

Myakka River Management Coordinating Council
Nokomis Community Park, 234 Nippino Trail, Nokomis, FL 34275
August 11, 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 July 28, 2023.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Steve Giguere- FDEP/MRSP
Eric Strickland- FFS
Ross Morton- SWFWMD
Elizabeth Wong- City of North Port
Sarina Weiss- CHNEP
Randy Shotto- City of Sarasota
Stacey Mazza-Gilkison- Friends of Myakka River
Jamie Richardson- FWC
Victor Dobrin- Homeowner

Glenn Compton- Manasota 88
Jean Pichler- Venice Audubon
Rob Wright- Sarasota Audubon
Ryan Pieper- Charlotte County
Emily Barnett- FDOT
Lee Amos- CFGC
Ann Hardy- SCLWV
Hugh Havlik- GCHSC
Michael Chouinard- Homeowner

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Chris Becker – FDEP/FPS
Michelle Keirse- FDEP/MRSP
Esmeralda Figueras- CFGC
Linda Carroll- Homeowner
Ray Westbrook-Homeowner
Terri Roberts- Homeowner
Jeffrey Nelson- Homeowner
Mike Gartley- Homeowner
Sherm Stratton- Homeowner

Nadine Hallenbeck – FDEP/FPS
Jen McGann- FDEP/FPS
Ryan Ruscitti- City of North Port
Jamie Doubek-Racine- NPS
Kristen Peterson- FWC
Mike Jones- Sarasota County
Steve Roberts- Homeowner
Francine Smetts- Homeowner
Nicole Gartley- Homeowner

- **Call to Order and Role Call was made.**
- **Approval of the Meeting Minutes from April 7, 2023.** Victor Dobrin motioned to approve minutes; Rob Wright seconded.

Public Comments:

Ray Westbrook addressed the group. I live down by Snook Haven on East Venice Avenue. I have lived there for over a decade. I just want to let this group know what is going on in a little more detail. And I will be happy to take questions about the corner of Venice Avenue and River Road.

There is a lot of development going on in the area. It looks like a good 100 acres are going to be totally impacted in the area within a mile of the Myakka River, which is concerning to me. There is a huge borrow pit that is being pumped. The FDOT, I have asked them numerous times, what is the timing on when that pump's going to stop to let the groundwater come back to its normal stages. They keep delaying it. Now it is till the end of this month, but based on what I'm seeing, I do not expect that to happen.

They have been doing development surveys of land, and denoting wetlands on what would be the west side of River Road on both north, a small section, six acres of East Venice Avenue, and the majority of

the land for commercial development going all the way from rural to commercial. So, I have talked to FDOT about the water runoff from all the roofs that will be there, parking lots, and it is in the watershed of the Myakka River. And I was there for the flooding; I have seen oil on the water. We still have dry ponds because of the pumping, and it had a huge impact environmentally on the area, and I do not see good things coming, and I do not see an overall plan.

So, if anybody's got any questions, I just want to let everybody know kind of what is going on. I'm doing my best to keep the awareness out there in the community. I'm also doing my best to work with the newspapers, so they are at least posting what is happening, what is going on with the development.

Jono asked Ray if he also had a Facebook group.

Ray replied he does but he keeps it private to reduce spam and keep it to the facts. He stated the group saved the Myakka River, stopped. The amount of land so close to the river is unprecedented.

Linda Carroll also addressed the group. "I'm Linda Carroll. I have been here many meetings for the last several years, and I come from Hidden River, which is a neighborhood protected by the Hidden River Dike. The Hidden River Dike is the issue that I intend to communicate to you.

Recently, during Hurricane Ian, the dike breached and flooded the community. At that time, we were in touch with and obtained a sponsor for USDA grants to address the situation. Currently, there is a sponsor, but we need a second sponsor because that sponsor does not have land acquisition rights, and there is consideration for a buyout of part or all of the floodplain in that community. Those discussions are moving along in the right direction.

Additionally, our neighborhood has had numerous lawsuits going on. The lawsuit was recently settled, and it clarified the property owners' property rights and obligations under the platted easements."

Francine Smetts addressed the group. I'm a landowner down by South Moon Drive and Border Road, and there is a proposed high-density trailer park for the corner, right across from Carlton Mabry Preserve. So, I prepared a letter, bear with me. I kind of thought the meeting was all about that, so I realize there are more issues with the river, but I will just read this quickly.

"To the Myakka River Coordinating Council. The application for a camping retreat is nothing less than high density housing. Every unit, whether parked or permanent, will create the same amount of water consumption, trash, and sewage as a normal home occupied by two persons at a minimum.

This high-density housing trailer park falls east of Jackson Road. Sarasota County Master Plan does not allow for high density housing east of Jackson Road. According to Sarasota Master Plan, the east of Jackson Road is meant for agricultural use, rural homes with at least 10 acres, and nature preserves. We have several: Lincer Preserve, Carlton Preserve, Deer Park, Sleeping Turtles.

The proximity of the proposed trailer park to the Myakka River is troubling. My husband and I have owned property for over 17 years and many times have seen the entire proposed area underwater. Things that come to mind with trailer parks and large swimming pools are propane tanks, sewage holding tanks, refuse dumpsters, and pool chemicals. All of these pollutants could be released into the Myakka during a flood. Even without flood conditions, chemicals sprayed on lawns are a concern. Any pool chemicals better be stored above 14-foot elevation, as we just saw nearly 13-foot elevation floodwaters in our area covering that entire corner.

Noise and light pollution are also my concern for residents and the river. Safety is a concern as in the event of a flood or hurricane, unless trailers, and some are permanent, can be removed, they will simply remain, potentially being ripped apart and strewn into the river and the neighboring properties. We are all well aware of the toll that trailers can take from high winds or tornadoes. There is also a concern for the current residents' safety if they are trying to evacuate the area which we are blocked in there. There is no other exit for the residents of South Moon, Brentwood Drive. People who do not live here may try to remove their trailers during the storm, or get stuck, blocking the road, not allowing people to evacuate. People who do not live here may not understand the power of the river and the floodwaters. Some owners

may leave their trailers and take a chance that they will remain intact. This is not a fair gamble for the river or the current residents of the area.

It would take an enormous amount of fill dirt to bring the proposed site above flood levels, thereby creating more intense flooding for the nearby properties. After Ian, I had to take a canoe to my home for over a week. Other residents on South Moon and farther south had to do the same. We have photos of the entire site plan underwater.

This site and site across South Moon Drive were used for dolomite mining. I have been told that by the EPA. There are strict rules about disturbing the earth on such sites. This should be a high concern for the MRMCC to absolutely research and connect with other bodies such as the EPA and SWFWMD and possible soil tests to determine if dolomite is present.

There is a concern for the Myakka River Protection Zone. There can be potential oops moments when the contractors accidentally cut more cabbage palms to replace them with non-native species, or they may accidentally remove more vegetation in the protected zone. Once it is gone, even if by mistake, it is gone forever. Who is going to police this?

Mr. Blackburn, he is deceased now, but he used to own thousands of acres down there, told several residents that there is an artesian well in the pond of the proposed site for a trailer park, which means that activities in alignment with high density may affect our water supply for the entire area east of the bridge, spanning Myakka on Border Road. The applicant is mistakenly informed Sarasota County that they would be using public water supply. There is no source for Sarasota County public water east of the bridge. They will be tapping into the aquifer, which is our water supply.

Another concern is that this would probably become another Snook Haven. Sarasota County has told the petitioner that only people staying at the trailer park may use the restaurant, gift shop, and pools. However, who is going to police this? It is in my experience that there will be minor fines and no real action to prevent this happening. This type of high-density housing and the waste and traffic it will cause is not in keeping with the character of the Myakka River or the master plan of Sarasota. Thank you so much.”

