

**Myakka River Management Coordinating Council**  
**Nokomis Community Park, 234 Nippino Trail, Nokomis, FL 34275**  
**April 7, 2023**  
**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, March 24, 2023.

**MEMBERS IN ATTENDANCE**

Jono Miller – Sierra Club  
Juliette Jones-Friends of WMS  
Chuck Johnston – O Bar O Ranch  
Ross Morton-SFWWMD  
Elizabeth Wong-City of North Port  
Sarina Weiss-CHNEP  
Peter Perez-City of Sarasota  
Steven Schaefer-Friends of Myakka  
Hugh Havlik-GCHSC  
Michael Chouinard-Homeowner

Howard Berna – Sarasota County  
Michelle Keirse-MRSP  
Bob Clark-Venice Audubon  
Ryan Pieper-Charlotte County  
Jonathon Bennett-FDOT  
Kathleen Weeden-City of Venice  
Debra Woithe-Manatee County  
Allain Hale-ECOSWF  
Barbara Lockhart-ECNP  
Victor Dobrin-Homeowner

**INTERESTED PARTIES**

Chris Oliver – FDEP/FPS  
Chris Becker – FDEP/FPS  
Linda Carroll - Homeowner  
Ray Westbrook-Homeowner  
Mike Jones-Sarasota County  
Hannah Turbiville-Manatee County

Nadine Hallenbeck – FDEP/FPS  
Robin San Vicente- ECOSWF  
Scott Moranda-Sarasota County  
Bruno Kapacinskas-SFWWMD  
Emily Barnett-FDOT

- **Call to Order and Role Call was made.**
- **Approval of the Meeting Minutes from December 9, 2022.** Bob Clark motioned to approve minutes; Barbara Lockhart seconded.

**Public Comments:**

**From Linda Carroll:** “On September 28, 2022, Hurricane Ian finished what Hurricane Irma started, when a historic 20 inches of rain caused the Wild & Scenic Myakka River to overtop the Hidden River Dike in east Sarasota County. A hundred and thirty linear feet of the dike was eroded away, resulting in catastrophic flooding, exactly as predicted on the 2018 DSR IRMA-SAR-001, a document that was previously provided to the Council. Flood waters of the Wild & Scenic Myakka River recaptured the entire historic floodplain, intruding on half of Hidden River subdivision, destroying private properties as well as the surrounding environment. No lives were lost, this time, only because Hurricane Ian shut down Florida Power & Light for days prior to the flooding. This stroke of luck ensured there would be no electrocutions when, at 2 am on October 1, 2022, Hidden River residents stepped out of bed into four feet of the rising Wild & Scenic Myakka River. As of 4/7/2023, some homes remain uninhabitable, displacing those homeowners for an indefinite time period. Others remain in various states of damage, and some homeowners refuse to leave unhealthy conditions because this is the only place they have to live. Hurricane Ian flood waters had just begun to recede when Hurricane Nicole flood waters threatened these same areas. It is a certainty there will be repeated flooding and the Wild & Scenic Myakka River will

suffer as the remaining sandy soils at the breach are eroded, offering an unrestricted pathway in and out of the subdivision. When more than half the Hidden River homesites suddenly became part of the 'river area' as a result of the Wild & Scenic Myakka declaration, it was predictable that a breach would eventually wipe out small farms and homes in Hidden River.

For years, the Wild & Scenic River caused continuous, unmitigated erosion along the riverside embankment on its way past the Hidden River Dike. And the threat is not isolated to the breach left by Hurricane Ian. The ¼ mile section of Hidden River Dike that lies within the boundaries of Myakka River State Park is experiencing ongoing active seepage from the river into the subdivision, undermining Hidden River Dike's internal earthen structure. It will not take long for the Myakka River State Park section of the dike to crumble like a sandcastle. Private property owners created a temporary sandbag dam at the breach to mitigate the threat to the subdivision and the river. But until the earthen embankments of the Hidden River Dike are restored, the Wild & Scenic Myakka River continues to threaten and be threatened every time it rains. For decades, Hidden River Dike served as a protective boundary between the private subdivision property rights and the public benefit created by the Wild & Scenic River declaration. For over 60 years, habitats have been established and lives have been lived. But after Hurricanes Irma and Ian the subdivision and the Wild & Scenic Myakka River are no longer protected from each other. The protective boundary that is Hidden River Dike must continue to exist to ensure environmental concerns and people's lives and property are protected, as the Wild & Scenic Myakka River outstretches the dry season river area. Currently, the Hidden River Dike is under consideration for funding to address the ongoing threat and protect the many private and public interests there. As I (Linda) continue to advocate for this issue, it is important that members of the Myakka River Management Coordinating Council support this effort in any way possible to ensure the best outcome for all concerned."

**From Ray Westbrook:** Ray stated that he is a resident close to the Myakka River. He came to the meeting introduce himself as well as listen and learn about issues related to the river.

### **OLD BUSINESS**

Jono projected a [presentation related to Springs](#) and explained that at the last meeting on December 9<sup>th</sup> Glenn Compton moved to send a letter to the commission and the delegation, reiterating that the Council is in support of adding Warm Mineral Springs (WMS) and Little Salt Springs (LSS) to the list of protected springs in Florida. Jono sent the letter. He added in the letter it is a candidate for being the state's most unique ecological, hydrological, archeological and paleontological or geologic features and significant historic, architectural, artistic and therapeutic features. Senator Gruter sent a bill 1134, but that bill only mentioned WMS. It did not include LSS, even though the Council and City of North Port had recommended that. There is the North Port Resolution that the Council was trying to bolster support for. The North Port city commission urged them to add both to their listing. The resolution was signed by Jill Luke, who was mayor at the time. Unfortunately, it has gone to a senate committee and it has been 'temporarily suspended'. Temporarily suspended means that it can be taken up again by the committee. It is frequently used as a way to kill bills or put them in a category where they do not get reconsidered. The state legislature enacted a statute to protect Florida's springs. This makes these springs eligible for extra funding. WMS and LSS 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 WMS needs protection due to its low flow rates.

Juliette mentioned that as those who have been around the area know, including the friends of WMS, they fought for many years in order for WMS to be turned into a passive park. All kinds of effort was spent for many years to get this achieved and the current commission practically, with the stroke of a pen and a new guy on the block who parachuted in here from Washington, who is now the city manager, has turned this back towards general development. Juliette stated she believes this whole thing is pre-chosen, but the

article that came out just briefly described this. "WMS Development Group previously has proposed to lease the springs activity center and acquire ownership of the 61.4 acres for a 250-unit resort hotel, 300 multi-family homes marketed to eastern Europeans who frequent the springs, as well as a 22-acre recreation and community zone and a native history museum and restaurant."

Jono suggested that if someone wants to make a motion, he is attending the hearing, as an individual, scheduled for Monday, April 10, 2023 and he could deliver the motion in person.

