

Myakka River Management Coordinating Council
Virtual Meeting on Microsoft Teams
May 21, 2021
9:30 A. M. – 1:00 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 7, 2021.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Juliette Jones-Friends of WMS
Chuck Johnston – O Bar O
Jonathon Bennett-FDOT
Matt Stevens-FWC
Dennis Ragosta-SWFWMD
Elizabeth Wong-City of North Port
Kathleen Weeden-City of Venice
Becky Ayech-ECOSWF
Greg Blanchard-Manatee County
Verne Hall-City of Sarasota

Howard Berna - SCNR
Steve Giguere- FDEP
Bob Clark-Venice Audubon
Edie Driest-NP FOWL
Victor Dobrin-Homeowner
Ryan Pieper-Charlotte County
Megan Cousar-FFS
Steven Schaefer-Friends of Myakka
Lee Amos-CFGC
Mike Choinard-Homeowner
Amelia Williams-SWFRPC

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Chris Becker – FDEP/FPS
Allain Hale-ECOSWF
Linda Dickson-Homeowner
Sean Yeager-Sarasota County
Mindy Hogan-Charles
Brandon Moody-Charlotte County
Diana Donaghy-Sarasota County
David Hollingsworth-Homeowner
Sofia Brown- CHNEP
Scott Moranda-Sarasota County
Angela Bright
Kevin Shelton - Wood
Jamie Richardson - FWC
John Besson - CFGC
Megan Long - Wood

Nadine Hallenbeck – FDEP/FPS
Ashley Ellis-SCNR
Kristen Nowak-Wood
John Kiefer-Wood
Allison Callis-MRSP
Joel Allbritton -FDEP/FPS
Jon Robinson-Sarasota County
Ashley Edwards- Sarasota County
Wayne Douchkoff -ecotour guide
Audie Bock -SSWCD
Mickey Davis
Ryan Hendren- Charlotte County
Kent Boulicault – Singhofen
Mike Jones-Sarasota County
Matthew Brady- Sarasota County
Michelle Keirse-MRSP

- **Call to Order was made.**
- **Public Comments:** Linda Dickinson thanked the chair, Jono Miller, for joining her and two other residents, a couple of weeks ago, for an onsite tour of the Hidden River Dike. The tour consisted of traveling the entire one-mile segment of the dike along the river into the boundary of MRSP (MRSP).

The intersecting boundary line to the Wild and Scenic Myakka River Protection Zone (MRPZ) and private property are indistinguishable. Surveyed private property boundary lines extend far

into the river. After the declaration, private property owners were unfairly burdened with the extent of determining the exact location (of the MRPZ) on their property.

Linda brought up of the construction of the bridge at C.R. 780 and stated that no studies have been done to determine what impact that project has on the dike. Before construction was over, 30 downstream slides damaged the landside embankment when river water penetration was enabled by Hurricane Irma.

She stated they toured the state-owned area of the dike, noting the location of the subdivision drainage system pump within the boundaries of MRSP.

The threat posed to wildlife, vegetation, water quality in the park and the property and lives of Hidden River residents, is as painful to visualize as it is inescapable. This week the courts restored the Hidden River Association and ordered a new election to replace the illegal board. This opens the door to negotiating a public private partnership to find a solution that preserves Hidden River Dike in the Wild and Scenic Myakka River watershed. Protecting the integrity of the Hidden River Dike, can and must be a priority for the council before it gets too late. Anyone who would like to tour the site can contact Linda.

- **Approval of the Meeting Minutes from January 29, 2021 Council Meeting.** Becky Ayeche motioned to approve the minutes. Elizabeth Wong seconded. Minutes approved. Jono pointed out that in the minutes “lagoon” needs to be changed to “legumes”.

UPDATES:

Jono Miller-Chairman’s Report

At the last meeting, the Council took a vote regarding Springs Legislation. It was moved to send a letter to the North Port Commission and two entities that represent the Council’s interests related to the Springs. Commissioner Luke responded that their commission voted to write a resolution, to use towards persuading legislators to make Warm Mineral Springs and Little Salt Springs, priority springs. The session is over for this year but it was indicated that the city will start advocating for this immediately after the resolution is drafted and passed.

Elizabeth Wong added that at the April 27th Commission Meeting, the item was discussed and presented. The commission approved the follow up action of presenting back the resolution to the commission, putting this as a priority on the legislative delegation. They are preparing that resolution for Commission approval on September 14th, 2021.

Jono continued, in order to move forward on the Management Plan, the Council wanted to have members review the objectives and actions and make suggestions via survey. The Council planned to meet again in March, which was a tight timeline. The survey was going to be drafted and distributed. Members would have two weeks to respond. Then the Council was going to distribute the results to everyone two weeks before the next meeting.

Jono wanted to use SurveyMonkey and send out a simple survey where members would go through each of the objectives and actions and rank them in terms of how important they thought they were. There would also be a text box to record any suggestions. This was taking a while to get approved so Jono contacted the Office of the General Council, but they determined that the use of SurveyMonkey is external to the public meeting and is not permitted under Florida Sunshine Laws.

Jono asked the General Counsel if the Coordinating Council could authorize a task force of non-Council members who could work on the management plan. The representative for the Office of the General

Council, Mr. Calhoun, responded that experts can review the management plan and send out comments. This would be a group that did not necessarily meet in person and it would funnel comments to DEP Staff. Mr. Calhoun advised that he did not recommend that comments be circulated to Council members ahead of the next meeting.