Steve Roberts addressed the group. I'm a resident to the neighborhood just immediately south of the proposed RV park, but I'm here today to read a letter submitted by Marlene Guffey, who is obviously familiar to many of you.

“Dear Myakka River Coordinating Council. My name is Marlene Guffey, a former member of this Council. I served for over 20 years as a representative for the section north of Snook Haven. I have lived on the Myakka for almost 50 years. My daughter, Cheryl Toms and Debbie Masalam also owned properties and a home on Brentwood Drive along the beautiful, protected Wild and Scenic Myakka River for over 20 years.

We have worked together to maintain and preserve the climate of the river. When we saw the pre-application for the campground, we couldn't believe what was being proposed by the applicants.

First of all, approximately 15 to 20 acres of the proposed 51-acre project is a manmade pond that we believe is being fed by one or more artesian wells or is into the aquifer dug for the purpose of dolomite mining. This pond is connected to the Myakka River by a large overflow that drains into the river, leaving about 30 to 35 acres of land to cram 153 RV sites, 28 cabins, 405 parking spaces, a restaurant, pavilion, boat docks, fishing pier, a bar and grill, clubhouse, swimming pools, bathhouse, septic processing center, et cetera. This is absurd.

They have presented that the public water is to be used, but the closest water supply is approximately two miles away at Jacaranda and Border Road. Contaminants from this project could easily be detrimental to the Myakka River. The special exception use requested by the applicant should not even be considered as the property owner can use or sell their property as currently zoned. Used as such, this project would not be able to cause a future residual fallout on the residents who live on, use, and respect the Myakka River.

We are totally opposed to this type of project being put into our subdivision, the Myakka River Estates. We worked hard to purchase our properties. We did not inherit ours. Thank you for continuing to protect our beautiful Wild and Scenic River. Thank you, Marlene Guffey, Cheryl Toms, Debbie Masalam.”

Jono explained the background on the Council. The Council was established by the Florida legislature in 1985. It is an unusual body. It has both agency people, private entities, like Audubon and Conservation Foundation, as well as citizens. There are no term limits. You either die in the office or leave. But it is focused on issues related to the management of the Myakka River, the Wild and Scenic River, primarily focused on Sarasota County, but obviously the Council is interested in what is happening in Manatee County, and in Charlotte County.

OLD BUSINESS

Elizabeth Wong, the City of North Port’s Stormwater Manager updated everyone on Warm Mineral Springs. All this information is on their website, www.cityofnorthport.com. Type in “Warm Mineral Springs” and there is a page specifically dedicated to Warm Mineral Springs.

On July 25th the city council voted four to one to proceed with a public private partnership called “P3”. The city talked with the developer and the original high intensity development is being cut back to a medium density development. They are also moving the development an extra 100 feet away from the 300 feet diameter radius from the springs itself, so it is further away from the springs.

The next steps are a comprehensive plan amendment, negotiation with the developer on looking at more detailed geotechnical surveys and investment evaluations using third party experts. This is what the will of the commission is.

Elizabeth noted her role as a stormwater manager, is to watch closely and make sure that they do everything possible to protect water quality. It is the only warm mineral springs in Florida, and it is a resource that needs protection for the benefit of the public to use.

Victor Dobrin introduced himself. He is a private citizen and vice-chair of the Council. Victor stated that elected officials are not always the government of the people for the people, and in this instance was four to one. The paid public survey was to express the will of the people to overwhelmingly reject even a medium development, and this was ignored. This is a unique piece, and the assumption is it was a sinkhole at some point in time and having even a medium development may impact it. There are so many unknowns, specifically with the geology. He stated as an engineer, no one is going to be able to ensure that there is not going to be an impact.

NEW BUSINESS

Jono Miller-Landis Mine discussion followed by the Chair’s Report

(Presentations accompanied this discussion which will be online)

Jono presented [slides on the Landis Property/Waterfalls of Venice](#) and talked about the dolomite mine where a new development is proposed. There is a county development review process that involves all the different entities in the county. They review what is being proposed and then they have opinions about it, and those are recorded. The Sarasota County Environmental Protection Division said, please remove or relocate all construction proposals from the 220-foot Myakka River Protection Zone. And they quoted the rule that if the lots are greater than five acres, it must be further than 220 feet. Jono noted that the applicant would lose about 49 sites if they conformed to what the law says.

Jono discussed issues with proposal including that public utilities were 11,000 linear feet away. There may be air and water quality issues. This is a drawing from 1974 that indicated that there was supposed to be reclamation when the mining was done on this site. There is a question of whether this reclamation work ever took place.

Land development, fire and EMS had comments. Planning said, "Explain the history of land use and zoning on the subject of nearby properties. Explain how the proposed use is compatible with existing and planned uses nearby." Planning also said, "Provide specific details of the development that demonstrate consistency with applicable policy under how each policy is advanced or implemented by the request."

Landscape said, "It has to comply with conditions of the Myakka Wild and Scenic zone." Zoning said, "All amenities for the campground are for the visitors only, not the general public." Stormwater said that base floor elevation is determined at 12.1 feet, and the entire site is within the 100-year floodplain. This tracks with the testimony today, and with the Hurricane Ian aerial photography that was flown when the water was up. There is a small area of higher land, but everything else had standing water or flowing water during Hurricane Ian. Landscape must comply with all the conditions.

These are some of the conditions that the different entities within Sarasota County found would have to apply to this. Jono's understanding is the owners now go back and decide what they want to do. They could take those 49 units away and run a pipe 11,000 feet, or they could come up with another strategy.

Glenn Compton asked if this was posted anywhere.

Jono said it was not, but it could be, so the members all have access to it. Jono had a copy of the different responses from the county offices, which he passed around. The county staff person who is in charge of this is Kirk Crane, K-I-R-K C-R-A-N-E. Contact Kirk and he can send a copy of the document.

Rob Wright spoke on his own behalf. He is currently acting as an environmental specialist and expert witness for the folks near the Myakka River for the project that Lakewood Ranch is bringing down in Sarasota County. Everybody must be fully aware that all the regulations Jono pointed out are not going to help unless they are enforced. You can apply for a variance or a special exception and that is going to be up to the county commission. Unless the county commission is on board for doing the right thing, all these regulations are not worth the paper they are written on.

Motion:

Victor Dobrin motioned to formulate and send a position letter to the county commission to oppose approving any special exception for the development of the Waterfalls of Venice. Glenn Compton seconded. Emily Barnett, Steve Giguere, Elizabeth Wong and Ross Morton abstained.

Steve Roberts wondered if anybody had a feeling for how formidable these obstacles would be. The proposal is far off the norm. He wondered if they thought that was going to happen? He heard that those obstacles are not ironclad. They are subject to the will and whimsy of several governing commissioners. Is there a feeling that the general idea of protecting the river is strong enough that these barriers are insurmountable?

Jono replied that no one knows. The Council does not know whether the owners are going to file the plans as designed and try to push it through or if they will go back to their engineers, designers and water supply people and make changes and come back with a new plan.

Lee Amos added that something to think about is whether the property has transferred ownership to the person who has made this conceptual design. It is common for a real estate developer to get a property under option agreement. The terms of the option will say that they will not take ownership until X, Y, Z. And one of those parameters is often that there is approval of their development plan. They have a very low cost associated with the content drawing. They have not put an engineer into this, so they may have an option. It is very common to have an option, run something up the flagpole, see if it flies. If it flies, they are off to the races, if it does not, maybe their option consideration was a very small amount of

money, their content design is a very low cost. They are not out anything. It does not cost them anything to just keep running things up the flagpole and see what they can get. Either way it is so important for the public to raise the alarm, to speak out, to point out the regulations.

