

ADOPTED

**Myakka River Management Coordinating Council  
Nature Center  
Oscar Scherer State Park  
1843 S. Tamiami Trail  
Osprey, Florida**

**December 3, 2004**

**9:30 A.M. – 12:00 P.M.**

Jono Miller called the meeting to order at 9:30 a.m.

**Sarasota County's Environmentally Sensitive Lands Program Update – Belinda Perry**

Since the meeting in October, Sarasota County has acquired four additional properties in the Myakka River watershed totaling 250 acres. The Venice Mineral site is approximately 148 acres adjacent to the Rocky Ford site. Also acquired was an 11 acre parcel on the west side of the river near the FPL utility corridor, and an additional 90 plus acres, predominately on the west side of the river, north of Border Road, known as the Ligon Property. A small, less than one-acre parcel was acquired in the Warm Mineral Springs Creek area.

Jono inquired about the Hildago portion of the Ligon Property.

Belinda replied that it was 20 acres of pasture.

Jono stated that the Environmentally Sensitive Lands Oversight Committee discussed the County's review of a draft procedure to relinquish property that is not needed for the Environmentally Sensitive Lands Program. For instance the 20 acres of pasture probably will not be restored, and another county entity might be able to make use of that portion of the property, and if not, it may eventually end up on the market.

Jono added that the county could put deed restrictions or other constraints on the use of the property, so that subsequent uses would not negatively impact the County's investment.

Belinda added that negotiations are underway for 420 acres on the east side of the river, and south of the Carlton Reserve.

**Water Planning Alliance Update – Susan Hochuli (Peace River/Manasota Regional Water Supply Authority [WSA])**

The WSA is the administrator for the Water Planning Alliance (WPA).

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The WPA Board Membership is 13 and includes; Charlotte, DeSoto, Manatee and Sarasota Counties, and the major municipalities within those counties (Bradenton, Longboat Key, Palmetto, Sarasota, North Port, Venice, Arcadia and Punta Gorda), and the Englewood Water District. The WSA is not a member.

A supply and demand study was done for a twenty-year planning horizon, which showed demand would exceed supply in the WPA area in 2018.

Based on that information a second phase of the study was authorized to identify projects and criteria to meet the projected future demand.

The WPA formed a Technical Advisory Committee (TAC), and invited other interested stakeholders to participate. The TAC includes; the regional planning councils, the estuary programs, the regulatory community, and other water users.

The TAC has been working for about a year now, to identify project ideas, and criteria to evaluate them. This resulted in a “short list” of projects that went to the WPA Board in July. Since then, there has been further project evaluation.

The “short list” of projects includes some in the Myakka River watershed.

The WPA would like to turn future discussions towards implementing regional water supply projects.

Jono read the MRMCC letter that was sent to the WPA (pg. 19 of the Oct. 04, “draft” MRMCC Meeting Minutes).

Jono stated that part of MRMCC’s interest in the WPA is the plan to interconnect water systems so that no-one system is isolated. So there is an interest in having the potential to move water between the different utilities. A conceptual map displayed at the last TAC meeting showed what is called a “loop”. The loop is a pipeline that would connect a number of isolated systems. The alignment showed it going from the Carlton Water Treatment Plant north through the Myakka River State Park Wilderness Preserve, and then west on State Road 72. Jono suggested that this alignment should take advantage of co-locating with existing crossings of the river, and not impacting the natural areas.

Susan added that the routing plans are very preliminary and conceptual and it will take a lot of discussion and involvement between government and other agencies before a route is chosen. DEP and the MRMCC will be involved.

Susan stated that the TAC approved moving forward on discussions on how to implement their projects, and to start developing policies regarding water conservation, and reclaimed and reused water.

The driving force behind the WPA is water supply.

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### **Sarasota County's Myakka River Protection Zone Baseline Conditions Documentation – Howard Berna**

Howard works for Sarasota County Resource Protection, out of the Venice office. He explained that he works closely with Chris Becker on Myakka River permitting and related projects.

He was tasked with documenting the current shoreline and upland buffer conditions along the Myakka River. Last year the County amended its Land Development Regulations, Tree Protection Code, Earth Moving Code, and the Zoning Code to protect the wild and scenic river and watershed.

The idea was to document the river's conditions at the time new regulations were enacted (provide a snapshot of the current conditions). Chris and Howard documented conditions along the river over a number of days with a GPS, video camera, and digital camera. The shoreline was videotaped and photographs were taken of structures or unique features along the river. The GPS was used, so that the locations of video and photographs could be included in a GIS map. A helicopter flyover was also done, but it proved difficult to use this method.