The members of the task force are as follows: Nancy Edmundson, Kevin Barton, Julie Morris, Paula Benshoff, Debbie Blanco, Belinda Perry, Jon Robinson, Chris Meyer, John Kiefer and Diana Donaghy. They all have direct experience with the River and with management issues of land in the area. Jono would like to add more people to the group with direct experience south of Interstate I-75 and particularly south of U.S. 41. Jono encouraged members to suggest any additional people with expertise to review the document. Jono and Chris Oliver have spoken with everyone and explained that they would receive the management plan and have two months to comment.

There is an erosion issue at the Diocese of Venice. Their access road coming into their facility is at a sharp turn in the river. The Diocese is seeking permits to stabilize a few sections of the bank. As an individual, Jono contacted them to remind them that they had the rights pursuant to the legislation to create, repair and maintain a shoreline protection structure but there would have to be a finding that it was clearly in the public interest. It is in the interest of the landowner to protect their property, and their challenge is to demonstrate to the state that what they are proposing is in the public interest.

There were four lots along the river that the county might have been able to acquire, if things had fallen a little differently. Jono believes that one entity has purchased all four of these lots. There is an existing home on the Four Toads property and because of the constraints on building, that will probably be the only structure that would be visible from the river.

P.F.A.S. are related to Teflon. These are persistent chemicals that do not break down. Jono and his wife took samples at three places along the Myakka River. There is much more sampling along the coast, but they had seven or eight samples on the river, and the results are not available yet.

The Myakkahatchee Creek Environmental Park became an issue. There was a proposal to sell that to Sarasota County. The issue the County has decided that it does not want to maintain projects in smaller parks and municipalities, but they were willing to maintain regional parks. Jono feels that the Myakkahatchee Park meets the definition for a regional park. Neither Sarasota County, nor North Port, are interested in having the County manage it.

The Neighborhood Parkland Program is in talks with the owners of a trailer park adjacent to Senator Bob Johnson's Landing in attempt to purchase it. The idea is that the County would end up with the part to the north and the frontage along highway 41 would either be sold separately or surplussed. Chris and Jono both participated in meetings related to the Sarasota County Myakka River Vision. This deals with the area roughly between I-75 and U.S. 41. They have been trying to communicate to the County all the various constraints and aspects that apply to that section of the river, so that whatever the County comes up with is compliant.

Jono had the opportunity to tour the Hidden River Dike. They saw a house and he was told that during one of the floods, the water level came up to the roof line on the dwelling. It is unclear how they got permits to build there, but it is representative of some of the issues that people are facing there. Jono felt it was very educational, he learned a lot and he was relieved to learn that the legal challenges are somewhat resolved.

One of the big remaining issues is that a section of the dike, including the pump discharge point, lies within MRSP. Ideally it would make sense for some coherent entity, either the Park or Hidden River, or

some new entity to be responsible for the management and upkeep of the dike. It does not make a lot of sense to have one party able to maintain it and another party neglecting it.

The Secretary of the DEP came to visit. They toured the Upper Myakka Lake and Deep Hole, and it was very representative because, despite it being dry conditions, there were very few alligators. This has been a source of concern to Chris, Jono, and several people, that the high visitation rates down there are changing the behavior of the alligators.

Jono reviewed the Downs' Dam Feasibility Study and submitted comments. The situation is the river water is coming down, bypassing the dam and the wing wall, and going around it.

Jono paddled the upper river with two FWC biologists who are working on a Myakka River Threat Assessment. They wanted to understand what the bank conditions were upstream in Manatee County. They were trying to understand what is natural erosion and what is erosion aggravated by people, either through the removal of vegetation, or breaking down the banks.

Jono submitted several sites to Sarasota County for a potential acquisition, or identification for acquisition, by the County. Several the sites he is recommending are right along the Myakka River.

Ashley Ellis-Sarasota County

There has been no formal application made to Sarasota County for the work on the Diocese property. It would require a Myakka River variance and the Diocese has been made aware of that.

The County has received an application for a new shoreline hardening structure on a vacant lot south of U.S. 41. There is no existing shoreline hardening now, but the applicant is looking to put in a new rock feature. They are reviewing a Myakka River Variance for this site as well as a WNCA major work permit. It is on hold right now for a few different items, but it is in review. They are calling it a living shoreline. Ashley is waiting for more details on the actual scope of work. Based on the diagram submitted with the plans, it looks like they would be excavating part of the bank to create the sloping for this rock revetment and then a significant amount of fill would be added behind this rock to raise the elevation of the lot.

Jono asked if that would require state permits.

Chris Oliver replied that it depends on the determination of the river area. This is a tidal area, so mean high water would have to be defined. It depends on where they place those rocks relative that line. If it is completely out of the river area, then Chris does not believe it would need a permit under 62D-15 but that would be a determination by the South District Regulatory Office.

Ashley continued that the county has posted a couple of stop-work orders in an area near Deer Court. They have received complaints about mangrove trimming and shoreline alteration, where someone has come in with a shovel and cut back some of the shoreline. They are working on educating the public with their WMCA program and mangroves program.

Chris added that where the mangroves come in at the end of the canal, it is very shallow and one of the intentions of whoever is doing this activity might be to make it easier to get a boat out of that canal.

Sean Yeager-Sarasota County

The Myakka River Water Access Outdoor Recreation Work Plan is still in draft and deals with the area along the Myakka River extending from I-75 up to U.S. 41. While the general area of interest for the work plan is the section of the Myakka extending from I-75 to U.S. 41, the primary focus would be in the area

of the river and U.S. 41, as well as those sites that offer complimentary outdoor recreation activities, such as ecotourism along the river or other revenue generating opportunities.

