

Adopted

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

**September 16, 2011
9:00 A.M. – 12:25 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, September 2, 2011.

MEMBERS IN ATTENDANCE

Greg Blanchard – Manatee County	Jim Nichols – FDOT
Jono Miller – Sierra Club	Kevin Kemp - FWC
Susan Hochuli – PRMRWSA	Mary Jelks – Friends of Myakka
Tom Williams – DOF	Paul Thomas - FWC
Lisa Beever - CHNEP	Michelle Norton – City of North Port
Jerry Cattelane – AMC	Mike Chouinard – Homeowner
Susanne Lex - DCA	Maya Burke - SWFWMD
Louis Kovach – Homeowner	Ed Flowers – DOF
Jim Beever – SWFRPC	Tom Moralee – Venice Campground
Becky Ayech – ECOSWF	Belinda Perry – Sarasota County
Michelle Norton – City of North Port	Betsy Roberts – Manasota 88

INTERESTED PARTIES

Susan King – HNTB for FDOT	Diana Donaghy – Myakka River S.P.
Brad Young – Scheda Ecological Assoc.	Hugh D. Dinkler – Eco. Serv. Assoc.
Judy Meents – FPS	F.M. Toby Fogle – DEP/Park Police
Natalie Cole – FPS	Alan Wheeler – FDOT
Edwin Santana – FDOT/Metric Eng.	Valinda Subic – FPS
Crystal Gorman – FDOT	Susan King - FDOT
Jeffrey James – Metric Engineering	

BUSINESS MEETING:

- **Call to Order, Roll Call and introductions were made.**
- **There were no public comments.**
- **There were no additions or changes to the Agenda.**
- **Revision and Approval of the Meeting Minutes from April 15, 2011 Council Meeting.**

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- **Lisa Beever moved to approve the Minutes. Belinda Perry seconded the Motion. The Minutes were adopted.**

OLD BUSINESS:

- **USACE EIS related to phosphate mining:** Jono submitted comment online and sent a letter to John Fellows, the Corps Regulatory Project Manager, based on the Motion passed by the Council. A total 2,953 comments were received. Google “Phosphate Area Environmental Impact Statement” for more information.
DRI Legislative Bill Update: Unfortunately the letter submitted by the MRMCC did not persuade the Legislature. Jim Beever stated that DRIs were not eliminated, however they were significantly modified. Jim can provide an Adobe file to explain the changes. Mines will be exempt from the DRI process.

NEW BUSINESS:

Natalie Cole – Biologist Report:

The Management Plan which was voted on and adopted at the last meeting has been submitted to the Secretary of DEP for approval. The approval process is still underway. A proposal for the next session was submitted to Tallahassee. It included the decriminalization of the Myakka Wild & Scenic River Rule, but it was not selected to move forward at this time. The Rule review exercise completed last spring didn't change anything in the Myakka Wild and Scenic River Rule significantly. One rule is slated to be repealed because it substantially restates what's in the Statute. The other major proposal included in the Rule Review is the possibility of transferring the Myakka River permits to the DEP ERP program. The FPS will still review and comment on the permit applications. This proposal is still under consideration as of this date.

Jim Beever mentioned there are three things to be aware of in the Myakka Watershed. A Bill has already been introduced that would not allow septic tank regulation. This would prevent local governments from enforcing stricter septic tank maintenance or regulation. There's been a goal set by the Governor that he wants to get rid of 1,000 regulations in this legislative session. A lot of the rules planned to repeal are environmental rules. Some of them have to do with water quality and other local government's attempts to protect water quality standards such as the fertilizer regulations.

Becky Ayech heard that 239 are DEP rules and that there will be one vote to decide if the rules will be kept or repealed.

Belinda Perry – Sarasota County Update:

Fossil hunter vessel captured on camera by Friends of Carlton volunteer in July and forwarded to state river biologist, also activity observed in Rocky Ford area on Carlton Reserve.

