

**Myakka River Management Coordinating Council**  
**Nokomis Community Park, 234 Nippino Trail, Nokomis, FL 34275**  
**December 9, 2022**  
**9:30 A. M. – 12:30 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, November 25, 2022.

**MEMBERS IN ATTENDANCE**

Jono Miller – Sierra Club  
Juliette Jones-Friends of WMS  
Chuck Johnston – O Bar O Ranch  
Ross Morton-SWFWMD  
Jeremy Rogus-City of North Port  
Nicole Iadevaia-CHNEP  
Lee Amos-CFGC  
Amelia Williams-SWFRPC  
Glenn Compton-Manasota 88

Howard Berna - SCNR  
Steve Giguere-FDEP/MRSP  
Bob Clark-Venice Audubon  
Ryan Pieper-Charlotte County  
Megan Cousar-FFS  
Cristina Rimes-City of Venice  
Peter Perez-City of Sarasota  
Steven Schaefer-Friends of Myakka  
Hugh Havlik-GCHSC

**INTERESTED PARTIES**

Chris Oliver – FDEP/FPS  
Chris Becker – FDEP/FPS  
Charlie Hunsicker-Manatee County  
Alissa Powers-Manatee County  
Shawn Yeager-Sarasota County Parks  
Gillian Beck-Dancing Waters Consulting

Nadine Hallenbeck – FDEP/FPS  
Ezell Givens-FDEP/FPS  
Debra Woithe-Manatee County  
Tony Clements-Sarasota County Parks  
Jenny Slater-WMS Preservation Group

- **Call to Order and Role Call was made.**
- **Approval of the Meeting Minutes from March 25, 2022.**

**OLD BUSINESS**

Jono explained that the state legislature enacted a statute to protect Florida's springs. This makes these springs eligible for extra funding. Warm Mineral Springs and Little Salt Spring are not included under this statute but should be due to their unique ecological, hydrological, archaeological and paleontological geologic features. It should also be noted that Warm Mineral Springs needs protection due to its low flow rates.

**Motion:**

**Glenn Compton motioned to send a letter to the North Port City Commission and the legislative delegation reiterating the Council's opinion to add Warm Mineral Springs and Little Salt Spring to the list of protected springs in Florida. Juliette Jones seconded. Motion passed.**

**NEW BUSINESS**

Chris Oliver stated that some members of the Council and members of the public have asked about holding Coordinating Council meetings virtually due to time constraints, driving distance and environmental impacts. The by-laws state that any member of the Council located within 100 miles of the meeting location, must attend in person to participate. The by-laws can be changed but they would need

to be rewritten and sent to Tallahassee for approval. Changes to the by-laws need to be approved by two-thirds of the Council members.

Discussion continued about the benefits on having an option to meet remotely including difficulty with finding an available venue, reduce time and gas use associated with travel. There were some concerns about having meetings with Council Members being online and others present in a physical meeting room. It was offered that the manor of meetings could be all virtual or all at physical location. The groups preference that was the Chair would make any determination as to the manor in which the meeting was to be conducted.

**Motion:**

**Howard Berna motioned to change the by-laws to include language stating that the time, place and manor of each meeting can be determined by the Chair of the MRMCC, including meeting virtually. Steve Giguere seconded. Juliette Jones abstained. Motion passed.**

**UPDATES:**

**Jono Miller-Chair's Report**

There is a two-acre site in Manatee County in hydric hammock that was cleared illegally. SWFWMD came to survey the site and concluded that it is technically wetland. The property owner has been notified that they will have to remove the fill added after the land was cleared and regraded. It is in a section of the Myakka River floodplain.

In Sarasota County there are 18 properties along the Myakka River that have no structures on them. The County is going to reach out to these property owners and see if they are interested in selling them so they can be kept as environmental land.

