

Adopted

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

**April 15, 2011
9:00 A.M. – 12:20 P.M.**

MINUTES

The meeting began at 9:00 A.M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune and the Florida Administrative Weekly on Friday, April 1, 2011.

MEMBERS IN ATTENDANCE

Greg Blanchard – Manatee County
Jono Miller – Sierra Club
Susan Hochuli – PRMRWSA
Tom Williams – DOF
Suzanne Cooper – TBRPC
John Dzuiba – Homeowner
Mike Chouinard – Homeowner
Louis Kovach – Homeowner
Jim Beever – SWFRPC
Peter Perez – City of Sarasota

Manon Lavoie – FDOT
Allain Hale – ECOSWF
Mary Jelks – Friends of Myakka
Marlene Guffey – Homeowner
Stan Frank – City of North Port
Peggy Morgan – FDEP
Bob Arrendondo - DCA
Ed Flowers – DOF
Bill Byle – Charlotte County
Brook Elias – Sarasota County

INTERESTED PARTIES

Bernie Milosky – Charlotte County Utilities
Jim Thomson – CHEC
Judy Meents – FPS
Natalie Cole – FPS

Diana Donaghy – Myakka River S.P.
Michael Jones – Sarasota County
F.M. Toby Fogle – DEP/Park Police

BUSINESS MEETING:

- **Call to Order, Roll Call and introductions were made at the same time.**
- **There were no public comments.**
- **There were no additions or changes to the Agenda.**
- **Revision and Approval of the Meeting Minutes from January 14, 2011 Council Meeting.**
 - **The spelling for Herald Tribune was corrected. Suzanne Cooper moved to approve the Minutes. Susan Hochuli seconded the Motion. The Minutes were adopted.**

OLD BUSINESS:

- **Discuss any outstanding issues regarding the Management Plan and vote for adoption:** An update from Dianne Davies was received regarding the Board approval of the Regional Water Supply Plan and references to the wild & scenic river ranger were deleted since the position is no longer exists.
 - **Susanne Cooper moved to approve the Management Plan. Peggy Morgan seconded. There was no discussion. The Plan was adopted.** The Plan will be posted on line.
- **Mosaic Field Trip head count.** Friday, May 6th was chosen as the field trip date. The tour will begin at 8:00 A.M. starting at the Wingate Training Center and last until 2pm. The tour will consist of the dredge operations, the Four Corners dragline, reclamation projects, lunch at the Bunker Hill Community Park. Those who work for a state agency should either decline lunch or pay for their lunch. Everyone will be emailed and provided with lunch estimate.

NEW BUSINESS:

Bill Byle – Charlotte County Update:

Last September the Corps and EPA announced that they were going to conduct an area-wide environmental impact study (EIS) for the South Central Florida phosphate mining district. Charlotte, Manatee, Lee and Sarasota Counties; Regional planning councils; the water authority and environmental groups lobbied for at least ten years for the Corps to update an area-wide phosphate mining EIS that was done in 1978. Sarasota County initiated that study, and it was recommended that the study be updated in 2000, but it did not happen.

The first major step in the process of doing this is advertising public meetings to inform the public. The next step is to go through a scoping period where it is decided what the scope for this EIS will be, what the issues are, the area it will cover, the timeframe for the study, contractors, participating agencies, etc. Manatee, Sarasota, Charlotte and Lee Counties all agreed to be participating agencies. EPA was the only agency to agree to be a cooperating agency, all other federal agencies such as FWS and USGS declined so they will have anyone involved in the process.

As part of the scoping process EPA held a two-day workshop in Punta Gorda on March 28 and 29th. During the workshop the EPA and Corps heard the issues involved. Comments on what the Council would like to incorporate into the study can be provided to the Corps and EPA within 30 days of the meeting. Comments can be submitted at www.phosphateaeis.org. The comment deadline for the EIS is April 25, 2011.

The reason the Corps is completing the study is because they are reviewing three applications simultaneously. The Corps drew a line around an area of the three mines and is proposing to use that as the study area instead of including a much more expansive area where potential mining impacts could occur. Impacts occurring outside of the study area like reducing flows in the Peace River can have serious, permanent, adverse impacts to the ecological, hydrological health of the Peace River, Myakka River and Charlotte Harbor.

