

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

**January 14, 2011
9:00 A.M. – 12:50 P.M.**

MINUTES

The meeting began at 9:00 A.M. with Maran Hilgendorf presiding. This meeting was advertised in the Herald Tribune and the Florida Administrative Weekly on Thursday, December 30, 2010.

MEMBERS IN ATTENDANCE

Greg Blanchard – Manatee County
Jono Miller – Sierra Club
Tom Moralee – Venice Campground, Inc.
Dianne Davies – SWFWMD
Suzanne Cooper – TBRPC
Maran Hilgendorf – CHNEP
Mike Chouinard – Homeowner
Belinda Perry – Sarasota County
Jim Beever – SWFRPC
Bill Byle – Charlotte County
Ed Flowers – DOF
Kathleen Weeden – City of Venice

Manon Lavoie – FDOT
Allain Hale – ECOSWF
Susan Hochuli – PRMRWSA
Tom Williams – DOF
Mary Jelks – Friends of Myakka
John Dzuiba – Homeowner
Marlene Guffey – Homeowner
Louis Kovach – Homeowner
Elizabeth Wong – City of North Port
Peggy Morgan – FDEP
Barbara Lenczewski - DCA

INTERESTED PARTIES

Bernie Milosky – Charlotte Utilities
Jon Robinson – Myakka River SP
Hugh D. Dinkler – ESA
Judy Meents – FPS
Richard Anderson – PRMRWSA
Jay Matteson – Mosaic Fertilizer
Russell Schweiss – Mosaic Fertilizer
Jessica Ritter – Sarasota County
Rob LaDue – Sarasota County
Natalie Balcer – FPS

Dee Allen – Mosaic Fertilizer
Jim Thomson – CHEC
Laney Poire – Crowley Museum
Christina Raymond – Crowley Mus.
Sid Flannery – SWFWMD
Valinda Subic – FPS
Kristin Steffen – Sarasota County
George Tatge – Sarasota County
Mark Peterson – Army Corps of En.
Dee Allen - Mosaic

There were no public comments.

There were no additions or changes to the Agenda.

UPDATES:

Belinda Perry – Sarasota County Environmentally Sensitive Lands Update:

In 2005 Sarasota County began to include neighborhood park lands as part of the Environmentally Sensitive Lands program. Since September the Neighborhood Park Lands program has acquired two sites within the Myakka River Basin including Warm Mineral Springs within the City of North Port and a 3 acre, western addition to Snook Haven with an existing house and boat ramp. Warm Mineral Springs consists of 81 acres and was acquired jointly with the City of North Port on December 20, 2010.

The county has also opened the south entrance to Deer Prairie Creek Preserve. This allows vehicular access to a parking area approximately 1 mile inside gate. An electronic gate will permit day access only.

In 2010 the county received four permit applications and issued three permits on the river.

1. A general permit was issued for the replacement of the existing fishing pier at Ramblers Rest.
2. A general permit issued for installation of a boat lift at an existing dock.
3. A minor work permit issued on October 12 for a new retaining wall within Lazy River Mobile Home Park. It did not require a state permit as the state didn't designate it as part of the Myakka River.
4. A minor work permit is under review for dock repairs and reconfiguration at Lazy River.

The County has an interactive webpage on their website (www.scgov.net) that explains all the County regulations to help educate homeowners along the river. The page is located under Myakka River Protection Zone and can be accessed from the index. In the upcoming months the County hopes to work with the state and the Charlotte Harbor National Estuary Program for developing a comprehensive document to incorporate all the regulations. Staff has asked this Council for ideas on the content or the format.

Introductions were made.

Maran Hilgendorf – Charlotte Harbor National Estuary Program Update:

This year 28,000 calendars were distributed. The Charlotte Harbor Watershed Summit which is held every three years is coming up and people have been invited to present their research and policies on issues of significance within the watershed. The deadline to submit abstracts was Friday, Jan. 21. This year will be a two-day event; on Wednesday and Thursday of March 30th and 31st at the Charlotte Harbor Event and Conference Center in Punta Gorda. The CHNEP is hoping to have people participate via internet. The information presented will be recorded and posted on their website. There will be a form on their website – chnep.org – for people to register so that they will have a lunch ordered.

