Members in Attendance

Belinda Perry	Kim Warren
Jean Ost	Marlene Guffey
Dianne McCommons-Beck	Maran Hilgendorf
William R. Smith	Timothy Mitchell
Bill O'Shea	Peggy Morgan
Sam Jones	Ernie D. Estevez
Terry Green	Bill Byle
Marisa Erika Morr	Jeff Thirlwall
Daniel Yoder	Donald Caillouette
Mary Jelks	Chuck Downs
Thomas Moralee	Sandra Cotton
Phil Segerstrom	

Others in Attendance

Chris Becker
Mike Egan
Ann Venables
Ken Alvarez
Jennifer Steadman Ryan

Stephen Bowes
Warren Richardson
Jamie Scudera
Judy Meents