

**Myakka River Management Coordinating Council**  
**Virtual Meeting on Microsoft Teams**  
**January 29, 2021**  
**9:30 A. M. – 12:45 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, January 15, 2021.

**MEMBERS IN ATTENDANCE**

Jono Miller – Sierra Club  
Juliette Jones -Friends of WMS  
Chuck Johnston – 2J Farms LLC  
Bob Clark -Venice Audubon  
Barbara Lockhart -NP FOWL  
Dennis Ragosta - SWFWMD  
Elizabeth Wong - City of North Port  
Nicole Ladevaia - CHNEP  
Becky Ayech - ECOSWF  
Corky Pezzati -SCLWV  
Verne Hall - City of Sarasota  
Glenn Compton - Manasota 88  
Rob Wright -Sarasota Audubon

Howard Berna - SCNR  
Steve Giguere – FDEP/MRSP  
Lou Kovach - Homeowner  
Jonathon Bennett - FDOT  
Alana Todd - TBRPC  
Ryan Pieper - Charlotte County  
Megan Cousar - FFS  
Kathleen Weeden - City of Venice  
Lee Amos - CFGC  
Greg Blanchard- Manatee County  
Amelia Williams - SWFRPC  
Mike Choinard -Homeowner

**INTERESTED PARTIES**

Chris Oliver – FDEP/FPS  
Chris Becker – FDEP/FPS  
Michelle Keirse - FDEP/MRSP  
Harrison Nichols - FDEP  
Tyler Maldonado - FDEP  
Mindy Hogan-Charles - ACOE  
Jill Luke - NP Commissioner  
Mike Sowinski - FWC IPM  
Ryan Hendren  
David Hollingsworth - Homeowner

Nadine Hallenbeck – FDEP/FPS  
Ashley Ellis - SCNR  
Allain Hale - ECOSWF  
Linda Dickson - Homeowner  
Zuriel Denmark - FDEP  
Mike Sosadeeter - Sarasota County  
Diana Donaghy - Sarasota County  
Mike Jones – Sarasota County  
Angela Bright - Sarasota County  
Wayne Douchkoff – ecotour guide

- **Call to Order was made.**
- **Public Comments:** None
- **Additions to Agenda:** Nicole Rissler from Sarasota County was added. The order of the updates was amended. Becky Ayech motioned to approve the agenda as amended. Bob Clark seconded. The amended agenda was adopted.
- **Approval of the Meeting Minutes from September 18, 2020 Council Meeting.** Becky Ayech motioned to approve the minutes. Juliette Jones seconded. Minutes approved.

## **UPDATES:**

### **Nicole Rissler-Sarasota County**

The county is looking at Sarasota County's Park Strategic Plan this year. They are developing a vision for the Myakka River corridor. It is a re-look at the board approved Myakka River Water Access and Outdoor Recreation Work Plan that was adopted almost 10 years ago. They are looking at connectivity, specifically North of I-75 with Sleeping Turtles North to Sleeping Turtles South through Snook Haven down to Jelks Preserve, down to US 41 and Senator Bob Johnson's Landing. They are looking at what their vision is, what their acquisition priorities should be, either fee simple or easements in that area to have that connectivity moving forward.

Becky asked if the easement would be owned and managed by Sarasota County.

Nicole envisions they would be. It would be conservation easements or recreational trail easements that they would be obtaining through Sarasota County, but there could be other ones that still allow public access.

Becky was concerned about who would receive an appeal if things were not managed properly.

John Robinson, also with Sarasota County, added that typically, with the conservation easement, they negotiate what can and cannot be done on the properties after the conservation easement is acquired, and then the county does an annual inspection of the property with the land management staff to make sure they are adhering to the terms of the conservation easement.

Jono asked what the timeline is.

Nicole replied that this item is slated to be completed by September 2021 and it is an item that they will be moving as quickly as possible on. Both advisory boards in Sarasota County will be involved as they move forward, and they plan to keep the Council updated as much as possible. They do anticipate coming back to both advisory boards with a draft product probably in early summer of 2021.

Lee Amos asked to what extent do their projects look at physical river use itself, and if they do, how the county may look at recreational carrying capacity.

Nicole replied that right now, the biggest thing is looking at what the future connectivity is, and ultimately, possible acquisition in this area connecting all their properties. She does not think they could do any of that without looking at carrying capacity and looking at access to the river. She has a meeting with Jono and Chris Oliver in the coming weeks to see if there are any synergies between what the Council is working on and what they are doing.

