

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

**January 9, 2009
9:00 A.M. – 4:00 P.M.**

MINUTES

The meeting began at 9:15 A.M. with Maran Hilgendorf presiding. Introductions were made. This meeting was advertised in the Sarasota Harold Tribune on 12/19/08 and the Florida Administrative Weekly on 12/26/09

Public Comments: Joanne Stegenga, owner, Myakka River Oyster Bar.

She encouraged the Council to work harder to have more citizen input to the group.

Updates:

City of North Port Update – Elizabeth Wong, Storm Water Manager.

Elizabeth summarized the newly adopted City Protection Zone Ordinance (adopted 10/14/08, Ordinance 2008-36). In the exemptions, invasive plants can be removed. In zone 1 and 2 you can remove native vegetation around the house. City approval is required for other zones. They allowed 4-foot wide nature trails, dock access and selective pruning to see the river. You are not allowed to cut vegetation along the banks of the Myakka River. There are exceptions for existing agriculture. Elizabeth stated there were also commercial exemptions existing.

The next item of discussion was the Comp Plan, which is available on the City's website. It was sent to DCA (Department of Community Affairs) in December last year. They have 45 days to review before it will be adopted.

The City has promised to adopt the new flood plain. The flood plain from FEMA, 1981 only shows flooding right along the Myakkahatchee Creek. New flood maps to be ready for public comments later this year.

The Isles of Athena currently in the DRI process. The City has asked for a Comp. Plan Amendment because they are currently zoned as low density, single family. They are proposing an interchange at I-75, near the Snover Waterway. Manoe Lavoie mentioned that the interchange had not been approved by DOT yet. Elizabeth mentioned that the PowerPoint was also located at cityofnorthport.com.

Charlotte County Update – Bill Byle.

Charlotte County is updating the Comp. Plan and will add a separate coastal element as part of the plan. He'll attempt to incorporate MR management plan ideas.

Laura Klysef, a former Charlotte County Parks Director, previously spoke about the Cattedock Point project to put in a boat ramp on the west side of the river, south of the bridge at El Jobean. This project is still in design stages.

The County has 100-ft. right-of-way along the river at the Riverwood Golf & Country Club, near Big Slough/Myakkahatchee Creek. Riverwood has tried to get the county to "vacate" the right-of-way but the county has not agreed. Homeowners have not been stopped from clearing along that part of the river. SWFWMD has taken enforcement action.

Across from Riverwood on the west side of the river the county owns 100 some acres. Various developers have tried to buy this property. With new economic times Commissioner has made it clear they would be willing to sell. The property may be bordered on the west side by Myakka Forest.

Just south of the Myakka River bridge on the west side of the river, the County Commissioner will consider rezoning West County Town Center's 1,200 acres from low density agriculture to compact growth, multi-use on Jan 20th. Currently it allows 1,800 units, and if rezoned, it could allow 3,900 units. There is 90 acres of preserve as part of the project that runs along the west side Myakka River. In order for the County to approve the rezone, they will require another 90 acres of preserve.

The WCIND is having public hearings on maintenance dredging of the inter-coastal and secondary channels. The Council may want to see if WCIND maintenance program through Charlotte County area and secondary channels would lead to some dredging up towards the Myakka River.

City of Venice-Comprehensive Plan Update – Don Caillouette.

For the past year the City Council has been reworking the previous proposed Comprehensive Plan, EAR based amendment. The Planning Commission held a public hearing on future land-use proposals with the goals and objectives and policies. The data analysis should go before Council sometime in February and should have a transmittal at the beginning of March. Additionally the Venice Myakka River Park that was mentioned at the last meeting is still in the permitting stages.

Charlotte Harbor National Estuary Program Update – Maran Hilgendorf.

April 13 – 15 CHNEP will be having a reservoir workshop; probably at the Charlotte County Events and Conference Center in Punta Gorda to take a look at the reservoirs in the seven counties of southwest Florida, and determine where they already exist, which

are on the books for development, what are the direct and secondary benefits and impacts to reservoirs and what are the cumulative benefits and affects. Details can be found at chnep.org. Maran is looking into the possibility of having something like Web X so you can sit at home or in office and participate in presentations.