Ray Westbrook shared that the property is listed for \$3.7 million. The property ownership has not transferred for that land. It is pending.

Jono returned to his [Chair's Report](#). He showed a sketch of a place called Myakka Village, and it has already been approved by Manatee County. It is south of Singletary Road, near a golf course already proposed for development. If the county commission approved it, presumably it is going ahead.

On July 24th, 2020, Chris Oliver and Jono met on the banks of the Myakka River to discuss with the landowner the concern they had about erosion of their bank. 1,057 days later, they got a letter from the Diocese of Venice, saying, "As you are aware, the Diocese of Venice is elected to withdraw its application for shoreline stabilization." It took three years, Jono spent more than \$10,000, probably less than \$20,00, working on this as an individual because the Council's not a body that can initiate a legal action. It says, "Notice of intent was ultimately challenged by a third party, Jono Miller," and he is not sure what is going to happen next.

The original and then modified permit application has been withdrawn. Jono wrote to the permitting agency of DEP in Fort Myers and asked if something could be done to help homeowners, consultants and the people that have to issue these permits understand what the rules are because the Myakka River in Sarasota County is only 1% of all the rivers in Florida. Someone might be an expert on the other 99% of all the rivers and have dozens of permits, but unless They have worked specifically on the Myakka, they have no idea what governs. He suggested some demonstration projects that would show people what things can be permitted and whether they work or not.

Jono suggested a guidance document, a compendium that would explain the county's requirements, the state requirements, and the Corps of Engineer requirements. It could be written by a writer, reviewed by an attorney and would be sent to Tallahassee so the DEP could see if it was accurate. That could be made available to all the property owners, anyone who wanted to work on the river, the consultants, and people would know going into it, what might work and what is not likely to work.

Jono showed slides of debris from Hurricane Ian, including decomposing Styrofoam and the tidal marsh south of U.S. 41. A lot of the debris from the hurricane is in black needle rush, which is like walking through a big field of sharp knitting needles. In addition to the Styrofoam, there is an incredible amount of aluminum that also blew off these developments south of U.S. 41. He showed slides of a youth group that volunteered to go out, but this is just a mere fraction of all the stuff that was collected.

Sarasota County is now involved in a process called Resilient SRQ. Resilient SRQ is a product of an application Sarasota County made to the federal government in the wake of Hurricane Ian. They have received \$201.5 million to help recover from Hurricane Ian. The county issued a document, and it said that there are two levees in Sarasota County. There is a private levee located in the Hidden River subdivision. Jono wrote to them letting them know it is not that simple. There is the Hidden River subdivision and there is Myakka River State Park (MRSP), and they refer to it as a dike, not a levee.

The pump facility appears to be in the park. The levee is in two different ownerships. This is problematic to start with. This is when the water behind the dike must be pumped out, otherwise homes flood from inside the dike as well. You can get flooded a couple of different ways. Jono showed a map of the floodplain.

Linda Carroll added that this map was in the USDA grant documents. It was labeled as a 100-year floodplain, but she believes it is really the 1,000-year floodplain.

Jono continued. He showed the homes that are affected and the record of flooding in the park. In the park, it is not identical to the north end of the park, but the two highest flood events resulted in flooding in

Hidden River. There was a lot of potential for other dike problems there. Jono suggested to the county either buy out the owners and remove the structures or find a way for people to elevate their homes, assist them in getting their homes up out of the floodplain so they are not subjected to repeated flooding. On page 97, there is a whole section dealing with buyouts.

It eliminates the right to build on the parcel and prevents any future development. It designated open green spaces that can be used by the community. They must demonstrate that it was their primary residence at the time of the storm. Jono feels the program is designed primarily to help low-and medium-income people. Then they said there are two non-certified levees, and one is in Hidden River and the other one is at Bahia Vista. Jono disagrees. There is a levee, again, that is in two ownerships.

Jono showed a slide with a levee separating Vanderipe Slough from Upper Myakka Lake and Howard Creek, and it is in two ownerships. He showed a lidar picture with the lower elevations in blue, the high elevations that are unlikely to flood in the white and pink colors. These are all structures that were surrounded by water during Hurricane Ian. He suggested to the county they might want to talk to these folks and see if they had flooding issues.

Jono showed an aerial view of Downs' Dam noting that the dam is functionally obsolete. The water now goes around the dam to the east. Chris has been trying to work on securing funds to remove this dam so that there is more of a Wild & Scenic River. This structure is quite dangerous now because it is dangerous to try and go through and it is also dangerous to try and go around. The east side is in MRSP, and the west side is the O-Bar-O ranch. The idea would be to get all the concrete out of there and just restore a free-flowing river.

There is a hairpin turn in the river, but the river really does not like turning around and going back in the other direction. It really would prefer to come straight through. If you come when the river is high, it does just that. It heads right through there and it comes down a fence line and all that area is flooded. Jono showed a slide of how the area might look in the next 30 years or the next 50 years.

Chris Oliver added that they did engineering for the study for the removal and the engineers and river morphologist that said this was a very likely place to cause a new path or an avulsion. There is another place halfway between those two where there is another avulsion possible.

Someone asked if it was happening naturally or being man made.

Chris replied it is more likely with the dam there, but it will probably happen anyway.

Jono continued stating eventually the dam will be bypassed but that does not mean you will not still be able to take a boat partway up to that area, but probably the upper sections would fill in with sediment. At low water it leaves the river and starts heading down and then it follows a fence line.

Jono offered that he was concerned with the plan to redo the bridge abutments on the park bridge. Last meeting there were reports of people harassing alligators. If you use traditional riprap, small baseball size rock, it was easy to envision people going down to get a couple of these rocks and come up on the bridge and start pelting the alligators. Jono contacted Tallahassee and asked if this would be an issue. He received a reply stating that the riprap will be 10 to 18 inches and weigh 30 pounds. Jono was reassured that at least they are not using small rock.

Snook Haven Park in the process of being redone by the county. There are issues both regarding the shoreline, but also where the buildings are and how they address the river.

Jono showed a slide of 662 acres of the Longino Ranch in eastern Sarasota County that is going to be a conservation easement. It is going to the Board of County Commissioners. The owners will continue to have to manage it, they will continue to pay taxes on it, it will not be open to the public, but it will be protected and not developed.

Right on the Myakka, is the Englewood Youth Foundation. This is nearly 10 acres, and the County is negotiating with the owners. They would like to see it continue to be used for youth camping.

Jono showed slides of 1700 North Jackson Road. What it looked like in 2021 when they had a serious erosion problem. He showed what it looked like in 2022 when they added a wall, but they did not get any permits. The county has a permit enforcement action, he is not sure if the state does, but this is what he is trying to avoid. He would like people to be able to protect their property but not do it in a way that ends up costing more money or gets them in trouble for breaking the law.

A resident applied for a permit at 897 Brentwood. Their consultant stated it was on Curry Creek and they said there was no mean high-water line at that location. They had the engineer use the safe upland line, which Jono feels is a misappropriation of the safe upland line. During this, there was a lot of confusion about what the appropriate mean high-water elevation should be for this section of the river. The applicant claimed that they were qualified for an exemption, and they are not. Jono expressed those concerns, writing to the state saying, " I support Mr. Cope's goal to retard riverbank erosion. I would encourage all involved to propose solutions likely to meet the requirement of all agencies to avoid unnecessary delays and expense related to modifications required to comply with other requirements."