Juliette added that it would be an objection. They have not voted yet to put this WMS Development Corporation in place. They are working on two other parks in North Port, to turn them over to public partnerships, taking ownership away from the community and giving it to the corporations.

Allain Hale introduced another member of ECOSWF, Robin San Vicente. She is the former manager and tested the water for WMS. Allain continued suggesting some verbiage for a future motion focused around keeping the 2019 park-like master plan, restrict any new construction until studies are conducted. We do not know the limits of karst topography associated with WMS.

Victor Dobrin, stated that the Council has a moral responsibility because it is a tributary to the Myakka River. The comprehensive plan, it is the second after the constitution of the city. It should not be violated, so that should be part of that, but in the public meetings he participated in last year, people want to have refurbishing of the development there; the buildings and everything. Take care and keep it to the main usage. He is in favor for keeping a passive usage of a park, not an intense development. The citizens have to show that. Not the corporation for profit which turns into huge developments. He does not want to create a Disney-like atmosphere there. He feels like this is in the public interest, not special interests.

Elizabeth Wong added that she is the stormwater manager for the city of North Port. The city is working actively towards getting a geological survey. Lots of soil borings, environmental survey. Very extensive survey and they have reports on that, so that is going to happen. It is not something the city takes lightly. They do respect the environment. They look very closely at all developments and how it impacts the environment. They already got a quote for this work. The city is also going to be sending out a statistical survey to the residents, to the tune of 2000 surveys, to get their input on this proposal for the Warm Mineral Springs.

Elizabeth would like to advise everybody who wants to know what is going on in the Springs, to check out the specific web page dedicated to the Springs. On the city's website, [www.northportflorida.gov](http://www.northportflorida.gov) type in under the search, "Warm Mineral Springs Master Plan". You will see in there, a lot of information. It is very transparent, all of the different documents they receive, all the action items. So that would be a good place to keep up to date on what is happening in WMS. Feel free to come to the commission. There will be a 'Comp Plan' amendment and there will be many, many, many steps. One of the very final steps before anything gets on the ground is, it has to go through the site development review committee. She will be looking very closely at how the whole site is laid out, the water quality, the storm water treatment and attenuation. Every single department is going to be looking at this too and providing quite extensive comments so that if something does happen, be assured that every single department will look at this proposed development to make sure it will not adversely affect the environment.

Peter Perez added that typically, a geological survey, which they had many in the city, involves boring of the soil. Maybe 50, 60, 70 feet in different areas. Because if you are going to build something, you want to make sure that the ground supports it. They are going to be doing these borings all throughout this area, in hopes that they will be able to build. Now, if they find that it is not sustainable, they would have to pull out all of that soil. 10, 20 feet deep, 30 feet, and then put hard pack. They are going to redo the whole

thing to build buildings and things on it. They will still have drainage properly and all that, but that is the impact.

Discussion continued related to survey and the final motion language.

**Motion:**

**Allain Hale motioned to keep the 2019 park-like master plan, as approved by the citizens and commission of North Port and that no new changes be made to zoning, the comprehensive plan or the ULDC.**

**If the development is approved, a temporary moratorium on the project shall be enacted until such time, an outside, bi-partisan entity can complete multiple, in-depth surveys that exceed the minimum standards.**

**Victor Dobrin seconded. Chuck Johnston, Kathleen Weeden, Elizabeth Wong, Howard Berna, Jonathon Bennett, Ross Morton, Peter Perez and Sarina Weiss abstained. Motion passed.**

**NEW BUSINESS**

Chris Oliver noted the first calendar meeting of the year is considered the Council's business meeting. Elections and then potentially nominating new members occur. The bylaws, which were just updated and will be put up on the website. For officers, the Council has a chair and a co-chair. Election of officers is section seven. It says, "Nominations shall be made for the offices of chairman and vice-chair at the annual meeting. Officers shall be elected by majority vote" ... "Elected officers shall serve a term one year and assume office immediately after election."

Juliette Jones nominated Jono Miller to act as Chair. Victor Dobrin seconded. Jono was voted as chair of the Council.

Bob Clark nominated Victor Dobrin for Vice-Chair. Juliette Jones seconded. Victor was voted as vice-chair of the Council.

Chris introduced a new member of the Council. Barbara Lockhart from the Environmental Conservancy of North Port and Surrounding Areas (ECNP).

Chris updated the Council on the process for nominations for membership and outlined what types of nominations are highlighted by the statute to be considered noting the importance of environmental organizations, agricultural interests and citizens who live along the river so that the Council has balance.

No new nominations were made.

Chris updated everyone on the bylaw changes. Based on the motion passed after the December 9<sup>th</sup> meeting, now the Chair can choose the time and manor, it used to be the location was the verbiage. So that condition has been replaced and now just says manor. In the future, the Council can have virtual meetings.

**UPDATES:**

**Jono Miller-Chair's Report**

Jono begin the Chair's report projecting a brief [presentation on the former weir area](#) (FWA) and noting that he met with some representatives from the Friends of Myakka Park. He discussed the old platform and culverts in the bypass which is all gone now. Instead of rebuilding something like the original

structure, another option could be an elevated platform setback from the river among a grove of cabbage palms that would have to be ADA accessible. That would give people an opportunity to get up high and look out and see the Upper Myakka Lake and Big Flats. It could be camouflaged by the cabbage palms and visitors would be underneath the canopy of the palms.

Bob commented that at a prior meeting he noted the need for this but asked if people are seeing as much wildlife now that the weir and platform are gone, with the change in the environment there. Do the birds collect further downstream?

Jono responded that when he was last there, there was a large flock of stilts (in the FWA) and that in the past lots of photographers love that site but often they were taking photos of birds standing on a weir – not the most natural setting.

Chris gave an overview of the changes at FWA project site and noted there is as much or more wildlife at the site since restoration but since filling in the bypass channel the recreational pattern has changed with opening up pedestrian access through the newly created marsh to the eastern river bank. For a brief time, people were getting much closer to the river (than in the past). In March an exclusion fence was installed (at the FWA) keeping people back a bit – since then alligators and birds are utilizing both river banks which actually give visitors better views. He highlighted an example that for a few months relatively large numbers of black skimmers, a protected species, have been aggregating daily along the FWA. He continued that the park needed to manage the area and be able to modify the exclusion area to reduce trampling of new vegetation, prevent the creation of new trails through the floodplain marsh. These activities can increase compacted soils and erosion potential. This can be done with signs, staff and interpretation.

Discussion continued on a potential platform, exclusion fencing and plantings, and signage needs.

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

Howard noted there were not any major updates or big projects to review. He thanked Chris Oliver for occasionally reporting transgressions he sees along the river. They are working through some issues with a few residents who have done some clearing of vegetation along the river.

Scott Moranda added that there is a new kayak launch and pedestrian bridge at the south entrance of Deer Prairie Creek Preserve.