The deadline to submit images for the 2010 calendar will be July 14, 2009. Images will be uploaded on the website in August so people can vote.

Bureau of Park Police-River Patrol Update – Lt. Hand.

From January to December Officer Milstead has made approx. 50 citizen contacts on the river, issued 9 boating citations and numerous written warnings for violations. He now has special purpose patrol boat for the river.

Last year they started a Myakka River Law Enforcement Marine Task Force. They will have another meeting with the Task Force next month. They plan on getting out as a task force later in February or early March.

Sarasota County Environmentally Sensitive Lands Update – Belinda Perry.

The County has not acquired any additional property within the Myakka River watershed since September. They are under negotiations for property on the northwest side of the river north of US41 which would provide a place to take out down river.

The issue of cattle grazing went back to the board in December and they approved the idea of looking at existing pastures within the environmental sensitive lands for possible use by cattle, but only on existing pastures that have exotic grasses. The cattle would not be allowed to go down to the river. They will meet with the Board in February or March with a pilot proposal then the Board will make a decision whether to go forward.

Since October the County had about 1,000 acres of prescribed burning on four different sites. They've been successful at relocating the Scrub jay groups in Deer Prairie Creek.

They have done some timber thinning on four sites since September. Thinning and mechanical treatment has reduced the density and has increased opportunity for prescribed burning.

Belinda mentioned the County has nature walks on their sites. The County has started a pilot project where you can register for nature walks online.

Manatee County - Greg Blanchard

Greg announced that Manatee County Natural Resources Department has advertised two professional positions. Check the Manatee County government website for details.

Break at 10:04 am – 10:20 am.

Sarasota County Resource Protection-Docks Update – Sara Calabrese.

In 2008, four permits on the river were issued, two dock repairs, a boat lift and a fishing pier. They have two pending permits. They have much construction occurring in the mobile home parks and in the canals off the river.

They have updated their website to include the consolidated ordinance that was approved in April at scgov.net, go to A-Z summary of the site map, and click on Myakka River Protection Zone.

Council Membership Update – Natalie Balcer.

The Department is still in the process of getting the four homeowners appointed as new council members. Currently they are in the process of developing an application for new Council members. The Bylaws are in the process of being revised to be easier to appoint new members to the Council. Currently, the Department's secretary approves members, but they are trying to make the district director able to approve new members.

Joanne Stegenga expressed her concern that this Council votes on many items with not many river owner representatives. It was reminded that the Council is working on getting 4 more homeowner members. The Council members stated that they do not have lawmaking capability, and only send advisory letters and provides nonbinding recommendations.

At the next meeting the Council members will have the opportunity to consider the bylaws and vote since they will have been posted for at least 14 days.

FDOT-SR 72 Resurfacing Project – Susan Kinney.

The DOT still has issues with the ditch lines along the roadway, the natural flow of water through the park and the unnatural flow into the river. Jon Robinson, Valinda Subic, Natalie Balcer and Diana Donaghy will organize a meeting to see if they can leave the ditches and add cross drains to precipitate the flow of water from north to south like it naturally flows. It should be another 10 months before the project is completed.

An additional three culverts will be put in by DOT. The State will put in an additional three culverts to maintain sheet flow on the roadway which was not originally included in the project

Jono Miller, Ernie Estevez, and Tom Moralee were willing to be on an Ad hoc committee to compile a report of the lessons learned from past river crossings for the next meeting.

Manon Lavoie stated that there will be more resurfacing projects on SR 72 and she will email the details to Natalie to send to the members to be discussed for the next meeting. There is no design done yet so the Council will have some input. There was also some

discussion regarding the River Road improvement project. They're at 100% design phase and may be too late to change things.

Myakka Wild & Scenic River Biologist's Report – Natalie Balcer.