People applying for these permits must meet the state ERP permit from the water management district, there is a permit pursuant to the Myakka Rule, there are two permits you need from Sarasota County and there is the Corps of Engineers permit. People need five permits to do something like that. What happens is people design something that meets one or two or three of the conditions of the permits and then they find that it does not meet the other condition. Then they must go back and do the work again. It adds cost, delay and aggravation for everybody. It would be helpful to have a document that explains how you do it right the first time, save money, save time, and give people quality information instead of trial and error because people are not familiar with the Myakka River.

Jono stated that there were two alligators taken in 2019 from the Lower Myakka Lake (LML) where that is not allowed. Most people go to the Myakka to see alligators. Allowing people to take alligators in a Wild and Scenic River seems like it gives one person a trophy alligator, and everybody else who is trying to experience a wild and scenic river, does not get to see that alligator. It is different if it is a nuisance gator. But if it is just a big gator hanging out at the Lower Lake, and people are going up there and shooting it, there are number of problems with that.

Chris added that you are relying on the hunter to know where he is and if he is in a legitimate place for his permitted take. There was an error with the 2019 map that FWC provides hunters but even that map did not include any area near the LML. Hunting may be allowed on any publicly accessible waterways in Sarasota with exceptions like, not within Oscar Scherer State Park or MRSP and potentially 300 feet from any state managed preserve which could remove many areas of the MWSR.

Sarasota County

Michael Jones gave an update related to major stormwater projects. The Dona Bay phase two project is probably going to be completed right around or before the next MRMCC meeting. It has moved along a lot quicker than they had expected and that portion of the Dona Bay project will be complete. That is the part that takes the water from the pines area, which is just west of the Downs' Dam area, down to the old Venice Minerals mining operation area.

Chris noted that Howard Berna relayed to him that there was no contact with the homeowner for the 1700 North Jackson property. They are assigning that back out to try again. It is hard to get enforcement when you are not necessarily able to get in contact with the property owner.

Ryan Pieper-Charlotte County

Ryan reported that the Myakka Park is still at the 60% design phase. Nothing new has happened with the Manchester Waterway.

Elizabeth Wong-City of North Port

Elizabeth introduced Ryan Ruscitti, who is a stormwater technician and will be Elizabeth's alternate on the Council. On May 9th, the city approved an amendment to the fertilizer ordinance moving the no fertilizer date earlier, to April.

Sarina Weiss-CHNEP

The CHNEP is working to secure funding for restoration projects in the area. They are preparing their national report to the EPA. This reports on land acquisitions, land management, like prescribed burns, or invasive removals, or habitat restoration projects. If anyone has any of those, go to the CHNEP.org website and click on a button called new report at the top, where you can submit that project.

Jono asked about funding for the permitting guidebook on the Myakka River.

Sarina replied that they have a few possible funding opportunities. They have conservation grants. There are three cycles a year with the next one opening in October. They go up to \$5,000. They also have a call for projects that will probably come out in October and those are for much larger projects.

Emily Barnett-FDOT

Emily reported that I-75 was temporarily closed overnight (after Hurricane Ian) for a brief time, when the waters from the Myakka River were getting close to the I-75 deck structure, and concerns for safety caused the closure. She has put in a request for more detailed information but is still waiting to hear back.

Right now, the rest area with potential for recreational use still being used as staging for construction equipment. Construction is not estimated to be completed until mid-2025. That would be the time to follow up on that. Emily will email the project website to Chris and that has basic information about the project and project documents so members can see updates just in general about that project.

Jono clarified that the interest was to ascertain whether water flowed over the interstate or not. At the time Ian was happening, a lot of inaccurate photographs that were really of Highway 17 were being circulated and claiming that it was I-75. There were definite problems with interchanges in North Port that were flooded, and you couldn't get on or off the interstate. Jono has no issue with the highway being shut down, he would just like to understand why.

The issue with the former rest area is that it could be a link in a trail system that went from Venice Avenue through Sleeping Turtle South. There is an overflow channel under the interstate to the west of the river itself. During low water periods, people could hike through, under the interstate, without crossing it and emerge at the rest area. It could be a bridge over Curry Creek to get to the rest of Sleeping Turtles. From there, you could get to the Carlton Reserve, et cetera.

Jamie Richardson-FWC

Jamie introduced herself and Kristen Peterson, the FWC alternate for the Council. As part of the Aquatic Habitat Conservation and Restoration section FWC is working on invasive grass removal within the state park. The Warm Mineral Springs project should be finished in late September 2023. The contractor restarted the dredging work after a pause after Hurricane Ian which set them back a bit.

Jamie's team just completed a Myakka River assessment, on the main stem of the Myakka River. It has been completed, reports have been submitted, but it has not been approved yet. Findings from the first assessment were 45 miles of the Myakka River, not tributaries. They found 67 impairment sites. Impairment sites could be minor or severe impairment. Most sites, 61% of them, ranked low severity on their scale that was developed by USFWS. 30% ranked moderate severity. Only 9% ranked high severity.

27 of those sites were south of the state park and 26 of the 27 were low severity. They have some restoration recommendations such as planting trees, and hopefully aligned those sections to repair on their own. All the assessments, unfortunately, were done pre-hurricane Ian.

Chris added that the river held up well. He was amazed at how little erosion there was, except for around manmade structures. The riverbanks held up pretty good.

Jamie continued saying she expects that some of these might have changed in severity post-hurricane, but they were trying to identify areas of potential improvement for the Myakka River. One site that ranked high severity was Downs' Dam.

Chris added that he got an email from FWC's Imperiled Species Group (ISG) that manages the designated Critical Wildlife Area (CWA), a wood stork rookery, one mile south of U.S. 41. This rookery was hit hard by winds from Hurricane Ian. The interior mangroves were basically snapped in half. That higher plateau of trees is where, in the past, you would have dense wood storks nesting. This year, there are about 12 nests, which is way down. The CWA group is aware of this. There is a short-term plan, a medium-term plan, and a long-term plan. The first things, which have already happened, include that the ISG reached out to FWC Law Enforcement, so now it is on a hot ticket route. Officers, whenever they are available, do extra patrols at the CWA. Since we have less nesting, we want to make sure those birds are getting less interference from people. They are hoping to make some educational kiosks and are already working on that language and the best places to install them. Currently, we have a current in-water buffer around the CWA. There are postings that say, "In the nesting period this area is closed." You cannot go, and you would be trespassing. But the island, 0.3 miles north, where the habitat is better now, especially relative to the CWA. They have had a lot of birds on this island. The question is if the Council and other stakeholders will be interested in potentially adding protections to that island?

Ross Morton-SFWMD

Ross explained that SFWMD covers 16 counties, about 10,000 square miles, and about four million people. He gave a brief update on Flatford Swamp, noting it was one of the 2023 updates to Land Management Plans they are doing. They produce manuals on all the lands they manage and provide long-term ecological information there, like what species use it, and any type of maintenance that they do on it. Ultimately, that is how they look at those lands long-term.

He sent Chris an email that has a [link \(to the draft plan\)](#) that will take you right to that site, so members can read the draft. In addition, on July 22nd, they had a public notice meeting, and took some comments. If anyone has any comments, they are going to go to their governing board. It is advisable to get any comments to them prior to it going to the September governing board, which is near the end. He also serves as the district's ombudsman. This means he is a neutral person, somewhat independent, of the Water Management District. The public can call him. It can be a completely confidential discussion.