EPA, involved in federal impact study process, has asked CHNEP to provide logistical help for a two-day state of phosphate research on March 28th and 29th at the Event and Conference Center in Punta Gorda. The agenda is being developed by EPA. They anticipate attendees will be given an opportunity to provide input via written comments.

Dianne Davies – Southwest Florida Water Management District update:

The Regional Water Supply Plan statutory due date is December 2011, but in order to be on the same schedule as the other water management districts they decided to update a year early. The update has been completed and the update will go to the governing board January 25. The governing board will either approve the original water supply plan or wait until the statutory due date. Staff is recommending they wait to approve the plan to give local governments more time to see if the new administration in Tallahassee will affect local governments. If the governing board waits to approve the plan, staff will update the data prior to approval.

The Manasota Basin Board is not constituted at this time and has two vacant seats. The Governor's Office is not planning to fill those seats for a few weeks so the Board will not meet in February but is expected to resume in April. Meanwhile Cooperative Funding Proposals that have been submitted will be evaluated, ranked and the budget process will proceed. When the Basin Board meets in April the members will be informed of the projects and the rankings so projects can be funded.

The SWUCA (Southern Water Use Caution Area) Recovery Strategy is due for its 5-year analysis and update in 2012. SWFWMC will begin working on the update this summer and run the update concurrently with collection of the last year's data. The data is from 2007 to 2012 so they will be collecting last year's data as the update begins.

Peggy Morgan – DEP Southwest District Update:

The new governor has suspended all rule-making. DEP had been in the process of working on nutrient criteria rule-making and gathering research to support rules the nutrient criteria rules.

Currently there is nothing going on at the Wingate Mine.

Peggy received an award from EPA for Biologist of the Year and Russ Brineburgh (with DEP since 1979) was voted for the Lifetime Achievement Award.

Natalie Balcer – Biologist Report:

The zip line observed north of Border Road Bridge that was mentioned during the last meeting was removed by Sarasota County staff.

During the September River Inspection Natalie noticed that a portion of the stairs to the old canoe and kayak launch on Venetian Golf and River Club had become detached and was across the river.

New areas of climbing fern on the river were detected on Venice Myakka Park southward. In October there was collaboration between FPS District staff and Sarasota

County to treat areas of rosary pea, Brazilian pepper, cogon grass and climbing fern. She hopes to do this again with chainsaws to treat some of the larger peppers along the riverbank. SWFWMD was seen spraying the water hyacinth back in October in Lower Lake. Also in October there was illegal pumping from the river at the DOT rest area. The water was being used for construction along I-75. Natalie contacted the project manager to let her know it was illegal to pump from the Myakka River without a permit. In October pictures of a speeding boat were received. A resident tried to inform the boaters about the slow speed/minimum wake zone; they then made obscene gestures. Natalie forwarded the case onto law enforcement but has not received an update the outcome.

There have been divers just north of Border Rd. Bridge diving for shark's teeth. The divers didn't seem to be causing turbidity or using sieves to hunt for the teeth.

In November there was some twine lines with hooks overhanging large oaks within the Myakka Wilderness Preserve. There were several catfish hooked on hooks. The fish were removed and the information was forwarded to law enforcement.

In December Natalie noticed a few dead tilapia and many dead vermiculated sailfin catfish around Deep Hole due to the recent cold snap. Also in December the west riverbank along Venice Myakka Park collapsed due to dewatering activities from the Phase 3A Pipeline. The bank was stabilized with a jute mat after the collapse and she is working with the consultant to get some plantings in that area.

The SR-72 Bridge replacement over the Myakka River construction is expected to start soon. She attended a meeting last week regarding all the environmental permitting and met with the contractors.

Natalie has been working on the Unit Management Plan revision, imperiled plant mapping along the river, herbicide treatment of evasive exotics and updating the wildlife database from the monthly river inspections.

Natalie has a new volunteer, Bob Richardson. He has been a part of Friends of Myakka and has been helping with some of John's old job responsibilities twice a month.

Bill Byle – Charlotte County Update:

Charlotte County has undertaken a couple projects to try to improve the water quality in the estuaries. Last year he received approval for the Port Charlotte Water Quality Improvement Program and he hopes to implement similar projects in other areas of the river that are being developed. Protecting isohalines is a concern because increasing salinity in the lower parts of the river will reduce the amount of area for nursery grounds. They're carefully following all projects in the rest of the Myakka River Basin that might reduce any freshwater flows.