Jono mentioned that in the wake of Hurricane Ian Sarasota County contacted about eighteen different parcel owners that had vacant parcels along the Myakka River and asked them if they would consider selling. Most people did not respond but a few expressed interest in selling. There are several projects that are being considered for acquisition along the river, but these would be mostly small parcels.

Ray Westbrook asked Howard for an update on the North River Market Place noting it went to review with state. Ray stated that the proposed development is located where the Hazeltine Nursery is, that is a 192 acres total with 60 acre proposed commercial development at Venice Avenue, clearing that whole area and claiming limited wetlands. He asked the process for changing the zoning from rural.

Howard indicated he was not aware of a project by that name but could check what they have.

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

Debra told the group the county's Environmental Lands Division (ELD) continued efforts with its land acquisition program. The program received eighty nominations. Recently four out of six properties that their advisory board recommended were approved to move forward to the commission. None of these

were in the Myakka Watershed. One smaller property that is twenty-eight acres on the northeast tip of Flatford Swamp. It is along Myakka Road, right there at Long Creek where it goes into the swamp. It is from a family that owned a larger piece, they sold off all the others for development in smaller chunks, but this one floods too much that they cannot sell it. They want the County to buy it. It may be a better purchase for SWFWMD because it is not something, they would be putting public access on. It could be helpful for flood storage or maybe some water quality improvement. They will work with the water management district and see if that is something that they can take up to support their efforts there with the swamp. The other is the Cacchiotti Property, which is about 500 acres. It is east of the Myakka on the north side, S.R. 70. It is 300 to 400 acres that are rangeland. There are a couple hundred acres that are more natural. This is a great candidate for conservation easement and possible addition to the Florida Forever list.

Debra introduced Hannah Turbiville. Hannah is the new ELD coordinator. She is finishing up a master's degree in Ecological Restoration. Her previous employment was at the Florida Forever program.

Hannah added that on March 13<sup>th</sup>, 2023, the Board of Trustees approved approximately 1,611 acres for acquisition within the Myakka Ranchlands, Florida Forever Project. It is located at the extreme southeastern corner of Manatee County, abutting Sarasota and DeSoto Counties. It was acquired as a conservation easement. It is located at Big Slough Ranch and adjacent to Myakka River State Park.

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

Ryan updated the Council on the Manchester proposal. It is still in a conceptual stage and some studies have been conducted, but they are still working at the details of right of ways and easement and things of that nature, how complex this project would be.

The Myakka Park is still in development. The consultants working on approximately 60% design right now. The tree survey and wetlands flagging has been completed; the Development Review Committee (DRC) is set for the April meeting. That is coming up in April for a vote to proceed.

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

Kathleen advised that the city has bought a five-acre parcel on east Laurel Road which will be developed into a park. That is five-acres that will be protected as park land. They will also be building a multi-use trail. The city is working together with Sarasota County on the multi-use trail that will run the length of east Laurel Road from Knights Trail down to Jacaranda, which will provide a secondary access to the Carlton Reserve and to the Venice Myakka River Park (VMRP).

Jono asked what the status of the VMRP erosion issue was?

Scott Moranda replied that there is no real update. The county installed a rope and plantings along the eroding area where people were walking down the bank to fish. They also worked with the neighbor to the north. There is an unauthorized access going in through the park and then up to the Venetian Golf River Club easement, so they have been trying to work with them and law enforcement on that issue.

#### **Sarina Weiss-CHNEP**

Sarina gave an update on the Myakka Headwaters Preserve Habitat Restoration Project, which they are working with Conservation Foundation of the Gulf Coast. The native plantings were completed in December and exotic treatments are happening now during dry season.

CHNEP has a [Hurricane Ian landing page](#) on their website, which breaks down the impact by basin and it has a summary of our lessons learned. They have a funding fact sheet with 2023 funding opportunities. They have an upcoming watershed summit on June 21<sup>st</sup> and 22<sup>nd</sup> at the Charlotte River Event Center. The

CHNEP 2023 funding opportunity fact sheet goes over any opportunities. A lot of those have to do with Hurricane Ian. A lot of their conservation grants are funding any projects that address clean water, wildlife habitat protection and restoration, and outreach priorities.

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

The city is offering free admission to WMS Park on April 8<sup>th</sup> and April 9<sup>th</sup>, 2023.

Elizabeth provided an update on (Salt) creek restoration. The project is progressing. The contractors are taking all the debris and muck that has accumulated, so that the manatees have a better passage through when it is cold, that the manatees can come up there and shelter in the warmer waters. They had to stop before the hurricane and have just recently started back up. They are doing a great job controlling the turbidity and the water composition is excellent.

Elizabeth discussed a few things in the works up for commission approval and something that will help with water quality is, they are proposing to extend the restriction of fertilizing of grass. Right now, it is June 1<sup>st</sup> to September 30<sup>th</sup>, the rainy season. The rainy season is coming earlier and probably ending later. It has not passed yet, but the commission is going to look at a revision to a fertilizer ordinance to make the start of the restriction period earlier, in April. They have had some localized algae bloom, and DEP helped in monitoring the algae and nutrients in there, and it is high in nitrogen. And this is prior to the June 1<sup>st</sup> period. People are trying to fertilize as soon as they hear rain is coming and they are fertilizing before the restriction period. Elizabeth will report on that in the next meeting to see if that passed or not.

### **Jonathon Bennett-FDOT**

Jonathon brought up a safety project coming along S.R. 72 where FDOT will be installing rumble strips. The construction is limited to roadway area. He noted that he was asked about the rules related to people stopping along the S. R. 72 bridge. There is a Florida statute that prohibits vehicles stopping, so if you see that, please reach out to law enforcement. He is inquiring with their maintenance office to see if they can install some signs.

Jonathon continued to discuss the larger project at River Road, that construction is ongoing. It is not anticipated to be completed until mid-2025. A prior inquiry from the Council was about the parcel that FDOT owns north of I-75 to the east of River Road, about a lease for a recreational trail. Currently that parcel is being utilized for some of the construction staging for River Road. It might be a little bit more feasible after the road construction is completed before approaching again.

Jono asked if the Myakka overtopped I-75 during Hurricane Ian.

Jonathon did not know; he will look into it.

### **Ross Morton-SFWMD**

Ross explained how the state sets up its regulatory program. There are five water management districts. SFWMD covers 16 counties, 10,000 square miles, four million people. The Department of Environmental Protection (DEP) actually oversees most of the rule development.

Back in 2012, they consolidated a lot of the rules between water management and DEP to make sure they are all consistent. This has been going on for three years. The state DEP is updating the water quality criteria that is in the regulatory programs. So as part of that process, there is going to be an economic impact. The way they do it is if the economic impact in the new rule exceeds \$200,000 indirectly or directly, then it must go to legislature approval. They are anticipating there could be a \$4 billion impact based on the new water quality rules.