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Public hearing will occur Oct 11 for after-the fact County Myakka River variance for concrete chickee pad in Tarpon Point, south of US 41 on west side of river.

No land acquisition has occurred since April and County Commission adopted a resolution to reserve the option to use acquisition funds to reduce debt service for the Environmentally Sensitive Lands Protection Program if needed.

Land management activities include roller chopping North Port buffer on the Carlton Reserve, over 5000 acres of prescribed fire since Oct 2010, worked with DOF to allow wildfire to burn to managed firebreaks on Carlton wildfire in May, and reduction of fire plow lines in Deer Prairie Slough system. Additionally the County has an approved cattle grazing plan for the winter on Deer Prairie Creek to lower expenses.

Sarasota County Parks and Recreation plans to have public workshops on newly acquired land adjacent to Snook Haven and at US 41 when they have some initial conceptual plans.

Jono Miller – Myakka /Peace River Corridor Connectivity:

There is an initiative called the Cooperative Conservation Blueprint which is a voluntary, non-regulatory effort that uses incentives to create a more permanent protected corridor from the Babcock web up to the Myakka system. The effort has been coordinated by Julie Morris, an environmental consultant in Sarasota.

There will be a group that continues to meet to figure out how they can have a voluntary, non-regulatory incentive-based program to permanently connect habitat between the two areas. The person who will be heading up the Peace River crossing project is named Jason Green at Wilder Engineering. If interested see Jono.

Questions, answers and clarifications followed.

Jim Beever clarified that the project will mainly consist of conservation easements through the agriculture programs which exist at the federal and state level. DACS is interested in the idea of the working agricultural landscape that also provides the habitat for wildlife.

Michelle Norton – North Port Gardens DRI Update:

This DRI is located at the corner of I-75 and Toledo Blade Blvd. This application was received in 2007, but when the market tanked and the applicant chose to postpone moving forward with the project. In the end of 2009 the applicant came back to the City and the Regional Planning Council and wanted to continue the process. The second round of sufficiency was started and they have been working the past year to get through the second and third rounds of sufficiency to get it to the Regional Planning Council. The Planning Council approved this project in May of 2011. City staff then took the project to the City's planning council in July of

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2011. It was to go before North Port City Commission last week, but a continuance had to be issued since the development order was not quite ready. They plan to go back to their City Commission with a final project and a development order on November 28th. The DRI has been reviewed by local, state and regional agencies for all of the major issues. They still have a couple unresolved issues including emergency services to some of the outlying areas and solid waste. Then they should be ready to go with their development order.

This project will be at total 2 million square feet of commercial retail, 120,000 square feet of office, 450 hotel units and 500 residential units. The applicant is going through this process in two phases. Right now only Phase I entitlements will be approved from 2011 to 2015 which will consist of a maximum 750,000 square feet of commercial and 150 hotel rooms. Phase II will build out through 2025 with the 500 residential units, 300 additional hotel units and the remaining 1.2 million square feet of commercial. One of two borrow pits will be filled on the property and they are protecting all the existing wetland systems and they have the wetland buffer and they will preserve the uplands.

The project is adjacent to Toledo Village which is all residential and golf course. Toledo Village has a village district pattern plan (VDPP). The project is consistent with the VDPP and will actually be the town center. The zoning is planned community development so this project will not need a comp plan amendment and it will not need a rezone.

Planners feel that this project is consistent with the goals and objectives of City of North Port Comprehensive Plan. It is a fiscally responsible project and between the Regional Planning Council and city staff and the Department of Community Affairs we will all make sure that the commitments and mitigation actions will be noted within the development order.

The Panacea DRI is approved for 850,000 sq. ft., commercial retail; 150,000 sq. ft. office. The entire DRI is approved for 3500 residential units, but they have some multi-family within the activity center for mixed use.

Questions and answers followed.

Break from 10:20 a.m. to 10:35 a.m.