### **Dennis Ragosta-SWFWMD (WMD)**

Dennis gave an update on Flatford swamp. The WMD completed the wells and were constructing the infrastructure to divert excess flows from the Myakka to the recharge well, and even with the pandemic, nothing was pushed back with this current project. They are estimating construction to be completed by the end of July 2021 and hoping to start injection testing as early as August 2021.

They were lucky enough to have all cooperators coming into the CFI cycle for this upcoming year and not pull back due to Covid 19. The WMD worked with the counties, municipalities and other cooperators to make sure throughout the entire pandemic that they were communicating with them, letting them know if there was anything that they could do to try to help with any application process moving forward. Any past projects that they could help them with in any way updating statuses, and the general response they

received from all municipalities throughout the region were very positive, so all construction projects have been moving forward. There have not been any delays on any part of any project in the past and they do not see any delays coming from the future.

Becky commented that she would like Lisann (Morris) to come to our next meeting and someone from regulatory to explain the part of an applicant permit that says if you cause problems to Flatford Swamp, your permit can be changed or denied. Becky expressed concern about the 2 to 10 million gallons of water is still going into the swamp.

Dennis replied that he could coordinate with Lisann and the regulatory staff to see if they are available for the next meeting.

Jono asked Dennis to explain what CFI means.

Dennis replied that it stands for Cooperative Funding Initiative which is a cost share program that the district offers for municipalities, different groups or anybody that can come into the district and has a project to promote. Applications usually come in by the end of October, and then staff reviews them based on if it hits their strategic initiatives and goals, and if they feel it is a good project, they fund it 50-50. This program has been used a lot with Sarasota County and FDEP.

### **Chuck Johnston-O Bar O Ranch**

USDA and NRCS representatives are going to be out on the Ranch in about another week to look at what they are doing with the legume project. They have been working on continuation of enhancements. They had Sarasota County representatives out a couple of weeks ago to do an annual inspection on the conservation easement, but everything was status quo, nothing changed, and they have had no issues. Boat traffic is down due to the water levels, so they have not had any large boats visiting recently.

### **Lee Amos-CFGC**

Over the summer, the CFGC was able to acquire a property adjacent to the SWFWMD property in Flatford Swamp. It is 363-acre parcel, where the Flatford finally coalesces into the Myakka southward near Wauchula Road. The property has about 100 acres of marsh and 100 acres of upland buffer on the west side of the property with the river coming through the middle. They are in the process of looking at the type of restoration and management activities they want to do on this property. It is not intended for public access, this is the nature preserve, and they are coordinating with the Water Management District for their restoration enhancement plans. The main thing is to get fire back on the flatwoods in the uplands, and to try to manage some of the exotic species that are found there so that they do not get more established than they already are. They are continuing to work on the upper Myakka River in the Tatum Sawgrass area. They acquired a 38-acre parcel adjacent to the marsh with scrub habitat on it that they are now managing for scrub jays. NRCS now holds two easements over the Tatum Sawgrass, a 1,200-acre easement, and a 543-acre easement. SWFWMD owns the easement on Triangle Ranch, the thousand acres to the south. These three are collaborating on restoration of Tatum Sawgrass and that is going to be several years in the making. They are still working on the modeling and planning for that, but ultimately hope to restore hydrology to the marsh and reduce some of the exotic invasive species out there.

In July 2020, preservation of the 5,777-acre Orange Hammock Ranch means it will become a Wildlife Management Area managed by FWC. Florida Forever paid out most of the funds with a significant portion coming from the community. They donated another million plus dollars of that acquisition price.

On the North side of Myakka River State Park, the CFGC manages about a mile of river front, just south of Myakka Road. They recently found a plant called aquatic soda apple that they are working to eradicate. Everyone should be aware of this plant; It is not vouchered in Sarasota or Manatee counties. It

is an invasive plant, like the tropical soda apple, but it grows in wetlands and it would be a bad thing if it established in the Myakka. It showed up on this property and they are working hard to get rid of it.

Becky commented that she was hoping they reach out to the neighbors, even though there is not very many. She received a lot of complaints when CFGC was having work done off Jomar Road and feels that reaching out in the beginning is more effective than reaching out after work has already been completed.

Linda Dickson asked if she could be sent information on the soda apple plants.

Jono advised it could be sent to all the Council members.