The area around U.S. 41 Myakka River crossing is easily accessible with its location along the major roadway, minimizing disturbance to neighborhoods and Senator Bob Johnson's Landing just north of U.S. 41 on the west bank and river, providing a kayak launch and fishing opportunities. The nearest public motorized boat access point is Snook Haven, five miles to the north. In addition, Marina Park in North Port, approximately three miles to the east provides boats with access to Myakkahatchee Creek, which leads to the Myakka River south of U.S. 41. The Sarasota County Comprehensive Plan Chapter Two, Parks Policy 1.1.6, states that Sarasota County will continue whenever and wherever feasible to expand its beach and waterfront acquisition efforts. Priority shall continue to be given to those parcels, which will expand existing public beaches, increase the number of public access points to waterfront parks and or protect important native habitats.

The Sarasota County Parks, Preserves and Recreation Strategic Master Plan includes water access and boat ramp levels of service and indicates continued emphasis should be placed on water access, fishing areas, boat ramps, and launches as population grows. With the current and expected growth along the River Road corridor, demand for public water access will need to be balanced with the need to protect the river resources and recreational user experiences. The Sarasota County Comprehensive Plan Chapter 2, 1.9 recommends that the county partner with local agencies and private sector to provide opportunities for eco and sports tourism. These types of partnerships could be enhanced through strategic acquisitions. These would be subject to the Myakka Wild and Scenic River (MWSR) Legislation, including the Myakka River Rule 62D-15, state and local agreement contracts and the MWSR. All of these would be taken into account if any of these potential uses would be employed and that would be canoe and kayak and other non-motorized boat launching, motorized boat launching, camping, concession, fishing, bird and water life observation, picnicking, and nature trails. Establishing priorities, the following strategy will be applied to those properties with willing sellers that could expand or enhance public water access and other outdoor recreation opportunities in the area along the Myakka River, extending from I-75 to U.S. 41. Number one, sites that expand or otherwise compliment an existing public resource. For instance, connecting a landlocked parcel to a waterfront area or linking into Greenway, Blueway or trail. Number two, consideration of the types of water access that could offer such as boat ramps, canoe kayak launches, landings, fishing, viewshed and observation.

Next, is sites that protect working waterfronts and traditional water dependent activities, such as fishing, boating, and kayaking. A site that is compatible with or furthers additional community needs as well. Next, opportunities for creating partnerships and leveraging and extending county funds. Sites that offer public stewardship and partnership among civic or private organization, sites offered as a donation or bargain sale and sites garnering other public or private funds and partners.

The next is site considerations to include, but not be limited to, size, shape location, legal status, to accommodate the public for public benefit, anticipated public support or resistance, current or past land use and complexity. The Myakka River in Sarasota County is a state designated Wild and Scenic River. Florida legislators found that Myakka possesses the standing remarkable ecological fish and wildlife and recreational values, which are unique in the state of Florida. Consequently, efforts to expand recreation opportunities associated with this unique resource must balance the quantity of recreational experiences with the quality of those experiences, as well as their impact on river values and resources. Specific management goals and challenges will be dependent upon the specific property purchased but could be expanded to include design of any facilities would follow the MWSR Legislation.

The Myakka River Rule, the Myakka River Protection Zone and provide flood tolerant facilities, as well as properties. All these properties that They are looking at or potentially could be looking at are within the

100-year flood plan. Some properties are known to periodically flood under lesser storm events. Also anticipating the natural meandering of the river channel, potential competing interests of motorized and non-motorized use along the Myakka and extending structures or existing structures will need to be evaluated for adaptive reuse or demolition. Should they be present on property, nuisance invasive species will require it to be managed or removed and replaced with native species. Increased opportunities for revenue by taking advantage of other public lands associated with or connected to the river corridor. And management challenges would be potential competing interest of motorized and non-motorized use and access to the Myakka and proactive enforcement of the MWSR rules to protect natural resource values, river values and public safety.

Chris and Jono participated in some meetings on this and one of the big concerns brought up is the enforcement of the speed rules. The Myakka Management Plan specifically says that there should not be any increase in motorized boat traffic until the recreational carrying capacity study has been done. In the meantime, people are violating the speed rules. For people in kayaks and canoes the speeding boats pose a challenge. We have raised concerns about the need to move forward with the carrying capacity study and better law enforcement on the river.

Greg Blanchard-Manatee County

The Manatee County land referendum was passed. In November, the voters approved the modest billings addition to the general property tax to cover acquisition of conservation lands and other purposes related to that. It is expected to generate approximately \$6 million per year. The referendum also authorizes the use of the revenue to pay debt service or the issuance of bonds up to \$50 million over a 20-year time period. The Parks and Natural Resources Department will manage the funds and make recommendations to the Board of County Commissioners (BOCC) on expenditures. Land acquisitions may be fee simple or less than fee simple such as acquisition of an easement or development right restrictions. It also includes expenditures by the Parks and Natural Resources Department for land management expenses and improvements for public access and enjoyment. The process for evaluation and prioritization for purchases and easements will be in accordance with ordinance 03-062, the Environmental Lands Management Acquisition Committee Ordinance.

This process may be modified, updated and or amended by the BOCC between now and whenever some action is being considered. No funds have been collected or expended to date on this new program. Money will not begin to be collected and deposited into interest bearing accounts until tax assessments begin on January 1st, 2022. Their director has conveyed his interest in appearing at a future MRMCC meeting to discuss acquisition easement opportunities in the Myakka River watershed, possibly later this year.