There is a property owner near the interstate on the Myakka that has applied for an exemption to put a seawall on their property due to erosion. Jono wrote to the permitting agency about issues with statements in that application. He advised them that this property is not on Curry Creek but on the Wild and Scenic portion of the Myakka River. He noted the application stated "there is no mean high-water line (MHWL) at this location" but there is a MHWL at this location. It is Jono's opinion that the "Safe Upland Line" (SUL) is being used inappropriately. He noted it was used initially in another permit further upriver which caused problems. The SUL is only supposed to apply when the State is attempting to acquire a parcel of land. He noted another seawall application the State asserted that the MHWL was a negative number, but this has been disputed. Jono continued that the State undertook a monthly long study to determine the MHWL, but it is his understanding that there was a flaw or problem with the study and we still do not have a MHWL at locations under review (for permits).

Considering there has been confusion regarding the MHWL on this section of the Myakka, any determination of the SUL by adjusting a MHWL value is problematic. While Jono does not feel this project qualifies for an exemption, he agrees that something needs to be done to retard riverbank erosion on this property. It does not make sense to approve a permit, when all permitting agencies are not on the same page about what is required.

Jono empathized that Myakka rule and "river area" protections only apply along the river in Sarasota County – and nowhere else. Home owners, public entities, consultants and all too frequently the agency staff reviewing applications, who may have experience on the other 99 percent of rivers, often creates bad outcomes, wasting a lot time, money and effort creating plans satisfy the various protections.

Sarasota County is attempting to acquire land on the Venice Retreat Campground and has reached out to the owners but has not heard back. There is a separate 25-acre parcel that the County are in the process of

buying. This is one of the last major holdings that is undeveloped on the West bank of the Myakka in Sarasota County. The purchase is being funded by the county's Environmentally Sensitive Lands Protection Program (ESLPP).

### **Howard Berna-Sarasota County**

In November 2022, the Board of County Commissioners heard a Myakka River variance work permit for shoreline alteration, putting in a rock revetment at a property on Kellogg Lane. The rock revetment was approved. It will be a low-rise rock revetment placed behind a mangrove fringe. The application for the Diocese of Venice is still on hold.

### **Debra Woithe-Manatee County**

In 2020, Manatee County voters approved a referendum on conservational parks projects up to \$50 million to buy conservation land and to spend on improvements, restorations and management. The Environmental Lands Management Acquisitions Committee (ELMAC) is an advisory board that is been around about 30 years and part of their job is to advise Manatee County's Commission on acquisition and management of conservation land. The commission authorized ELMAC to implement that referendum. Over 80 properties were nominated. Twelve of those have been selected based on quality, rarity, water resources and natural resource value. They were presented to the ELMAC committee, which narrowed it down to five priority properties. The two that were most time sensitive have been recommended to the commission for acquisition. One of these is about 932 acres on Owens Creek. Manatee County is partnering with the Conservation Foundation of the Gulf Coast (CFGC) to acquire it. They just presented to the Acquisition and Restoration Council (ARC) to convince them to put the property on the Florida Forever list. The other property is about 90 acres that is adjacent to the boundary of Terra Ceia Preserve State Park. Over the next year, the county wants to focus on the connections between the existing conservation lands. They created a dashboard that shows indicators on each of the properties that have been nominated and have willing sellers. She encouraged Council members to nominate properties that would be good purchases and have owners open to the possibility of selling.

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

Ryan mentioned the Manchester Project is still being considered and is the conceptual phase. He noted that USF had been working on study related to this project.

### **Jeremy Rogus-City of North Port**

Hurricane Ian left a lot of debris in North Port. There was some misinformation after the storm. It was reported that water control structure 106 in the Cocoplum Canal, which separates fresh water in the canal from the tidal brackish water in the Myakkahatchee Creek, failed. It was reported that it failed causing a fifteen-foot wave. This was incorrect. The structure is fine but some of the water found its way around the structure causing a wash out of the bank. This has since been fixed.