Next Meeting Date: January 27, 2012

Future Agenda Items:

- Legislation that might affect the Myakka River including septic tank regulations, the roll-back on regulations and rules and efforts to prevent local governments from having their own standards to protect water quality.
- Update on the EIS
- Status of the Management Plan

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- Regional Planning Council major restructuring; Regional Visioning process

Announcements:

A Clean-up of the Myakka River has been scheduled for October 15, 2011.

Jim Beever announced that the Estero Bay Agency on Bay Management and cooperation of Florida Gulf Coast University is holding a meeting called Celatega on November 4, 2011 on their campus available to everyone. It is about the value of ecosystems services on conservation lands. There will be national experts on how to value the ecosystems services. To register go online to Estero Bay Agency on Bay Management or go to SWFRPC.org.

The Charlotte Harbor Nature Festival will be held on November 19, 2011 at the Stadium on 776 in Port Charlotte.

The State Forest is having a 75th Anniversary Celebration on November 5, 2011 from 10:00 a.m. to 3:00 p.m. Admission is a canned good or a non perishable food item which will be donated to North Port and Englewood. The Scouts will provide food.

The Hillsborough County Extension Office in cooperation with IFAS is planning a workshop on November 18, 2011, on Texas-Phoenix palm decline

Becky Ayech moved to adjourn the Formal Business Meeting. Susan Hochuli seconded. The business portion was adjourned.

PRESENTATIONS

Edwin Santana, DOT – I-75 Project Update:

The extent of the project is from River Rd. to SR 681. The project will add new lanes toward the median to I-75 making it a six-lane highway. The project also includes realignment of I-75 between Cow Pen Slough and Laurel Rd the widening of the interchanges. The current alignment in that area will be transferred to Sarasota County which will be used as part of the expansion on Laurel Rd.

The drainage on Laurel Road and the excavation of ponds and flood compensation areas are mostly complete. The ponds collect and treat stormwater before the water flows into Curry Creek which flows into the Myakka River. During construction they have been using best management practices to prevent any issues with erosion into the creek. Floating turbidity curtains, and silt fence are in place to control any erosion or other problems before it goes into the creek. Pile driving operations are completed. The paving operations occur at night. Construction started in May 2010. They are anticipating finishing in the summer 2012.

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Their Public Information Officer is Trudy Gerena. The website is www.I-75otm.com. Questions and answers followed.

Jeffrey James, DOT- SR-72 Project:

The project consists of removing and replacing the existing bridge on SR-72 over the Myakka River. It will also be lengthened from approximately 250 feet to about 480 feet in order to expand the flood plain adjacent to the river.

Work was started on April 18, 2011. All the work is completely contained within the boundaries of the Myakka River State Park and is scheduled to be completed in mid-June of 2012. They are building a temporary bridge to divert traffic off the existing bridge. The contractor is building the approaches to that temporary bridge, so it should be ready for traffic by the end of September. At that point the traffic will shift and they will begin the demolition of the existing bridge. They had to get special modifications to the permits since the bridge went slightly over onto park property.

Typical best management practices such as silt fence and turbidity curtains are being utilized. Questions and answers followed.

Lisa Beever, CHNEP - Fertilizer Ordinance Effectiveness and Watershed Report:

Nutrient and dissolved oxygen impairments are a concern region wide. To address the issue of urban nutrients and pollution the SWFRPC adopted a series of resolutions that provided recommendations to local governments. Fertilizer resolution recommendations for fertilizer ordinances included a lot of different features related to timing and fertilizer application, content and application rate and pervious surfaces, buffer zones, mechanical application and exemptions, etc. This was structured like a typical local government land development code.

Of the coastal counties and cities all but one has adopted urban fertilizer ordinances beginning with Sanibel and the RPC resolution dated March 15th. Sanibel adopted their ordinance even before the Council had the opportunity to adopt their resolution. Sarasota County and Venice subsequently adopted ordinances. The last county that adopted was Manatee County in 2011 and Punta Gorda has addressed the issue but as an education process, and have included the issue in their Climate Change Adaptation Plan as a consideration of their Comprehensive Plan Update.