Bob Clark endorses the idea of getting a presentation from Manatee County about acquisition along the river.

Ryan Pieper-Charlotte County

Ryan gave an update on the Myakka River Park Master Plan. This new County Park will include a ropes course, both paved and soft trails for biking and hiking, park benches, fishing piers, bathroom amenities, barbeque amenities, way-finding signs and parking with ADA accommodations. It is currently at the design stage. Hopefully, moving on to the bid stage soon. The forest has been managed beautifully over the years so it is incredibly walkable, and the wildlife out there would be an immersive experience. It can be accessed by boat as well.

The Manchester Project would provide additional access from the Manchester Waterway to the Myakka River. It is currently in the conceptual/information gathering stage. There is going to be a meeting with the Public Works Director in early June, along with five or six state agencies to gather information on

how to proceed. The meeting will determine if it is something that the County's Public Works Department would be interested in proceeding with, or what agency would take the reins on this.

Brandon Moody, the Water Quality Manager for Charlotte County, indicated that a pre-application meeting in early June will include members from EPA, NOAA, Fish and Wildlife and DEP to help the county understand the concerns and obstacles that would prevent something like this from occurring and prevent a permit request for these cut throughs to go through. The County is working to include all of the agencies and entities that would have a hand or concerns about this project so they can present the full scope of the obstacles to their commissioners with all the information needed to make a decision as to whether or not to proceed with a permit application for this activity.

Discussion continued on the purpose of the Manchester Project and potential issues including; seagrass, manatees, and that the proposed impacted area appears to be state park properties.

Elizabeth Wong-City of North Port

The City is working with the county on extending the Legacy Trail, parts of which will connect to North Port and Warm Mineral Springs. It is in the final site development review process.

FEMA is going to revise their Coastal List Flood Map. There is a 90-day window for public comments which ends on June 1st, 2021. To get to this map, go to www.cityofnorthport.com, type in the word "flood", read through the disclaimer and accept and you will be taken to the flood map. The City has been swamped with public appeals about the new FEMA map. People are concerned about their insurance going up because of the new flood maps.

Kathleen Weeden-City of Venice

The City has the current flood map on their website as well. You can also go to Sarasota County's website. The preliminary proposed maps for people to review.

There are some erosion issues at the Venice Myakka River Park. The Public Works Department has been working with Sarasota County and they decided not to move forward with doing any type of permanent shore armoring. On December 17, 2020, some plantings were installed to try to stabilize the bank. Post and ropes were added to discourage people from tromping all over the banks but not all the vegetation is thriving. They are aware that something else will need to be done and are open to suggestions.

Jono added that the City of Venice has documented how many days a year that park has closed due to inundation. Jono figures that bank will be under water sometime between now and the end of the year and that is rough on newly established plants. He questioned if the city is investigating the implications of possibly rerouting or removing the paved access way that parallels the river.

Kathleen indicated that they are not really looking to change the paved trail because this would limit access to most of the park.

Jono mentioned that the City might want to consider the implications of stabilizing that shore versus coming around the Southern part of the parcel and trying to connect to that pavilion with a bridge or something from the south, rather than trying to enter from the north. The problem is if people are coming to enjoy the natural river, once you stabilize the bank, it is no longer the natural river.

Sofia Brown-CHNEP

The CHNEP held their [Southwest Florida Climate Summit](#) in early May and all the presentations can be found in their proceedings document at www.CHNEP.org. They have a photography contest occurring right now for their outreach calendar. They are hosting seagrass training volunteer events in June and that

information is on the CHNEP website as well. They are coordinating with the Conservation Foundation of the Gulf Coast on two restoration projects in the Myakka Watershed. One will wrap up in the fall and the Conservation Foundation will be presenting an overview of the project at the CHNEP Management Conference Meetings in December, and those meetings are open to the public.

Matt Stevens-FWC

The Threats Assessment Project started in 2019, and since then, they have been able to work 27 impaired sites. The goal of this project is to identify restoration projects, so any kind of degradation, sediment, deposition, things that are going to be affecting the river. They must differentiate between what is natural and what is unnatural in the river. Often the focus on any kind of river crossing, ATV trail, or a hard surface that is going to cause erosion.

This type of project is unique because they use natural materials to do these restorations. One of the major problems with these projects is dealing with private landowners and being able to access the land.

Once they identify one of these sites, they will go through an impaired assessment. They rate the habitat and decide the severity of the restoration needed. So far, the 27 impaired sites they found are all low severity sites. That could be anything from riparian, degradation, to just some minor things that can be taken care of quite easily. It is good to map these rivers because it puts a historical timeline on the erosion. Even if they do not do restoration, it can be used later. For comparison, on the Peace River they found 512 impaired sites and only 24 on the Withlacoochee River.

This project will go until 2022. He emphasized that they are using all-natural materials to complete these restorations. The idea of the restoration is to do it, so it looks more natural and it blends in with the river. A lot of these sites, 10 years from now are going to be unmistakable from the river.

Lee offered the Conservation Foundation's assistance in getting access to private lands, especially in Manatee County.

Discussion on access and types of natural material commonly used.

Dennis Ragosta-SFWMD

Dennis presentation an overview on how much excess water is entering Flatford Swamp. It could be anywhere from 3 to 17 MGD on the annual average for the entire swamp. Where the test well is, it could be up to 1.4 to 4.7 MGD annual, depending on the season. With the test well capacity, it is dependent on the pump and the water level that's in the recharge well and that estimate could be anywhere from 1.0 to 2.0 MGD, possibly up to 2.5 MGD. They calculated these numbers from an integrated model where the excess water is calculated at the tributaries entering Flatford. The source of the test well site ranges from anywhere up to the Myakka River Watershed to Flatford, based on the topography, soils, land use and irrigation information. They are hoping to be done by summer of 2021.