North Port will be looking at revisions to the Unified Land Development Code (ULDC) to update storm water and environmental design needs. Jeremy also mentioned that Google Earth mapped the entire west coast of south Florida, including North Port, on September 29<sup>th</sup>, which was the day after the hurricane. You can see where the actual flooding was.

Jono asked Shawn Yeager to talk about Nona Spring in North Port.

Shawn stated that in September 2021, the Board of County Commissioners approved the Nona Spring work plan and new protection priority site. The property owner is negotiating with the State of Florida to exchange his property for property owned by the state. The state would then donate the exchanged land

to the county. DEP has gotten involved to support the effort and identify what state-owned lands would be suitable to exchange.

### **Christina Rimes-City of Venice**

Hurricane Ian caused some road flooding and minimal house flooding along the Myakka River. The Venice Myakka River Park was also closed due to flooding but is reopen now.

### **Nicole Iadevaia-CHNEP**

The Habitat Restoration Needs Plan was built by all the CHNEP members. It maps areas that are already acquired and might need to be managed or restored as well as areas that could potentially be acquired. On any land captured in the Habitat Restoration Needs Map; the Council could ask CHNEP to write a letter of support. The interactive map resides on [www.chnep.org](http://www.chnep.org) under “Water Atlas”.

The CHNEP has funding available and will continue to gain other funding through bipartisan infrastructure funding over the next five years and the two emphases of that funding will be looking at projects that further environmental justice and climate resiliency. This can also be found on [www.chnep.org](http://www.chnep.org) under “Project Funding”. They can partner with others to fund projects. This has been done for a few recent projects in the Myakka River basin and near Warm Mineral Springs.

CHNEP is adding a Hurricane Ian landing page on their website. This will include resources for the public and if any Council members have relevant information they would like to see on the site, they can send it to CHNEP to possibly be added.

Bob Clark asked if the interactive map shows sea level rise (SLR) and impacts?

Nicole replied that it does. They did a [Habitat Resiliency to Climate Change Report](#). It showed how SLR would impact areas around the Charlotte Harbor basin and watershed up to 2070.

Juliette asked what habitat restoration was being done at Warm Mineral Springs.

Nicole replied that FWC is funding the restoration. It was started before Hurricane Ian and had to be paused but they are looking to resume.

### **Ross Morton-SFWMD**

The SFWMD covers 16 counties and most of their structures are conservation structures which means they hold the water up at the end of the season after the rains are done, but they are not for flood control. The Hidden River had a levee break and, depending on if they try to improve the levee, that may trigger needing a permit from SFWMD.

Jono added that Hidden River dike failed, and many people believed that a wall of water was coming down the Myakka River, but instead, it meant a wall of water was going into Hidden River. This would cause less water to be in the Myakka, not more.

Jono also explained that every drop of water that falls in the Myakka basin upstream of North Port either evaporates or soaks into the ground and if it does not do either of those things, then it is moving south. Every drop of water that enters Charlotte Harbor, that falls upstream of North Port, must go through North Port. It comes down the Myakka River, Deer Prairie Slough, Alderman Slough or Myakkahatchee/Big Slough or it comes overland. The basin had a 20-inch rainfall event during Hurricane Ian, and the ground was already saturated (before the Hurricane). Most of that water had to go through North Port one way or another. The water would have reached North Port even faster and been deeper had

the ranches been developed land instead with all the impervious surfaces. North Port still has some long-term challenges, particularly if there is going to be more high rainfall events, there will need to be strategies to help residents there. Luckily the upstream portion of the basin has not been paved, which would make North Ports problems even worse.

#### **Megan Cousar-Florida Forest Service (FFS)**

The FFS has been working hard to get their trails cleared of all the dangerous trees damaged from Hurricane Ian. They also had quite a bit of infrastructure damage.