### **Jono Miller-Sierra Club**

Jono wrote a column for the Manatee Land Referendum, which passed. He was contacted about a 21-acre parcel on the west side of the river below US 41, and he encouraged that person to recommend it for acquisition. He also testified at the Sarasota Legislative Delegation meeting. He was involved in the Christmas Bird Count. He was contacted about an issue at 1700 North Jackson Road where people were putting sandbags in the river. Chris and Ashley worked on that issue. He went on the site visit for a potential conservation easement on Longino Ranch, and he testified asking for a delay in increasing the landfill height which would be visible from Myakka River State Park if built as proposed.

Related to the Council's work, he did send the letter to Wood thanking them for their Upper Myakka Lake Weir Study, he has been doing a lot of correspondence with Linda Dickson regarding the Hidden River Dike System, and he circulated a draft management plan approach. He tried to meet with law enforcement regarding river violations, but the meeting was cancelled and, with new Covid regulations, FWC is not able to meet at this time. He reviewed some graphics that he provided to the legislative delegation and emphasized 200 million dollars has been sent to Tallahassee as a result of one third of the documentary stamps. The legislature usually does some springs legislation each year, but they typically ignore the springs in Sarasota County. Jono showed an aerial view of the Downs' Dam area. He showed what it looked like historically and what it looks like now. The water is avoiding the dam and mostly bypasses structure on the east and has carved a completely new channel around there.

Jono discussed some other areas with major erosion issues noting the crossing where Sarasota County's pipeline goes under the Myakka River. They planted three cabbage palms, but as it continues to erode there will eventually be an issue. There is either going to be a request from the county to stabilize it or they are going to move where the pipe goes underground and crosses the river. He showed a slide of a camp that an individual set up on the Myakka on the Venetian Easement. This is an example of the kind of outlaw activity that takes place on the river. At Venice Myakka Park, Sarasota County came in and planted grass, but it is not enough to stop the erosion. It needs a new stabilization structure.

Becky asked if the Council could take a position on the springs, make a motion and send it to the legislature.

Jono replied the Council can make non-binding recommendations to anyone.

Becky suggested the Council have that on their radar so they would have plenty of time to address that and get it up to the legislature when they are going to consider it again in about a year

Becky suggested the Council reach out to other groups as well.

North Port Commissioner Jill Luke added that she would appreciate any type of letter from the Council to be sent to North Port so they could approach that in a conversation and get it added to the legislative priorities.

Juliette recommended the Florida Springs Institute and the Florida Springs Council be included in the conversation. They have some very interesting connections throughout the state.

**Motion:**

Becky motioned that the Council send a letter to the North Port City Commissioners asking them to list Warm Mineral Springs as a high priority for spring protection that they would present to their legislative delegation.

Barbara Lockhart seconded.

Jono asked Becky about copying the Florida Springs Institute and the Florida Springs Council.

Becky supported copying both groups.

Motion was discussed. Motion passed unanimously.

Jono would like to communicate with the City of North Port, acknowledging the importance of that for their legislative agenda and then communicate with the Institute and the Council reflecting that.

**Mike Jones-Sarasota County**

Phase five of the Dona Bay Marsh and Restoration Program has started. They are going to hire a consultant to do some preliminary design studies on the low flow weir in Blackburn Canal. Ideally, they would put it right around Jackson Road. It would be a low flow weir during high flow but during low flow, it would keep the water in the Myakka River from going to the Dona Bay area. They are looking at properties now and starting to get citations together for a scope on that.

Jono asked Mike if a full presentation could be scheduled on the entire project. He also mentioned that there are historical maps that suggest that Cow Pen Slough, at least under some hydrologic conditions, flowed into the Myakka River. However, agricultural interest prevailed upon funders in Washington to secure money to divert Cow Pen Slough to run into Dona Bay. That led to massive problems and to partially address that, Sarasota County has embarked on a very ambitious and expensive long-term project that would have the effect of partially returning flows to the Myakka under some conditions.

Mike responded that for phase 3, which is in development now, it looks at aquifer recharge storage. A lot would go to the aquifer, but only for some flow conditions. They calculated the small amount that would go through the Venice minerals, off through the Myakka River, and through the swamps instead.

Jono reiterated that there be a full presentation so that everyone understands the potential for improving Dona Bay and for restoring some flow to the Myakka, and that the restored flow to the Myakka would be far south in the Rocky Ford area.

Becky requested that part of the presentation would be to share more information about the wells and what they anticipate the benefits would be.

**Howard Berna-Sarasota County**

The county will be preparing their annual update to DEP regarding regulatory work they have done within the Myakka River Protection Zone. That gets turned in to the state in March and can be shared with the

Council. It is been relatively quiet this year from a permitting standpoint on the river. Howard wanted to thank Chris for bringing issues to their attention and his coordination with county staff, on issues. When he sees things, he regularly coordinates with the county, and Howard appreciates that.