Jono asked if there is a continuous base flow at Myakka City.

Dennis was not sure but would find out.

Jono mentioned that there is an old USG study that documented that the Myakka was a no flow river. Their conclusion was that if it stopped raining for a long enough period, the river might pool up with water in deep spots, but there would be no visible surface water even though water could be flowing through the sand beneath the bed of the river. With the irrigation that is taken place and the bed prep in the Upper Myakka, there is a possibility that there is now a base flow and fundamentally changed that character of the river.

Becky wanted to know what the ratio of water is that is withdrawn to how much is finding its way into this swamp.

Discussion continued on reasons for excess water and solutions.

Dennis noted that the well injection will be going in front of the governing board within the next few months, so whenever that gets scheduled in an agenda, he will make sure to let Chris know so he can forward the information to the Council. The governing board will go into more in-depth questions and staff will be able to answer a little bit more on the technical side.

Megan Cousar-FFS

The Forest Service is treating invasive plants by the Myakka River by the East River Road access point. There are many invasive plants in that area including Wedelia, Australian pine, Cogon grass, Lygodium, Java palm and Chinese tallow. They conducted about a thousand acres of prescribed fire. They planted about 67 acres worth of South Florida Slash Pine by Winchester Road.

Becky Ayech-ECOSWF

The ongoing litigation over the money that was voted to go to environmentally sensitive lands acquisition continues and they will be back in court one more time.

There is a proposal in the Myakka River Watershed to allow a worship center. It is in the northeast corner of Sarasota County; it would be on the east side of Verna Road where it intersects with Highway 70. It sits on 20 acres and will allow 515 people on the site, with a 2000-gallon septic system, and the health department says that they will add septic systems as needed. When that site was used for a school, there were 26 students there and there was a honey dipper there every day because the septic system did not work.

Becky asked if there has been any soil subsidence in MRSP.

Chris responded that there are probably areas with subsidence but couldn't think of one offhand.

Becky continued to note that years ago, Dr. Jelks pointed out that the area was slowly turning into a desert. On Becky's property, the subsidence has been substantial. She has tree roots sticking out everywhere where no tree roots were before, there is no water in the soil, so the molecules of water do not keep the soil apart, It is like walking on a beach, the soil shifts underneath your feet. It is something to be aware of and a part of the historical knowledge of what is going on.

Becky noted that she forwarded an article on the creation of Clay Gully that she asked be circulated to the members.

Jono asked Becky to what extent is the water table being lowered and does she have a sense as to what extent that organic soils are oxidizing and disappearing into the air.

Becky replied that the water table is down three feet and she estimated she probably lost at least two inches of soil.

Jono added that wind erosion is a surprising factor in Southwest Florida that most people do not factor in. He also noted on the lawsuit, that Manatee, and Sarasota County combined have sent over \$200 million to Tallahassee as one third of the Doc stamp money since the referendum passed but only received some back.

Lee Amos-CFGC

The foundation hired a new Land Steward, John Besson.

The Orange Hammock Ranch was protected in the summer of 2020 through the FDEP. It is 5,777 acres and now being leased to FWC to be a Wildlife Management Area, and FWC is going through their stakeholder process to develop their management plan. It is called Orange Hammock WMA.

The Foundation is working with the CHNEP restoring a preserve that was transferred to them from the Myakka Conservancy at the northern end of MRSP. This is the first mile of the MWSR. They are removing a lot of paragrass primarily and encouraging and planting native plants along the river corridor.

They were able to acquire 363 acres of Flatford Swamp last fall. They are at the beginning stages of developing a Restoration and Management Plan, coordinating with SWFWMD, CHNEP, Manatee County and other partners. This is a nature preserve and not a public access property.

Lee reminded the Council about the aquatic soda apple. He emphasized the importance of watching out for it and removing it, so it does not start taking over.

Discussion continued about the location and timing of the Foundation work along the river.

Chuck Johnston-O Bar O Ranch

The work they were doing with the USDA and their Natural Resources Conservation Service has been completed. Now They have put in an application for the Conservation Stewardship Program. They want to identify how to keep their best management practices sustainable, make sure there are adaptable things like their legume program which helps them avoid using commercial fertilizers.

Steve Giguere-MRSP

MRSP hired a new park biologist, Alison Callis. She was a former AmeriCorps member and park ranger at the park. The position was vacant since March of 2020.

The restoration of the Upper Myakka Lake (UML) low water control structure was delayed due to some procurement issues. The scope associated with that project caused a delay, but they do have funding committed from the Division, so the restoration work is slated for March 2022.

The park has been doing a lot of work over the years in Floodplain Marsh restoration. In the past year, they have treated many invasive plants and applied some fire to the marsh areas along the lake shore and Big Flats Marsh. They have done over 8,000 acres of prescribed fire this year. There is currently a burn ban due to forestry staffing issues and the drought index. The new concession building had some issues, even though it is only 15 years old.

Chris Oliver - MWSR Program

The FPS is trying to move forward for the removal of structures in the river, including the UML Weir area. Since the last meeting, the Army Corps permit was issued for the UML Project, which means that they have both permits needed to move forward.

Multiple agencies aided in the effort at Big Flats Marsh. There was one of the best blooms of Coreopsis. Part of it is due to the removal of large areas of paragrass that has been replaced by native vegetation.