A lot of debris entered the state forest blowing over from the La Casa neighborhood. Staff are concentrating on clearing the fire lines. Megan is going to schedule a meeting with upper management to see about putting a plan together for debris removal, but this will probably be an inter-agency effort since the cleanup is going to be so extensive and expensive. Most of the debris is on the north side of the forest but it extends all the way into the Myakkahatchee track down to the islands and into the lower tributaries from the Myakka River.

Jono stated that it sounded like the State Forest had a lot of problems with the storm debris and it is not clear where the funding and leadership is coming from to clean it up.

Megan responded yes, adding that at this point, they are just assessing what the magnitude of the cleanup would involve.

#### **Lee Amos-CFGC**

Lee gave an overview of property in Manatee County called the Owen Creek Highlands property that they have nominated to be in the Florida Forever program for acquisition. CFGC is partnering with Manatee County and the State of Florida to purchase this land. It is proposed to be owned in fee simple by the state with Manatee County managing the property. It is 932 acres located on Owen Creek which is a tributary of the Myakka River. This land also contains important scrub habitat. Lee stressed how well the landowner has been taking care of the property.

Lee mentioned that there are other pieces of property in the same area that would make great hubs and connecting lands. Discussion continued about SWFWMD and other conservation lands programs.

#### **Motion:**

**Lee Amos motioned for the Council to write a letter of recommendation to the State of Florida that the Owen Creek Highland property be acquired through the Florida Forever program. Nicole Iadevaia seconded. Motion passed.**

Lee also gave an update about the Myakka Headwaters Preserve. They are working with CHNEP and SWFWMD and have planted about 15,000 wetland plants of about 20 different species. They are hoping that these will be high performers and can continue to be used to restore the land.

Chris added that Lee has been helping the state park system with sponsoring funding for propagating plants for potential restoration projects.

#### **Chuck Johnson-O Bar O Ranch**

Chuck noted the ranch has been in operation since 1931. They planned for the worst for Hurricane Ian and made out okay. Most of the cattle were safe, as they planned and had a refuge area for them, but they did lose a cow and a calf. When Chuck flew over the property five days after the hurricane, about four-fifths of the ranch fence line was underwater. They are still assessing how much fencing was damaged.

According to USGS, the ranch received 20 inches of rain. They also recorded a high of 5,090 cubic feet per second flow at their gage (just below the dam). It took days to come down.

In the past, the local ranches have donated supplies to other parts of the country to help them get back on their feet in past storms. This time, the favor was returned and about a million dollars of donated supplies from North Florida to Ohio has been received to help farms here get back up and running.

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

Over the summer, they continued the floodplain restoration including treating West Indian marsh grass and paragrass. They performed maintenance along the Upper Myakka Lake (UML) and the river area north of SR 72, progressing further south to Lower Lake, treating about 250 acres total. In the Spring, they set fire to floodplain marsh areas along the lake shores, but the grass has come back. Once water levels became high enough, they used the airboat to do a lot of treatment in the northwest corner of the whole lake area up to Vanderipe Slough.

A plant they have been seeing more of is Indian jointvetch. This is typically a rooted, non-native plant but they have been seeing it in floating vegetative mats. They did some test treatment on it before Hurricane Ian. They will be on the lookout for more of it next year.

When Hurricane Ian hit, Myakka River State Park was already at a minor flood stage. They received 18 inches of rain at the ranger station. The park was developed directly in the floodplain of the Myakka so most of the facilities were underwater. Luckily, there was no major damage, and everything is repairable. They lost a lot of hardwood trees. They will leave what they can in place to let the natural processes take place while removing any hazards.

There was no erosion at the UML restoration area at the former weir site. The park is drying up and they are looking at a productive burn season. They have about 12,000 acres planned to burn in the park and will start in the spring. Burn plans might have to be altered a bit with all the fuels on the ground and it will be a challenge for residual smoke along SR 72 and newly incoming residential neighborhoods.

They have removed around 200 feral hogs from the floodplain north of SR 72 and park drive area. The hogs have been causing a lot of damage and they are removing as many as they can.

