

ADOPTED

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

**April 24, 2009
9:00 A.M. – 1:00 P.M.**

MINUTES

The meeting began at 9:05 A.M. with Maran Hilgendorf presiding. Introductions were made. This meeting was advertised in the Herald Tribune on 4/10/09 and the Florida Administrative Weekly on 3/27/09.

There were no public comments.

Updates:

Southwest Florida Water Management District Update – Dianne Davies.

Their fiscal year 2010 budget is to be finalized in July or August depending on action of the legislature.

The Water Shortage Emergency Declaration was upgraded to a modified phase 4, but only in the Tampa Bay water service area. They're still in modified phase 3 down south.

SWFWMD is in process of developing a worksheet for communities to develop a 10-year water supply work plans. Many communities have already submitted their work plans; however, the City of Venice and Sarasota County have not submitted theirs. Hopefully this worksheet will make it a little bit easier to submit their work plans.

DOT Project Report – Jono Miller.

Jono wanted to form a subcommittee in the Business portion of the meeting to get people that know about prior road projects together to draft something on the DOT road crossings

Charlotte Harbor National Estuary Program Update – Maran Hilgendorf.

On August 13 and 14 of 2008 they had a conference to look at reservoirs as an issue of concern to the health of the environment specifically to estuaries. This issue was brought up by their Citizen's Advisory Committee.

They hired someone to create a background paper which is found on their website, CHNEP.org. All the presentations are posted on the website. The workshop was live on the internet for both days. The program used was called Illuminate which has a feature to

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record the presentations. Unfortunately, Monday's was not recorded, but Tuesday's was. There is a link on their website for the recordings from Tuesday.

The list of concerns was varied and the topic was very controversial with no consensus of what a reservoir was. Hired facilitators will prepare a report that will be considered by their Management Conference in their July/August meetings. If accepted by Policy Committee it will be available on their website toward the end of August.

The latest issue of their newsletter was available at the meeting. Two issues ago she was able to expand the newsletter to 16 pages. One of Maran's goals is to put a poster in the centerfold of each issue. Anyone with an article or article idea please let Maran know.

Starting to work on 2010 calendar. All images received are posted on the website during the month of August and the public is asked to help select the images to be included in the new calendar. The calendar explains how to submit images for next year.

Maran thanked Dr. Mary Jelks for her generous donation from the Jelks' Family Foundation. With that donation they were again able to distribute their children's book to students throughout the 7 school districts that participate in the National Estuary Program. Eighteen thousand copies were distributed; the schools decided which grade levels would receive them.

They continue to offer the micro grants which are usually up to \$250. They help their partners to do more to protect the natural environment as defined by the NEP. You can apply anytime online. It's fairly easy and they usually respond within a couple of days.

They will also offer public outreach grants up to \$3,000 (available once a year). Anyone can apply. Historically about half the applications that come in have been funded. The guidelines are available on their website. Unfortunately, because of budget cuts, they are not able to offer research and restoration grants this year.

Questions and answers followed.

Charlotte County Update – Bill Byle.

Charlotte County is not officially a part of the Myakka River Council since Charlotte County does not want to live by the same rules as upstream of the river. However, Bill just spent the last few months rewriting the coastal element of the Charlotte County Comp Plan update. He made sure that Charlotte County will continue to participate in the Myakka River Management Program. He defined a Coastal Planning Area. The restrictions correspond very closely to the Myakka River Management Program. It has not yet been adopted. Workshops are planned.

The growth management director is very much interested in the watershed approach to everything. The commonly shared estuary is all dependent on the watershed which is one of the reasons that the reservoir workshop came about. Bill thinks it was very successful;

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Eric Arnst wrote a piece; Greg Martin did three stories, one was a front page color picture story on the reservoir and the need to do a cumulative impact.

Riverwood Development is looking for the County to abandon a road right-of-way that separated the development from the river. The County has been holding the line on that.

Questions and answers followed.

Bureau of Park Police – river patrol update – Lt. Hand and Officer Milstead.

The law enforcement task force will be Memorial Day weekend. Officer Milstead is the river patrol officer for them getting out about twice a week. His report follows:

The river has been very quiet. Most of his activity, citations and so forth, is mainly south of the bridge. There have been some complaints from park personnel of a tour boat from Snook Haven. It is a big boat and makes a big draft, but that is not a violation of the speed zone. Officer Milstead is planning on having a word with the boat operator the next time he sees him regarding slowing down. Milstead will continue to monitor him and if he is in violation he will be cited.