PRESENTATIONS

Dee Allen – Mosaic's Potential Operations in the Myakka River Basin:

Florida has the largest phosphate deposit in the United States. They have about 3,000 employees and own roughly 28,000 acres, approximately 9% of the basin. Phosphate is the largest customer of the Port of Tampa. They are a big economic engine.

Dee discussed why every living thing needs phosphate to survive and without phosphate the amount of crop production from an acre of land is reduced. She also said that organic fertilizer yields only 31% of the phosphate present in commercial fertilizer and transportation costs of organic fertilizer may lead to higher food prices and lower crop yields.

Florida has viable deposits of phosphates because of the changes in sea level over time. Mosaic has put thousands of acres of land into conservation easements and nearly 30 sq/mi of ecologically sensitive land is now permanently protected. This is land tax payers don't have to purchase because it has been voluntarily donated.

In the Myakka Basin there are two major land holdings which include the Pine Level and Wingate Mine. At Wingate the surface water is monitored. There is no active mining at Pine Level, but they are doing background baseline monitoring of various water quality parameters. The water quality is comparable with respect to the numeric nutrient criteria. The standard for phosphorus for this area is 0.49ppm. Mining does elevate phosphorus levels, but they are working with EPA and DEP to resolve how they will be able to continue mining and remain in compliance. Flatford Swamp does have some phosphorus levels that are above the newly proposed standard as well. The nitrogen levels are below 1.65ppm standard at both the Flatford Swamp and Wingate.

Mosaic owns the mineral rights to Keys Tract but they don't have access until 2014. The area totals about 42,000 acres; 18,000 acres are in the Keys Tract and 24,000 in Pine Level Tract. Dee discussed recent work with Desoto County to better define the phosphate mining within the 26,000 acres of the northwest portion of the county rather than the area being described as only agricultural in their comprehensive plan. The Peace River Basin area is expected to be the first stage of permitting for Pine Level. There will be a lot of studies before mining starts approximately 10 years from now.

The Wingate Mine was started in January 1981. It's 3,000 acres in size and has been active multiple times in the past. Currently it's much smaller mine than the Four Corners Mine and employs 130 people. It's a combination of a dredge mine and a drag line mine that produces about 1.2 million tons a year compared to the Four Corners Mine which produces 7 million tons a year. They have two dredges at Wingate proper. One dredge removes the dirt on top of the ore layer and the other removes the phosphate. The Southeast Tract of Wingate uses drag line mining.

Bill Byle asked if there would be any mining in the 100-year flood plain. Dee responded that there might be some select instances depending on the ecological conditions of those sites but didn't expect too much mining in the area.

The first stage of permitting that Mosaic is planning for is the 660 acres of Texaco-Wingate Extension Tract (4300 acres) which is mostly pasture. Across the northern boundary would be a drag line access corridor. There will be no change in the water use. No new discharge points are proposed and the plant capacity will not be increased so the employment level will remain the same.

Dee explained how phosphate mining has changed from the time it began 100 years ago and what improvements in methods have been made. She said phosphate mining is probably the highest regulated industry in Florida.

Scrub-jays are on the (Texaco) Wingate Extension Tract. They worked with the USFWS and FWC at the Four Corners Mine and developed a relocation program for the scrub-jays. When Mosaic started managing their habitat in preparation to move the jays, Duet Preserve and Manatee County started managing their habitat as well. After some time they asked Mosaic to move some jays to their sites since they had nice scrub habitat but no birds. As of a few months ago they had 20 families and 57 individual birds surpassing their goal to get 14 families.

Several years ago they were contacted about taking the water out of Flatford Swamp for mining. They have entered into a MOU to do a feasibility study to move water up the utility corridors to Wingate. There will be a proposal coming out sometime soon to for a year long study on how to transport the water and a cost analysis.

Short Break at 10:25 A.M.