Land Managers are still seeing lots of impacts in the dry season from unpermitted camping. A lot of It is related to digging in the river for fossils. People are overnighing and just working in the area for days. There has been a lot of air plant removal, a lot of cardinal air plants were removed during his last survey.

A big snag, an in-river tree, was moved by several people to the Downs' Dam gate opening area which would ensnare any kayakers that might pass through it. Park staff has since removed it.

NEW BUSINESS:

Kristin Nowak-Wood Environment & Infrastructure Solutions (Wood)

This project was sponsored by FDEP and co-funded by SWFWMD with matching Cooperative Funding Initiative funds. The deliverable for the study was a 320-page feasibility study report and a draft was submitted in March (to FDEP and SWFWMD). Wood received comments and reviewed those. The report consists of the project objective, background information, data collection, and analysis modeling, the alternatives analysis, and then summary. The objective of the study is to explore three alternatives with the objectives of restoring natural systems and improving water quality in the Myakka River. The three alternatives looked at were: removing Downs' Dam; modifying Downs' Dam; and rebuilding Downs' Dam. The dam is located on the Myakka River near the southwest boundary of MRSP. The Myakka River is a 66-mile-long, blackwater river that flows into Charlotte Harbor. Even being that far downstream, the dam does influence the Lower Myakka Lake (LML) by impounding the water and affecting the natural draw down.

Downs' Dam was privately constructed in 1942 to hold back fresh water in the dry season for cattle operations. It was constructed on a limestone shoal. The dam is 90 feet long east to west, and then there is a 50-foot wing wall on the northeast side. The dam is about four feet tall, there is a notch in the middle, it is about five feet wide, four feet tall. Historically, a gate was placed there to be able to hold the water back. There is a verbal agreement between the landowner and MRSP to leave that gate open. The gate is not being operated at all at this point. There is a breach going around the dam, the river is trying to find its own path. Dam ownership is not clear; no identified party owns the abandoned dam. The dam is not being operated or maintained anymore. The river itself is sovereign submerged lands, so the state owns the land beneath the dam. On the east side of the river, is all state parks owned by DEP and on the west side of the river, that is owned by the O-Bar-O Ranch. Part of that property is under conservation easement which was recorded by Sarasota County in 2008.

The current conditions at the site are not great. There is abutment erosion going around the east side of the dam. The banks have been eroded and there is a lot of tree debris. If no action is taken at this site, erosion would continue, causing the loss of park property and leading to sedimentation downstream, smothering habitats. Kristen projected a series of aerial images showing the growth of breach over time. She noted that the west bank palms that are starting to lean indicating that water is getting behind the concrete and eroding it. There is also the potential for the river to change its path completely because of the sharp bend. There is the potential that the river will decide to take a short cut. Addressing the issue is also part of the MRSP Unit Management Plan so the No Action Alternative is not viable.

Kristen gave an overview of the data collection process for the study. They looked at existing data and collected new data. Wood also collected sediment cores at five locations, with three upstream of the dam and two downstream. They found mostly sand and there was a little bit higher organic material in the ones upstream. As far as taking out the dam, they do not expect any far-reaching sediment transport.

Wood did not collect any new water quality data but looked at what is out there. There are some impaired WBIDs in the area, but in the area of Downs' Dam there are no impairments for nutrients or DO.

Wood reviewed existing data that exists for the ecological communities, which are mapped in the state park. The LML is 350 acres including Deep Hole. There is a 70-acre secondary basin that does flood up during the wet season. Floodplain marsh surrounds the LML, the secondary basin, and runs along the river. Hydric hammock is a community that is seasonally inundated. In the past the dam was a major an obstacle to fish and wildlife. With the eastern breach and gate open, that barrier has been reduced but not eliminated. There

are native fish that are not making their way all the way up that could help with the invasive fish problems. There was a manatee stranding in 2014, upstream of the dam, that FWC came out and did a rescue.

Chuck mentioned that he was there for the rescue of the manatee and that the dam was dry on both sides. He questioned if the stranding was from the dam.

Diana Donaghy, the MRSP biologist at the time, stated that she thinks that the dam did cause the stranding and that the mother was able to travel over the dam, but the young manatee was not able to.

Kristen continued noting there are shoals throughout the river which are impediments to species movement, but the dam is also restrictive to passage. Generally, dams restrict passage of wildlife and fish.

Jono requested that the Wood report reflect Chuck's observation and statements about how the dam affects things, referred to when the dam is intact or functioning as originally designed, and to the extent that it is compromised or bypassed or non-functional, those impacts are either reduced or eliminated.

Kristen continued giving an overview of the modeling. Wood looked at three alternatives; the removing, the modifying, and the rebuilding. The modifying is lowering the invert of the dam and opening the notch a little to allow more passage. They are trying to compare these alternatives with respect to restoration of the river and habitats and looking at the flooding. Wood used ICPR to assess three 24-hour design storms, the mean annual, the 25 year, and the hundred year. They looked at existing conditions and the three alternatives. There are no adverse impacts for any of the alternatives during any of the events, comparing the alternatives to the existing. There is little stage increases at the dam itself for alternatives two and three because the breach is being filled in. These design model storms are large events where the water is flowing over the dam anyway. Downs' Dam was built to hold back water during the dry season. Between the different alternatives, there is not a big difference in inundation, among those alternatives.

If the dam was removed, that would be expected to decrease the seasonal low water by 0.3 feet. Based on that lower draw-down, that would expose about 13.5 additional acres and restore floodplain marsh. Removing the dam would allow for a more natural draw-down, which would expose some acres that would be inundated with the full effects of the dam. Some of this is already being seen with the breach. That is a preview of the restoration potential, some of the floodplain marshes would be restored once there is a natural draw-down.