### **Greg Blanchard-Manatee County**

Manatee County had a large bond referendum passed that would greatly enhance their ability to acquire conservation lands from willing sellers. Greg's program has expanded by one person and he is involved in training that person now. This person will be devoted to a variety of coastal watershed activities that they have funded through their Restore Act Assessment and may or may not be in the Myakka River basin yet.

### **Ryan Pieper-Charlotte County**

No Update

Jono asked about the status of park planning on the Myakka.

Ryan replied that he would have to get with the Natural Resources Department and have them provided an update at the next meeting.

### **Elizabeth Wong-City of North Port**

North Port is on the third revision of their Unified Land Development Code. They have put stronger language in the code for protecting wildlife, clarifications to make sure they meet all state and federal requirements, and wetland protections. They are going to require more implementation of low-impact development concepts such as pervious pavements and reuse of storm water for irrigation. They want to have the run-off flowing over grass before it hits the wet pond. Quite a few developers are already doing this because nutrient removals are only about 40% efficient in a wet pond.

The city also had a grand ribbon cutting on their water control structure 106, which is the very last structure on Coco-Plum canal before it hits Myakkahatchee Creek. This is a separation between freshwater and tidal waters, and It is important because they have a lot of structures in their freshwater canals, and these structures need to stand up and retain the water. It also acts as large linear wet ponds, which provide water quality treatment, so It is important that these structures stand up over time and this is a good final structure that separates the fresh water from the saltwater. It is all automated, it is got eight gates and it is now very reliable and long lasting.

Becky and Juliette commended Elizabeth and North Port for the changes they are making and for moving forward in a progressive, positive way.

Jono stated that one of the concerns from Hidden River has to do with flows with both the velocity and the amount of water that is coming down the Myakka River and the effect that is having on the dike, there is been a lot of extensive diking in that section of the Myakka. He asked for Lee's opinion of how much of the remainder of Tatum Sawgrass remains functionally diked and is not available for storage, and if there is some potential for changing that to be able to restore more of the high-water capacity within Tatum Sawgrass.

Lee replied that most of the dikes within Tatum Sawgrass Marsh are of such a low elevation that they have no significant impact during the 100-year flood range. They are more impactful during the two-year and 25-year type events. Tatum Sawgrass has a loss of storage capacity, the one caveat being there is one dike that does influence the northern marsh. There is 100-acres of the floodplain that are completely removed from receiving flood waters, so that property is not under conservation, and that is something that they would love to conserve, but the landowner is not interested at this time. The restoration that would be done on these lower level dikes would not have offsite flooding impacts. That is always a

requirement of any permitting, and the modeling they did shows no impacts downstream. The Hidden River folks moved their dike inwards and reclaimed additional flood storage in their floodplain and that is something Lee thinks they should look at that they might not have yet.

Chris added that his recollection is in the lower marsh, up into the Murphy Marsh, several of the berms were one could drive a truck along on top and do maintenance have fallen out of maintenance, and have been breached as vegetation has grown and fallen out. Chris asked Lee to confirm that they drove an airboat through the first two of the east west berms.

Lee confirmed Chris' recollection and added that most of the berms do not have a major impact on the flood level hydrology. They are really impacting low water, which does not affect property owners but affects wildlife habitat. Consequently, the marsh is staying really wet and it is holding a lot of exotic plants that are not providing good wildlife habitat.

### **Kathleen Weeden-City of Venice**

The Public Works Department has been initiating work on Venice Myakka River Park. That park was built with a donation of land from Venetian Golf and River Club as part of their pre-annexation agreement and funded to build the ADA accessible trail with parking, restroom and picnic pavilions right on to the Myakka River. They are seeing some erosion that is impacting the paved trail. They have been working to try to look for ways to slow down that erosion or stabilize that shoreline, or if it is necessary, shift that paved trail further away from the channel. They do not want to re-permit, so they are open to what they can do to stabilize that shoreline and work on the erosion issue. It is where the Peace River water line crosses, South of where they have the trail. Kathleen asked for recommendations on how to stabilize that shoreline.

Chris replied that it is going to be difficult to stabilize that area. Not only is there the natural process, but there is a lot of speeding and not much law enforcement patrols up in that area. His suggestion would be to consult a company like Wood who is doing some modeling for the dam removal projects. They have people who are experts in studying how to control erosion projects along the river, and they worked a lot on the Peace and Myakka Rivers, so if they were to hire a contractor with that type of experience, they could install toe wood or cabbage palms in the water perhaps with crushed rock, and could potentially have many more decades of use of that area, without putting in a concrete wall, but it would have to be done quickly because it is hard to put it back once it is gone.

