

Myakka River Management Coordinating Council
Colonial Oaks Park, 5300 Colonial Oaks Blvd, Sarasota, FL 34232
September 20, 2024
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 September 6, 2024.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club	Glenn Compton-Manasota 88
Steve Giguere-FDEP/MRSP	Wright-Sarasota Audubon
Stefan Kalev-City of North Port	Emily Barnett-FDOT
Sarina Weiss-CHNEP	Bruno Kapacinskas-SWFWMMD
Ann Hardy-SCLWV	Stacey Mazza-Gilkison-Friends of Myakka
Jamie Richardson-FWC	Victor Dobrin-Homeowner
Alissa Powers-Manatee County	Caroline Ritchey-FFS
Becky Ayech-ECOSWF	Howard Berna-Sarasota County
Jean Pichler-Venice Audubon	Anastacia DeFillipo-Charlotte County
Debbie Musallam-Homeowner	Esmeralda Figueras-CFGC

INTERESTED PARTIES

Chris Oliver – FDEP/FPS	Nadine Hallenbeck – FDEP/FPS
Ray Westbrook-Homeowner	Michael Jones-Sarasota County
Michelle Keirse-FDEP	Linda Carroll-Homeowner
Miri Hardy-Friends of Myakka	Hannah Turbiville-Manatee County
Nancy Edmondson-Homeowner	Nathalie Smith-Sarasota County
Terri Roberts-Homeowner	Chris Becker-FDEP/FPS

- **Call to Order and Role Call.**
- **Approval of the Meeting Minutes from March 15, 2024.** Becky Ayech moved to approve the minutes and Rob Wright seconded.

Public Comments:

Nancy Edmondson gave a statement that she, “is a year-round resident of Sarasota County and a great fan of the Myakka River, as she has lived in Venice on North Jackson Road for over 35 years. Two different petitioners are submitting amendments to the comprehensive plan which would allow the conversion of rural properties in south county from OUE1 and OUR to become conservation subdivisions. Potentially the housing density can increase 10 times the current density and rural parts of south Sarasota County. The petitioners are requesting a comp plan amendment to permit conservation subdivisions possessing certain characteristics to be developed with up to two units per acre, pursuant to the transfer of development rights (TDR) program. Specifically, the petitioners are requesting the addition of the south county area to be included under TDR Policy 2.2, meeting the criteria that the land developed is at least 75 acres. The land is south of the southern terminus of the countryside line. The land is entirely located within 3,000 feet of the urban service boundary. The land is served by Sarasota County's central water and wastewater facilities. There are other sections of the amendment which relate to the north county area and of an area titled Proximity to Economic Development RMA. But our concern is directed toward the potential rezoning of

property in the Myakka River floodplain as a conservation subdivision. Concurrently, a rezone petition is being drafted, which is contingent upon the acceptance of this comprehensive plan amendment. The rezone petition targets a property of 100 plus or minus acres on North Jackson Road, which was platted in 1927 as open use rural. It was part of the original dairy in North Venice Farms. Early on, the land was converted to an agricultural use. What is being proposed by the petitioner is a conversion to conservation subdivision, which instead of supporting livestock will be supporting 200 single family homes. This is a dramatic change from the 17 homes currently zoned for the land. This land is in the Myakka River watershed. Nearly 75% of the land is within the hundred-year flood plain, and 40% of the property is in FEMA Zone A. There are potential problems with this specific increase in housing density, 200 homes on these 100 acres, and the infrastructure required to support it threatening the Myakka River. Negative impacts to consider include increases in storm water, flooding, pollution, and modification to the riverine system. If the CPAs are not accepted, then the rezoning of this property is ineligible as a conservation subdivision. Today, I ask that the Council share their expert opinion on the detrimental impacts of adopting the comp plan amendments to the county planning commission and BCC in a written advisory note.”

OLD BUSINESS

Jono Miller projected [Old Business slides](#) for several topics that they have been the focus of the last several meetings. He started with history and status of the National Wild & Scenic River Partnership. It is Jono’s understanding that a bill has been drafted and Representative Steube is on the verge of introducing the bill. He would be interested in letters of support prior to the end of this month so that they could issue a press release. If anyone belongs to an organization that has some direct connection to the Myakka, and they could get their entity to endorse this bill, that would be great.

Jono projected an image of the Our Lady of Perpetual Help Retreat Center. Chris and Jono and others have been working on this for more than four years, since July 2020. They first proposed a wall in the river and eventually it became clear that that was not going to be permitted. They came back to the county with a retaining wall that would be buried in the land and the premise is that were the river to erode back to that wall, then their property behind the wall would be protected. They are coming back to the county commission on October 9th with a revised proposal. Several commissioners seemed persuaded that driving a wall vertically down into the ground was going to sever the roots of the oak trees and the palm trees. Since those trees do not have roots extending out in the river, it would increase the likelihood that the trees would fail and flop into the river. Instead of denying their variance request, they suggested that the applicant ask for extension or additional time to consider this.

