

**Myakka River Management Coordinating Council
SWFWMD Sarasota Service Office
6750 Fruitville Road
Sarasota, FL 34240
June 7, 2019
9:30 A. M. – 12:00 P.M.**

MINUTES

The meeting began at 9:30 A. M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on Friday, May 24, 2019.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Lee Amos-CFGC
Lou Kovach-Homeowner
Steve Giguere- FDEP/MRSP
Corky Pezzati-SCLWV
Chuck Johnston – 2J Farms LLC
Clint Wardlow-FFS
Jim Beaver-SWFRP
Barbara Hines-Manasota 88

Howard Berna - SCNR
Greg Blanchard-Manatee County
David Jayroe – City of North Port
Dennis Ragosta-SWFWMD
Heather Young-TBRPC
Paul Thomas-FWC
Becky Ayeche-ECOSWF
Steven Schaefer-Friends of Myakka
Kathryn Haring-City of Venice

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Chris Becker – FDEP/FPS
Edie Driest-NP FOWL
Jon Robinson-Sarasota County
Debbie Blanco-Sarasota County
Rebecca Armstrong – MRSP
Danielle Gill—MRSP
Jill Luke-Commissioner of NP
James Achilliz-Sarasota Sheriff Dept

Nadine Hallenbeck – FDEP/FPS
Joan San Lwin-member of public
Victor Dobrin-member of public
Stephen Suau- member of public
Jean Blackburn-member of public
Brian Fugate-FDEP/FPS
Guy Carpenter-FWC
Sierra Moen-CHNEP

- **Call to Order and Roll Call was made.**
- **Public Comments:** Jill Luke, North Port Commissioner, advised the Council that the City of North Port, City of Venice and City of Sarasota all passed the new stormwater treatment resolution.
- Stephen Suau, who worked as a stormwater engineer in Sarasota, spoke in support of local resolutions that are calling for a new improved stormwater (legislative) bill. He started by discussing the issue and recent history. Nitrogen and phosphorus levels in the water have been increasing since 1995. Research was conducted at that time to see what could be done about the rising levels. An advisory committee was created to go over the current research and a bill was scheduled to go to public hearing before adoption in late

2010-2011 but was halted with the switch in governors. (The March 2010 Stormwater Manual and Rules were not adopted.) Stormwater ponds only reduce about 40% of nitrogen no matter how deep or big they are. The (March 2010) rule is now being unofficially used by the water management districts if an environmental resource permit comes in for a project that is discharging into waters that are designated as impaired. Southwest Florida Water Management District (SWFWMD) estimates that 30-40% of the construction projects right now are discharging into impaired waters. The resolution from North Port, Venice and Sarasota are clear that they are not asking the governor to adopt (the March 2010) rule but asking to reinstate the legislative public hearing process, so the public can have their say and get a new rule approved. The intent is to get the rule vetted before adopting.

- **Approval of the Meeting Minutes from January 25, 2018 Council Meeting.** Becky Ayech moved adoption of the Minutes. Steven Schaefer seconded. The Minutes were adopted.

OLD BUSINESS:

Jim Beever elaborated on the stormwater rule further. The idea that getting an approved stormwater rule for Florida is a great idea. The basis of review is not achieving the nutrient reduction goals that should be being achieved. Water quality degradation, harmful algae blooms and a number of other problems are a result of this. Stormwater treatment involves total suspended solids which also needs to be considered in this process. Some cities, such as Bonita Springs and Sanibel, have much stricter rules. It is a convoluted process, so they do not get preempted out from water management districts review. It includes, more retention, better treatment including filter marshes. Using vegetation to clean the water is a very effective method of reducing nitrogen and phosphorus. It is possible to reach the desired 80% reduction level with this method.