Natalie Balcer stated that fishermen on the river have complained to John Chassey that the tour boat has been seen going fairly fast. John stated that he had not talked to him but someone from the County had. John has seen the tour boat travel slow speed/minimum wake in an idle speed zone. (Officer Milstead mentioned earlier that the boat may need to travel faster in order to keep control.)

It was suggested that the County place a “How’s My Driving” phone number on the side of the pontoon.

Discussion continued on some form of control. Brooke Elias stated that she would speak with the park staff that does the contract oversight of the concession. She will request them to look into the speed of the pontoon and how many boats and trips are planned per day. It was suggested that she look into other models from throughout the country and limiting the number of tourists on the boat.

Sarasota County Environmentally Sensitive Lands Update – Brooke Elias for Belinda Perry.

Approximately 162 acres were protected in the Rocky Ford area with a conservation easement on the west side of the river late last year. This week the Board of County Commissioners approved a contract to purchase 7 acres where US 41 (heading east-west) crosses the river; the north/west corner of that intersection of the river and US 41. They feel it will be an ideal place because it already has a footprint with driveways, boat ramp and some buildings. They think this may be a potential place to have a boat launch.

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Jono asked for a map from the County that shows the existing and planned put-in points that would include the Venice Park and that sort of thing for updating the River Management Plan.

Questions and answers followed.

Water Resources Summary of Fish Kill – Kathy Meaux.

There was a major fish kill on the river north of I-75 north of Snook Haven. On Sunday, March 29th there was 1 ½ inches of rain in the watershed. On Monday people started seeing dead fish in the river. A couple from Port Charlotte that fishes regularly came up the river and witnessed the fish kill. They said they saw thousands of hog chokers, snook, tilapia and other species. They saw a couple dead turtles and a dead hog. They also saw water discharging from a ditch and smelled a heavy musty odor. They automatically assumed that the people who owned an old dolomite mine from the 60's were pumping chemicals into the river causing the fish kill.

They took photos, wrote an article and sent it to the Charlotte Sun Herald and there was an article in the Waterline. Kathy felt this was irresponsible on the reporter's part because he didn't have all the facts.

Meter readings were taken, the water was very cloudy; they saw a couple catfish struggling for air. The dissolved oxygen (DO) was very low; lower than the usual low, in the 1's and 2's. No odor was noticed but the pH was high. There was a discharge from the ditch. The following Monday Kathy, Natalie and John went out on the river. Kathy took meter readings from Snook Haven up to Border Rd. At Snook Have the pH and the DO were fine, around 5 and the pH was fine, 6 & 7. The closer they got to the area the DO started dropping; the pH still remained fine. There was a discharge from the ditch; Kathy grabbed a sample. They went further up the river and the DO remained drastically low. They also detected a real heavy musty odor, they were coughing. That is a sign of an algae bloom. The water was very cloudy; a sign of an algae bloom also. All decaying organics increased the oxygen demand and lowered the DO.

More sample and meter readings were taken on the 8th. Bruce Maloney went on the old dolomite mine property and met the property owner. The owner was very gracious allowing them to come onto the property. He did not want to be blamed for dumping chemicals. He explained it was the old Blackburn property; Louis Blackburn owned it and passed away last year. Current property owner is his daughter and son-in-law. Louis Blackburn did not want to clean up the property due to all the trespassing that was going on. Now Mr. & Mrs. Landis want to clean up the lake and make it fishable for his children and grandchildren. Presently the lake is completely covered with vegetation.

The tidal waters back way up and people are mistaking the discharge for dumping. Kathy felt there was a combination of the rain and all the organics ...she is waiting for the lab results. Also the tidal extent is really just sloshing in and out; there is no flow into the river. There is no evidence of wrong-doing on the owners' part.

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Diana Donaghy stated that at that same time period the Upper Myakka Lake experienced a blue-green algae outbreak. It didn't last long and there was no fish kill.

Some Council members determined that it was indicative of an algae die-off that would contribute to all the symptoms seen on the river.

Discussion, questions and answers continued.