Steve noted that before the hurricane all the animals disappeared, and it took about a month for them to rebound.

The park is still closed, and they are working hard to get things cleaned up so it can reopen as soon as possible. The wastewater facilities and drinking water plant must be restored before the park can reopen.

### **Chris Oliver-MWSR**

Chris gave a brief overview of the completed the Upper Myakka Lake weir removal project, finished on March 9<sup>th</sup>, 2022. The final walk-through with FDEP BDC, Wood and agency staff was March 31<sup>st</sup>, 2022. FWC paid \$368,500 to have the weir removed and the whole project cost around \$880,000.

The FPS also secured funding from the Department of the Interior (DOI) and US Fish and Wildlife for the low-head dam removal and river restoration at the Downs' Dam area at the southern boundary of MRSP. The DOI, through infrastructure funds, has agreed to pay \$450,000 towards the project. Studies with SWFWMD have been completed and now they have 90% plans. They are working with O Bar O Ranch, which owns the west side of the property, to make sure the plans fit their needs as well. The next step is to apply for permits in the next week. In order to remove a dam like this, it needs to be done in the dry season so there is a limited window.

Shoreline modification permitting continues to be an issue. There is an increase in erosion/shoreline protection concerns on private lots south of Laurel Road. Homeowners have a right to protect their property, but it must be done in a way to protect Wild and Scenic River values.

Chris mentioned the parks on-going work on invasive grasses and assistance from FWC through their AHRES program. The park recently received an ARGO, airboat and Marsh Master. There is about 1,000 rough acres of paragrass that needs to be treated and equipment like this will be of great use. Hurricane Ian created longer hydroperiods that will likely expand the areas of mud flats that emerge as the river moves into the dry season. These areas will be open to West Indian marsh grass seed infestation, especially coming from plants upriver.

Chris noted he had been a part of discussions about missing regulatory signage, markers and debris from Hurricane Ian. The MWSR Program has been talking with Sarasota County and FWC about these issue and potential cleanup.

Conversations have been ongoing for about two years toward a consensus about the prohibition against fossiling on the MWSR. Various discussions with FDEP, Division of Historical Resources and the FMNH appear to have confirmed the position that fossiling is prohibited. Sarasota County planned to install signage but that may have been impacted by Hurricane Ian. Fossil diving is occurring post Ian, mostly in the Snook Haven Park area but they work above Border Road down to the Deer Prairie Creek input area.

Lee noted that he would be interested in hearing from a fossiling club to get their side of things and talk about BMPs.

Chris stated at the prior direction of the Council he has reached out to the Manasota Fossiling Club in the past. They were nominated for membership on the Council, but for one reason or another, have not been able to attend a Council meeting. Chris has also noted that he has spoken face-to-face with fossil collectors that stated they use BMPs, like “no tools” and “only fanning” but see many of the same individuals using tools. He believes many people now know what language to use to avoid citation by FWC. There are many individuals making a fair amount of money from fossils they find.

Break 11:25-11:30

### **Impacts from Hurricane Ian-Jono Miller**

Jono gave an overview of impacts. He pointed out that area news stations were showing a photo of a flooded highway saying it was the Myakka flooding I-75 but it was actually highway 17. Hidden River Dike failed during the storm. This is about the third time it has failed. Jono mentioned how it is illegal in Florida to sell your house and not disclose any defects but that does not apply if the house has been flooded. Jono thinks that 75% to 90% of the homes in the flooding area have been resold since they initially flooded. It is also believed that a portion of the dike and the pump may be on state property. This means there is a dike being managed or mismanaged by two separate entities simultaneously.