Kathleen thanked Chris and asked that he send her any contact information for Woods.

### **Nicole Ladevaia-CHNEP**

The National Estuary Program is a federal program directing EPA federal funding into local areas and partnering it with state and municipality funding to complete projects. They received a re-authorization of the entire federal program on the last day of the previous administration. If that had not happened, it would have been a pocket veto and their funding would not be guaranteed, but now they are re-authorized for the next few years and they received a bump up in funding for this coming year.

In the Myakka corridor they are funding the gateway to the Myakka Marsh Restoration in partnership with the Conservation Foundation of the Gulf Coast (CFGC). They are considering funding and partnering with water management district funds and that is part of the restoration on the property that is owned by the CFGC.

FWC is looking to do hydrologic restoration to restore habitat access for manatees in Warm Mineral Springs Creek. CHNEP partnered with FWC and funded the design plans, those are about to be completed and now they are looking for funding to do that restoration.

They are going to put out a call for projects probably in a month or two for their FY-22 funding. To find out more about that, go to their website, CHNEP.org, sign up for updates, and when they do put out that call for projects or funding for projects, whoever signs up will be notified.

They have their Habitat Restoration Needs Report on their website, and it identifies strategic areas for restoration and strategic areas for opportunities for acquisition in the CHNEP area. They can provide a letter of support on behalf of the partnership and that report was approved by all the cities and counties in the CHNEP area. They recently have done some letters of support for CFGC and the Conservancy of North Port.

Their economic valuation study was recently completed, and this was to put a value on natural resource protection throughout the area. That is available on their website, they have fact sheets separated out by basins and by county, depending on the area of interest.

They completed a cost benefit analysis of the Dona Bay restoration, and the gateway to Myakka Marsh as example projects for the benefits that are reaped both annually and long term from a restoration project. Their conservation grant applications are open, that is also on their website, and that is local small grants for community groups that are looking to complete smaller projects. They go up to \$3000, maybe \$5000. Their next application deadline is April 1<sup>st</sup>.

Becky asked if all the funding dollars that they give are out of federal dollars.

Nicole replied that they do receive some funding from DEP and from the water management districts, so it depends on the project. They partner the water management district funding with whatever is in their area, because they span both South Florida and Southwest Florida. Sometimes they get private grants they give out to complete projects as well.

Becky asked if any money comes from Mosaic.

Nicole replied that they do not have any applications from Mosaic now, but they have partnered with them in the past to complete restorations in the Peace River corridor.

Jono asked what the main technique is that is being used on the WMS Creek Hydrological Restoration.

Nicole replied that it is a dredge project and shoreline restoration. There is not a lot of publicly owned land along that waterway, most is private. There will be some restoration of invasive exotics along the shoreline. One of the interesting things that came out of the design plans was that a lot of the sediments that ended up being in there that needs to be dredged out, is sediment from the spring itself.

Jono replied that Sarasota County has identified the WMS run as a Protection Priority Site for its Environmentally Sensitive Land Program and the county bought several lots, primarily vacant ones along the spring run. The fact that manatees were using the spring run as warm water refugia was unknown in official circles for many years because the overhanging Brazilian pepper and other vegetation meant that the manatees were not showing up on aerial surveys. Jono wanted to make sure that the design of this project is taking into account not only the needs of the manatees in terms of accessing the warm water discharging from the head spring, but that it has a strategy to deal with the unintended consequences of making it potentially more navigable or accessible and reconciling the water depth with the extent to which the warm water is retained in an area. There was an area of the spring run to the South, where manatees would go and lie on warm mud that would heat up.



Nicole replied that this is an FWC project. They are working with the habitat and species group within FWC but are also working closely with the Manatee Marine Research Group stationed in Port Charlotte. One of the things that has been discussed is increased boater access, but that area is technically closed during that season to additional boating, and there are signs up as well.

### **FWC-No Report**

### **FFS-No Report**

### **Becky Ayech-ECOSWF**

Their annual meeting is Saturday, January 30th and Joseph Bonasia with the Rights of Nature Movement is coming to speak. In Orange County, they passed an amendment that nature has rights with a focus on the toxic algae blooms in their waterways.