A mini task force with John Chassey, Natalie Balcer, Kathy Meaux, DEP, EPA and Fish & Wildlife was discussed. Kathy plans to contact the reporter with the Waterline and give him her report in hopes he will do a follow-up article. She has also talked to Kate Spinner with Sarasota Herald Tribune who did an initial article and will follow up with her to do another article.

Council Membership update – Natalie Balcer.

The department's secretary would like more information on the candidates before they become members. Therefore, Natalie has been working on drafting a membership application. It will help determine who to admit to the Council. It will not likely go into effect until after the By-Laws are voted on this day. The first paragraph talks about the designation of the river and what the Council is and what they do. The 3rd paragraph explains that the Council members are expected to attend the meetings and if they fail to attend 3 consecutive meetings they shall be considered to have resigned their membership.

The second page contains information for the potential member to fill out.

It was discussed that the member's choice for an alternate should be approved by the department. Could there be something in the application that includes what category the person fits.

Jono felt that he did not want to delay the approval of the form which might delay department consideration of additional members. He would rather agree on something this day and make revisions later as needed.

It was discussed whether there were some criteria to judge the applicant's responses to the questions in the application. More information might be helpful for the department to choose between more than one applicant per category. It was decided to discuss again during the Business portion of the meeting.

FDOT-SR 72 Resurfacing Project – Susan Kinney.

They are hoping to be done with this project by the end of October. The concerns that came up with the excavations along-side the roadway and the volume and velocity of water and turbid water going into the river is proceeding as far as corrections for that

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problem. They have submitted for a full modification to their SWFWMD permit (received RAI about two weeks ago and information has been resubmitted) so that they can remodify the ditches back to the way they ought to be. That condition will be closer to what was preexisting before building of the road was started.

They have also begun the installation of the cross strains that were requested by DEP and by the Park Service. They have five of six of those in. Susan will be working with Diana Donaghy after she gets some completed survey work to make sure where they want the waters to run in those ditches along the length of the project and where they want to divert the water.

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

The water has been very low. During January after a cold snap the survey revealed many dead Tilapia and Vermiculite sail-fin catfish washed up on shore and being feasted upon by Wood storks and many vultures. The Rookery was in full swing during January. They saw: 98 Great Egrets and 127 Wood storks.

During the February inspection they saw a total of 5 White-tailed deer, four were seen near the Lower Lake and one was seen near Rocky Ford. Two dead 'gators were also seen: one was about five feet long at Lower Lake; the other was mostly decomposed in the water and was six feet in length. Cause of death could not be determined.

Florida Bell flower was seen blooming along the Upper River. This species was not recorded previously in District 4 Herbarium and their botanist was excited.

During the February trip the water was really low and several tires near the red house north of Border Road were seen. They were able to remove those. They saw a great increase in the number of crab traps along the river: 51 compared to 20 that were observed the previous month.

During March turbid water was observed from Border Road Bridge to I-75 and water was discharging from the old dolomite mine ditch – 26 dead fish were observed. At the Rookery 67 Great Egrets and 170 Wood storks were observed as well as young from both species.

John and Natalie are planning on scheduling another nuisance-exotic removal day at Venice Campground to remove the remaining Brazilian pepper before it gets too hot.

Other news: the Venice Comprehensive Plan is still being revised; an informational letter was sent out to homeowners south of the US 41 Bridge regarding mangrove trimming since there have been many questions on that subject; there was a Myakka River Clean-up on Saturday, February 7th (75 aluminum cans, 48 plastic bottles, 73 glass bottles and 250 feet of fishing line were removed). They also participated in a nuisance-exotic removal day at Rambler's Rest. Much Brazilian pepper was removed from that area.

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Natalie is in the process of editing the Myakka River brochure. She has the first draft back from Tallahassee. She hopes it will be completed sometime soon.

Bill Byle asked if Natalie had seen manatees and if she made a record of locations and numbers. He has a concern that they could be a species that accumulates agricultural chemicals or toxins. Otters are another species that he asked about. He thinks that manatees and otters would be a good species to build a base line on. Other members volunteered information of other organizations that do surveys.

Bill suggested that the Council come up with “indicator” species of estuarine health. Kevin Kemp suggested that a grant could be procured for a great deal of money. This kind of work would also take a great deal of time.

Maran suggested that anyone interested meet after the meeting to discuss next steps and what could easily be done with the limited resources that this Council has vs. the expensive route.