Victor mentioned he contacted someone from Tallahassee about water injection and monitoring. They referred him to SWFWMD. He wanted more information about a well, very close to WMS, and he is trying to get the data on that.

Ross replied that SWFWMD has an extensive monitoring, but they are not injection wells. They are monitoring wells. Ross offered to help Victor get in touch with the right people.

Allain asked if these rule changes coming up, would in any way influence home rule?

Ross replied that he is not an expert in the taking aspect but he is knowledgeable about the process. When they do rule changes like this and if you do have an economic impact, it goes through Tallahassee. And then that will impact any new development coming in.

Discussion continued about the possible adoption of new stormwater rules and the likely timeframe.

Ross noted the best way to go is to visit DEP's [Water Resource Management Rules in Development Website](#).

### **Allain Hale-ECOSWF**

Allain introduced the Council to Robin San Vicente, another member of ECOSWF.

Robin thanked Juliette for touching base on the proposed development that is going to be taking place at WMS on the 82-acre parcel. The concern they have is the amount of building, the amount of infrastructure, the amount of everything that is going to be taking place on that parcel. The weight and the pressure that is going to be taking place on that particular type of karst topography. It is the whole area. The Florida aquifer is most productive and least understood aquifer system in the world. That is largely due to classification of the whole region. So, it is really unstudied. Again, they have numerous saturated conduit systems that run throughout. So, their concern is, because of the underground infrastructure that has to go in, that cracks open up, fissures open up, get expanded through the weight, through the pressure of these developments. The problem is, when that happens, and there is no guarantee, no matter how many surveys you do, there is no guarantee that five years down the road from after that particular type of survey, that it is still going to remain intact. That happens all over the world, as far as topographies that are consistent with what is here in Sarasota County, has collapsed springs that are dried up because of the weight and the pressure put on that particular type of topography.

In addition to the historical and the archeological significance of that spring to the first peoples in the United States, that spring is also feeding the surrounding creeks. One of which is a wintering refuge for the manatees. There is an active restoration project to fix that flow, to open it up so it supports more of the manatees. There is an average of 125 manatees that use the outflow of WMS because of the temperature. Currently, this spring is classified as an impaired spring. And that is due to the degradation of the water quality issues and the flow. So, over the years, the flow of that spring has been interrupted by the past developments including putting sand on the beach, and the sand flowing into the spring itself, mismanagement after 2010 putting sand in the bottom to make it supposedly more appealing to the non-eastern European clientele, and to remove the algae by putting algacide into the spring.

Robin continued that their concern is not only about the weight of this purposed development and the effects it is going to have on topography and the possible collapse of that spring itself, which then affects everything that it outflows into. How do you even look at a particular property like that? You can listen, and I thank you, Ms. Wong, for stating what you stated as far as the City of North Port. However, the feeling that all the residents are getting is that it is almost a done deal. This is the city manager's



objective. It does not matter what the people say. It does not matter what the consequences are. It is going to take place.

They will do their darnedest to fight it, because of the science, and there is no guarantee that the weight of what is proposed is going to be supported by this particular type of topography. You can see how close to the buffer zone, the sensitivity zone, that they are proposing the wellness center. And the weight of that wellness center. The closer you get to a single course topography, the more likely you are going to sink it. You are going to collapse it. You are going to dry out the spring. That is too close. There is no proper way to develop on that particular property. There is just no way. It does not matter how far you go from that spring. It is the same topography. You can do all the surveys. You can do all the boring. And every time you bore, you are cracking into the topography. You could be expanding fissures. You could be expanding all the flows that are going underground that are going to affect the aquifer system.

Juliette asked were they to go through with this and cause damage, which might be five years, there would obviously be no recourse. The spring could be damaged. People's wells could be damaged. The waterflow in the inlets damaged.

Robin responded that the surrounding community has wells that were, back then, the code was different than what the code is now. So, they are not as deep. However, they are all being affected, they are all dried out. So eventually, that whole community is going to have to do something. Secondly, again, the unsureness of the topography, and all the warming, and all the weight, and all the pressure, and all the vibration, and all the activity. There are no guarantees. The more holes you dig, the worse you are going to do. You are going to keep cracking; you are going to keep putting stress on the fissures that are currently where the water is seeping into.

Jono added that the state has been focused on its first magnitude springs, the big ones at Crystal River and Weeki Wachee. If the flow in those springs diminished by 10 cubic feet per second, not a big deal. If WMS stops flowing, it is not flowing very much, if it stops flowing, it is really bad for manatees, it is really bad for anyone who wants to swim there. No one want to come to a warm mineral stagnant pool. If it stops flowing and there are examples of this, probably the most famous is Kissingen Spring on the Peace River, which was in the '20s that they had a dance hall and people would go there to recreate, and because of withdrawals by the phosphate and probably agriculture industry. So much water was pulled out of the aquifer that it went from a discharging spring to a sink, and water was actually leaving the Peace River and flowing down this hole and if you go further north in the state where they have springs like on the Santa Fe River, you will see places where there is a whirlpool and the water is going down. The technical term is swallet and there are swallets along the Peace River. Jono has seen old Cypress roots and water disappearing down the drain. There are big sink holes in the Peace River floodplain, where you can look down and see the canopy of a tree below where the whole land surface just dropped out and an eroding channel leading to that. So, it is important that the flow to WMS be retained. It is hard to control, but anything that could jeopardize that, because it is flowing so minimally, that is a big issue.

Barbara Lockhart added that she and some of the ECNP's board members went out and walked all this land. When you look at it from the GIS, it just does not look like much – just looks like land. In this area for proposed residential construction, this is all beautiful, practically pristine, scrub, scrubby flat woods. You would think you were in the middle of Oscar Scherer State Park. There are beautiful sandy trails already there. It is untouched, undisturbed, with gopher tortoises galore. There is a drainage area, that looking at very old aerials, it looks like this used to go this way and meet the spring. On this side, this is more of a hammock type of area; oaks, a lot of sable palms. So, while the spring which is a major concern. The ENCP has been looking at this area. What is this land? What are the natural resources that will be completely wiped away if this type of construction happens? And there is not much of these natural areas left in the city.

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

Chuck told the group that ranch was hit hard during Hurricane Ian, but they are recovering. They reduced the amount of cattle on the ranch massively after the storm, once they could get in there. The whole south end of the ranch, they still have not repopulated that. They reduced the population a lot of that, so they did not have as much pressure on the resource. They have a lot of trees down still and just basically talking to other ranchers, it is almost impossible to grow grass right now. They have gone from grass that had more than three days with water over it, to weeks having water over it which, you lose a lot of the oxygen and a lot of the biomass that they were creating in there with the rotational grazing, they have lost. And then have a drought on top of that and the hogs hit them really hard.

Jono asked about the report on trespass or poaching or general problems along the river? Is Chuck seeing much?