The fish and wildlife passage was looked at by using an HEC-RAS model. The dam is over-topped about 35% of the time or 18 weeks per year, predominantly during the wet season. If the dam were to be removed, that would increase passage across that existing shoal to about 50 weeks per year. The shoal does go dry so that would naturally restrict passage for certain species. There are some benefits, particularly to Snook. That species likes to come up from the marine environments and go up to freshwater to exploit prey resources. The dam does inhibit Snook from accessing lots of habitat in the Myakka. A lot of the prey upstream is non-native exotic species so, if you give native species some further passage, then they could eat large quantities of exotic prey.

For the alternatives analysis, Wood looked at different parameters, such as water quantity, natural systems, sediment, water quality, environmental considerations, fish and wildlife passage, recreation and culture, permitting, and costs. For alternative one, they looked at removing the dam, selectively filling in this breach, stabilizing the banks and rewilding the river. There are different ways to accomplish that, but for water quantity, this option restores a more natural river and flow regime, no impacts of flooding, restores for natural systems, restores 13 and a half acres of floodplain marsh by lowering the seasonal low water. For sediment, it reduces the accumulation of organic material upstream, improves water quality by giving the LML a more natural hydroperiod, and creating those additional wetland areas that filter water.

The greater draw-down helps with weed control programs and other things the park is trying to do. The fish and wildlife, it removes a barrier or hazard to the upstream migration of manatees and fish. For recreation and culture, if the dam is taken out, it will allow more people in boats to access this wilderness area of the park. A permit is required to go there so, whether it is enforcement or signage, that will have to be addressed. This is also a cultural icon for the area, a congregating point. That is something that must be considered with this alternate because those things will occur.

There is also about a two-week period when the water is just overtopping the dam, that is apparently amazing fishing. That is something that would be removed if the dam comes out, just something to consider. They are trying to look at all considerations. For permitting, it is a restoration project so it is straightforward permitting, or should be, based on the pre-application meeting and what was done for the Upper Myakka Lake. For the current cost estimate of what they plan to do will be about \$427,000.

Alternate two, the modification, is lowering the dam and expanding the notch opening. It does not have the same restoration benefits that alternative one would have. It does allow more fish and wildlife passage. It still maintains this icon and that fishing window. The cost estimate is \$520,000 and there would be operation and maintenance required. Somebody would have to take ownership of the dam if it is modified or rebuilt.

Alternative three, the rebuild option, would be restoring the dam to what it used to be prior to the recent failure. That would be stabilizing and filling in a bank. It does not have a lot of great benefits to put this back in and the cost would be about \$550,000. There would be ownership, operation and maintenance issues. The permitting could fall under maintenance. The barrier would remain.

Ranking all these together on those different parameters, a zero would be a neutral ranking. A one is if there is a benefit and a negative one is if rebuilding or modifying or removing would make things worse. When you ranked together, alternative one, the removal, does get the highest score so it is the recommended alternative. Alternative three had a couple of positives, but also a couple of negatives so it evened out to zero. And alternative two scored one point.

Wood recommend the removal but there are some additional considerations that do not show up in the rankings. One of them being ownership. Permitting agencies might require all parties to be co-applicants. If there is going to be work on the western bank, that may require O-Bar-O Ranch to be involved Sarasota County may also need to agree and find it consistent with their conservation easement. The conservation easement does allow for restoration activities. The logistics of the construction really does impact the cost of everything. Right now, the way that it is been costed is accessing the site from the east, through the state park. It is a very long route with multiple low water crossings that would have to be built and a swath of floodplain forest would have to be temporarily disturbed. Depending on how it is accessed, it could impact cost estimates, as can what is finalized in the design. Wood is looking at creative options, barging materials to other things in the final design phase.

In conclusion, Wood recommended alternative one for the removal of the dam because of the benefits, it restores the natural flow regime and historic timing of flows. It has no adverse flooding impacts, restores the floodplain marsh, improves nutrient load removal and algal suppression, reduces accumulation of organic material, and restores sediment transport regime. Greater draw-down, aids weed control programs and habitat restoration and fire, removes the barrier and hazard to upstream migration of manatees and fish, removes a barrier hazard to paddlers, and reduces maintenance costs.

The next steps are finalizing the feasibility study, looking at people's comments and bringing them in and making sure the comments are addressed. The final design and permitting will take place later this year or next year, and then hopefully implementation the following dry season. (She concluded her presentation.)

Becky asked about an analysis of the impacts to the state park from using it to get access to the river. Chuck stated that he had environmental impacts to the state park high on his list, and that it is not an easy route to go through the state park. He commended Wood and their staff for their respect and professionalism when using the O Bar O Ranch to gain river access. He would also like to know the potential impacts to the ranch property on the west.

Lee added that the CFGC does own property some miles upriver from the dam. He expressed support for the dam removal, in terms of some benefits that may occur as far upstream as where we are. He wants to see the impacts this would have on Snook on their properties and the improvement with the marshes. Lee suggested that if the dam is removed, a cultural marker to retain some of that heritage could be placed there instead. He acknowledged that access up into the park could be increased.

Jono stated his big comment based on today's presentation, is that I think a lot of the benefits are linked to comparing the dam when it was functioning (historical or rebuilt) when we should be comparing the dam in the current condition, essentially the bypassed state. I do not know how that would change the eight to one to zero score. It is important to clarify when stating the impacts or benefits related to the dam when it was functional versus now when it is essentially, non-functional.