As part of the Flatford issue, there was a tree mortality event that occurred starting in 1993. They have been studying it for a long time. The SFWMD went ahead and started an injection project. There are three general aquifers, depending on where you live in the state. So, there is a Floridan Aquifer that stretches all the way up into the Gulf. Then the intermediate. If you have a well at home, most likely it is in an intermediate zone. If you are in Venice, you are probably in the PZ2 zone. When you technically dig in your yard, you look at a hole, that is a superficial aquifer. It is not confined. If you go below that, you will see various clay layers and other things that confine it.

When the state of Florida started, there were not a lot of regulations. Florida did not start having regulations until 1984 for surface water. They did some water use regulation before that. Before the water management districts, which were started in 1972, there were water control districts. Water was allocated for various activities. Agriculture, public water supply, those types of things. Back in the eighties and

nineties, water use permitting rules started getting into play. There are certain criteria which they must meet. However, there was a concern about how much water is getting pumped out, and they created water caution areas. Part of those caution areas are in the basin you live in, as part of the water use caution area. The SWFWMD developed recovery plans in which to try to work with all the industries to address those declines in the Floridan Aquifer. That is the most sensitive. Part of the Flatford Injection Project is going to take surface water and inject it into a non-potable zone in the aquifer, which is going to help restore that saltwater intrusion and restore that minimum water level within it.

It also may have some benefits to allowing Flatford Swamp to reestablish its tree species. We had to get a permit from DEP. During that permitting process, they changed the standards. There is a lot of science that if you get to a potable zone, and you get it down far enough, based on the pressures, the lack of light, that there is a natural treatment process in there. If you filter it, studies have shown it kills all the pathogens. However, that approach was rejected. The project had to be changed. Now the requirement is that if you inject it, even in a non-potable zone, you must treat it as a potable water supply. That creates an additional cost. They have worked through it. They eventually got authorization from DEP to start that process. Right when they got it pumping, Hurricane Ian hit. They then had to repair it. Recently, they had a setback where the transformer got damaged.

The goal is to eventually be able to potentially pump about 5 million gallons on an annual average during the day. Based on all the studies they have done, it is shown that through the increased drainage, alterations that have occurred since the seventies in that area, and due to some of the pumping requirements, that will be a benefit. It would not hurt the environmental receiving systems, and it would provide a benefit to the aquifer. Right now, they are still working through that transformer issue. They should get that back in line in the next couple of months.

Chris followed up that he will forward the link to Council members and interested parties that Ross sent him where you can comment and submit reviews. And Chris asked Ross if they were collecting water off the river into a retention area because the transformer is currently down and with historically low waters for July and early August.

Ross replied they are not.

Ross added that anytime you do a pumping project, they create a maximum amount. When it ultimately gets up, they created a model. It is an adaptive management. The time they are going to want to pull most of it out is during the summer months.

Jono commented that SWFWMD has dealt with more mining operations than any other entity in the state, because they must deal with phosphates. Regarding the dolomite operation that operated in the seventies, is there a way to go back and find out what kind of restoration or what might be in any records or what was supposed to happen with a mined-out operation like that?

Ross replied that SWFWMD really did not get into permitting, even mining, until 1984. The best resource would be DEP's Mining and Reclamation.

Lee stated it might be useful as land manager to find out when the pumping will be active again, is there was a way for the public to see that? Like with stream gages.

Ross replied he could give him a call, but right now we are just in the testing phase. There will be stations out there that eventually will be open to the public and you can see whether it is and what the levels are.

Ross continued their study that the water even coming out on low conditions, and it is excess (water). You see evidence that there used to be cattle grazing in the middle of Flatford Swamp based on fencing. Now that it has changed, it takes less and less water to fill that up. They did go out as part of that whole process and review every single water use permit. They created a program that reduced the permitted

amount of water that was able to get into the swamp. There is a component even in the dry season that can be harvested. They have a model where they can determine if it does that, and it was very conservative.

Eric Strickland-Florida Forest Service

Eric is the resource administrator for the district. Usually they have a forester, but have not for a while now, but they are getting to a point where they are going to fill that position. They will soon have another forester at Myakka. They have a new Forest Area Supervisor that is going to be supervising that forest. Brent Richie has got several years of experience there. The forest is in good hands.

The state forest is still recovering from the storm. They are still in a modular office, and they are still having to do work on it from Ian. The forest is doing a salvage harvest. It took a while to get someone out there due to how many people are doing harvests. They do the harvest because of the health of the forest.

Lee Amos-Conservation Foundation of the Gulf Coast (CFGC)

The CFGC was involved in the application to the Rural and Family Land Protection Program (RFLPP) for four properties in the Myakka Watershed. As private lands, Lee did not disclose the locations of properties, but they are excited that the RFLPP was getting a little bit of momentum. A lot of properties statewide were applied to the program and many of these will not get funding. They are aware of that but wanted to apply so that there is a message to the legislature that this program has a real need in the state.

The RFLPP will provide funding for conservation easements on private lands, agricultural lands, and those that are different from lands that are eligible for a program like Florida Forever. State funding for more environmentally sensitive lands. Those properties often become parts of state parks. Agricultural lands just do not meet those criteria, and yet we have a lot of agricultural lands in the Myakka Watershed, especially when you look at Manatee County. There is just a lot of agricultural lands, and while they may not be appropriate as a state park, most people would prefer that they remain open space in some fashion. A lot of these are cattle grazing lands and are more compatible with the watershed than perhaps high-density residential development. They are looking forward to the next funding cycle and submitting more.

This is friendly to agricultural owners which sometimes get turned off by a restrictive conservation easement. This is a good fit for them. They can still do their farming, but they are limiting subdivision and development, so it is a good middle ground.

The CFGC has been working at the Upper Myakka Preserve this past year doing some restoration work. This is a 65-acre property north of MRSP between the C.R. 780 bridge and MRSP. They have got about a mile of riverfront there and received some funding through State Wildlife Grant to restore the marshes where they are removing exotic, invasive plants. The big focus here is paragrass, West Indian Marsh grass and aquatic soda apple. Aquatic soda apple is one they are keen to get rid of. They really want to eradicate that and have been working with their neighbors, the state park, and the adjacent ranches to try to get that weeded out of this watershed.

They are continuing restoration work at the Myakka Headwaters Preserve, which is the 432-acre property that is part of Flatford Swamp north of Wauchula Road at the Wauchula Road Bridge. They have received some funding from US Fish and Wildlife Service to do upland restoration on that property. They have got 45 acres or so of longleaf pines that have not seen fire in a long time. They are doing the fire line prep to get fire back on the property. This will be happening this coming summer.

They have also been doing wetland restoration with the CHNEP and SWFWMD that is been focused on removing exotic invasive plants primarily lygodium, the climbing fern, which is in all the forest and wetlands. They did about 24 acres of lygodium treatment. They also focused on planting trees along the river. They have got a lot of river that passes through the property, a few miles of river, and some of these areas had tree loss with Flatford. Areas along the river course are a priority to get trees back to stabilize the shorelines and provide wildlife habitat. They have been doing these volunteer planting programs and planting through the CHNEP grant to get trees on the shoreline. This has been successful. They like the

program so much that, next year, they are going to try to plant as many as 20,000 trees and have been developing the timing and method for propagating the trees. In September, they are going to have a big volunteer seed collection event. Check their website for more details. They will be collecting pop ash seeds, sending them to a nursery and propagating them. It is very cost-effective and in six months you get an 18-inch tree, which they can plant thousands of. They are also doing longleaf propagation and sharing the longleaf with partners. If anyone manages some preservation lands and is interested in longleaf or pop ash planting, they might be able to partner together. Lee encouraged everyone to check their website and newsletter for opportunities to get out on that property and others to help with planting.