The issue comes up with the Harper method. Some parts are good, but two things do not make sense. The method of calculation for runoff from different land forms to do a precondition of a landscape. When you go to a place that has not been developed you look at all the landscape and the land uses and the nutrient levels coming off right now. The method shows the nutrients coming off undeveloped native uplands and undeveloped native wetlands. It does not distinguish between types of nitrogen, such as, total nitrogen compared to nitrates, nitrites, ammonia. A lot of the nitrogen can be complex within non-dissolvable material which does not become water pollution, it is basically the plant biomass. Plants around the stormwater pond will pick up the nutrients, incorporate it into the plant and it is biologically useful. That is still calculated in this (as pollution). You look at the coast and what the land will be developed to be. You can use the methodology to show that a wetland in its natural state, like a floodplain area of the Myakka River, is more polluting than a paved parking lot. If the calculation is misapplied, the amount of pollution coming off of the final developed landscape can be underestimated. To resolve this, you just would not include the different types of nitrogen which should not be calculated into it. Isolated wetland systems like a cypress dome that does not have an outlet, they are not putting pollution into the environment, they are incorporating it into biomass and storing it.

The other problem is that the method does not consider different areas of the state. It states that if you need more storage just dig bigger and deeper. Going deeper can cause three main issues. The deeper you go the higher the risk you have of creating a no oxygen zone, a hypoxic zone. Organic matter which goes into this zone gets involved in a whole different metabolism and that material gets generated into a form that will be more polluting. Then temperatures change, and the lake turns over. The hypoxic water comes up from the bottom, goes to the top and kills the fish and creates algae blooms.

The second problem with going deep is that some systems down here, geologically, are including layers which keep the surface water table separate from other (aquifer) systems below. Once you break through this barrier of clay material or rock material, the extra depth you gain gets filled by groundwater.

The third problem is if you breakthrough into ground waters then it is likely that a stormwater pond that is getting pollutants put into it from surface treatments will then get in contact with groundwater and can pollute the groundwater. The water tables are higher in southwest Florida, so it does not make much sense to go deeper.

If these problems are fixed there could be a better stormwater management rule. Instead of going deeper, take up more area of the place being developed with a stormwater management system. The places that do well are the places that have big stormwater management systems. Bonita Bay, Babcock Ranch, and Gateway all have good examples of this.

Jim's recommendation to the group is to support resolutions that advocate for an improved stormwater management system and to back that type of legislation.

Motion

The Myakka River Management Coordinating Council supports state legislation for an improved stormwater rule.

Becky Ayech motioned, Steven Schaefer seconded. Steve Giguere abstained. Motion passed.

The Myakka River Management Coordinating Council recommends that the model methodology used recognizes the diversity of hydrogeology throughout Florida and that natural Florida wetlands are not polluting.

Becky Ayech motioned, Corky Pezzati seconded. Greg Blanchard and Steve Giguere abstained.

Jono informed the group that Bill Byle of Charlotte County would be retiring at the end of June. Kevin Kemp from FWC also has retired.

Jono gave the group an update on the C.R. 780 bridge railing issue. Becky Ayech did research and provided photos and gave that to Jono. He then wrote a letter to Sarasota County expressing the Council's concerns and that they were supposed to consider visual impacts to the Myakka River, noting he included elements from Becky's research and photos to support the Council's position. Jono stated that the response from Sarasota County basically said that the Council was

wrong, that the county never depicted a see-through wall/railing, the new bridge was constructed in accordance with new safety regulations and the railing will not be changed. Jono asked the group if they would be interested in pursuing the matter further.

Becky added that has been an interesting process. That the photos and videos that support the Council's positions, were specifically from the county's bridge presentation to the Council during a (public) meeting, yet the county does not acknowledge these materials as their representation to the group. She noted further that these have been several reasons for the change in the design and gave an example that Ms. Lewis said all the metal would be stolen. Becky stated that she has spoken to an attorney about this and the attorney's advice was to read back through the correspondence with the county and see if they mention anything previously about it being a safety issue. If they do, the matter is closed. Becky is working on reading through the emails.

Lee noted that upcoming restoration activities north of this wall improve the viewshed.

UPDATES:

Howard Berna-Sarasota County

Howard had no updates at this time.

Jono added that the county came out with a Blue Ways Paddling Guide. It is very informative and explains to people that want to get out on the water how to do so. They are very popular and they are coming out with a second printing. Jono added that some updates are needed, like adding Senator Bob Johnson's Landing (it was not open at the time of the first edition). A copy can be downloaded from the Sarasota County website.

Greg Blanchard-Manatee County

Greg had no updates at this time.