Howard showed an example of the GIS mapping work being done.

### **Phosphate Mining in the Myakka Watershed – Orlando Rivera, DEP Bureau of Mine Reclamation**

Orlando gave an overview of phosphate mining in Florida, which has occurred since 1890.

From July 3, 1975 to Dec. 31, 2003, 171,264 acres were mined for phosphate, with 108,653 acres (63%), being reclaimed. Re-vegetation and industrial use accounts for 55,000 of the reclaimed acres. Of the 108,000 acres that have been reclaimed only 52,000 have been released.

NuGulf Industries had operated the Wingate Creek Mine located in the upper Myakka watershed in Manatee County. The Wingate Creek Mine spent little time in operation (mostly in 1980's) with only 686 acres being mined and 243 acres (35%) reclaimed. The Wingate Creek Mine was recently acquired by Cargill (now known as Mosaic after a merger with IMC).

A map of the Wingate Creek Mine was displayed, showing its location in Manatee County north of Myakka City. The watersheds in the mine are Wingate Creek and Johnson Creek, which flow into the Myakka River downstream of the mine. Both watersheds are Class III Waters (designated for fishing and swimming).

The Mosaic Wingate Creek Mine is 3,062 acres; 1,311 acres proposed for mining; 686 acres mined to-date, and 21 wetland acres preserved. Twenty-two wetland/surface water

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acres are to be mined or disturbed by mining operations. A 1,380 linear-foot section of Wingate Creek is being re-configured as a stream and forested floodplain. A 38 acre herbaceous marsh is being enhanced as mitigation.

Only mining and beneficiation (separation of the sand and clay, from phosphate ore) occurs at the Wingate Mine, with no chemical plant. Mining is scheduled to cease by July 2015.

A Wetland Resource Permit was issued in January 2000. In May 2004 there was a transfer of ownership to Cargill, which was later changed to Mosaic in November 2004. The Conceptual Reclamation Plan modification was received by DEP in November 2004.

This mine uses sand/clay mix and clay settling areas. When phosphate is mined, it consists of approximately 1/3 clay, 1/3 sand, and 1/3 phosphate. The phosphate is removed as the product, and the clay and sand goes back for sand/clay mix reclamation.

A dredge is used at this mine instead of a drag line.

There is another mine proposed in the Myakka watershed called the Pine Level Mine. It has been proposed since the 1980s. Currently, there is no application, but seven years ago the permitting process was initiated, but with no application ever being submitted.

### **Status of Phosphate Mining in Manatee County - Neal Parker**

Neal is an employee of Manatee County, Environmental Management Department.

A map was displayed showing the existing and future phosphate mine sites in Manatee County, with approximately 45,000 acres (about 70 sq. mi.) owned by Mosaic. Referring to a PowerPoint presentation he pointed out the Four Corners Mine, Wingate Creek and its expansion areas. He continued to describe locations of future mining properties.

To put the mining acreage in perspective by watershed, and concentrating on the Myakka River, over 90% of future phosphate mining in Manatee County will occur in the Myakka River Watershed.

Neal inspects mining operations; on the ground and in the air, and he referred to aerial shots on the PowerPoint. It is interesting to note that the mines are now around developments. For example, at the Wingate Creek Mine a 3,000-ft. berm was constructed to separate the mining operation from the Winding Creek Subdivision.

A hard copy of the PowerPoint presentation was distributed.

Neal discussed the Manatee County Phosphate Mining Code (Ordinance 04-39). To obtain a copy call the Manatee County Board Records (941) 741-4018 (there is a charge). Eventually, it should be available on the Manatee County website.

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To get approval from Manatee County for phosphate mining, the mine property must be rezoned; a development order must be approved; a master mine plan is required; and an operating permit (subject of the mine ordinance) must be issued.

Mining Code Contents are listed on pages 4-5 on the hard copy of the PowerPoint presentation which Neal read through. Items which Neal commented on are:

- Annual Reports - Once the Operating Permit is granted an annual report must be submitted for the mine. It is required 45 days after the anniversary of the operating permit
- Master Mine Permit (MMP) & Operating Permit (OP) Amendments: There is a determination of whether these are significant or not. If they are significant then they go to the Board of Approvals and to public hearings
- Enforcement – Mines are inspected for violations, with the power of Cease and Desist Orders
- Appendixes – There are five. It includes the Environmental Monitoring Programs
- There is a Spill, Prevention and Containment and Response Plan
- There is a strong financial responsibility requirement - Bonds are required for both reclamation and surety, plus insurance
- Cumulative Impact Assessment must be done on the basin where mining is proposed. The methodology for that Cumulative Impact Assessment is in the ordinance

Jono asked: Does the ordinance treat the Myakka Watershed differently than the other watersheds?