Bylaw Subcommittee Report – Suzanne Cooper.

The subcommittee composed of Belinda Perry, Mike Chouinard, Tom Moralee and Suzanne Cooper met once before the last Council meeting and again on March 5th, 2009. They went over comments that had been received over the proposed amended bylaws.

- Council members – proposing to add Charlotte Harbor National Estuary Program, Peace River Manasota Regional Water Supply Authority, the Tampa Bay Regional Planning Council which had been omitted from the Membership list. Also adding Business interest and Homeowner interest to the list of standing members. Homeowner interest is divided into four river sections.
- Minutes will be prepared by the staff and posted on the website before the next meeting.
- Members will be able to participate by phone when they are 100 miles or more away from the site.
- Talked about being able to create a subcommittee to operate within the bylaws of the Council to address specific issues that are delegated to them at a duly constituted meeting. The membership of subcommittee would include stakeholders of the issue at hand and a Council officer. Not all subcommittee members would have to be members of the Council.
- A quorum for subcommittees would be one more than 50% of the subcommittee membership. The subcommittee would be subject to the Public Records and Sunshine Laws.
- The Notices of the meetings would be provided as well as draft minutes.
- Reports from any subcommittees that met since the last full Council meeting.
- Notice about teleconferencing equipment available.
- A quorum for Council meeting would consist of one more than 50% of Council membership.

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Break from 10:50 to 11:05

Call to Order and Role Call:

Greg Blanchard, Brooke Elias, Bill Byle, Peter Perez, Maran Hilgendorf, Terry Green, Allain Hale, Dr. Mary Jelks, Jono Miller, Suzanne Cooper, Marlene Guffey, Mike Chouinard were in attendance.

Revision and Approval of Meeting Minutes. Suzanne Cooper moved to approve the Minutes of 9/12/08, 12/12/08, 1/9/09 and 3/5/09 and Paul Thomas seconded. All were in favor. It was decided that brief, but not too brief Minutes were desirable.

Agenda Approval:

Create Subcommittee for the FDOT report, Membership application and fact finding for the indicator species. Suzanne Cooper moved to approve the revised Agenda and Terry Green seconded. All were in favor.

Old Business:

Plaque for Marlene Guffey – the Council will formally recognize Marlene at the next Council meeting.

Revision of Bylaws – Suzanne Cooper

Article IV – Council Members: Add Tampa Bay Regional Planning Council which is listed in the original legislation but was not included in the list in the Bylaws. Adding Charlotte Harbor National Estuary Program and the Peace River Manasota Regional Water Supply Authority both of which were created since the original legislation and the last time the Bylaws were amended. Also adding to the other types of interests that should be represented on the Council: Business interests (divided into four river sections-North of Snook Haven and US 41, south of US 41 on the east side of the river and south of US 41 on the west side of the river).	
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Voting – in order to maintain a quorum and in recognition of budget constraints if the Council member or registered alternate originates 100 or more miles away from the meeting location that member or alternate may participate via phone conference or other interactive electronic technology if the equipment is available.	
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Subcommittees – Recommendation is to allow the Council at a meeting to create a subcommittee to deal with issues pertaining to the river as directed by the Council. Members of the subcommittee would be appointed by the Council Chair but need not be members or alternates of the Council. It would include stakeholders of the issue at hand and a Council officer. The recommendations of any subcommittee would be presented to the Council for formal action.	
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A quorum for subcommittee meeting would be one more than 50% of subcommittee membership.

Regarding Meetings – a chair or sub chair must be present to hold any Council meeting or subcommittee meeting. There will be a minimum of three Council meetings per calendar year. Council and its members are subject to Florida Records Law and the Sunshine Law in all matters relating to the Council.

Notice of Meetings – Notice would include the Agenda, an electronic link to the draft Minutes of previous meetings and reports from any subcommittees active since a full Council meeting. It would also indicate whether telephone equipment would be available.

The full Council quorum would consist of one more than 50% of the Council membership.

Article IV Section A was discussed and there was consensus that Ag, Environmental, business and homeowners could have more than one representative.

Discussion occurred regarding the usage of phone attendance. It was decided to continue to try it.

For clarification “interests and organizations” pertain to Sarasota County.

Allain Hale moved to adopt the Bylaws and Terry Green seconded.
The Bylaws go to the department for their consideration.