Steve Giguere-Myakka River State Park (MRSP)

Hurricane Ian recovery continues at the park. Their cabins are about 90% complete. Hopefully, they will be reopening those by January because they have a lot of incoming reservations starting January 1st.

The canopy walkway tower just recently reopened. The only outliers still are the bird walk, which they dismantled the section with major damage and put in a stairway to undamaged section. At least during low water levels that facility is usable. They are exploring options to rebuild it. It will be kept within the same footprint but use more resilient material that would have less impact on the watershed moving forward in the future.

The playground at the south picnic area, which is right within the river area, has been closed for some time because it is not an accessible facility, and it does not have compliant surface material for the playground. It is just sand, which is not considered acceptable for playground equipment anymore. The division was looking to put in a new playground, but they would have to put in sidewalks to get to that facility and put in a nonpermeable surface for the playground material. Steve got the Park's District Office to agree to just abandon that project and take out the playground entirely. That is not going to move forward, and the old playground is going away. The sand and equipment will be taken out. Steve was concerned that not only was the impermeable surface going in the floodplain, but the visual impacts that it would have with a new facility in there. In the spirit of the rules, they are making that improvement.

Chris Oliver-Myakka Wild and Scenic River (MWSR) Program

Chris explained that he is not a member of the Council but a liaison. He also manages the MWSR Program. That program has a monitoring component, and the program looks at permitting and any kind of impact attempting to coordinate with agencies enforcing and members of the Council.

In March of 2022, FDEP assisted by FWC's Aquatic Habitat Restoration Enhancement Section (AHRES) pulled out the old concrete weir built by the CCC. They had a walkthrough roughly a year later with all the stakeholders, and they said that was a great job. The site was not impacted by Ian, there was a lot of coconut fiber that was laid down. It looked good after the storm and then they did a supplemental planting this last March. They had a lot of help from Friends of Myakka River (FOMR) in setting up an exclusion zone and doing interpretation. There was trampling and compaction at the site, but they were able to address that. There were several benefits that were immediately apparent. Number one, people were worried about alligators leaving the site once they did this construction project. They were there during the project, during the demolishing, which was surprising, but then they were there immediately on the banks and people were getting closer than ever before. They had to incorporate that as part of the exclusion zone because people were walking right up on large alligators. There have been a lot of birds, such as, American avocets and black skimmers, which normally were seen in small groups, but this season had up to 100 at one time. Miri from FOMR wrote an article in The Observer about the removal and the wildlife congregating at the project. Wood, which is now called WSP, presented the project at an engineering conference in Orlando in July.

The low water benefit from the dam removal is improving habitat for wildlife already. The other highlight post removal is there was a giant debate in public meetings that if we pull out that weir, the entire Upper

Lake is going to drain, there will be no water and it will just be a mud puddle. The persistent shoal, identified in the Wood Study, that is 900 feet south of the former weir site, does control the water levels, and there have been two very dry seasons to see that happen.

Downs' Dam is the next dam that they would like to remove. The MWSR Program has secured the funding and has had it for a while. The Department of Interior, US Fish and Wildlife Services, through their fish passage and through some federal infrastructure money, have agreed to pay for the whole thing and do the project. The project has 90% plans, but the project is on hold until the O-Bar-O Ranch, the adjacent landowner, is persuaded into a formal agreement, then the permitting phase can be initiated. This is two-year money; those funds are available for sure until that time period (October 2024). The dam can only be removed in the dry season, which technically means they must get the permits in as soon as possible because it can only be done in February and March as far as it is a 30- 45-day project. It needs to be done in that time period in order to do the job and have it stabilized before the summer rains and likely flooding. They can ask for the money again in the future, and they might get it, but there is no guarantee.

The old dam structure is crumbling and falling apart, so it is a hazard for people and manatees. Thankfully the current owner, after that stranding, agreed to keep the sluice gate open. But that does not mean some other person does not try to close it. The ranch does not own the dam; DEP does not own the dam. It is a complicated situation.

Yesterday, Chris had a virtual meeting with a Consulting Group, South District Regulatory Office, and Sarasota County staff about the new Snook Haven conceptual plan. It includes a lot of permeable pavers and making everything ADA accessible, with some shoreline hardening. The consultants are very understanding that they want to try to use natural materials. They are also thinking they might need to discharge some water from the parking lot in a place where there has been some past erosion. There may be better options, but they need to look at what the River Rule says. This Snook Haven Project will probably take months from now to get better plans before moving into permitting, but the Council will probably want to see some better version of the plan, some more advanced stage.

Shoreline permitting in general is a major time consumer for both the Council and the MWSR Program. There are several possible shoreline structure projects under consideration and the compliance issue at 1700 Jackson Road. A lot of people along the river try to prevent erosion, but sometimes these homeowners create their own problems. The property at 1700 Jackson with the seawall was unpermitted that was reported last year. Adjacent to the wall, these homeowners were just trying to get to their boats, but they do not realize they are causing trouble. Their bank used to be vegetated, but because they are coming in and out to their boats, they are basically creating a problem by trampling their vegetation. Then every time it rains, they have a small amount of erosion. Another property is looking for a permit for a wall along his property. At that site there was an older owner who cleared off some of the bank. Then the current owner who cleared off part of the bank and then installed a black pipe to direct all the rainwater from his roof to the bank and it cut a furrow into the bank, and not helping the erosion issue.

Chris mentioned some issues with river blockages that impact recreation, noting in the past these were typically water lettuce or water hyacinth that clogged the river. Indian jointvetch was first a problem last year and is expected to remain a management problem that the Park is working with FWC's IPM group on. FWC is also assisting with the effort to reduce the invasive grasses in the floodplain.

Chris emphasized that the river has been extremely low for June and July. It is because There has been no rain in the upper watershed which effects boating and can impact wildlife movement. Water levels were slightly higher for about a week in early June which allowed manatees to come way upriver but then they quickly dropped. Now that manatees are not leaving the area without great difficulty. Worse than that, the washout around Downs' Dam is surrounded by karst rock. It is very sharp, and the water level is very shallow right there. It is like that for about 100 feet from the side of the dam and about 1,000 feet south of the dam. Manatees could get through there, but it would be very difficult. They did find another manatee trapped between shallow sections, above Laurel Road by a few miles.

Lee asked if the depths are current.

Chris replied water levels have gone down about an inch since the survey, but the forecast calls for rain.

Chris showed a photo of debris remaining in the river and briefly discussed the issue with contractors that were paid to go out and clean up hurricane debris. These crews also removed several living big mangroves near U.S. 41, probably removed for the weight. The contractors did not remove the Styrofoam that was right next to the mangroves they took. A fair amount of debris from Hurricane Ian remains. Forest Service probably still has debris on some of their mangrove islands. DEP has islands that are not a part of the state park system that do not get a lot of management. There are also a bunch of islands that are owned by other entities that might be an HOA and they may not even know they own them, but they do not actively manage those areas. This will be an ongoing problem as Styrofoam continues to be there.

Break 11:38-11:43

Jono reopened the meeting giving a quick background that initially the Myakka River was studied for inclusion in the National Wild and Scenic River (NWSR) System which did not happen for a number of reasons. But the Partnership Program is a different approach than what was considered at that time. He then introduced Jaime Doubek-Racine from the National Park Service (NPS) to present on the topic.

Jaime Doubek-Racine National Wild and Scenic Rivers (NWSR) Partnership Program
(A presentation accompanied this discussion which will be online)

Jaime introduced herself noting she is a longtime resident of Sarasota and that she manages the NWSRs Partnership Program in the State of Florida.