Natalie stated that the water has been steadily dropping since September and portaging was required in December at Downs' Dam, the rapids, and halfway between Downs' Dam and Border Rd. Many birds were observed in Lower Lake due to the low water conditions and a blockage from a fallen tree was observed after Downs' Dam, before the rapids. Only one boat dock has been permitted since the last Council meeting.

Chuck Downs wanted to let the Council know that there is a new water level site on the USGS webpage for the height of the water below the dam.

Bill Byle wanted to see the river surveys focus on good indicators of the river's health like fish surveys. Diana mentioned that cast netting is occurring at MRSP and can tally up the report to include in the Biologist's Report.

Sunshine Laws Update – Natalie Balcer.

As of the last meeting Suzanne Brantley, OGC contact person in Tallahassee retired. The new person is Reagan Russell. She was confused about Scenario 1 and 2 due to the amount of detail involved.

Regarding #1 in "Other Questions" members' Reagan's comments make it difficult for Council members to do their jobs if they follow this directive. Jono felt that we needed more consideration on these.

The Council would like to have Reagan come to talk with them sometime in the future for more clarification and understanding

Sarasota County-State of River Report – Kathy Meaux.

The County has started a water quality monitoring program in the watershed. They have 12 stations that they monitor monthly; 144 total annual sample sets. So far they have 13 months of data. They monitor TSS, BOD, nutrients, chlorophyll, fecal coliform, color and iron.

The northernmost site is off Myakka Road, at the bridge north of the park in Manatee County. Other North County sites are: Clay Gulley to the east; Howard Creek from the west; Big Slough A off SR 72. The central sites: Myakka F, the Border Rd Bridge, Blackburn Canal, Snook Haven and Big Slough B. South county sites include Deer Prairie Slough station, Warm Mineral Springs and at the bridge at US 41.

The DEP standard for fecal coliform is 400. She said most samples were above 400 and may be due to wildlife and cattle.

Iron TMDL exists in the WBID 1981B between the upper and lower lake. It has been high in the past. Kathy stated that Clay Gulley was probably contributing to causing the iron impairment.

Kathy stated that dissolved oxygen should be over 5 mg/L to support aquatic health. Snook Haven, Warm Mineral Springs and Deer Prairie Slough have low DO.

The chlorophyll standard for a fresh water stream is lower than 20. Most sites had lower values, and were expected to rise with flow and runoff. Howard Creek had the lowest chlorophyll levels. Myakka F (station at Border Rd.), Myakka C (Snook Haven), Myakka B (their WBID) were also at or under 20.

Total Nitrogen: 1mg/L or less is desirable. They are finding 1mg/L pretty much in all the samplings. Howard Creek and Clay Gulley at points have high N values. 70% of Florida streams usually have a total N value less than 1.

Total Phosphorus values are fairly high due to natural phosphorus. Howard Creek stands out as a P source. City of Sarasota has spray fields in the High Hat Ranch. Howard Creek flows through there; that could be a source.

Lunch Break at 11:40 A.M.

Presentations continued at 1:00 P.M.

North Port US Corridor Master Utilities Study – Pat Zoeller.

Pat explained that Mark Flint's report was still in draft and review. He said the area of study is along US 41: from Plantation in Sarasota County to the Myakkahatchee Creek, crossing the river. They are concerned with all the development that will occur from Thomas Ranch area.

In order to serve the area, the consultant Watermark Engineering has been projecting what those capacities will be once that area is built out. The information will determine what infrastructure is needed in order to supply water and sewer service to the area.

The city has water and sewer there now, but it is for Thomas Ranch use. Once they come up with the total infrastructure demand they will determine funding sources. Mark will be presenting how they will provide water and sewer service to this area which is growing while trying to protect the river in that area.

PRMRWSA-Pipeline Interconnect, Source Water Feasibility Study – Mike Coates and Susan Hochuli.