Neal stated that the potable water watersheds (Peace River and Manatee River) have “best management practices” requirements

Neal continued with his presentation. The mining ordinance has a very strong Reclamation Manual. The entire document is 170 pages long, with 70% made-up of reclamation guidelines.

Marlene Guffey asked what could be done on the reclaimed land.

Neal replied that all of the reclaimed lands would be returned to beneficial uses, such as agriculture, reservoirs for drinking water, and wildlife habitat.

Marlene asked what can be done in the clay settling areas.

Neal replied that clay settling areas are basically farm land, grazing land, golf courses, and even tied to developments in the Lakeland area.

Jono stated that Neal probably knows that one part of the Manatee government is interested in establishing a reservoir that would take water from the Myakka as a potable supply. It seems like Neal has an ordinance that treats the potable watersheds differently than the Myakka, and yet people are interested in looking at Myakka as a potable source.

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Neal replied that he believed the above to be an unfair representation.

Ken Alvarez asked if housing was permitted on these reclaimed areas.

Neal replied that after the reclaimed land is “released”, it would need to be rezoned, but there would need to be protection, radiation type protection (radon), before any construction. If the radon level is exceeded it would need to be recorded on a deed and radon specific construction techniques would need to be utilized.

Mary Jelks asked about some of the land being restored to ranchland, and the effect of radon on well water.

Neal explained that the wells are probably in the intermediate aquifer, substantially below where the mines have operated, so it should not be a concern.

Further questions and answers followed.

### **Mosaic Wingate Creek Mine - Mike DeNeve, Mosaic**

Mike gave an overview of the operations of the Wingate Creek Mine. Mike introduced Rosemarie Garcia, Reclamation Supervisor for their east mines and Dee Allen, Reclamation Permitting Superintendent for their west mines.

Mike showed a map of Mosaic's holdings, which is a combination of Cargill and IMC holdings that were merged to form Mosaic.

The Wingate Mine is unique, with most phosphate mines, enormous electrical-powered drag lines are used to remove the overburden and matrix, but the Wingate Creek Mine uses a floating dredge, which is a new process of mining for Mosaic. As Orlando mentioned, there are 3,025 acres on the current Master Mining and Reclamation plan for this site and 630 acres are scheduled for mining in the current permitted area.

Mike mentioned that the adjacent Texaco Tract has not been permitted.

Orlando and Neal both mentioned that the mine has had a checkered history. It started mining back in December of 1981. It shut down for the final time in 1999. It was mined sporadically over that period, but under a couple of different owners.

Cargill Fertilizer acquired the mine site from NewGulf holdings in March of 2004. IMC and Cargill merged to form Mosaic in October of 2004. The plant resumed full operations on a somewhat limited basis in November of 2004.

Mike displayed and explained a diagram of the mining process:

- Anatomy of a dredge
- Extraction of matrix (phosphate ore zone)

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- Beneficiation (phosphate removed from matrix)
- Byproducts (clay, sand tailings, and sand/clay mix)
- Reclamation

Mike explained that around 98% to 99% of the water used in the mining process is recycled. Excess water is discharged through an NPDES discharge, which requires water quality to meet state standards before they discharge.

There were further questions and answers about the mining process.

Mike mentioned that clay-settling areas are highly regulated and engineered, and there are very specific DEP rules, Chapter 62-672, that govern how clay-settling areas are built.

Examples of reclaimed lands on other mined areas were displayed, since little has been done at Wingate, these included; restored wetlands, restored ponds, planted trees, reclaimed lakes and fish management areas.

Mike said the area west of the entrance road will be reclaimed within three years of the operating permit issuance. Wingate Creek will be enhanced through the mined area, and one outfall will be moved from the south end of the property closer to the area being mined. This will allow additional enhancements to Wingate Creek.

Mosaic has five surficial and three intermediate aquifer monitoring wells that are sampled semi-annually for 18 parameters, including water level. Surface waters are also sampled for 28 parameters. The surface water sites are the Myakka River upstream and downstream of Wingate Creek, and the two NPDES outfalls on Wingate Creek and Johnson Creek.