The National Wild and Scenic River (NWSR) System was created by Congress in 1968 because there was a dam problem, and they did not have a balance to that problem at the time. There are 228 rivers comprising just under 14,000 miles which are protected in the NWSRS. This is based on 2022 figures. This is less than one half of 1% of the nation's rivers. You compare that with more than 75,000 large dams that have modified at least 600,000 miles of rivers across the country or approximately 17% of the Nation's rivers.

Jaime shared a quote from Senator Frank Church during the passage of the Wild and Scenic Rivers Act, "The affluent society is built well in terms of economic progress but has neglected the protection of the very water we drink, as well as the values of the Fish and Wildlife Scenic and Outdoor Recreation Resources." Our predecessors were thinking forward that they had to do something now to protect our water resources, our wildlife, et cetera.

The Wild and Scenic Rivers Act is there for balance and protection. Congress declares that the established national policy of dams and other construction at appropriate sections of the rivers of the United States needs to be complimented by a policy that would preserve. "It is hereby declared to be the policy of the United States that certain selected rivers of the nation, which with their immediate environments possess outstandingly remarkable values (ORV)."

Jaime noted how that is very similar to language used in the management and protection of the Myakka for the Myakka River's state designation. There are a lot of similarities to talk about with the federal designation and protection of a Wild and Scenic River, and a lot of similarities to what is already being done now.

Jaime outlined there are different types of federally designated Wild and Scenic Rivers. First, there is the Partnership Model, which is similar to what is already happening with the state designation and how the resource is managed. Then there is the federally administered model. Lots of western rivers were designated throughout the seventies this way but this does not happen so much anymore.

The Partnership Model came about due to another program, Rivers, Trails, and Conservation Assistance. Through this model where you work locally with the communities and the federal entity that is a partner with your community is not managing the land. It is managed at the local levels. Under the Partnership Model federal ownership and management are not authorized. There will not be a superintendent at a Partnership Wild and Scenic River. There will not be an arrowhead on the signage. There will not be a park ranger, either. It is locally managed and controlled by a local council with broad representation guides that management just like it is being done now, with all the partners at the table. Land use is locally controlled. The NPS role is limited. We are almost like family, another person at the table.

The river management plan locally is developed typically prior to designation. There is a comprehensive river management plan. That cost share is available to local partners funding from the federal level if a river becomes designated. When a river is designated or a study process starts, that community identifies their special outstandingly remarkable values, scenic wildlife and habitat, et cetera. In accordance with the act, the river system must be free flowing, and it must have at least one outstandingly remarkable value to be considered a Wild and Scenic River. This is usually mapped out at the time of the study and in the comprehensive river management plan. They use the wild, scenic, and recreational designations for the river. The definition, as far as the federal, is the wild segments are those rivers that are free of impoundments. Scenic are those sections that are free of impoundments with shorelines or watersheds, still largely primitive and largely undevelopable, but accessible. Recreation has a lot of use.

The comprehensive river management plan, that is what you are tasked with during your study process, or in the case of the Wekiva when it was designated, the study came many years after. There is no right or wrong, but it is the preferred approach. You are going to describe the existing river values and their conditions, what it is that day of designation or during the study process, define the goals and desired future conditions. It is nothing that specifies the management actions for the protection of these outstandingly remarkable values. User capacity is another study component. They addressed that at the Wekiva, they have completed a user capacity study. This reflects the collaborative approach with the stakeholders, identifies the regulatory authorities of all the different partners, because all the different partners have a different role to play in protecting the resources. And then a monitoring strategy. How are you going to protect those ORVs in perpetuity?

Jamie brought up rivers in Florida under consideration for a potential NWSR designation noting through the Omnibus bill, from late 2022, the Little Manatee River and the Kissimmee River had legislation that was already passed by the house. She passed around copies of those types of legislations. They are very short and sweet. Not much to the study language. When the river is designated as a NWSR, then you do a study which is more robust, but the study takes time, up to three years.

Jamie showed a map highlighting most of the Partnership NWSRs are in the northeast noting that a river manager in the Northeast office came up with the Partnership Model. He saw studies not getting passed, not getting approved. No rivers were being protected and knew one must do something different than setting up another national park unit. She noted the Wekiva River is listed as Partnership River, but the Loxahatchee is not. It is a federally designated Wild and Scenic River. However, it is a 2(a)(ii) river, completely different. That is when the governor of the state, after a study has been done, writes to the Department of Interior Secretary requesting the designation of that river as a 2(a)(ii). They do their own thing at the Lox, they do a wonderful job, but it is a state administered Wild and Scenic River, completely different than Partnership.

Jamie continued saying there is a fair amount of work to become a Partnership NWSR. What are the advantages? National recognition and prestige are important. There is funding through the Partnership Wild and Scenic River Coalition around the country, up to about \$220,000 per year (per river) through a cooperative agreement that they work with a local nonprofit, and the river and the committee, on dispersing those funds for projects and programs. They are using that funding on the Wekiva for staffing, outreach, stewardship, exotic control, maintenance, and monitoring studies. They are getting ready to do an eelgrass mapping project, an SAV study on the entire Wekiva basin. It is going to cost about \$125,000.

Also leveraging funds because the Wekiva is a NWSR that allows them to apply for other funds. Jamie did a grant for the Wekiva with National Park Foundation, using the Partnership Funding as match. Even though they are not a National Park unit, they look at them as a NWSR part of that system. Partnership Funding is also used for other projects, for stewardship, education, and outreach needs. They have a river ambassador full-time that is on the river. So, Chris can get some help.

Jaime continued going to topic of any actual designation, saying do elected Congress members go ahead and just force something through legislatively? Yes, they do. And they can. Congress members can do what they want. If they write a good piece of legislation.

She also highlighted that a Myakka River study had already been produced in 1984, which is available in the NPS archive. She thought it was recommended by the NPS that it go forward.

Chris confirmed that this study recommended specific sections (within MRSP) and found (37 miles eligible for potential inclusion) as wild, or scenic, and a recreational section on the lower Myakka.

Jamie said things have changed, dams have been removed?

Chris responded that one of the two dams have been removed.

Jamie mentioned that this could perhaps be updated to reflect the changes on the river, such as the removal of one dam. There could be a streamlined approach because once you have that study language, it can take up to three years for a study to finish. You do not even start the study until some funding happens. You do not need to wait on all of that. You can do it internally or get this updated and help your congressperson write the legislation based on this original. That is what they did on National Heritage Area over on St. Croix. They had had a study, it just sat there on the shelf for years. It just got passed in that last Omnibus bill. The whole island now is a National Heritage Area, which is \$400,000 per year for the island that they did not have before that designation. There is funding out there to help local communities. In 2024, they are talking no funding for studies now because budgets are tight. Jamie is not sure when or how the Little Manatee or the Kissimmee will take place. How does the study committee operate? Government in the sunshine. It would follow the local rules, the state rules, but monthly meetings, open process, et cetera. Who staffs the study committee? The NPS has staff available for support. The cooperative agreement is for the study, as well as after. How does the study get formed? It can be in that study bill, but oftentimes it is the NPS and the local partner deciding who needs to be at the table.

Jamie reviewed the study process. The ORVs must be identified. That is the eligibility, at least one ORV and free flowing. And then suitability, how is that river going to be managed? If it is not a National Park unit, how is it going to be managed? That is where you start talking about the Partnership Model. How does it work if it is already a state Wild and Scenic River? They overlay it. It has happened in the northeast. There is no problem because they do not come in and take over anything. They would just sit at the table and provide funding and technical assistance, et cetera. What you have now works, this is just one more added layer of protection.