Resumed meeting at 10:30 A.M. Presentations Continued:

Sid Flannery – Minimum Flows for Lower Myakka Update – SWFWMD:

The District was legislatively directed to establish minimum flows and levels. They have to determine how much water can be removed from the ecosystem without damaging it. The Myakka River Watershed can be divided into the Upper Myakka, which is above the long term stream flow gauge in the park and the Lower Myakka which includes Big Slough and the tidal portion of the Myakka River. The long term stream flow gauge is located between Upper and Lower Myakka Lakes and has collected data since the 1930s.

Blackburn Canal was dug between Myakka River and Roberts Bay was completed in 1959 and diverts water away from the river into the bay. Once the flow gets up to 500 cubic feet per second (cfs) in the Myakka River, the rate of flow to the Blackburn Canal increases. The Myakka River was also changed by the modification of Cow Pen Slough drainage. Cow Pen Slough used to drain into the Myakka River near Downs Dam. Much of this water has been diverted to Donna Bay. A total 10% of the historic watershed area of the Myakka River is now diverted to Donna Bay.

Hydrographs from the long term stream flow gauge in the 1930s compared to current data for 10-day flow shows the flow has increased in the Myakka River. This has resulted in problems at Flatford Swamp including the tree die off. To restore the swamp, the hydrology needs to be restored and excess flows coming from agricultural operations that began in the late 70's must be decreased. The District is involved with the Myakka Watershed Initiative where they have developed a very detailed surface water/ground water model called the MIKE-SHE. From the model they have been able to calculate the excess flow that the Myakka River receives. Typically in the dry season it is about 15 to 20 cfs of excess flow.

For the Lower Myakka River if they took out all the excess flow they determined it would result in a 21% change in the ecologically important, low salinity wetlands that require 2 ppt salinity during the spring dry season. The District typically looks at a 15% change in a resource as a level of significant harm. During other times year the changes are much less. The lower the flow rate, the bigger the impact of taking out the excess flow.

USF has teamed up with FWRI to develop predictive equations between the abundance of certain important fishes and invertebrates as a function of flow. More flow equals more *Americamysis almira*, important prey items for juvenile fishes. The District simulated what would happen to the abundance of fishes and invertebrates if they took out the excess flow and then any additional water. For the springtime block there would be 14-17% less *Americamysis almira* and a 20-21% decline over this 4-year period.

The District is proposing that withdrawals should be limited to excess flows and the withdrawals should be capped at 130cfs from the Upper River Sub Basin when flows at the Myakka River Gauge are less than 400 cfs. When flows are greater than 400cfs withdrawals could include the excess flow plus 10% of the remaining flow, however flows greater than 400 cfs only occurs 15-20% of the time. Minimum flows for Myakkahatchee Creek are expected to be adopted within the next 5 years.

The Myakka River Basin Initiative and the minimum flows for the Lower Myakka River need to be closely coordinated with monitoring and adaptive management. Also strategies need to be evaluated to replace lost flows to the lower river resulting from the removal of excess flows. If the removal of excess flows happened in its entirety there would be changes to the lower river particularly in the spring dry season, which is a period of peak nursery use in the estuary.

They have responses from the Scientific Peer Review Panel on the minimum flow rule and the report is available on the District's website. The panel is interested in an historic flow simulation that includes the effects of Cow Pen Slough and Blackburn Canal modifications on reducing flow to the lower river. District will have to do some additional modeling analyses. The panel also emphasized that they evaluate strategies to replace lost flows to the lower river that result from the removal of the excess flows

particularly in the dry season. Lastly, the District will respond to the Peer Review Report in the next couple of months.

Mark Peterson – Phosphate Mining in Bone Valley – Army Corps of Engineers:

Phosphate was discovered in the Peace River around 1881 by a member of US ACOE when doing a survey for a canal. Early mining was by hand using picks and shovels in the riverbed. Around 1900 as uses and technology improved mechanized excavations came into being. Primitive drag lines began in the 1920s. Advancements led minors to move from the river pebble to the land-based pebble and then to hard rock phosphates, ultimately to the mining of finer-grain phosphate matrix which is what is mined today. As drag lines grew, companies were able to mine 500-600 acres per year compared to the current amount of 1500 acres per month.

Bone Valley is also called the Central Florida Phosphate Region (CFPR), the more correct term in the industry. Bone Valley was named many years ago due to the fossils that were found in the sediments. The CFPR consists of Hillsborough, Polk, Hardee, Desoto and Manatee Counties. Watersheds include the Alafia River, Peace River, Manatee River, Little Manatee River and Myakka River Watersheds. Within Bone Valley there are currently two phosphate companies: Mosaic Fertilizer and CF Industries.