Dr. Mary Jelks asked what the frequency of sampling was.

Mike answered that the surface water sampling are done monthly for the first year, then quarterly after that. The outfall sampling is done weekly, and reported to the state monthly.

Mike showed a water quality comparison between the upstream Myakka River sample and the Wingate Creek outfall:

- Phosphorus was essentially the same, well below the state standard
- Nitrogen was essentially the same, below the state standard
- pH was essentially the same
- Dissolved oxygen, did not meet state water quality standards for the Myakka, but met standard for Wingate
- Oil and grease analysis was 0 mg/l at Wingate, and 2.5 mg/l at Myakka. The state limit is 5 mg/l.

Since taking over the mining operation, Mosaic has done site improvements such as mowing and vegetation control, berm enhancements, processing plant upgrades and

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repairs. A 90 degree bend in Duette Road, which was a safety concern of the county's, was removed. A berm was rebuilt around a polishing pond adjacent to Wingate Creek, and brought it up to state standards.

Mosaic has been active in the community, coordinating with the School Board on bus routes, truck routes, and schedules. The phosphate transportation route stays away from SR 64 and uses Duette Rd., SR 62, and SR 37 in Polk. Nearby residents were provided site tours of their facility. Mosaic joined the Manatee Chamber of Commerce, and sponsored the Manatee County's School Transportation Development and Driver Safety Awards luncheon.

The projected employment for the Wingate Creek Mine (Mosaic employees and contractors) is 120 full time jobs, with a projected \$18.8 million dollars per year economic impact.

As financial assurance for the Manatee County permit, \$3.9 million in liability was required for the projected mining and clay-settling acres. A \$4.5 million reclamation bond, and a \$223 thousand dollar surety bond were also required. A \$10 million environmental damage insurance policy was required.

For every ton of product shipped \$1.62 of severance taxes go to the state of Florida. With \$10 million of the severance tax going to the Conservation and Recreation Lands Program (CARL) every year. To date there has been half a billion dollars paid from the phosphate industry to CARL. Approximately \$250,000 per year will be paid to Manatee County while the Wingate Creek Mine is in operation.

### **City of Venice 10-acre Myakka River Park Proposal – Don Caillouettte**

The city has put together a conceptual plan for the Myakka River Park, which is 10 acres at the eastern end of Laurel Road. The City of Venice obtained the park as part of the annexation agreement for the Venetian Golf and River Club development.

The park is situated in flood zone A, with about 65% of the park going under water during major floods.

The area is environmentally sensitive, with the Myakka River an Outstanding Florida Water, and a Wild and Scenic River, with a 220 ft upland buffer zone. There is an inactive eagle nest in the area, plus other listed birds and animals.

An aerial was shown with conceptual plans for the proposed park, with small picnic shelters, small restrooms, a couple of playground areas, and most importantly, a non-motorized boat launch. Pedestrian features include nature trails, and parking facilities. The goal is to try to keep the area as natural as possible.

Dr. Mary Jelks expresses concern about the name of the park being similar to Myakka River State Park. Jono concurred.

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Don said that City Council would review whether Myakka River Park is an appropriate name, or not.

Jono wanted to know if the facilities were designed to tolerate flooding, because it is in the 100 year floodplain.

Don said the whole area is identified as Flood Zone A.

Belinda asked if the restrooms would be on sewer.

Don responded that they would.

Belinda added to the concern of the name for the park, with Myakka River State Park and Myakka State Forest already causing confusion.

Jono suggested Venice River Park.

More questions, comments and answers followed.

Howard Berna commented that he would prefer a dock structure rather than a boat launch. In addition he felt that 8 feet wide for paths is a bit excessive. Four feet is an accessible width and a standard with ADA. Eight foot path would be conducive to people driving their cars. He felt signs to indicate no motorized vehicles were inadequate.

Don stated that he thought the park would open in three to four years.

Belinda Perry asked a question about WCI and trails

Chris Becker added that WCI has an application, currently under review, for a canoe launch and a trail system. The trail system stays on higher ground, and ends short of the proposed city park, because of wetland issues. Initially a connection between the city park and the WCI trail system was explored, but there are significant wetland areas towards the southern end of the WCI property.