Chuck replied they were not many trespass issues because the only way to get upriver now would be to hike up the river. That is how far down it is.

### **Michelle Keirse-Myakka River State Park**

Michelle noted recent sightings of alligators that have actually been shot with darts and that this was reported to FWC and they are investigating it. She said one of the issues is on Google Maps “Alligator Bridge” is listed as a tourist attraction and directs people to the State Road 72 bridge. It is illegal to be parking on that, you are not supposed to be there. Staff have reached out to DOT and asked about trying to get signage there, to try to educate people about that. They do call law enforcement frequently to try to get them out there, but it is non-stop. It is a constant problem with people feeding alligators, harassing alligators, and shooting alligators from the bridge.

Chris Googled “Sarasota alligator bridge” for the group and noted it does point right to S.R. 72. Search results include many pictures that people have posted with alligators from S.R.72 and other park sites.

Jono added that this is how social media is killing us. People look for stuff to do in Sarasota and they are directed to Deep Hole. People post stories about looking for shark's teeth in the river and that is increasing that issue. And now there are people parking on a state highway to shoot alligators. Social media is one of the biggest threats we have to the resources of the Myakka River right now and there are probably comparable issues for birding. So, somebody sees a crested whatever at Upper Lake, and you could have tons of people showing up from all over. Then it is just one bird, and that creates pressure where all the other wildlife flees. There is not much that can be done about social media, but the Council needs to be anticipating that in our planning and trying to do the best we can.

Chris added that one thing that happens, when you have an injured alligator, it must be evaluated. Once you shoot an arrow in the neck or head of an alligator, then that alligator may need to be removed.

Michelle added that they are fairly confident it is three alligators and that the alligators seem to be moving along with life with these darts as best they can.

Bob added that the site is an e-bird hotspot.

Michelle continued to an update on the FWA discussing that some exclusion fencing has been put in. After the fencing was installed some black skimmers started hanging out at the site. Staff adjusted the fencing a little bit to better accommodate birds that were being flushed consistently up there with people coming to photograph them. They did a restoration planting and have more in the future planned. The park has been exploring other potential options. They are looking at getting quotes from two different companies both for an observation platform and for the bird walk. They are still trying to get quotes for repair for the bird walk. It is a little bit competitive to do dock work right now with everything that has

impacted southwest Florida. So, that one is slow in the works. Additionally, the historic cabins have also been under repair because they were flooded pretty severely from Hurricane Ian. Those could be opening potentially as early as June.

Jono asked how deep were they flooded?

Michelle replied that some of them had at least two and a half feet of water into them. It came up pretty close to the windows to get inside the house. The cabins were lifted years ago to try to minimize some of the flooding they would have gone through, but they were not lifted high enough for Hurricane Ian. The park recently just reopened all of the hiking trails. The Canopy Walkway is also in the works, so they are trying to get that deal going so that we can schedule repairs for that structure. The park has been burning but only got to about 30% of their goals. They are waiting for rain. Otherwise, it is not an issue for them. Forestry has not been authorizing anything over 250 acres. And they do not have a lot of zones that meet that qualification. The last fiscal year about 800 or so hogs were removed. They have been contracting with USDA, that contract is ongoing.

Michelle advised that the last concert for Friends of Myakka River tonight. They do a fundraising concert series that starts at seven o'clock tonight.

### **Chris Oliver-MWSR Program**

Chris started by noting that when members have questions that they want to entertain at the meeting, or if a member wants a slot on that updates list, they can reach out to him. The Council's website has a lot of information on it including minutes and annual reports. Chris is working on the 2022 annual report, which will discuss impacts from Hurricane Ian. These reports typically have sections that start with permitting and gets into various natural resource issues.

Chris showed a photo of the first people to cross the FWA in the Upper Myakka Lake Restoration Project. It was completed March the 9<sup>th</sup>, 2022. We had the final walkthrough since the last meeting on March 8<sup>th</sup> (2023). The site visit was for the year of warranty after the work was done. Chris attended with Bureau of Design and Construction staff. We walked the site with the contractor and released him from obligation. There was almost no erosion at this site. Restoration activities continue at that site. An exclusion fence went up in 2022 to help things recoup. But the fence was removed for the flood season. The plan was to put it back up again, but the park was still reeling from Hurricane Ian as it was starting to dry out, so it took a little bit to get that back up. Since that re-posting, generally people have stayed out at the site and plants are recovering. A variety of native species collected by park staff and some endangered lowland loosestrife that the Conservation Foundation paid to be contract grown were planted in March. There is also a lot of loosestrife and other plants coming in on their own.

In 2022, there was a meeting on site, hosted by O Bar O Ranch, at Downs Dam that included the Assistant Secretary for Fish and Wildlife and Parks. She announced during that trip that that they were going to fund the entire construction phase, which is worth about half a million dollars, through the Bipartisan Infrastructure Law. A federal [press release](#) followed. That money is good basically until spring of next year, and then it is gone. But they got the plans and are ready to go to permitting. They incorporated the changes that the O-Bar-O Ranch desired in the 90% plans. But it has not moved forward. Program staff have been involved in permitting issues at the Diocese of Venice. There are several other properties that have shoreline issues.

Chris brought up other natural resource issues noting that the river is about 12 miles within the state park. There are a couple of thousand acres of wetlands associated with the Myakka River that are within the park. Invasive grasses introduced for cattle have dominated historically many of these areas. Paragrass can occupy, in shadier areas up to 20%, and 50 to 80% of the floodplain marsh. Starting around 2015,

staff have been working with FWC and other partners that reduce these invasive grasses. And several areas within the park are looking fantastic. They are hoping to have a big coreopsis bloom coming up here in a couple of weeks in Big Flats Marsh.

Jono mentioned that this bloom will be another big draw for people. It will be all over social media and people will want to take a picture with someone, so it is kind of trampled where they are so they go out a little further so they can get the picture. The next person comes along and has to go out a little further. Chris continued noting some pros and cons with bird nesting. Bob had reached to him about concerns with wood stork nesting. The Critical Wildlife Area (CWA), that was established about the same time as the Wild & Scenic River. That area has a closure period during nesting season. It has protection to keep the nesting birds okay. But that island was hit hard by Hurricane Ian. Most of the central trees, the large mangroves that the wood storks like to nest in, most of them snapped in half. In March he counted maybe 14 nests. A good number, for these days is probably 50 or 60 nests. Back in the good old days, it was double or triple that. So, wood stork nesting has been plummeting at that particular site. They are hoping that those mangroves will recover over time, but it might take a while.

The good news is the rookery that is 0.3 miles to the north has a lot more of those wood storks in there because the mangrove structure is better. But unfortunately, people are circumnavigating the island to take pictures. People are really close to the birds to take cell phone shots. The Program may have to go to FWC to ask them for protections for that island.