A substantial part of the Myakka River Basin is within the Bone Valley. A substantial area of central Florida has already been mined. Active Mines include Hopewell, Kingsford Complex, Hooker's Prairie, Big Four, Four Corners Lonesome, Fort Green, Paynes Creek, Mosaic-Fort Meade (temporarily shut down), South Fort Meade and Wingate Mine. Pending phosphate applications that are currently under review as of August 2010 include Four Corners Extension (Surface and Land Trac), Four Corners G & B Farms, Texaco Tract, Ona Mine (in litigation), South Fort Meade, Hardy County (in litigation), CF Industries and Pine Level Mine (jurisdictional stage).

Mark talked about how phosphate is formed, where it occurs, what countries mine phosphate. Florida presently provides about 75% of the nations phosphate fertilizer supply and 25% for the world. A typical Florida phosphate mine gets about 9,000 tons of phosphate rock per acre of land. By 1999 approximately 300,000 acres of land or more than 466 square miles of Florida's total of 54,000 square miles has been mined.

Mark explained the phosphate mining process. The matrix is equal parts of clay, sand and phosphate mineral and a typical Florida phosphate mining operation pumps more than 100,000 gallons of water every minute. About 40% of the mined land consists of clay settling areas. Phosphogypsum is another by product of the fertilizer operation. There are currently about 1 billion tons of phosphogypsum stacked in 25 stacks in Florida and 22 stacks are in central Florida. About 30 million tons of phosphogypsum are generated each year.

After July 1, 1975 the state put rules into affect that required all wetlands and uplands to be restored to pre-impact conditions. Phosphate permitting and reclamations are reviewed by the Florida DEP, Bureau of Mining & Reclamation and have been regulated

by the COE since 1977 when Phase III of the Clean Water Act went into effect. Other federal laws including the National Environmental Policy Act (NEPA) and the Endangered Species Act (ESA) also regulate mining. Nearly 41% of the mined land has been reclaimed to date.

Permitting is a sequential process. First they look at avoidance, to see if there are any other parcels of land that would meet the requirement for that project, but would have less or potentially no impacts to the regulated environment, particularly wetlands. When the site is chosen minimization of impacts is the next important factor. Once they have avoided and minimized impacts they determine how to mitigate the remaining impacts.

A good source for history and current phosphate science is Florida Institute of Phosphate Research (FIPR) and the Florida Mining & Minerals website. Questions and answers followed.

BUSINESS MEETING:

Call to Order and Roll Call: Those present were Peggy Morgan, Manon Lavoie, Barbara Lenczewski, Tom Williams, Diane Davies, Jim Beever, Greg Blanchard, Belinda Perry, Bill Byle, Kathleen Weeden, Elizabeth Wong, Susan Hochuli, Maran Hilgendorf, Allain Hale, Dr. Mary Jelks, Jono Miller, Suzanne Cooper, Mike Chouinard, Tom Moralee, John Dziuba, Lou Kovach and Marlene Guffey.

Public Comments: There were no public comments.

Chair and Vice-Chair Elections:

Susan Hochuli gave a brief report of the Nominating Subcommittee. She state that the committee last met in July. They were tasked with the job of finding candidates for the next Chair and Vice-Chair to the Myakka River Management Coordinating Council. Jono Miller and Tom Williams stepped forward and offered to be candidates for the next Chair and Vice-Chair, respectively.

Manon Lavoie moved to endorse the Subcommittee nominations of Chair and Vice-Chair. Suzanne Cooper seconded the motion. The motion carried.

Maran Hilgendorf and Belinda Perry stepped down and Jono Miller and Tom Williams took over the business portion of this meeting.

Additions to the Agenda: None

Minutes:

- **Revision and Approval of the Meeting Minutes from September.**
Dianne Davies moved to approve the Minutes from September and Maran Hilgendorf seconded the motion. The Minutes were approved.