Jono added that there is a new equestrian center on Clay Gully Road. The development of this land could impact the Myakka River. The next big rain event will give a better indication if this will be a negative impact to the river.

David Jayroe-City of North Port

On May 16th there was a water quality education outreach team meeting. Many municipalities, including Sarasota County, were there. They discussed what the future efforts of public outreach could be.

An Earth Day event was conducted at an elementary school in North Port. David spoke with about 200 students about water quality and picking up after pets.

On April 24th a canal watch group meeting was held at the wastewater treatment plant. Discussed everything they do and how they turn the water back to a lot of golf courses and the city for irrigation.

Becky asked if it was AWT (Advanced Wastewater Treatment) or secondary.

David replied it was secondary.

David noted that Allain Hale orchestrated a cleanup of the Myakkahatchee Creek bypass canal. It could not be done completely in one trip so two separate ones had to be made. This was held in February and on March 31st. Two truck beds full of garbage were removed from this area.

Kathryn Harring-City of Venice

Kathryn advised that they were also a part of the North Port meeting for water quality education outreach.

Sierra Moen-Coastal and Heartland National Estuary Partnership

As of June 1st, CHNEP now stands for the Coastal and Heartland National Estuary Partnership. They changed their name to give a more accurate depiction of the areas they have an interest in.

They just published a Habitat Restoration Use Plan, which is basin specific. They were looking to identify which areas need to be preserved or restored. It focuses on connectivity, restoration and resiliency. The Council will receive a Myakka Basin version of this plan.

Paul Thomas-FWC

Paul reiterated that Kevin Kemp has retired.

Captain Guy Carpenter added that if anyone sees an issue to please report it to them, so it can be addressed.

Dennis Ragosta-SFWMD

Governor DeSantis directed the SWFWMD Board to stress the importance of water quality. The Gulf of Mexico has not been prioritized as a regional water body in the past, but the board voted on making it a regional body of water so moving forward it will broaden the water quality and projects they fund in the future, depending on how certain elements may affect the Gulf of Mexico. There are three vacancies currently on the board waiting for governor appointment as well as other members who are up for reappointment.

Steve Suau asked if any policy direction or funds would be made available to convert existing treatment systems to AWT.

Dennis said there has been public output and input about that, but he could not say for sure. He would try to find out.

Becky asked for an update about Flatford Swamp.

Dennis said that not much has changed since the last update.

Clint Wardlow-Florida Forest Service

In the 2019-20 fiscal year, they have a timber harvest scheduled in Myakka State Forest on two different planted plots. One is about 60 acres and the other is about 30 acres. The State Forest Management Plan is also getting a regularly scheduled update.

They have had a quiet fire season but just responded to two wildfires recently.

Becky Ayech-ECOSWF

On July 16th, ECOSWF will have their oral argument in court on getting money owed to the people to buy lands related to Amendment 1.

Another thing ECOSWF has been pushing is related to the water quality issue and what cities, like North Port, are talking about addressing now. In the 1980s we had water wars and we all had to stop pumping from the ground water, and so everybody said if we used reuse water for outdoor irrigation that is the best thing since sliced bread. This will cut down pre-capita use of good water (ground water) and that water would be better because it is full of nitrogen and phosphorus. Everybody was so happy because now they got automatic fertilization every time they turned on the water. The joy was finding this as a commodity rather than a disposal problem. The County recently has been discharging secondarily treated waters into Cowpen Slough and Phillipi Creek because of lack of storage capacity. If the county went to AWT, the nutrient levels in the waste water would be reduced.

High Hat Ranch wants to make two or three villages into a development. They are required to reuse water for irrigation and they are not allowed to install ground water or superficial wells. Becky suggested they look into supporting the county's AWT, so nitrogen and phosphorus can be removed. In a new development there should be a public conversation about putting in gray lines or toilets and make it a closed loop. Jim Turner, at High Hat Ranch said he would look into it.

Jim Beever added that reused water has been a major pollutant on barrier islands. What happens is the sandy soil is very permeable and the water is going right out. They also looked at reuse practices and found people were using the reused water but then still fertilizing.