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Charlotte and Lee Counties have said that the proposed study area needs to be larger, but when the study area is larger the informational requirements are greater. Another major concern is that the Corps is proposing all of the research to prepare a draft EIS will be completed by October. A phosphate mining EIS at Ona Mine, a 20-thousand acre mine took 3 years while only 5 months is proposed for the 1.3 million acre area wide EIS study area.

He believes that phosphate mining will affect the Myakka River. One of the largest mines is proposed at Pine Level which is almost 30 thousand acres. It covers almost the entire headwater section of the Big Slough/Myakkahatchee Creek that drains into the Myakka River. This tidal portion of the Myakka River has been documented as the highest diversity areas in the estuary.

Bill also mentioned that the study is proposing to use only exiting research which is unfortunate.

Jono recommended that Bill draft a letter for a vote today to communicate with EPA. Jono clarified saying, the two main points being made is that the geographic scope is not adequate and it shouldn't be constrained to a five month study. Manon Lavoie also added that they are planning on using existing data rather than use new data.

Allain Hale – ECOSWF Update:

Allain reiterated the comment period for the USACE Area-Wide EIS ends April 25th. The website Bill mentioned www.phosphateaeis.org contains a lot of information regarding the study. There are many other considerations to take into account while formulating comments from your organization including gopher tortoises, windblown particle matter, radiation etc. Allain had an information sheet which will be sent out to the Council regarding the possible impacts of mining and how to formulate your comments.

There is an important bill moving through the legislature right now known as HB 7129 which seeks to eliminate all DRI requirements for mining.

Questions and answers followed.

Jono believes the Council should offer some opinion about DRI's in the Myakka Watershed.

Jim Beever made a Motion with regard to the Phosphate Area-Wide EIS, that the Council write a letter of comment to the USACE before the deadline which will include three major points: 1) The area-wide EIS should include all of the proposed mining areas and all potentially affected areas outside of that phosphate EIS including the Myakka River, Charlotte Harbor and Lower Peace River; 2) The timeline for the completion of the EIS should be extended to a time commiserate with other Area-Wide EISs to complete all of the tasks to cover all of the issues associated with the future and cumulative impacts of phosphate mining in Florida; and 3) The EIS should utilize all available scientific information and also pursue areas where there are information gaps with new research.

Manon Lavoie seconded the Motion.

It was decided to do courtesy copies for our Congressional delegation.

Discussion occurred. The Motion passed.

Jim Beever next addressed the DRI issue. The Bills are attainable from the website that the House and the Senate operate. The letter should signed by Jono with copies sent to the heads of the respective houses, members of committees which are hearing these bills, and the local delegation. Stan Frank worded the text of this letter:

The Myakka River Management Coordinating Council opposes modification of the Development of Regional Impact review process as proposed in SB 991/HB 1401. These companion bills would eliminate DRI review, which has played an essential role in protecting the State's economy, public health and welfare. DRI review is critical to protection of the resources of the Myakka Wild and Scenic River including its water quality, hydrology and wildlife which are both a gem of natural Florida and an engine of economic prosperity.

Jim Beever stated that the SB 991 Bill is the major overhaul of all state planning and it eliminates DCA functions of review for comprehensive plans and DRI's. It is very complex and involved.

Discussion continued.

Adjournment was moved to after the Cow Pen Slough presentation.

Natalie Cole – Biologist's Report:

There was a variety of ducks seen utilizing the river over the winter. Large congregations of White Pelicans were seen on Lower Lake. Two bucks were seen in January below Down's Dam. Native species of submerged aquatic vegetation, *Ceratophyllum echinatum*, has become established on Lower Lake. Many Ring-billed Gulls and Lesser Scaup were seen on the Lower River this winter. Two otters were seen in January below Down's Dam and two more otters were seen in February in the marsh before Lower Lake. Last month below Down's Dam several large Snook were seen feeding and two dead pigs were seen butchered near Rocky Ford. In February there were Wood Storks and Great Egrets courting at the rookery, but in March no Wood Storks were present. Natalie received two reports from concerned homeowners in the communities nearby. An immature eagle was observed flying around harassing several birds with fish on their way back to the Rookery, but Jim said the most likely reason for the bird disappearance was the drought. Many crab traps were observed on the river last month; approximately 205 from Snook Haven to Charlotte County. In the previous month only 109 crab traps were observed.

Natalie is currently working on shoreline stabilization project in Myakka River State Park so SWFMD can launch their airboat in the area below Upper Lake and above the bridge in the park to treat water hyacinth. The only incident that occurred since the last meeting was illegal pumping in the river by a homeowner near I-75. A courtesy letter was sent.