During a post-Ian river survey, he noticed standing water in saw palmetto. This is uncommon, saw palmetto is usually thought of being upland but due to the storm, this area was flooded. Jono saw another area where about 90% of the cabbage palms are all leaning. They have pushed from north to south and a lot of leaves were stripped off the cabbage palms. The river crossing for the pipeline from the Carlton Reserve is going to need some attention due to erosion before it is so bad that it goes back to the pipe. At Senator Bob Johnson’s (old) house along the river, a seawall was put in place but there was supposed to be vegetative planting in front of the wall which was never followed up on. Jono also noticed that a lot of

the homes along the river were hidden by vegetation prior to Ian. It helped it to feel more like a natural setting. After Ian, more of these homes are visible and it takes away from the scenic feeling on the river. The River Palms subdivision was badly flooded. Along with an area just below Border Road.

The Sarasota County Commission is going to decide about letting the concessionaire back into Snook Haven. The current plan is to remove the restaurant and go to a fast, casual eatery with no indoor seating. There could be a roof structure that would be open air and, after ordering your food, you would have a buzzer letting you know when it is ready instead of waitstaff serving customers.

Jono showed some photos examples of debris near Snook Haven and suggested that we develop some guidelines for what to do when the water levels are coming up. Removing gas cans, hydraulic fluid, and if you have stuff that floats – tie that down.

Jono continued, highlighting the difference in water color between the regular flood water of the Myakka River which was black and some brown run-off water. There was some land clearing that was immediately to the west of Senator Bob Johnson's Landing between River Road. There is an old trailer park in there and they have done some grading.

Jono stated that debris removal from the Myakka River is going to be a major undertaking, possibly needing cranes and professionals to do the cleanup. It is too big of a job for volunteers in kayaks or canoes.

Chris added that in addition to debris being in the river, a lot of it got behind the mangrove fringe and into salt marsh. This is going to add to the difficulty in removing the debris because it needs to be done in a way that impacts the mangroves as little as possible.

Steve Giguere shared that he saw the Vanderipe Dike on Upper Myakka Lake after the storm. The water line was about a foot above the top of the dike and he did not notice any visual breaks in the dike.

### **Shoreline Stabilization Permitting Along the Myakka River-Jono Miller**

The Myakka River, within Sarasota County, is Florida's only state-designated Wild and Scenic River. That means that just one percent (34 miles) of Florida's 3,300 mile of river are state-designated Wild and Scenic. Since 1985, Florida has adopted several special provisions designed to protect the Myakka's "outstandingly remarkable ecological, fish and wildlife, and recreational values which are unique in the State of Florida". These include the Myakka River Wild and Scenic Designation and Preservation Act (FS.258.501), the Myakka River Rule (62D-15), the 1997 State-Local Agreement for administering the Myakka Wild and Scenic River Protection Zone and the Myakka River Management Plan. None of these apply anywhere else in the State of Florida.

Ideally, there would be a straightforward guidance document that clearly explains how all these unique provisions apply. That would be a great benefit to landowners, consultants and DEP staff.

One important provision was the designation of a "river area". A legal term that applies nowhere else in Florida. The river area includes the maximum upland extent of wetland vegetation, as determined by DEP. DEP did not determine the maximum upland extent of the wetland vegetation, they did not assess the visual effects of the project or conclude that the activity would not adversely affect resource values in the river area. There are many other eroding banks along the Myakka and allowing more vertical seawalls would be a dangerous precedent that would dramatically reduce the scenic values of the river. Eventually, thousands of feet of eroding bank may need stabilization.



On April 26, 2021, Jono wrote as a private citizen, “that the current proposal is excessive in scope and strategy. I don’t see any proposed mitigation and, as it stands, I think it would be hard to conclude it is in the public interest”.

During the October 2021 Council meeting, Becky Ayech motioned for Jono to write a letter on behalf of the Council to the South District Regulatory Office to ask that their standards for permitting be consistent for all permit requests and consistent with the goals of the Myakka Wild and Scenic River legislation and rule as defined in 62D-15.002 (23) and Section 8.