Urban fertilizer ordinances account for nearly 300,000 acres of managed lands in existing residential areas. Couple that with the agricultural BMPs and especially the farms projects by the SWFWMD there is nearly million acres in some form of active management addressing water quality concerns (35% of the land area). The fertilizer ordinances and the agriculture BMPs have all occurred within the last five years (outside

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the last DEP impairment cycle evaluation). Lisa is thrilled to be able to see ambient water quality effects from these programs and augmented by our conservation lands.

Chlorophyll A is the pollutant that is tracked currently by state standards. There is an interesting, non-direct relationship between nitrogen and phosphorus and chlorophyll A. During the dry season the flows are low, therefore there is less nitrogen and phosphorus loads. But because the nitrogen and phosphorus are sitting in the estuaries along with time, you end up with higher chlorophyll A production. By the same token in the wet season there are higher loads because of higher flows but the residence time is lower so these relationships can be complex. In Tampa Bay they found a good statistical relationship between nutrient loads and chlorophyll A production. The chlorophyll A concentration recommendation for Myakka River is around 11.7, the related concentrations are about 1 or 1.3 for phosphorus. That is rather in line for the tidal Peace River and the bay segments are running about 0.6; and Donna/Roberts Bay: 0.5. The fish agree with this statistical analysis of the relationship between nutrients and chlorophyll A production. (Go to the water atlas at wateratlas.org and download information from Storet directly)

Since the effective dates of the Sarasota and Venice ordinances phosphorus levels have declined. This reduction in phosphorus levels is very promising. Lisa predicts that we will see more verified impairments delisted over the long term because of the work. Bigger results are associated with the urban fertilizer ordinance adoptions in the urban basins like Estero Bay Basin and Roberts Bay Basin.

Dissolved oxygen is improving since the adoption of the ordinance. Phosphorus levels in upper Lemon Bay look promising. Phosphorus in lower Lemon Bay looks like it has stabilized since the adoption of the ordinance. Phosphorus in Cape Haze is running lower since the adoption; nitrogen seems to be more stabilized. Nitrogen in Charlotte Harbor seems to have declined since the ordinances. A trend has not been observed in the Peace River since other things drive phosphorus such as hurricane releases from containment areas associated with fertilizer manufacturing, agricultural uses, land spreading. Pine Island Sound has lower phosphorus levels since 2007 and total nitrogen is looking better than it did in earlier years. Phosphorus levels in Matlacha Pass seem to be going down too. No affects for total nitrogen in San Carlos Bay, however Lake Okeechobee and Caloosahatchee River drain through San Carlos Bay. Estero Bay phosphorus levels have dropped since the adoption of the ordinance.

Education is an important component of ordinance compliance. People need to know what the standards are in order to comply. CHNEP has helped fund Charlotte County's fertilizer ordinance brochure and work through their extension agents. Charlotte County has increased the rigor of their ordinance and added application timing to their ordinance and reduced the amount of nitrogen allowed per acre of land.

Sarasota County has a really nice brochure and a visual of their low maintenance zones. The really exciting public information came from Lee County. They applied several hundred thousand dollars to multimedia campaign which included billboards throughout

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the county. At the time Cape Coral did not have an ordinance, but going into Cape Coral was the billboard and residents started complying before Cape Coral had an ordinance.

Questions and answers followed.

Watershed Report:

CHNEP has four priority problems included in the 2008 Comprehensive Conservation Management Plan (CCMP) update: hydrological alterations, water quality degradation, fish and wildlife habitat degradation and stewardship gaps. The entire state of the watershed plan is organized around those four priority areas.

Associated with the CCMP they adopted environmental indicators to determine if they are implementing their CCMP effectively and if they were seeing environmental results from their actions. Their Citizen Advisory Committee and their technical advisory committee of scientists, engineers and planners helped update and prioritize the environmental indicators. The top 12 indicators were used to formulate the state of the watershed report.

Lisa discussed the contents of their report which can be seen on the CHEP website. Questions and answers followed.

The meeting ended at 12:25 P.M.