Chris brought the documentation of debris and marine hazards. Sarasota County put in a mission request to the Division of Emergency Management, and now have contractors working to pull out debris from the navigable waterway south of US 41 towards Big Slough. That started about two weeks ago. Now, no agency or entity is leading an effort specifically aimed at Styrofoam. There are a bunch of community sponsored groups like Sarasota Bay Watch (SBW), North Port Friends of Wildlife, and other groups that have gotten together and are working with communities like Harbor Cove. There is a [Myakka Cleanup](#) on April 8<sup>th</sup> sponsored by SBW starting at 8:00 AM. Details were sent out with this meeting's materials. Lastly, conversations have been going about the prohibition on fossiling for years. The county installed some signage at river access parks.

**Break 11:30-11:40**

**Motion:**

**Bob Clark motioned that the MRMCC endorse the resolution before the North Port Commission to extend the fertilizer restriction period in North Port to begin on April 1<sup>st</sup>. Juliette Jones seconded. Elizabeth Wong, Howard Berna, Kathleen Weeden and Jonathon Bennett abstained.**

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

Jono began noting that he has been involved with a situation on the river where an owner wants to put in over 200 feet of seawall on the river and Jono personally challenge that because the Council is not a legal entity that can take an action. The Council is advisory, so Jono invited both the South-District Office of DEP, which would issue the permit, and the owner, which is the Diocese of Venice, to come here today. Jono told the owner they could have 20 minutes on the agenda to explain their project and what they are trying to do. He heard from the South District Office that they could not attend, and he did not hear back from the Diocese of Venice.

There are two different sites separated by a quarter of a mile. Normally, if you had two projects with different conditions and they are separated by a quarter mile, you would submit two permits, but apparently not. So, there is one permit that has two different pieces. Chris provided [a link to the files](#) in advance of the meeting. There is a website called Oculus, which is DEP's depository of documents related

to different activities. Jono continued projecting a [presentation on the North Site](#) and showing the group the north project site beginning with where the entrance road enters the property. He highlighted the yellow areas are where they would be building walls and in between these walls would be oak trees. The length of the wall has been reduced by seven feet, but the total length of the project has increased because they have extended it up here.

Jono showed the original length and showed the section that was added. This looks like it is going to be right next to this pine tree. This is their graphic here that shows the location of the pine tree. He put a circle around it noting that this is where the applicant thinks the pine tree is. But if you look at the photograph, you can see that the canopy of the tree is up here, and the actual trunk of the tree is probably in this location. So, they did not accurately map what they are trying to accomplish. If we look at the pine tree, there are two cabbage palms and then he is proposing to put walls behind it. Jono showed the view from the river, here is the pine tree, here is the palm tree, here is the other palm tree. So, the map corresponds to the landscape, which is important. That does not always happen.

Jono continued if you look at this shoreline, it does not really look like a rapidly eroding shoreline. Jono showed photo of what a rapidly eroding shoreline looks like along the Myakka. This is at Venice Myakka River Park. This is a rapidly eroding shoreline. They are these cabbage palms growing along the bank and they are leaning and curving. If the banks erode quickly, the tree just falls in as a straight tree. If the tree is curving, that means it has been in that position for a while and it has started to recover. There are a bunch of cabbage palms here at the project site and Jono used them to register some aerial imagery. Jono circled all of those and then took the Hurricane Ian imagery, which is when it was flooded. And here you see the same tree is circled. Then if you look over here, they are more cabbage palms. So, they are cabbage palms that are in the area that would be affected by this project that do not show up on the maps supplied by the applicant. They only show one which is over one palm tree here which Jono highlighted in red. So, they have trees that are missing, they have trees that are mis-located, and they have lost some cabbage palms. They have not provided any dimensions. And this is important because DEP is in a position of assessing what this system is going to look like - what the visual character is going to be from the river when they are done. That is the north side. Jono asked for discussion before moving on.

Chris added they met back in 2020, well before they applied and at that point in time they were just asking for the north site. One of the very first conversations with them was to say, you have got to look at exactly what trees will be here, what will be gone, what type of materials, how do you balance what your erosion control needs might be with Wild & Scenic values. This has been going on a long time and the initial conversations were for this site and not the southern site. Chris was not aware of that as an issue until they applied.

Jono projected a [presentation of the southern project](#) area and noted that they wanted to build a wall where this white line was, the yellow line would be a dead man, which they would pour concrete that would have cables that went from the dead man to the wall itself. And then they decided maybe they do not need a wall; they just need riprap. So, they have extended the rip-rap, which is limestone rubble to the south, to the north, which more than doubles the extent of the project. So, even though they have switched from a wall to putting in a lot of rock, the visual extent of the project has more than doubled.

Steve asked when they did the riprap, did they take out the wall?

Jono replied they have not put any riprap. This has not happened yet.

Steve clarified that it is in their proposal.

Jono responded, there is not going to be a wall here, it is just going to be riprap. Thirty-nine more feet of shoreline hardening at the southern site.

Jono continued, they were going to have a solid wall in the north and they have changed that to make it an intermittent wall with oak trees in between these runs of concrete. For the experts I've and I've retained, we do not think that is going to work in the long run. Between installing the wall, running these cables or dead men back, installing the dead men, there is going to be so much root damage to these remaining trees that they are probably going to fail. They are in a kind of precarious situation to start with, so aggravating that is not going to be helpful. The southern project originally was going to be a wall and my analysis is a wall is not needed there. It is not really eroding, but at any rate, they are going to have a wall. And then they have switched and said well instead of a wall we are going to do riprap, but we are going to extend it much further, more than double.

Jono has been corresponding now for years with DEP, the South District, and he has come up with five main issues that are issues of contentions which were highlighted his [presentation on seawall issues](#). One is that it (the application) should have come to the Council. The Council should have been weighing in on it. Jono highlighted statute language that the Council is supposed to facilitate "interagency and intergovernmental coordination in the management of the river", and they are "allowed to render a non-binding advisory opinion to the district, the department", which is DEP, and effective local governments. So, now we have been working on this, and he feels this has been done. It is no longer as much of an issue.

The second issue is that DEP has never gone and looked for a wetland. SWFWMD went and they stood on the top of the bank down at the southern side and looked around and said they did not see any wetlands. Jono highlighted the definition of wetland of the river area from the rule, 62D-15.002, it is supposed to be "the corridor of land beneath and surrounding the Myakka River together with a corridor including the maximum upland extent of wetlands vegetation, which will be delineated by the Department of Environmental Protection". He stated his contention is DEP was supposed to go look for wetlands and in both cases when SWFWMD issued the ERP permit and when the DEP went out to look at the site, they stood at the top of a seven-foot bank, recorded the vegetation that was there and never went down and actually looked from the river because it is supposed to include the corridor of land beneath and surrounding the river. So, start at the river and then you are supposed to go to the maximum upland extent. So even if that is six inches of wetland, that is where the river area is.