New Business:

Membership application - several points were brought up during morning session. Do we want to list whether it's primary or alternate, list the categories- ag, homeowners, etc., add a timeframe so the person applying knows what the process is...that the Council meets 3 times a year. Provide a little more guidance for the questions like “How long have you lived on the Myakka River watershed, what is your involvement with the river.” The alternate should not be required to fill out an application since they are appointed. Jono suggested that there be a signature requirement indicating that the applicant understands that if he or his alternate miss three meetings in a row that they have forfeited their membership and that they are bound by the Sunshine Laws. Discussion occurred regarding not wanting to intimidate a prospective new member with the Sunshine Law. The Council could offer training sessions.

Jono Miller moved to adopt the membership application with the changes discussed. Allain Hale seconded. All approved.

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Jono Miller was asked to Chair the Subcommittee for Road Surfacing Project. He agreed. Jono stated they were hoping to come up with a brief essay or white paper that tried to recap the various road crossings of the Myakka River in the last 25 years and if they see any similarities in terms of the types of problems that were encountered. I-75, Border Road, SR 72 and perhaps other bridge crossings would be considered in retrospect. Any difficulties found could then be addressed in future crossings.

Diana Donaghy, Susan King, DOT and Mike Chouinard volunteered to serve on the Subcommittee. Chuck Downs and Ernie Estevez will be asked. Jono agreed to provide a report at the next Council meeting.

Future Agenda Items:

- Sarasota County parks and the boat concession
- Sunshine Laws that are being considered by the department and
- the Myakka River Management Coordinating Council plan (all members were asked to take a look at the plan and be prepared to discuss how we would like to proceed in initiating updating of that plan at the next meeting. It may not have been updated since 1990.)
- Subcommittee for Road Surfacing Project: Bridge Crossing White Paper
- Annual update Watershed initiative plan
- Report from North Port
- Update on water quality results from fish kill sampling
- Peace River Manasota Regional Water Supply Authority new policies and initiatives that focus on water conservation

Schedule Meeting Dates:

September 18th, 2009 was set for the next Council meeting.

The meeting was adjourned at 11:50 followed by the Indicator Species Subcommittee meeting.

MEMBERS IN ATTENDANCE

Greg Blanchard
Jono Miller
Mary Jelks
Tom Williams
Suzanne Cooper
Peggy Morgan
Maran Hilgendorf
Allain Hale

Paul W. Thomas
Mike Chouinard
Terry Green
Brooke Elias
Marlene Guffey
Bill Byle
Peter Perez

INTERESTED PARTIES

ADOPTED

Lou Kovach
Bernie Milosky
Kathy Meaux
Diana Donaghy
Bruce MacLeod
John Chassey
Judy Meents
Natalie Balcer

Susan Kinney
Phillip Brouse
Hugh D. Ditwilder
Susan King
Tyson Milstead
Lt. Hand
Rick Stander
Sara Calabrese

Indicator Species Subcommittee Meeting

This meeting was to determine how the data that has been collected can be made more available through Excel or the website.

Presently the data exists as a tally of species observed on the river on a once a month basis. Locations are broken up as: Pavilion by the Ranger Station to Lower Lake, Lower Lake to Deep Hole, Deep Hole to Down's Dam and Down's Dam to Snook Haven. Combining the spreadsheets would take some time.

Discussion occurred regarding the usefulness of the data.

Maran will take the monthly data and compile it in a way that is more accessible to everyone that can show observations over time; perhaps post it on the website.

It was discussed who would volunteer to type the data into a spreadsheet. Diana Donaghy volunteered a park volunteer during the season.

Step number two is to make the data available for comment. Also compile from other sources.

Bill was concerned that the discussion was leading away from his intent. He feels the need to identify good indicator species that will tell the health or lack of health of this river system.

Jono stated that he thought the data to be very meaningful to many types of people. Mote Marine had a contract with the County to come up with indicator species on tidal creeks. It would be helpful to get Ernie Estevez involved to talk about what his study found to be aquatic species.

Everyone was asked to do another homework assignment: think about data that is already being collected, observational or more robust. Devote some time in the next meeting to further explore this.

Different agencies were discussed and what reports they do.

Bill Byle believes we should bring in experts to analyze a species behavior, their presence or absence, why, etc.

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Maran will send email reminders of the homework assignments.

The subcommittee meeting ended at 12:25pm.