Jono told the Council about a study at New College where they sunk buckets into different lawns, some were maintained by lawn services, others had no maintenance. Immediately after a rain, students went out and tested the water in the buckets. The ones with lawn services had high elevations of nutrients while the non-maintained lawns had no issues.

Becky added that they will be writing a letter to DEP in support of the new stormwater rule with additional comments that the nitrogen and phosphorus need to be looked at in reused water.

Stephen Suau added that Lakewood Ranch is also pushing the county to go with AWT.

Lou Kovach asked if there was any plan in place to add removal of nutrients to wastewater treatment plants.

Becky advised of a lawsuit brought against Sarasota County by Suncoast Water Keepers for dumping treated water into Phillippe Creek and Cow Pen Slough. Currently they are in negotiation. The county offered to not treat it to AWT they would leave it at secondary and would take people on septic tanks and hook them up.

Jono added that he took old AWT plants and redirected the flow to grandfathered plants that were not AWT. Essentially going backwards. People have noticed and are pushing back.

Jim added that a lot of the places that have AWT plants were funded by federal money, which is not available any more.

Discussion continued.

Lee Amos-CFGC

The Myakka Island Conservation Corridor is an initiative to take Myakka Island and turn it into a corridor which would be important for the Florida panther and other wildlife.

Murphy Marsh will close in a month. The bulk of Tatum Sawgrass will then be protected. They have a restoration plan they are working on with NRCS to restore this area. They also acquired about 40 acres which they are calling Tatum Sawgrass Scrub Preserve, this transitions down to the Tatum Sawgrass.

Chris asked if there are any scrub jays there.

Lee advised he is not sure but they are working on restoring the area so it will be more attractive to scrub jays.

They received funding from the Cornell Lab of Ornithology to restore the scrub and they will work on that over the next year.

They toured MJ Ranch with National Fish & Wildlife Foundation (NFWF). They have applied to Florida Forever for funding to get the property ranked. It has 5 miles on the Myakka River and 254 acres of sand pine scrub.

Becky asked about the site as a former sludge site and if the soil will be tested before purchasing.

Lee advised they will not be the land owner, but the purchaser will probably do a phase I environmental assessment.

An offer was made on Orange Hammock Ranch. The offer was below the appraised value, and they are hoping to fundraise for the difference. Unfortunately, current rules do not allow making up the difference with fundraising.

Chris Oliver-MWSR

The FPS District IV continues to seek funding to conduct a feasibility study related to restoration of the Upper Myakka Lake (UML) Bypass/Weir Area as directed in the adopted MWSR

Management Plan, under Action 2.4. In October 2017, an application was submitted to request funding through the SWFWMD Cooperative Funding Initiative (CFI) to conduct modeling to identifying the best solution to this long-standing issue. An agreement with the WMD was signed in March. The contractor began work in February with a kick-off meeting on February 28th. An automated gage was installed in the UML boat basin and the contractor completed a data collection plan. The modelling work is about start. The draft plan is schedule for February 2020 and a presentation for the Council could be arranged for that. An application was made to CHNEP for potential assistance to fund the final design of the restoration product from this study/plan. An application exists for the FWC AHRES program to partner on the actual construction/implementation.

In October 2018, similar CFI proposal was submitted to study the Downs' Dam area for restoration. The WMD approval may happen this summer with a funding match potentially available after October 2019 – ideally a contractor would start December 2019.

Becky asked how the upstream inputs from agriculture that enters Flatford Swamp were being considered in the studies.

Chris advised that is something that will hopefully be taken into account beforehand.

The Critical Wildlife Area (CWA) had increased activity from April with 235 birds. This included 121 wood stork and a total of about 97 nests. He thinks that with the new signage posted last year, the number of incidents of people pulling their boats right up the rookery has decreased. We are working on a plan for improved signage at several access points.

This was a great year for manatee observations in the Upper MWSR, and MRSP. With nearly 30 confirmed observations, this year making it the 7th consecutive year of observation in the MRSP. With the help of other staff and volunteers it was determined that manatees were present in the Myakka above MRSP south boundary for 148 days or 40.5% of 2018. A wetter “winter” and potentially the red-tide issue lead to the presence of manatee found above the UML on 2/7/2019.