Ongoing projects include the review of the River Rule. All state agencies have been mandated by the Governor to review their rules to see if they have an impact on job creation, if there is any overlap with any other agencies, if they are mandated by statute etc. The internal review has been completed and attorneys in Tallahassee are now reviewing the questionnaires for each

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section of 62D-15. Hopefully it will streamline the permitting process. Currently, although the River Rule serves as an extra layer of protection on the river above and beyond the ERP permitting rules, in some instances there are two permits required from the same agency. Jono asked Natalie for a presentation of the analysis of the River Rule so that the Council will know what has been considered in order to offer an opinion in the case of redundancy.

Other ongoing projects include the Unit Management Plan, imperiled plant mapping, wildlife database and as always exotic treatment. Discussion occurred regarding the wildlife database being searchable and the possibility of storing the database on the Water Atlas should be explored. Jim Beever suggested Natalie contact Lisa Beever who works on the Water Atlas in this area. John Ryan may also be a good contact.

Questions and discussion followed regarding crab traps and the purpose of the river survey. Jim Beever responded to the river survey stating this baseline survey is critical for measuring the effectiveness of management (or lack of) of a natural area. It is how the health of the biological system is measured. Peggy Morgan and Manon Lavoie asked to have a slide show of the inspection reports.

Jono summarized the conversation: 1) People find it helpful to have the river survey, 2) Natalie may want to pick just 5 or 6 things to report on, and 3) we would like to move towards a system where this information is searchable.

Natalie Cole reported for Maran Hilgendorf – Charlotte Harbor NEP Update:

The PDF files of nearly 60 presentations as well as the Web-X recording from the Charlotte Harbor Watershed Summit are available on the website. Thanks to both the Jelk's Family Foundation and Myakka Conservancy for support of this event.

The State of the Science on Phosphate Mining and the environment presentations are also available on the website. They are developing a State of the Watershed Report and the comment period ends May 2, 2011. The report will be posted on the website and mailed to newsletter subscribers and provided for pick-up at events and nature centers.

The deadline to submit three for the calendar is July 14, 2011. Further details are on the website.

The 12th Annual Charlotte Harbor Nature Festival will be Saturday, November 19, 2011. It is a free event that focuses on the natural environment of southwest Florida. They are currently seeking volunteers, sponsors, exhibitors, and help to promote it. It is usually held at the Stadium in Port Charlotte.

Marlene Guffey brought up the topic of a pamphlet being produced of rules regarding the Myakka River for the homeowners. She was directed to call 941-861-5000 and ask to speak to someone regarding the Myakka River Protection Zone.

Toby Fogle – Law Enforcement:

Currently the language contained in both House and Senate version of the budget for the next fiscal year would essentially do away with Florida Park Police. These 93 positions provide the

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law enforcement services for approximately 150 Florida state parks. Toby is reaching out to us to contact our Senators and Representatives.

The last information Toby received was the Senate had reduced the eliminated FTE positions from 93 down to 2. But the House version of the Bill still contains language that would essentially do away with the bureau completely.

If the bills should pass the parks would be forced to rely on sheriffs' departments and local police departments and FWC to provide the law enforcement services so there would be no law enforcement presence in the parks unless local law enforcement were called upon to respond to a complaint or an incident. They would not proactively patrol the parks like the Park Police do presently. Toby doesn't believe that this Bill as it is written would provide additional funding to the sheriffs' offices to provide more staff/resources to patrol parks.

Future Agenda Items:

- Manon Lavoie would like to have someone report on the SR72 Bridge Replacement over the Myakka River that DOT is about to start on and the I-75 construction project.
- Presentation of the Myakka River Rule Review.
- DRI's are activating again. North Port Gardens will probably come to the Council for approval in this up-coming year (Toledo Blade/I-75)
- Recent work that shows the efficacy of the fertilizer ordinances and the water quality improvements which have happened in the Venice area.
- NEP watershed report
- Belinda Perry with Sarasota County will give an update on the status of the Myakka River Protection Zone/ homeowner pamphlet.

PRESENTATIONS

Mike Jones – Cow Pen Slough Restoration and Potential New Water Supply:

Donna and Roberts Bay in Venice was historically impacted by two large projects that increased freshwater flows to the bay. These projects included the channelization of Cow Pen Slough, which used to flow into the Myakka River, to drain lands for agriculture, and the dredging of Blackburn Canal in the 1950s which connected the Myakka River to Robert's Bay. The additional freshwater brings sanitation and pollutants to these two bays.