### **Myakka River Watershed Conference – Chris Becker**

Because of the interest in the Myakka River as a water supply source, hydrological restoration projects, and historical alterations to the river, a list of individuals interested in these issues was obtained at the last meeting. A recommendation for a Myakka River Watershed Conference came from this group, with a conference tentatively scheduled for February 14, 2005 at Edison Community College in conjunction with the Charlotte Harbor National Estuary Program's Charlotte Harbor Watershed Summit. The Myakka Conference is expected to be an all day event. A basic outline of topics was provided, which included a historical overview of the Myakka River watershed, land use and land

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changes within the watershed, manmade impacts to the river, water quality, biology and hydrology.

### **Myakka River Biologist's Report – Chris Becker.**

This report was shorter than usual due to the short duration between this meeting and the last meeting.

Roseate spoonbills with colored leg bands are being seen along the river. Audubon of Florida is tracking these spoonbills.

A pygmy rattlesnake, an unusual sighting, was observed on the November inspection.

The permit program:

- The Venetian Golf and River Club canoe launch and nature trails has been under review for the past year, still waiting on requested additional information
- A preconstruction meeting with DOT and the contractor that will be working on the I-75 bridge deck replacement and bridge widening project was held. Work is planned to begin in January 2005. The DOT mitigation for this project has been done at the former rest area along the river, where Brazilian pepper was removed, and native cabbage palms and other vegetation was planted
- Another issue that has come up recently, is a proposal to construct condos near the river, north and west of the US 41 Bridge. A recommendation of the *Wild and Scenic River Management Plan* adopted in 1990 was to prohibit multi-family residential near the river; Sarasota County's amended ordinances (2003) for the Protection Zone prohibits multi-family within 220-ft. of the river area, but a developer acquired this land and would like to build condominiums

Chris stated that he had been working with Bill Smith with the FWC on the issue of alligators. On the Myakka there was a problem with alligators, pets, and residents. Hopefully a meeting can be planned with river residents, so that experts from the FWC can explain to them on how to live with alligators, the legal ways of removing a bad alligator and how to prevent making an alligator bad.

Chris is also working on the issue that was raised at the last meeting about lead shot being used by hunters at the Myakka State Forest. Hopefully, at the next meeting Chris will have a report for MRMCC.

The 20<sup>th</sup> Anniversary of the wild & scenic designation is next year (2005). The Sarasota Herald Tribune is going to be running a series of articles weekly on the river for the year.

Jono said it would never occur to him to count alligators coming through the park, but Thanksgiving weekend his son canoed from S.R. 72 to Snook Haven, and they saw 123 alligators.

**Chris determined that there was no-longer a quorum present.**

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**The dates for the meetings for 2005 were set: April 8, August 12 and December 9.**

**Informal discussions followed.**

Belinda Perry announced that Eric Sutton from Sarasota County would like to discuss public use along the Myakka River at the next meeting.

Jono stated he would like a presentation on the Venetian Golf and River Club's trails and canoe launch at the next meeting.

Chris Becker stated that he was still waiting for design changes that meet the River Rule standards. Chris has been reviewing the application, but there were issues on how far the structure went out into the river, how deep the water was where the structure went, and where the rip-rap could be placed.

Jono asked about the canoe launches location on the main river stem.

Chris replied that the proposed canoe launch area was picked to decrease wetland impacts. At this location the pine flatwoods come all the way to the river, but this is also an area with some erosion, so they need some kind of shoreline stabilization.

Marlene Guffey raised concern about a trail system on the former FDOT rest area, because of problems experienced at that location in the past. Plus she wanted to know where the trail would lead to, with Blackburn Canal at its north end.

Jono indicated that a bridge would be required to get over Blackburn Canal to the county property to the north.

Discussion and clarification continued about a bridge.

Dianne Davies suggested that it would be neat to have an Earth Day type celebration for the 20<sup>th</sup> Anniversary of the Wild & Scenic Designation.

Jono explained this could be promulgated at the workshop coming up. It would be an opportunity to get Bob Johnson and Mary Jelks, and others that have worked over the years on Myakka River issues together.

**The meeting ended at 11:57 am.**

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**Members in Attendance**

Phil Segerstrom	Jono Miller
Mary Jelks	Don Caillouette
Marlene Guffey	Belinda Perry
Dianne Davies	Jeff Thirlwall
Jean Ost	Jill Green
Chuck Downs	Sandy Alston
Susan Hochuli	William R. Smith

**Others in Attendance**

Chris Becker	Dee Allen
Mike DeNeve	Orlando Rivera
Howard Berna	Lisa Robertson
Terry Briggs	Rosemarie Garcia
Neal Parker	Ed Freeman
John Sarkozy	Diana Donaghy
Joe R. Lyons	Jamie Scudera
Judy Meents	Ken Alvarez