Break 11:05-11:15

NEW BUSINESS:

Captain Guy Carpenter-FWC

His office covers the area from Fort Myers, where they are located, up to Manatee County. In 2012, the Florida Fish and Wildlife Division of Law Enforcement absorbed the DEP's Park Patrol. They did not receive any additional staffing. The Myakka River is always a priority of theirs.

As for the CWA, it has been designated as such for a while, but it did not always have proper signage which made it difficult to enforce regulations. Now with the proper signage and it being patrolled regularly, this should be made easier.

They are very active in the water since boating safety is one of their primary concerns, but they have to attend to the areas that are most populated.

He stressed that if someone sees a violation in progress to call the dispatch center and report it. If it is an ongoing violation, call Chris Oliver, he can relay the message to Capt. Carpenter and he can post an officer to that specific area to try to catch the violation.

He also spoke to his marine counterparts and the sheriff's agricultural division. He knows they like to be responsive to calls as well but they are also concerned with the most populated areas. The agencies work together to catch violations as well. The dispatch number to call is 888-404-3922. It is operational 24 hours a day, seven days a week and it is located in Tampa.

Becky asked what the turnaround time would be after calling the dispatch center.

Capt. Carpenter replied that it will vary. He also advised that the response may be delayed initially. The officers are very spread out. If he has an officer in that area, the response time would be much shorter. It depends on the violation, where the violation is, if there is an officer in the area and how busy they are at that time.

A few members of the Council asked what the specific penalty was for various violations.

Debbie Blanco asked if it makes a difference if they call the dispatch center as opposed to a member of law enforcement that they may know personally for the purpose of determining staffing in our area.

Capt. Carpenter replied that it would make a difference. The data from the dispatch center is used to determine "priority patrols". That is how they decide what areas to focus their attention on.

Jono Miller-UMP Update

Jono gave an overview of the history of the MRSP UMP update process noting this update was first discussed by Council in February 2015. Shortly after that the news broke that Tallahassee wanted to put cattle in MRSP which slowed everything down. A draft UMP came out in 2016 followed by some public meetings that were problematic. A few more drafts were produced that address issues from the public. In January 2019, the Office of Park Planning gave a presentation to the MRMCC on these changes and this was followed by the latest version from March 2019 UMP that has gone to the ARC for review next week.

Jono continued with a PowerPoint presentation that discussed the core issue and the four main concerns of the previous draft, voted on by the Council.

The designated portion of the Myakka Wild and Scenic River inside Myakka River State Park embodies an essential paradox: The original development of the park placed most of the recreational destinations and infrastructure in close proximity to the river and in the annual floodplain, and the passage of the Wild and Scenic River Legislation created a countervailing state mandate to minimize intrusions adjacent to the river.

The first concern was the scant recognition of the Wild and Scenic Designation, Myakka River Rule and Management Plan. Now half of page 2 and a quarter of page 7 profile the Wild and Scenic River. It is also on pages 110 and 111. The Act and the Rule are included as appendices. The Council's suggestion was to add "avoid or" to all references to minimizing impacts on river values. The new draft has been updated to have the word "avoid" along with "minimize". A permit for any activity that is not already exempted will now have to be issued. Additional new language includes, "Continue to maintain park structures and abide by the permitting process. All new development requires complete permitting. Recreation Carrying Capacity concerns should be considered prior to applying for a permit. Any improvement that expands the footprint will require a permit. Any new recreational developments, if approved by the master planning process will require permits, this includes picnicking and interpretive programming". Jono considers this to be much improved.

The second concern with the plan was there is no mention of any analysis of visual impacts on recreational river user – no avoidance of new impacts, and no proposals to remove or ameliorate existing visual intrusions. Now the plan has language stating, "Avoiding resource impacts. Maintain a balance between public access and protection of the resources. Address critical viewsheds and potential impacts to the park's natural and cultural resources." On page 119, it notes the intention to develop a conceptual master plan for the park. Some items they identified are: the south entrance, parking considerations, recreational use patterns, getting around between the usage areas and interpretive programming. Jono suggests that they also add: entering the park from the north, entering the park from the south, the weir, Deep Hole, impacts of the tour boat, the recreational carrying capacity and the experiences of people on the river. With the redesign of the C.R.780 bridge, it is now possible for people to pull in and dump carcasses and enter the park from the north. With the failure of Downs' Dam, people can enter there when the water is high enough. Deep Hole is getting more visitation which could be changing the behavior of the animals. On the new boat tour, the operator said he was going to get "as close as possible" to the animals which caused them to flush. On page 119, it states that any improvements will have to carefully evaluated impacts to the viewshed and to minimize intrusion of manmade elements into the critical viewshed. Jono feels this is much better.