- **Susan Hochuli had one correction to the November 30th Minutes. The Title was incorrect. The Minutes were approved after the correction.**

Old Business:

- **Susan Hochuli – Decriminalization Subcommittee Update:** At the last meeting they formed a Legislative Subcommittee and the charge of the subcommittee was to look at the decriminalization of the River Rule. Present were Susan Hochuli, Peggy Morgan, Jono Miller, Belinda Perry, Valinda Subic, Natalie Balcer and Laura DeWald (DEP Law Enforcement) in attendance. With the change of Governor in Tallahassee they have decided to wait until a better time to consider how to move ahead. Additional discussion occurred regarding decriminalization of the River Rule.

George Tatge– Sarasota County Parks and Recreation Update:

The County Acquisition Program recently was improved upon by adding a Park Land Acquisition Component. They have about \$8 million left in the account. Recently the County acquired a parcel on U.S. 41 along the Myakka River, Warm Mineral Springs and a parcel adjacent to the Snook Haven property. Altogether the acquisition program has acquired 13 sites throughout the county and received over 150 nominations.

The Myakka River/U.S. 41 site is about 7 acres and was acquired 1 ½ years ago for \$2 million. They are looking to provide public access to the park. It has both a canal-like feature as well as frontage on the river. It has an existing boat ramp on the river and dock on the tributary side. Some of the amenities they may consider are a canoe/kayak launch, picnic shelters, trails or a boardwalk, some parking, potential restroom facility, fishing pier, nuisance plant removal and some habitat improvements. They are not proposing additional boat ramps or motorized vessels, but it is a water dependent site so they will be focusing on water dependent activities.

The Snook Haven addition is larger than the original Snook Haven property and consists of 2.9 acres. It was acquired for \$312,000 last December. The residents are still in the house for another few months, therefore it has not been opened to the public. It has an existing boat ramp and dock. They are working on making improvements to Snook Haven and still working on some water access improvements. They are looking to provide some ADA improved fishing facilities. They want to minimize motor boating access.

The county agreed for the current resort operator at Warm Mineral Springs to continue for the next 2 ½ years. The purchase price was \$550 million and it was purchased last December in conjunction with Sarasota County and the City of North Port. Altogether the property consists of 81 acres. About ¼ of the property will allow future opportunities for additional park amenities. Question and answers followed.

Old Business Continued:

Kathleen Weeden made a suggestion to move the business portion to 9:00 A.M.

Elizabeth made the motion that the Business portion of the meeting be set for 9:00 A.M. with an allocated fixed time period for that meeting. This did not carry.

Jono explained the thinking behind having the updates and presentations before the business portion of the meeting was so members would be updated to make a more timely motion related an action the Council needed to take. It was suggested that the updates be kept first and the presentations be held in the afternoon since they are not pertinent to the action items of the day.

Jim Beever made the motion that the agenda should be reorganized so the business meeting is held in the morning. The updates would be considered a part of the business meeting in the morning and presentations will occur last however, they can be incorporated in the business meeting when pertinent to items on the agenda. Elizabeth Wong seconded. The motion carried.

Marlene Guffey moved to skip lunch and continue the rest of the meeting. Peggy Morgan seconded. The motion carried.

Natalie Balcer – Management Plan Update:

Natalie received comments in November regarding changes to the text. These comments were factual changes that have been incorporated into the text in an effort to make the plan more accurate. There was discussion regarding the inserting removal of Down's Dam as an action item into the plan. Marlene discussed removal of a sandbar at the mouth of the Blackburn Canal that she feels will block the canal. Maran proposed that the sandbar issue be a new agenda item for the next meeting.

Maran made the motion to give members one final deadline to comment on the Management Plan. All comments would be incorporated unless there was an issue of concern at which time it would be discussed at the April meeting. The plan is to be reviewed and finalized at the April meeting so that DEP can move forward with the public meeting. Someone will present more information on Blackburn Canal and the sandbar at the next meeting. Diane Davies seconded the motion. The motion carried.

New Business:

Future Agenda Items:

- Removal of sandbar at mouth of Blackburn Canal.
- DEP explain the mangrove rules-explain how people get to cut on sovereign lands.
- Finalization of Management Plan.
- Restoration of Big Slough and Cow Pen Slough for water storage – County.
- Site visit of mining operation for Council members, invitation given by Dee Allen. Possibly advertise in case members want to discuss or make motions.
- **Future meeting dates: April 15, 2011 and September 16, 2011**