In 2005 Sarasota County started a Donna Bay Watershed Management Plan which was concluded in 2007. The objectives of the plan are to provide a more natural fresh-water/salt-water regime in Donna and Roberts Bay, protect existing and future property owners from flood damage, improve water quality and develop an alternative water supply source for the region.

Presently, Sarasota County acquired the Albritton Property north of the landfill and Venice Minerals, about a mile away from the Myakka River to help implement some of the objectives mentioned above. They are proposing to restore 300 acres of wetlands, install a new weir in Cow Pen Slough and a 72-inch, underground pipe conveyance from Cow Pen Slough to Venice Minerals which is proposed for surface water storage. Currently the plan is that the water discharged from that pond would likely go into Salt Creek, Shakett Creek and back into the Dona

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Bay. The draft MFL study talks about how the lower portion of the Myakka River is actually lacking in water. There is the possibility that instead of the water going to Salt Creek it might go back towards the Myakka.

They have dug a test well in Venice Minerals vicinity to test the potential of augmenting in drought years the water supply. They have also started a large-scale pilot water treatment study in Cow Pen Slough to identify the future treatment it would need to make it potable. Eventually future phases of the plan involve pump stations, berming, and another pipeline to the water treatment plant as well as water treatment plant upgrades. They are 100% complete with design and they are in the permit negotiation phase for all Phase 1 activities.

Questions and answers followed.

The benefits are 300 acres of marsh sequester nutrients, attenuate water, and serve as potential mitigation credits. Excavations will also create about 1.6 million cubic yards of landfill cover and berm construction material from the Venice Minerals reservoir as well as water storage.

Discussion regarding flooding occurred.

Manon Lavoie stated she would ask her engineers about corrections to the I-75 bridge design. Marlene Guffey wants to emphasize keeping the undergrowth to a minimum under the bridge and keeping the overflow bridge clean.

Mike resumed discussion of the benefits – the project will restore the hydrology to more natural conditions, enable the rehydration of the wetland area, allow for flood protection, enable diversion of water for future water supply and help improve downstream water quality.

Phase 1B1 includes the 380 acre reservoir at Venice Minerals. Phase 2 will be a conversion to above-ground reservoir. Completion is dependent on regional demands and all the politics associated with that. Transition of Venice Minerals from an active mine to a surface water storage facility is what they are working on now and they are working through permit modification processes. They finished digging an intermediate test well for augmentation to increase the reliability of water supply in drought years which is co-funded by SWFWMD.

Pilot Treatment Study for Cow Pen Slough surface water began in October 2010. It is expected to last about two years and SWFWMD is their partner. They applied to SWFWMD for cooperative funding in 2012 to begin construction on the wetland restoration area and the weir, but not the pipeline. They have also applied to DEP for all three of those things including the pipeline. If they do not get money, much will not get built.

Jono asked Mike to talk about Blackburn Canal: Blackburn Canal also transports a lot of water and sediment. The causeway that empties out into historic Curry Creek has two openings (DOT just widened them). What happens is the water flows in irregular directions and has to make two 90 degree turns into Roberts Bay. When it rains everything slows down and there are huge sedimentation problems upstream of the railroad bridge in Blackburn Canal and Curry Creek. One of the things they were talking about doing in the future is putting a weir in

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Blackburn Canal. It would be a very low-flow weir, maybe 3 NGVD so water would only enter the bay during very heavy rains.

Questions and clarifications occurred.

Mike gave the name of Warren Davis to Marlene for her to call to discuss the sandbar issue at the mouth of Blackburn Canal she is concerned about. He is the storm water general manager of Sarasota County.

Stan Frank made a Motion to have the following DRI letter sent to legislators:

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This is to start with a paragraph that recounts the Council's authority and is to be signed by Jono with cc's to our local legislative delegation and the members of the committees which are hearing these bills.

Marlene Guffey seconded the Motion.

Discussion occurred and the Motion carried. They are to be two letters with appropriate numbers.

Discussion occurred.

Marlene discussed the Snook Haven parcel that restricts the use of the river. **Jono will ask about the development of the plans for that 3-acre parcel and will check into the lease between the County and the private individuals.** What is the ability of the private concessionaire to restrict public access?

**Jim Beever moved to Adjourn. Allain Hale seconded.
The meeting ended at 12:20 P.M.**