Concern three was the capricious and inaccurate mapping of the Protection Zone Floodplain, which excludes most development. The Protected Zone intensive resource areas are not allowed in there. All wetlands, floodplain and hydric hammocks were designated protected zones. The protected zone did not include the developed areas. This created much confusion. In the current draft, protected zone does not appear anywhere in the document. Jono feels there is too much ambiguity to what this means. There is a protection zone but not a protected zone. Jono is optimistic this can be resolved in the master planning process. They are now proposing Visitor Experience Zones instead.

The fourth concern is a Recreational Carrying Capacity Study being done. This remains listed as unfunded with the unfunded amount being double what it was in the previous draft. He feels that Chris going on his monthly trips on the river is not enough monitoring to be sufficient. The draft has language that states, "In the event that funding becomes available, DRP will support interagency..." Jono feels this language is too passive. Recreational carrying capacity is an

estimate of the number of visitors each recreational use area can accommodate and still provide high quality recreational experience and preserve natural values. DRP should also prioritize to develop a recreational carrying capacity study. This draft says it is based on access points and allocated parking spaces. This makes sense for boat trailers but not for other activities. Without an increase in a physical space allocated to parking an increase in carrying capacity cannot take place. If you cannot park, you cannot use the resource. Although vehicles can contain a varying number of visitors, the number of parking spaces physical limits the number of vehicles that can access the given use area. Jono feels that is not adequate language because, being vehicles, you can move them once you unload your canoe or kayak. He does not feel that parking limits the number of people using the river. The current draft is broken down into day use areas, overnight areas, trails, recreation areas. There are no numbers for canoeing, power boating and boat tours. This study is needed to protect the resource, give the user a positive experience and to implement the law. The statute states there must be periodic studies to determine the quantity and mixture of recreation and public uses that can be permitted. This has not been done. The management plan requires to have these periodic studies, control of public access and restriction of motorized travel. Monitoring recreational use must be monitored on an annual basis. DNR and other agencies will develop and implement a system for monitoring the use of the river and determining and forcing recreational carrying capacity. The rule needs to be implemented. Concerns around issuing a permit are contributing odors and noise, decreased recreational opportunities, causing or contributing overuse and impacting the conservation of fish and wildlife. The Land Management Review said a study of the park's recreational carrying capacity needs to be addressed in the UMP. Once an outline of a study has been determined, DRP should seek funding partnerships to conduct the study.

Jono suggested that we acknowledge to ARC the improvement to the plan and the plan process, to note the challenges involved in managing Myakka River State Park, to recommend the adoption of the draft, to endorse the master planning process, which will come up in the next couple of years, to emphasize the need to comply with the Act, Plan and Rule and Land Management Review regarding carrying capacity and to thank them for taking the time to improve it.

Motion:

The Myakka River Management Coordinating Council approves Jono Miller to present the Councils recommendations to ARC.

Becky Ayech motioned, Lee Amos seconded. Steve Giguere abstained.

To DRP, Jono would suggest to acknowledge the improvement in the plan, endorse the master planning process, emphasize the need to comply with the Act, Plan and Rule regarding carrying capacity, encourage them to collaborate with the Council on scoping for a recreational carrying capacity study and, before increasing uses in the river area, complete the master planning process, complete the carrying capacity study and get any required permits and thank them for taking the time to improve it.

Motion:

The Myakka River Management Coordinating Council approves Jono Miller to present the Councils recommendations to DRP.

Becky Ayech motioned, Lou Kovach seconded. Steve Giguere abstained.

Becky Ayech motioned to adjourn the meeting. Lou Kovach seconded.

The Meeting was adjourned at 12:00 p.m.