Jono asked Kristen if people could still submit comments.

Kristen replied that it is still possible, but they need them quickly, before the end of June. Her email is Kristen.nowak@woodplc.com

Mickey Davis spoke about being a good steward to the land and to MRSP. She agrees that the dam is not effectively working as a dam anymore. That area is brimming with life and they are concerned about the impact that disrupting that area will have.

Kristen clarified that the impacts of accessing the river through the state park would be temporary. The permitting agencies will want to see how those are mitigated for, and no one wants to negatively impact the park. They are still looking at other options, like reducing the amount of fill on the bypass or barges.

Motion

Becky Aych motioned that the Council officially take the position that the consultants be informed that an analysis should be done to look at the existing function of the dam versus what will happen when the dam is removed.

Chuck Johnston seconded.

Lee Amos, Howard Berna, Elizabeth Wong, Stephen Giguere, Greg Blanchard, Jonathon Bennett, Ryan Pieper abstained.

Motion was discussed.

Chuck noted that you cannot take out a structure like this without doing impact, that is a big concern.

John Kiefer (Wood) stated that the existing condition is evolving. Are we talking about today's condition? Or projecting, as the erosion continues, what a no action alternative would look like when the river reconfigures itself into a new equilibrium? The current condition is not going stay static, the erosion will continue, there most likely will be an avulsion upstream, and the channel pattern will change.

Jono added that a statement was made at the beginning of Kristen's presentation that the no action alternative is not an option, but in fact, the no action alternative is the default setting. If the money is not obtained or the permits are not obtained, or the access is not obtained, then the no action alternative is what is going to happen. The intent of the motion was not so much to pretend that the river would not continue to evolve and change, but rather that purported benefits or problems associated with an action need to be compared with what the current situation is with fish and boats, being able to pass more freely and not compared with a situation from a number of years ago, when the dam was intact.

Becky stated the intent of her motion is, how to do I know if I want to support removal of this dam, if I do not know what is going on right now, today?

Motion passed. (Lee Amos, Howard Berna, Elizabeth Wong, Stephen Giguere, Greg Blanchard, Jonathon Bennett, Ryan Pieper abstained.)

Lee stated that by the time a new analysis is done, it is going to be a different scenario, the conditions will have changed. He is interested in what the future condition will be if we do not act.

Motion

Lee Amos motioned that the consultant should evaluate ecological conditions under a no removal scenario.

Bob Clark seconded.

Stephen Giguere, Greg Blanchard, Elizabeth Wong, Jonathon Bennett, Howard Berna and Kathleen Weeden abstained.

Motion was discussed. Motion passed.

Jono discussed work on the Environmentally Sensitive Lands Oversight Committee and recommending several areas related to the Myakka River.

Bob asked when the Council will get to comment on the management plan and on priorities for acquisitions.

Jono replied that any Council member can review the existing plan and come up with suggestions. But according to the attorney with DEP in Tallahassee, those should not be revealed until the Council has the next meeting discussing the management plan. They are not to be shared prior to that meeting.

Bob added that it sounds like the review of the management plans is being offloaded to another group so that when the Council gets to look at the plan, there will be all those recommendations to go through.

Jono was told explicitly that that would be viewed as a violation of the Sunshine Laws. People who are not members of the Council will have their thoughts recorded and presented to the Council prior to Council members having the same opportunity.

Bob submitted his comments prior to the meeting. They are as follows:

“I would strongly recommend that the Council focus particular attention to the Management Plan section titled **6.3 Areas for Special Management Consideration**. In that section, five “specific actions for special consideration” are included. I would recommend two additional “specific actions” as follows:

1. Evaluate the need for and seek funding for, additional DEP staffing required to successfully implement the Management Plan, with particular focus on work outlined in the Management Plan, and future updated actions of that plan, that are currently dependent on a single environmental special position.
2. Develop strategies and undertake actions to advocate for official “Wild and Scenic River” designation for those portions of the Myakka River not currently included in that designation, recognizing that protections for any portion of the river requires protections for the entire river.”

Barbara Lockhart and Jono serve on the County's Environmentally Sensitive Land Oversight Committee. Anyone who wants to communicate with the committee individually can do so, and people are welcome to attend and provide public comment. The next meeting will be the first Thursday in June at 2:30 in Venice.

Kathleen thinks it is important that the final review of the management plan happens through this committee, so that everyone agrees. She suggested having a meeting to discuss the findings of the outside group, where the Council can still make changes.

Jono added that the flow in the Wild and Scenic River is affected both in terms of quantity, quality and timing by what is happening in Manatee County, and how SWFWMD is managing or not managing hydrologic resources in Manatee County is a crucial matter. The Council would like to be updated on this at every meeting in a timely manner, so that either as individuals or as an entity, the Council can advise the governing board of the District.

Jono asked Chris for suggestions about how to get material related to the Flatford Swamp project to the members prior to the governing board meeting.

Jono asked if any Council member had any objection to Chris working with Dennis to try to make sure that even if the Council cannot meet, members will receive the board packet material in a manner that would allow them to communicate with water management district board members before they take action on these clipboard issues. No one had issues with this.

Becky would like to know what the process is to appear before the governing board and explain or share with them what the Council has been talking about regarding Flatford Swamp. She suggested that at the next meeting, the Council send them a letter.

Future Items:

- presentation from Manatee County reviewing potential acquisitions and other protection strategies.
- report from SWFWMD on the hydrology issues related to Flatford Swamp.

Edie Driest motioned to adjourn the meeting. Becky Aych seconded. Meeting adjourned at 1:00 PM.