Becky brought up the creation of the new Wildlife Management Plan (WMP) and noted she has been involved in WMPs on the wildlife management area on Fisheating Creek. FWC uses a template (for WMPs) which is a good starting place, but it is not where it should end. It is important to recognize site-specific issues or merits. She encouraged attendees to get involved.

The Florida Land Trust, which is amendment one, where they voted that they were going to use dock stamps so that they could purchase more land and the legislature used the money for other things instead is going back to trial. They must show that there was at least one misappropriation of funds. They are still in litigation on that and it should be coming up relatively soon.

Jono mentioned that Manatee and Sarasota Counties have sent 200 million to Tallahassee. Some money has come back, the acquisition of Orange Hammock being part of that, but overall, they are not anywhere near a fraction of that coming back to this area.

Becky reiterated her concerns for Flatford Swamp.

### **Steve Giguere-Myakka River State Park**

The FPS is working on securing permits for the Upper Myakka Lake (UML) Hydrological Restoration and looking forward to organizing the construction phase for March 2021. Last week, they burned part of Big Flats Marsh as a follow-up to a treatment of West Indian Marsh Grass. The burn went well.

Becky asked Steve if he has recently seen any manatees in the river near C.R. 780.

Steve replied that it is been a couple of months since the park has had any observations.

Jono asked what the remaining hurdles are that need to be cleared on the weir removal.

Steve responded that they are working on acquisition of materials to purchase clean fill, and obtaining temporary culverts used for access to the UML weir for the restoration project.

### **Chris Oliver-MWSR**

Manatees have come past the UML and up along Hidden River all the way under the C.R. 780 Bridge into Manatee County. The first observation of them above the UML was probably six or seven years ago, and every year since they are documented up there including last February when water levels were extremely low. There were concerns about it getting out, but apparently it did.

The FPS has been working with the Water Management District through their CFI program. They have been working with FWC and U.S. Fish and Wildlife to explore how they can best restore the UML Weir area. There are a few minor details to work out with procurement in a very short timeline because they must do this before the summer rains, which sometimes come as early as May. As Steve indicated, ideally moving to implementation in late March. We recently received the Water Management District permit. The project also has an application in with the Army Corp of Engineers, which is a nationwide restoration permit, that is also on a short time clock. Ideally getting that back approved soon. We are working toward a letter about what they need to do to mitigate historic aspects of the structure being a CCC structure and there is some negotiating going back and forth, so if the project receives both of those permits and the scope of work and contractors are initiated, they would be trying to remove that in March 2021. U.S. Fish and Wildlife Service is going to do the core earth work and demolition of the dam, they are currently working on a Peace River Restoration Project, which is going to last about a month. When they are done with that, they are going to mobilize over to that area, and if everything is good to go, then it will be done.

A year behind that project is the Downs' Dam project. Wood is working on a similar study for Downs' Dam that will be completed soon. They have shared the cost benefit analysis with O Bar O Ranch, which is the adjacent property owner, and they will be working on the plans to move forward based on their recommendation. They have seen information in the cost-benefit analysis that is very similar to the UML.

The erosion issues south of Laurel Road are significant, they are seeing lots of private properties with issues like that issue we discussed with the Venice Myakka River Park erosion area. There are several factors at play, boat wakes are accelerating it, but it is also a natural process. FPS staff have talked with Sarasota County and SDO about mangrove trimming issues and other Myakka River permit issues.

MRSP continues to work on restoring the floodplain marsh that is been infested with invasive vegetation, like West Indian marsh grass and paragrass, so in addition to the burn at Big Flats Marsh. The park had in-house staff and contractors over the last cycle do work to remove invasive plants.

I have seen a continued increase in the use of tools for fossiling, especially south of Downs' Dam, going to the Laurel Road area during the low water season. People are digging for fossil teeth and fossil bones.

Jono asked Chris to explain what the term SDO refers to.

Chris explained that is the South District Office, which is the regulatory wing of DEP. Chris' office used to process permits until 2014, and then with an initiative from the governor to consolidated regulatory activities, the Wild and Scenic River Rule (62D-15) tasks were given to the SDO.

Break 11:21-11:30

## **NEW BUSINESS:**

### **Officer Elections**

Chris Oliver started with a short review on the process of electing officers from the bylaws.

Elizabeth Wong nominated Jono Miller for chair. Becky Ayech seconded. No additional nominations were made. Jono accepted the position.

Becky Ayech nominated Elizabeth Wong for Vice Chair. Kathleen Weeden seconded.

Elizabeth Wong nominated Kathleen Weeden for Vice Chair. Kathleen declined.