A. Source Water Feasibility Study – Mike Coates.

Started back in 2005 and should be completed in a couple months. The study includes looking at major opportunities for developing surface water and ground water. They currently have 3 projected sites in Shell Prairie Creek, 3 projected sites in Upper Myakka (including Flatford Swamp), and 2 existing sites in Donna Bay and Cowpen Slough. Roughly 1,000 acres are needed to build reservoirs.

In addition to looking at surface water opportunities they are looking at groundwater opportunities. There are opportunities to utilize existing facilities in addition to building new facilities. Groundwater is available all the time which could be used to help the surface water resource in the dry season. Groundwater also reduces the cost to construct reservoir, purchase land, and mitigate.

They based their estimates of the Myakka River yield on the MFL at SR 72. Excess water may also be available from Flatford Swamp. The uncertainties include the method of excess water diversion, replacing water for land use changes, and not impacting MFL set at the lower Myakka River. Some benefits include restoring the hydrology in Flatford Swamp, and help alleviate some of the water quality problems by harvesting some of the poorer quality water.

On the Donna Bay Project, the water available is set by the district. The district hasn't established the MFL yet, but they've said all of the flow in Cow Pen Slough is available for harvest. The county owns two locations there for reservoir sites; Venice Minerals (+500 acres) and Albritton (~1,000 acres). Development would be a phase implementation starting at 5 million gal of water/day diverted to the plant and a maximum of 15 million gal/day.

For the first phase of the Donna Bay Project a gravity drained intake would be installed at Cow Pen Slough that would bring water to Venice Minerals. A pumping station would bring water out of Venice Minerals, cross the Myakka and up to the Carlton Water Treatment Facility. The Albritton site would be excavated in the future for a reservoir. Uncertainties include timing of Venice Minerals and the Albritton site availability, and a final approval of MFL by the water management district. Benefits include restoration of wetlands along Cow Pen Slough, increase in health of Donna Bay system.

Other potential projects include potentially permitting the Peace River facility once the new MFL is established on the Lower Peace River.

Questions and Answers followed.

B. Pipeline Project in the Myakka area-update – Susan Hochuli.

A drinking water pipeline, 48" diameter is to be installed under the river, totaling a length of 9 miles. They would have a pumping facility at the existing Carlton Water Treatment Plant. The pipeline project would follow the same corridor where there are some existing Sarasota County pipelines, across the Myakka River, through the City of Venice Myakka River Park, out to Laurel Rd., North on Knight's Trail Road, adjacent to Cow Pen Slough, and terminate beyond the driveway to the existing landfill.

They are at about the 50% design stage. There is a micro-tunneling process to tunnel under the river. They will be impacting a very small amount of forested wetlands and they are looking at options to mitigate. They will minimize removal of trees where the park is located. They plan to apply for their permits within the next 30 to 60 days. They are looking at being deeper, 7', than the existing pipelines which are 5' below the river bottom.

They are looking at the possibility of having a second short length of pipe (to transport raw water) put under the river at the same time as the 48" diameter drinking-water line.

The water going into the pipeline will be generated from the Peace River facility, or as Mike spoke of the conjunctive use partnership the pipe could be filled with water currently permitted through the Carlton Groundwater System.

Business Portion of the Meeting

Agenda Is Approved: Susan Hochuli moved to approve the Agenda; Greg Blanchard seconded. It was unanimously approved.

Role Call: Members present: There was a Quorum.

Manon Lavoie	Paul Thomas
Diane Davies	Jason Utely
Greg Blanchard	Belinda Perry
Bill Byle	Peter Perez
Suzanne Hochuli	Maran Hilgendorf
Dr. Mary Jelks	Jono Miller
Chuck Downs	Tom Moralee
Terry Green	

Nominations for Chair and Vice-chair:

Maran Hilgendorf was re-elected as the Chair and Belinda Perry was re-elected as the Vice-chair.

Minutes:

At the last meeting it was decided that the Council would like to have streamlined minutes. The September Minutes reflect those changes.

Susan Hochuli moved to table the September and December 2008 Minutes until the next meeting.