In December 2021, FDEP issued a permit to build 218 feet of vertical seawall along the Wild and Scenic River. Jono asked for, and received, an extension to file for an administrative hearing. On February 4<sup>th</sup>, 2021, he did just that.

At the January 31<sup>st</sup>, 2022 meeting, Ashley Ellis, from Sarasota County, gave an update on the status of the permit. They are still waiting to hear back from the Diocese’s engineer regarding information missing from the permit application. Becky motioned that Jono send a letter to FDEP reminding them of their obligation to delineate the River Area based on the maximum upland extent of wetlands as agreed upon by FDEP, not mean high water line. The letter also requested clarification of the DEP proposed agency action for the purpose of reducing uncertainty and delays experienced by the Council, landowners, consultants and permitting entities related to shoreline stabilization permitting along the Wild and Scenic segment of the Myakka River.

The Diocese has already lost months by hiring a firm that probably did not have extensive experience working on a Wild and Scenic River and were unaware of some of these provisions. They came forward with solutions that are contrary to the legislative intent of the Act.

The Diocese has submitted a new plan with 264 feet of seawall. There is still no MHWL, they have not indicated what the scenic implications of the design will be, there’s no determination of the River Area, it requires filling in the river, it fails to address the public interest test and there are omissions from the drawings.

The administrative hearing should be February 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>. (Editorial Note: *The hearing set for February 6, 2023, is canceled. The DOAH's file in this matter is closed.*)

Jono noted that DEP does have a Wetland Delineation Manual. It is not the law but an interpretation of how the laws get applied. It gives guidance on how things should be interpreted. If there was a document like this for the Myakka Wild and Scenic River, it would be tremendously helpful for all involved.

Chris added that when someone is thinking about doing something along the river, they sometimes reach out to him for guidance. He points them in the direction of the South District Regulatory Office and gives them upfront information about the river area and what will be required along with suggesting contractors that know how to do these types of projects. Typically, the owner goes to a different contractor who specializes in seawalls.

Howard noted the county has not received the new plans from the Diocese. Two authorizations are required, one from the Board of County Commissioners in a public hearing through a Water and Navigation Control Authority Major Work Permit and a Myakka River Variance to place the seawall on the property. He encouraged anyone with comments about the project to send them to him and he can get them incorporated into a package for the Board of County Commissioners.

Jono also added that the need permits from the Army Corps of Engineers. The Corps requires a consideration of minimization and avoidance. Minimization being the least amount of structure required and avoidance being if there's another way to get there, try that first.

Additional discussion occurred on alternatives to harden shoreline structures, Environmental Resource Permits and standing related to agency actions.

### **Aquifer Recharge at Flatford Swamp-Ross Morton (SWFWMD)**

Historically, tree mortality was observed at Flatford Swamp beginning in the 1980s, when that area was developed into agricultural activities. Some of the area has been urbanized but what ended up happening was the hydroperiod within that system changed and it started crashing trees. It is functioning in a different way than it originally did.

The water management district has done numerous studies trying to remedy this. They bought 3,000 acres and the watershed is 90 square miles. In the studies, they looked at how the tree mortality happened and what the extent was. They ultimately decided to see if there was a way to take out some of the water to allow the hydroperiod to stabilize and facilitate greater reforestation of Flatford Swamp over time.

This area is also within the Southern Water Use Caution Area (SWUCA). That means that over time, they have realized there are potential Floridan impacts from all the groundwater withdrawals occurring in the Floridan Aquifer. Anyone within the SWUCA, must have a higher conservation rate for irrigation.

SWFWMD coordinated with DEP to take the water out of the swamp and inject it back into the Floridan aquifer. It is probably the most impacted area and would help the decline in flora in that area.