Elizabeth Wong accepted the position.

Chris updated the Council on reaching out to the Triangle Ranch for potential inclusion as an agricultural interest on the Council from last year's Council Action. Chris reached out and spoke to the ranch manager who was also in contact with the owner of Triangle Ranch and they were invited to this meeting. The process of joining the Council would involve them attending a meeting, a discussion and then applying. After that DEP would send them a letter for them to assume a role on the Council with a seat. For today's meeting, because it is the annual meeting, this is the only time in the calendar year that the Council should be looking at other potential members to add. Chris asked the group if there are any gaps in membership that should be looked at.

Linda Dickson volunteered to be the stakeholder from Hidden River on the Council.

Discussion continued about Hidden River being on the Council and the steps necessary for approval.

Jono suggested that the Venetian Golf & River Club be approached about attending. He would like to see someone who represents the leadership of the Club, not a single resident.

Bob mentioned that Lou Kovach lives there.

Lou confirmed that he does live there. There is a Homeowners/Condo Association.

Jono reiterated that he would like the representative representing the interests of the entity that they are associated with and not just an individual person.

Discussion continued about adding the Venetian Golf & River Club as a member of the Council.

#### **Linda Dickson-Resident of Hidden River Subdivision**

Linda thanked the Council for the invitation to speak. She stated that there is a responsibility to include the Hidden River Dike (dike) in the management plans. Without doing that, should the Hidden River dike collapse, a lot of the plans will have been wasted. It would be very important to include a representative on the Council that could speak to some of those problems that have developed or maybe existed for years. The dike has been there since the late 50s, the subdivision has been there since the late 60s. In 2017, the dike was determined to be critically damaged by the USDA and a grant was approved to make repairs because it was a threat to the Myakka River watershed.

In the discussion of management plan updates, it was indicated that unless existing practices would have a adverse influence on water quality, they can be continued. The Damage Survey Report illustrates how the dike might collapse would impact water quality, along with a lot of wildlife and habitat being destroyed.

The property rights of the subdivision owners are very restricted as far as anything they can do to protect the river. They can protect their side, but they do not have the ability to protect the river because it is a public asset. Yet the dike protects both the subdivision and the river.

The concerns being protected on the environmental side cannot override the concerns that protect the subdivision members, and that is an important consideration. The focus is mostly on the environment and the river, which it must be by mandate, but their concerns are interrelated. When the designation was made, they allowed for the provisions to continue through existing land uses, but they severely restricted private property owners and rights. She appreciates that the Council addresses some of the problems upstream and downstream, like how fast the water flows and how high the water rises on the dike. That does impact the dike and they do not have any ability to do anything on the river side. Linda stated that it

is an unfair burden to ask the landowners to be managing without any kind of input into the activity that occurs on the river. She would like to see joint solutions that everybody would be happy with, but if they are not part of a discussion, there will continue to be discord. Doing nothing is not an option.

### **Chair's Presentation**

Jono stated that area from the Upper Myakka Lake to the C.R. 780 Bridge has really been neglected and there are several reasons for that. This was partly due to the Carlton Ranch; they were vigilant about not letting people come down stream. There was not really any access with it being private property on both sides. There was usually a lot of water hyacinth and it was a very ambiguous route. The Myakka is unusual, there is no base flow, so it usually stops flowing if it stops raining long enough. The predictable dry periods were times when the cattle could get out on the marsh, and if people wanted to use the muck soils for agricultural purposes.

Jono projected some aerial imagery and discussed his determination of the river area. This was the situation of the eastern portion of Hidden River in 1948. He continued to discuss historic water levels from flood events.

The NRCS Damage Survey Report and Emergency Watershed Protection Application of Major Disaster, was going to pay three quarters of the money over a million dollars if a sponsor would come up with \$365,000 but no sponsor has been identified. The other problem is the dike extends into MRSP and there is a pump that discharges water there. There needs to be clarified the extent to which the Wild and Scenic Designation affects the ability to manage the dike. There needs to be a better understanding of the structural flood risk and the ground floor elevation of homes in Hidden River related to projected water levels.

This is an important section of the river. How this section is managed affects the homeowners in Hidden River. Part of the problem is that the dike was engineered for agricultural purposes and even if the dike were restored to its original height and structure, there would still be flooding in the future. It is not designed to withstand such things or because the elevation of the water exceeds the height of the dike and then it flows over the top.

The concerns of both the Hidden River property owners and the people in the Myakka are relevant and valid.