Linda Carroll asked that until DEP makes that distinction, it is not considered river area?

Jono confirmed that DEP has never said where the river area is.

Jono's presentation continued with a video of his wetland delineation expert pointing and describing a distinct horizontal line midway up the bank at the project site, where below there are wetter, hydric soils, and wetland plants are dominant. Jono added that everything up that line, where it is brown, that is dry. Now the implication of that is that if someone is doing work in the river area, they are going to have to show benefit for the public. So, then the third issue, is there is this public interest test. The applicant has to show 'demonstrable environmental, social and economic benefits that would fruit to the public at large as a result of the action on which would clearly exceed all demonstrable environmental, social, and economic impacts. DEP is required, according to this rule, to show that the public interest outweighs the private interest.

Jono emphasized related to above issue the applicant need to have an accurate tree survey that shows the oaks, shows the cabbage palms, and actually shows the permitting agency what it is going to look like when they are done instead of some Photoshop, hypothetical thing, the permitting agency should be able

to see it. And that is because the grounds for denial of a permit include: decreasing recreational opportunities including nature study photography and also blocking, obstructing, and lessening, otherwise, interfering with scenic and natural views. And that includes bluffs. There is the seven-foot bank there.

And the final issue, under the requirement that the project cannot be permitted unless it meets the definition of water dependent. Now water dependency varies in different Florida statutes, but this says an activity which can only be conducted on, in, over, adjacent to water areas because the activity requires primary and direct access to the water body for transportation, recreation, energy production, transmission, or the use of the river as a source of water where the use of the water is an integral part of the activity.

None of those are true in this case. They have a driveway to access their retreat center, but none of that is dependent on water. And in fact, there is land to the east where they can move their entrance.

Jono closed his presentation stating that it sets a really dangerous precedent if they are going to allow either the riprap or the sea wall. And that is because there are so many other places on the river that are eroding, like at Venice Myakka River Park. People need to be allowed to stabilize their shoreline, but it needs to be the minimum stabilization that is necessary to protect whatever they are protecting. And if there is an alternative, the alternative should be seriously looked at.

Jono asked Howard if in the case of Bob Johnson's former place, the county actually looked at whether the house could be moved away from the river (rather than allow a sea wall).

Howard replied that was correct and, on that property, there actually were wetlands landward of the house that would have been encroached upon.

Jono added that one thing that happens along rivers is you get what is called a natural levy. You will have the river itself during its normal flow regime and then there will be a flood event. When the water comes up out of its banks, the velocity drops and when the velocity drops its ability to carry a sediment load diminishes. So, you will frequently see a situation where immediately adjacent to the river it is slightly higher and then it drops down behind. And Bob Johnson, when he built his house, built on land that was relatively high and then to the west of that it was a wetland system. The county was curious, could the Bob Johnson house simply be moved back, and the answer was no. You would be moving it from upland into a wetland.

Jono wrote a letter to DEP saying they should let these people put in a sea wall.

Discussion continued on related the sea wall at Bob Johnson's place (1400 N. Jackson).

Jono added that the Council may end up in situations where there are new sea walls along the Myakka River and the goal should be, they should always do the minimum necessary. And if there is another feasible alternative, we should be investigating that.

Jono showed photos again the north and south project locations and discussion continued.

Bob stated that he read Jono's correspondence (in Oculus) and it was fantastic. On the north site, why not move the road a little bit, less cost and permits. On the southside, there is no erosion to speak of. What does the Council do though?

Jono responded that the Council can offer a non-binding advisory opinion.



Howard added that he has this project file on his desk collecting dust. This is a project that requires board and county commissioner approval through a public hearing process. In that regard, if the Council were wanting to make a statement having written comments that could go to the board. It is so far away from any date because, in Jono's presentation, he is seeing plans that are different from what was shown in the last meeting. He has not seen any of those changes and has had no communication with the petitioner.

Jono asked Howard if they need two permits from the county.

Howard replied there will be a building permit for the structure and the WNCA, water navigation control authority major work permit, which goes through public hearing. The building permit and the WNCA, can be processed together.

Jono added that they also need a Corp. of Engineers (ACE) permit. He corresponded with ACE and they have closed this out. They wrote to the applicant with questions, they did not get back to them.

Victor stated he serves on an advisory committee called General Contractor's Advisory Licensing Board. When an applicant for a permit comes in, there is a limit of time after which the application goes dead. Do you have a time limit after which this request expires?

Howard replied that there is a time limit within the county, but they asked for an extension because they were going through some ongoing legal action, so they were waiting for conclusion of the legal actions. Has that been concluded?

Jono replied yes and no. It is not going to a hearing at this point. The DEP was directed to keep working on the permit. So, there is no hearing date and his attorney is not corresponding regularly with their attorney. The legal thing is kind of suppressed, but the original permit is dead. And they are shopping this new vision which is more extensive but presumably lower impact.

Chris added that one way to think about it is that they have a new application number, and this is considered, by the regulatory office, as a new application. It is tied to the old application, but there is a new file in Oculus, which is DEP's system for managing documents and only the new file, not the old drawings, just the new version starting in February or January.

Bob asked about the timing and if it is okay that the Council has a resolution at the next meeting?

Jono clarified that people submit a proposal and the agency looks at it and if they have any questions. They issue a RAI, which is a request for additional information. The applicant takes time and they generate a response and send it to the agency/ There is a time limit on this?

Chris answered that the initial application has 30 days. The RAI has a separate clock. The regulatory office gave the petitioner and the consultants the list of questions, they have 90 days to respond. At any point if the regulatory office was satisfied with any changes in the plans, the permit can be issued. There is also no mandate that they act superfast like with that initial 30-day time clock.

Jono asked if it can run for a while?

Chris replied that it could, but there is no reason to believe that they are either going to go fast or slow. Whatever the questions were in the RAI, as soon as those are satisfied the permit may be issued.

Jono asked if they can issue another RAI.

Chris replied, yes, they can.

Jono continued saying it could be issued at any time. No one is contacting Jono for approval, so the Council will not know until they either deny the permit or issue it with conditions or issue it.

Steven Schaefer asked if it is possible to see the RAI that the agency issued?

Jono replied he can see that and their response, but he cannot see what DEP is thinking in response to their response.

Steve asked if they had to give Jono anything in writing about that response before they issue the permit?

Chris answered that any plans that are communicated, are going to get into Oculus. But if you are asking if you will see any intention to act, no. The Council will not be given a formal opportunity to comment.