Jamie moved on to frequently asked questions. Will designation result in increased tourism? Not really. Everyone is coming to Sarasota anyway. Will any increased traffic negatively affect the rivers? Unlikely and manageable. That is not going to affect anything. In Orlando, the Wekiva is National. They try to outreach and let people know that they have a Wild and Scenic River in their backyard. It is kind of the opposite. How does the study affect my land? It does not. There is no federal control. All the local ordinances and state ordinance come into play. What will happen to my property rights? Nothing. Could the study or designation result in federal restrictions on my property? No. The study is only a study. There is no authority for federal land use control associated with a Wild and Scenic Designation. Local governments will continue their primary role in establishing and enforcing land use.

The NPS role is staff support and technical assistance. They have section seven review that is important, and cooperative agreement development and oversight. In the Wild and Scenic Rivers Act, there is section seven, and any water resources permit that is pulled Army Corps of Engineers, for instance, on a large project, like a bridge, they will have to review that project. Does it still go forward? Typically, yeah. It does. When they worked on the Wekiva Parkway Bridge, it was going to be ugly, and so aesthetics come into play. Also, there are four wildlife underpasses in the Wekiva Parkway system. Not all because the NPS was there, but they were at the table helping guide the best management design and practices for the footprint of the bridge. They even got them to put in beautiful tree-looking aesthetics at the base of the bridge.

The role of the NPS is to support, help with the study, et cetera. The Wekiva was designated in 2000, and 2012 is when they got their comprehensive unit management plan done. They did not have any money in the beginning. They do all sorts of fun things. Paddle Wekiva guides, Blackwater Creek guides. They do education, outreach, and studies. They have a full-time river ambassador, who does kayak and learning programs on the river all the time. It is almost like having a ranger on the water giving presentations to groups.

Signage. You will not see the arrowhead, but you will see the NWSR signage at all of the launch areas. Patty Cross, a local Sarasota artist, produced all the kiosk signage at each of the different launches around the (Wekiva) River.

The partners in the Wekiva include Fish and Wildlife Conservation Commission, all of the different local counties, the St. John's River Water Management District, the NPS, the Regional Planning Council, and the Florida Park Service. The website, www.rivers.gov has a wealth of information about the designation and process. It includes how studies are written, what needs to be included, and then enabling legislation that finally gets passed for that river that becomes designated. The River Management Society website, www.rms.memberclicks.net is phenomenal because it has the Partnership Wild and Scenic Rivers toolkit.

Victor asked if this layer of federal designation helps to sustain or is another reason for local government to uphold regulations instead of giving all kinds of exemptions.

Jamie does think it helps because it is a multitude of agencies working together. When you do have a Fed at the table and Section Seven and the Act behind you. It is not a be all, end all but it helps.

Chris mentioned the prestige and pride associated with this designation. Chris feels a lot of people do not know that the only state Wild and Scenic River in Florida is the Myakka. With more money and signage at access points, over time, people will understand we have a NWSR, and we take pride in it.

Jamie added that they would like to hire law enforcement on the river when they cannot get out there. That would be separate from the river ambassador. If there was more funding, there could be an executive director, a public education outreach and a scientist augmenting what is already being done.

Elizabeth asked if the \$220,000 is to do the study or does that include the public outreach and the signs?

Jamie replied that funding is after the designation.

Elizabeth asked who does the study and who pays for the study?

Jamie replied that it comes through the NPS, but right now they have no funding to do the Little Manatee River, so it is on hold indefinitely. Locals have used colleges or graduate students. It can be an expensive study or a bare bone study. Jamie's colleague, Joe Cooley, did this study himself with the local community, not a dollar was spent, just in-kind services. It is all how bad you want to get it done. It

would be nice to have that study money. Typically, there has been like \$150,000 for each study, and that is to bring staff down and work with the locals and get it done, because it does cost money.

Chris mentioned that hopefully a revision of the 1984 study would work and not a completely brand-new study.

Jamie said there are no hard rules. There are templates for studies, that is it.

Chris offered if we take this course, and if we got in the Partnership Program and received the annual funding. We can grow that funding. The MWSR Program was able to turn \$200,000 to around \$800,000 for the Upper Lake Weir removal by partnering with SWFWMD and FWC. The MWSR Program currently has no direct funding. Money must be pulled from other areas, which is hard especially when he is working outside of MRSP. He must make a big justification. When there are unfunded state park projects, how can I get money outside MRSP? This would be a big financial input from this program.

Jono said that there is a lot to think about, noting that Jamie and Chris can provide all the needed information that explains how the program works and the requirements to qualify to Council before the next meeting. Jono recommended that the Council review everything and then decide whether this is something that is of interest. He noted that Jamie emphasized is a lot depends on what the community's reaction is. If the local legislators and residents think this would be valuable, that is one thing. But if legislators are saying no, there is no interest in this, then that probably answers that.

Chris Oliver-Fossil/Shark Tooth Collection

Fossiling is a bit complicated because there is a statewide fossil permit for five dollars through the Florida Museum of Natural History (FMNH) and they can be allowed to collect certain types of non-artifact fossils with some caveats. Shark's teeth are technically not covered by the act and complicate the issue.

Chris noted that most people understand you cannot collect fossils or teeth inside a state park. There is more confusion about the river and preserves that are not state parks. Historically though on the MWSR, fossiling was prohibited, and they issued citations for people who used tools when they were digging or doing anything that created erosion. In the last six years, there has been an increasing trend in fossiling. Groups of people, often camping overnight, create established unauthorized campsites on county preserves and in the wilderness area of MRSP. This last year FWC and the county range deputies have put a great effort into reducing this trend and the county installed a bunch of new signage about collection in their preserves.

There is trend also in the commercialization of these activities with fossil hunters creating online stores and selling sharks teeth and fossils. These collectors are taking out five-gallon buckets of shark's teeth or other fossils at a time. A few vendors are collecting sediments, the actual river bottom many buckets at a time. They collect the soil or rocks from the river then they seed those with fossil shark's teeth and sell the packets for sediments for kids to hunt for teeth and fossils at home. This year there has been a multi-agency higher level discussion about these activities that included the FMNH. Chris understands that there has been much progress. The MWSR Program has been asking for written clarification that people should not be able to do these types of activities on a Wild and Scenic River. On that note, there were positive changes to the FMNH fossil collection webpage, but more work is needed.

If you go to that FMNH page, there is a new link to the state lands mapping, but it gets you to the entire map direct database, and you might have to spend a long time to find any specific property to see whether you are on state lands or not. If you click on a MRSP parcel, it will not tell you whether you could collect fossils in there or not. On the DEP fossil collection webpage, there is some updated language, but there is also language that would make you think you could still take fossils for example in the MWSR. It says on state lands that are not a part of the state park, wildlife refuge, or a state paleontological site. You may

collect plant fossils or invertebrate fossils, such as petrified wood, without a permit. The next statement implies maybe you need a permit, like an ERP, Environmental Resource Permit, to do certain activities. I suspect that the average fossil permit holder would have trouble with getting the correct answer. Chris concluded the fossil topic by noting that there needs to be better language related to this issue in any updated MWSR Management Plan. Some minor suggestions were made by the Council last year.

Since there was not time for the last topic on updates to MWSR Management Plan. Chris suggested that members consider other needs including some language on Hurricane Ian noting that future storms are likely going to be even worse than Ian. The rain in upper Manatee County was much less than what we could have received. For example, compared to North Port. MRSP averaged about 10 to 16 inches versus 22 to 26 inches of rainfall in North Port.

Next Meeting:

December 1st

Future Items:

- Critical Wildlife Area additional measures
- Discuss National Partnership Wild and Scenic Rivers Program

Victor motioned to adjourn the meeting; Mike Chouinard seconded. The Meeting was adjourned at 12:30 p.m.