DEP decided that all the water must be treated to a drinking water quality standards. Originally, this was not the case, so the project was delayed because they had to add treatment facilities that are equivalent to a public water supply system. DEP has accepted how they are planning to pump the water out so now they want to start pumping it out at a certain rate. The goal is to get about two million gallons, when the water is available. In drought conditions, they might not take any. This is part of a long-term study and, depending on how effective it is, they may evaluate different sites for the same thing. They are trying to keep their website updated on the project schedule and what is happening. This can be found on [www.watmatters.org](http://www.watmatters.org) under "Flatford Swamp Injection".

Hurricane Ian did cause some damage, but they were able to get everything fixed.

The district wants to do additional pumping tests in mid-January 2023. They have had problems with some of their treatment chains. Such as a monitor that had to be moved. They are working with their contractor to wrap up the mechanical work. This should be done by the time they want to start operating in March 2023. There is a leak in the borehole that also needs to be fixed before they can get started.

At a previous Council meeting, it was motioned to send SWFWMD a letter regarding Flatford Swamp. SWFWMD responded and Jono passed around a copy of the response for the members to read.

Charlie Hunsicker asked about the inter basin transfer option in Manatee County.

Ross Morton replied that option was considered but Manatee County was not interested because of the water quality concerns of taking that water into the basin.

Jono asked about seeds needing a dry period to become established before returning the area to swamp conditions.

Ross replied that trees like cypress may need a dry period but trees like tupelo can possibly seed in wet conditions. It is so organic now that even if it dries down, it will take a while and they are going to watch and see what comes in behind.

### **Fossiling on the Myakka Wild & Scenic River**

The Myakka River is one of several rivers in Florida that cuts through strata bearing terrestrial and marine fossils from as long as fifteen million years ago. The Myakka's fossils are associated with the Bone Valley Formation. Although it may not be commercially feasible to mine, the phosphate bearing strata reaches the coast in Venice. Venice Beach is a headland, there is no bay, so the peninsula is eroding into the Gulf of Mexico along with the fossil-bearing strata.

There have been many recent incidents in the public eye about people being bitten by alligators looking for megalodon teeth in the Peace and Myakka Rivers. For those interested in fossiling, this gives the impression that there are fossils there that are worth risking your life to try to find. This brings unwanted attention to areas that are already environmentally sensitive. The methods these commercial operations are using to fossil are very damaging and not at all conducive to a Wild and Scenic River.

Jono and Chris attended a law enforcement coordination meeting recently. There is not supposed to be any digging on the Myakka. Law enforcement doesn't feel comfortable enforcing the fossiling rules. A system is needed to clarify what exactly is and is not allowed. There is going to be continued bank erosion and taking what is a public resource and privatizing it and selling it online, so something needs to be done.

Chris added that back around 2005, there might only be one or two fossilers per year whereas now there can be dozens of fossilers a single day. With the increased financial incentive, fossiling is now being done more systematically and for multiple days in a row. There is a \$5 fossil permit that can be attained from a museum in Gainesville and this gives people the impression they can fossil anywhere in the state. On the permit and website, in fine print, it says to contact the land manager of the land you want to fossil on because certain areas, like state parks, preserves and on other managed lands fossiling is prohibited.

Megan suggested a mandatory short course be included with getting the permit, so people are aware of the rules. This could be a short test at the end of an informational video with a minimum passing score required in order to receive the permit.

Chris added that they have been working with the museum and the Department of Historical Resources to try to get location specific permits instead of a statewide permit with no one to manage it. He also mentioned that fossilers could be impacting archeological sites with human remains which is under a different set of laws. Sarasota County is planning on putting signage up at most of the points of entry.

Chris mentioned that it does get a bit complicated because most fossiling takes place in the river, which is technically state owned but some of it takes place within parks or preserves which are protected by other rules. Law enforcement wants to be clear about the verbiage before issuing a ticket.

Jono mentioned that if the Myakka legislation had said that the river was a preserve then it would already be covered.

**Glenn Compton motioned to adjourn the meeting. Steven Schaeffer seconded.**

**The Meeting was adjourned at 12:30 p.m.**