Jono added that one of the reasons that the diocese believes or claims that they are having significant erosion is that in 2006, the State of Florida contracted to have LIDAR aerial imagery flow for the purpose of working on hurricane evacuations. That LIDAR imagery suggests that the shoreline was maybe 17 feet further out into the river. And that is the main document that people are using to argue that there has been significant erosion at this site. Now when Jono looked at the vegetation and, based on what he knows about cabbage palms and the fact that he has been canoeing the river for 50 years, he does not see that. But the important thing here is that LIDAR imagery travels with metadata and that data contains facts and figures about how it was generated, when it was generated, how it is supposed to be used, et cetera. It clearly says in the metadata that this is not to be used for cadastral or legal purposes. Cadastral refers to surveying. So, they took a document that was supposed to be helpful in hurricane evacuation and they are using it to try and establish a form of shoreline, per a document that says it is not supposed to be used for surveying purposes, and not supposed to be used in legal context. Jono stated that he is pay enough legal fees that he considers this a legal context.

Jono stated that he does not think this is a severely dangerous eroding bank. Even during and after Hurricane Ian, that flooded their property three or four feet deep and yet there is almost no conspicuous erosion that happened on that shoreline.

Steve asked if DEP determined what the river zone is?

Jono replied they have not determined the river area. And that was one of his requests that they go back out and actually look at the wetlands.

Discussion continued on the Sarasota County permit process and what action the Council should take on the pending FDEP application and Sarasota County process. The following motion based on [presentation on seawall issues](#) was offered.

**Motion:**

**Bob Clark motioned that the Council support the following 4 actions: 1) for DEP staff to determine the River Area, as defined in 62D-15.002 2) for DEP to be rigorous in interpreting the public interest test 3) to require a tree survey with live oaks and cabbage palms and a realistic depiction of what the shoreline would look like post-project. 4) to honor the requirement that the project cannot be permitted unless it meets the definition of water dependent. Steven Schaeffer seconded. Howard Berna, Michelle Keirse, Kathleen Weeden, Elizabeth Wong, Peter Perez and Jonathon Bennett abstained.**

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

Jono showed a [presentation on the Myakka Clean Up](#) issue showing significant debris from surrounding developments. In a 1957 aerial, you can see where the tidal marsh was, and all this is upland, and this is what it looks like today. So, this is all manufactured housing and it is very vulnerable to high wind conditions. This is Bob Johnson's; this is the US 41 bridge and you see all this white stuff here. It would be nice if these were nesting birds, but no, this is all debris that has been blown out of these developments. And it is primarily rigid Styrofoam insulation. Jono thought there would be a lot of vinyl. There is some aluminum, but mostly it is foam insulation and it is a lot hung up in the mangroves. But there is an equal amount that has distributed through the black needle rush marsh. So, this goes all the way down the Myakka. Since it is Styrofoam there may not be tons of it, but there is a lot of volume. So, the Sarasota Baywatch had the first clean up and if you contact these people you can find out about the one tomorrow. It was on February 25<sup>th</sup>, there were probably more than a hundred people there working as volunteers and every boat you can imagine that could float in the river was there.

Jono showed the area they had identified that they should focus on as compared to the entire area.

Chris added that there are several miles that look just like that.

Jono added that this is really dangerous stuff to work in because the needle rush is really sharp. There are seeds that are starting to germinate in this material. This may be a piece of foam that got hung up earlier, but there are seedlings coming up in it and when it breaks down you get these pellets that are like Perlite. It is all just decomposing in place and they do not know with what effect, they do not know who eats it or how it affects things.

Jono said they worked on about a thousand square foot area and it took them two hours and there is miles of the stuff. He wanted the Council to have some sense of the magnitude of the issue. Because a lot of this could have been paid for if governments had worked together and come up with a strategy to deal with this and submitted the costs to FEMA. But there are so many different ownerships, you got state forest, SWFWMD land, county land, the trustees of the internal improvement fund, there are all these different ownerships, private ownerships.

Chris added that FWC has a bi-weekly call and they are aware of the Styrofoam degradation issue and the needs, and so they are actually reaching out to universities and other agencies to see if anybody has ever dealt with this before. To see if there is a technique that can be employed, but one of the issues is they do not have a funding mechanism and there is no person designated to grab all these islands and different ownership and figure out how to get a contractor out there and how to pay for it. There are several different hurdles.

Jono added that there apparently is a strategy to deal with the hazard's navigation. There is a lot of debris that is just in the river that your boat could run into and there is a strategy for that.

Chris mentioned that he hit an aerator for a well system during the river survey in the Boston Whaler. He hit it hard with the prop, but he was going idle speed. There is a lot of material above US 41. One of the sheriff's offices did a scan and they found hundreds of items, large metal pieces of roof, big pieces of vinyl below the surface of the water south of US 41. So that is what the specific county requested division emergency manager contractor removal project and that is probably going to take a couple weeks.

Allain asked what is the operating system? Do the boats pool together and form little squads and then deposit piles and then a larger boat comes in?

Jono replied that where he was working, they went up on shore and they were just putting big piles close to the shore and then somebody would come by with a pontoon and then they would take it and put it in a

dumpster. If you measured the weight it would not be very significant. But the volume is incredible. It just took truckload after truckload out of there.

Jono asked if we wanted to briefly talk about the fossiling issue since we are running short on time.

Chris mentioned the ongoing fossiling issue. Part of the problem is law enforcement has a tough time wanting to issue citations because of the confusion about what they can and cannot do. Secondly, this season is going to end, probably in a month or two. Then people forget about it cause then there is high water, people are not fossiling as much and there are other priorities. Chris' recommendation is the Council will look at the fossiling issue, come up with a plan to explain why fossiling has negative impacts and put together a strategy for better law enforcement. There is very little about fossiling in the current management plan.

Jono inquired about other topics and future meeting dates to members.

Kathleen brought up virtual meetings or combined meetings so people can attend online or in person.

Jono mentioned that the Council has not had a combined virtual/in person meeting before.

Discussion continued on meeting format. Jono took a vote from the members. Twelve people voted for in person meetings and four people voted for virtual meetings. One person voted for a hybrid system.

Kathleen brought up having to attend or risking losing membership status.

Jono stated that part of what is going on is that the Council met online for so long and even though members cannot, during a break or afterwards, talk about Myakka River issues. There are a lot of people that attend that are not members, it is their opportunity to actually talk with people.

Chris added that at the last meeting there was a similar conversation. The group said if we had the annual meeting in person since it is voting on elections and members. Then have virtual meetings after that.

Kathleen was okay going along with what the majority of the group wanted.

Barbara asked about an option where those who are members and voting be in person, but then if a community member wants to just listen in and watch, they can do that remotely?

Chris responded it could be possible with more staff present. Part of the problem is running a meeting physically plus also monitoring the chat room or answering inquiries.

Jono replied that if the Council can feel confident that they have the staffing necessary so that Chris can focus on content and somebody else can be managing the flow it might be possible.

**Next Meeting:**

The group recommend the next meeting date as August 11<sup>th</sup>.

**Future Items:**

Bob suggested discussing extra protection and signage at the rookery 0.3 miles north of the current CWA.

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