Linda commended Jono for his excellent analysis. She added that the worry is not that the water will over top the dike. The worry is that the river water penetrates the dike because of the influences on the river up and downstream.

Jono added that he would be happy to come out to Hidden River and meet with people. He agreed that water moves through, there is no barrier, there is no sheet piling core in this dike. Water can migrate through the dike, and there is that pump system. Pumping in order to remove water and discharge it into the river. It is both slumping and eroding. Eventually, there will be a storm event that over tops the dike, even if it were solid concrete at the same elevation.

Becky added that when the dike was breached before the repair work, they did put in corrugated metal. There is one thing people forget about dikes or dams. It holds water back, but it holds water in. If the dike were to be made in such a fashion that water could not pass through it, then once it breached the top of the dike, it is on the other side to stay until evaporation takes place.

Linda commented that several members of Hidden River have attended federal dam specialist presentations. They have a general contractor to understand the construction and have been analyzing this

situation to the hilt. She will be glad to discuss the issues further with members.

Jono added that the renewed interest and higher profile of how the relationship between the Wild and Scenic River Designation and the Hidden River Dike should have more time spent addressing these issues. He would support having greater input from Hidden River, but he is sympathetic to Becky's concern about getting in the middle of issues between residents of the Hidden River community. He would like whoever represents Hidden River to have a consensus, or majority. That would be helpful because it would not be a good use of the Council's time to work out a solution that works for a fragment of the Hidden River community, only to find that the majority wants to go in some other direction.

Chris announced that it is the Council's prerogative only at this meeting to make nominations for the next cycle, unless the by-laws are changed. The Management Plan would be the next thing on the agenda.

Jono expressed his personal commitment in the coming year to do a better job of understanding and working with people in Hidden River, and then figuring out how that would translate into formal representation on the Council. As Chris outlined, that would involve both a vote of the Council, it would need to be approved at the regional, and then it would need to be approved in Tallahassee.

Becky stated the Management Plan update should include issues with the Hidden River Dike.

Jono added that if any Council members have ideas for things that either need to be added to the plan, send them to Chris. There are two parts to the plan update, one has to do with updating the factual descriptive matter about the status of the river, and that work proceeds based on the allocation of staff resources from Tallahassee and the Regional Office. Chris Oliver, Chris Becker and the Office of Park Planning have the resources to work on that update. There is a separate effort that involves the Council in terms of looking at the policies and trying to figure out how they are being implemented.

Chris added that there is a priority actions section toward the end of the narrative, and it talks about what the Council has done in 1990 and then when it was revised in 2011. It talks about the major five or six things they want done, like the recreational carrying capacity study and addressing the hydrologic restoration needs in the watershed. He agrees that it is important for the Hidden River issue to clarify a few things from today's presentation. It is often discussed that maintenance is not allowed, but at least when the Park Service District 4 was doing permitting, which was up until 2014, they were allowing maintenance of the dike as built and that was considered to be the Homeowner's Association of Hidden River's responsibility. He added that the Wild and Scenic River Designation Act has clear language on maintaining structures as is, but that is something to probably be determined before the next meeting and before any language is added to the management plan. The language of the Myakka River Rule is specific. It says that for structures, water control structures included, that were in existence before 1991, maintenance would be exempt. There might be other permitting aspects that are beyond the Wild and Scenic River rules, having to do with water quality or some other local Sarasota County ordinance. But it would be up to the South District Regulatory Office to make a formal determination (on 62D-15).

Elizabeth has a lot of experience in permitting on maintenance structure and she believes if it is maintenance and you are not doing anything different, it can be exempt and is often very easy to permit.

Elizabeth requested that Chris send the Council members the objectives in for comment with a deadline.

Jono agreed with Elizabeth's suggestion. He asked Chris if it would be possible to pull that section out and make it available to the members and give them a deadline.

Chris responded that he could pick out the eight objections and send them to the members. He would

prefer someone else pick the deadline but made a suggestion for two weeks before the next meeting.

Jono suggested a month before the next meeting to give members time to get the comments to Chris and for him to pull the comments together. He offered to help with that so members can have it prior to the next meeting.

Chris commented that they are hoping to have a March meeting because Wood is going to have the final presentation on their recommendations for moving forward with restoring Downs' Dam. A public meeting is in their contact for the Downs' Down study.

Jono decided to give members two weeks to comment on the management plan objectives. He or Chris will send members the comments two weeks before the March meeting.

**Becky Ayech motioned to adjourn the meeting. Elizabeth Wong seconded.**

**The Meeting was adjourned at 12:45 p.m.**