Recognition of Marlene Guffey for her service:

Marlene Guffey was recently in the hospital and is now in Michigan. Natalie Balcer suggested the Council sign and send a card hoping she feels better. Jono suggested that in addition to the card a piece of wood that came out of the river could be engraved and presented to Marlene. It was agreed to review the wood at the next meeting.

New Business: Bylaws Subcommittee Report – Belinda Perry.

Belinda recognized the people on the subcommittee: Mike Chouinard, Tom Moralee, Suzanne Cooper and herself. They did a fact-finding teleconference call for what the existing Bylaws were and what the procedure was. They then held a public-noticed meeting on the Bylaws in December. Proposed changes to the Bylaws can be found on the website. In the handout anything changed is crossed out; anything added is underlined. Council members need 14 days prior to a meeting to review the changes before voting can occur. This will be brought up and voted on next meeting.

Discussion and questions followed.

Maran thought that Article IV.C. was ambiguously written. It was suggested that appropriate language would be worked on.

Jono suggested two categories of representatives:

1. Deals with statutorily required government representatives. If they fail to attend meetings then the Council staff will contact said agency and inform them that nobody is attending the meetings. The agency would find a replacement.
2. Environmental agencies and Homeowners: If they miss three meetings they are assumed to resign. The process of finding replacements would begin for staff.

Regarding Article V on the Minutes Jono Miller suggested that the Minutes include a “short paragraph” summarizing each presentation with links to the presentations. The website would become a one-stop place for people interested in news of the Myakka. Jono suggested “striking” the word summary in Article V.

Maran suggested encouraging the speakers to supply something in writing so that resource would be available.

Discussion occurred regarding Special Committee vs. Executive Committee. It was agreed to Strike A. under Article IX. Members did not see the need for an Executive Committee nor is this Council large enough for one.

B. becomes A. It was agreed to be consistent with the language between special and subcommittee. Subcommittee was the preferred language.

Valinda stated she may suggest some different wording for X.E. Valinda agreed to send it to the Bylaws Committee.

Wording in XII ...which number shall include “either” the chair “and/or” Vice Chair will be implemented to clarify that both do not need to be present in order to have a quorum.

The Bylaws Committee will continue to work on the wording for what constitutes a quorum.

Comments may be sent to Natalie Balcer by January 31, 2009.

Public Comments:

Joanne Stegenga asked for clarification on who was in charge of the program. Valinda explained that the Florida Park Service manages the Myakka Wild & Scenic River program which is within the Division of Recreation and Parks. She has read past Minutes; she thought they were better in the past.

Future Agenda Items:

- Our Lady of Perpetual Health
- Sunshine Law - have a discussion about providing additional ways of communicating with the public on behalf of the Council
- DOT project – discuss how to have earlier communication regarding roads in the Myakka River Watershed.
- SWFRPC - DRI overview within the Myakka River Watershed.
- West Coast Inland Navigation District regarding the dredging of the river.
- SWFWMD (Lisanne Morris)- Myakka River Initiative
- SWFWMD (Dianne Davies) – Project Funding for 2010
- Bylaws

Schedule Meeting Dates:

- April 24, 2009
- August 21, 2009
- Meeting following August to be set at the April meeting.

The Meeting was adjourned at 3:00 P.M.

MEMBERS IN ATTENDANCE

Greg Blanchard
Jono Miller
Tom Moralee
Susan Hochuli
Bill Byle
Jason Utley
Peter Perez
Belinda Perry
Mike Coates

Diane Davies
Don Caillouette
Manon Lavoie
Dr. Mary Jelks
Chuck Downs
Paul W. Thomas
Maran Hilgendorf
Elizabeth Wong
Terry Green

INTERESTED PARTIES

Lou Kovach
Bernard Milosky
Kathy Meaux
Pat Zoelhr
Valinda Subic
Natalie Balcer
John Chassey

Susan Kinney
Diana Donaghy
Chad Minor
Susan King
Joanne Stegenga
Judy Meents
Mike Chouinard