Jono showed a slide of the entrance to the property. There is a pine tree straight ahead, a road that veers out to the right, which is the entrance to the Englewood Youth Camp. To the left the road goes to the Diocese property. There is a little grove of palms, just a remnant hammock at the entrance. Jono showed a photo he took in 2016. There is a pine tree in the upper left, a fence, a clean trunked palm, a palm of bootjacks. Then he showed a photo he took in 2022. There is a short section of the fence and the pine tree. There is a clean trunked palm and a leaning palm. The photos show that seven years later, there has not been a lot of erosion. This is a vegetated bank. It is not all caving in. That is what county staff said in their report. They have numerous places in their report that said that they do not see any significant erosion which matches this photographic evidence. They have the opinion of county staff that there is not a lot of conspicuous erosion and FWC agreed with that. FWC did a study, the Peace River Stream Bank Restoration of the Myakka River Watershed Threats Assessment and Fish Assemblage Monitoring. They were looking for active stream bank erosion, stream bank mass wasting, sediment deposition, riparian zone degradation, and channel alteration. They found 27 sites in Sarasota County that met those criteria. Neither of the sites that are on the Diocese property were identified by FWC.

Jono showed a slide of where the worst erosion is and a 74-year comparison of aerial imagery. There has been erosion, but it is not significant. In three-quarters of a century, there is not enough that shows up on aerial imagery. Jono outlined areas of concern. Staff has said that the project results in new shoreline stabilization, but there is a comprehensive plan element saying that they should prohibit shoreline hardening. There has not been significant erosion. Jono does not believe the record is complete. It says that the variance cannot be granted unless there is a written application demonstrating that the applicants met five criteria.

The area that Jono is most concerned about is circumstances not the result of the applicant. If someone burned their restaurant down to get the insurance money and they can prove it is arson, they are not going to get the insurance money. If someone committed suicide, they are not going to get insurance money. If someone manages their shoreline to create an erosion condition, they should not be getting a variance to deal with that. Special conditions and circumstances do not result from actions of the applicant. Put another way, are they just the victims of natural processes that no one could have anticipated, or did they participate in their problem somehow?

When they got ready to develop this property, the engineering firm or whoever did the work, should have been aware of the basics of river meandering, that there is going to be more erosion on the outside turn of a river, and that would be an area you would naturally try to avoid. Jono showed an image from 1974 of an old woods road that came down into the property, he believes it was developed by the Blackburns. They chose that alignment for their entrance road, but there was no requirement that they do that. He thinks it was just a sand road at the time. What they could have done instead is stayed away from the riverside and created a loop road that avoided all the potential for erosion. When they built their road, they put their sewer line and water line on the river side of the road instead of away from the river. That increases the likelihood of erosion. The road is constructed in such a way that the water that comes off the road sheet-flowing, erodes down the bank.

Jono showed a photo of leaves that washed down the bank from a storm event that carried debris down. That is eroding the bank from above. They acknowledge that the tree's root system acts as support for the bank, but they put these prayer decks or observation decks in a location where there were not many roots to hold the trees. Jono's experience is that wherever there is a bench adjacent to the Myakka River, the bank breaks down because people are curious and want to get down to the water's edge. That is a given based on human behavior. They created these two prayer decks and then they coincidentally, or not coincidentally, have erosion in front of those prayer decks.

Chris Oliver added that when they met with them years ago, they asked them to not weed whack right in front of those, let some growth happen. But they use those points to dump vegetative waste from other areas into the river.

Jono's contention is that they put the drive in a location at risk. They put the infrastructure on the outside of the drive. They constructed the road to increase erosion in some locations, encouraged people to gather where there was not much stabilization by roots. They created conditions encouraging people to go down the banks and they threw debris off the banks. The current proposal adds a lot of unnecessary pavement. There is no demonstrated need for a southern wall. Jono thinks the smart thing would be to relocate the driveway away from the riverbank and then take a wait-and-see approach. If it is eroding very slowly, there is no need for the wall. If it erodes rapidly, they can still come back to the county and ask to have their walls put in.

Becky asked if Jono ascertained the cost of what moving the driveway would be versus what the cost of the wall would be?

Jono stated that he has not.

Jono projected an image to show the alignment of the current driveway. It is close to the top of the bank. Where they want to put the new wall in, it is more than 25 feet from the bank. They need to add a lot of additional pavement to accommodate fire trucks, moving vans and big vehicles that have a big turning radius. It adds a lot of additional impervious surface.

Jono showed the trees that would be removed in that scenario. Jono thinks it would make more sense to extend a culvert that goes over a man-made canal. They could use a 60-foot radius, which is a turning radius that works for large vehicles. Then they could align a new entrance drive and add another road that would access the Englewood Youth Camp and put in two gates so everybody would have security, and they could add a fence. The road would now be 50-feet from the water's edge instead of just a few feet. At that point, the wall is unnecessary. There will be a hearing on the ninth.

Howard Berna added that it will be in north county on October 9th. He encouraged everyone to attend the public hearings, if they had an opinion one way or another.

Jono continued everybody has been focused on the wall, but they are proposing two things. One, to move their road and they should get kudos, that is a great thing. Originally, they did not want to move the road. Moving the road is great. It can be argued about whether they have the right design for the road or not. Once the road is moved, it buys a lot of time. That would allow time to see which reality it is, it is eroding slowly or it is going to give way. They were concerned about Irma. Since Irma, there has been Ian and now Debby. Jono is going out to photograph after Debby, and he does not think there is going to be a lot more erosion.

Howard added that if they took the walls out of this plan, the movement of the road away from the river would not require a variance.

Becky asked if this variance is quasi-judicial hearing or legislative hearing?

Jono replied it would be quasi-judicial.

Becky added that everyone that is going to show up and speak, cannot talk emotions. You can only speak facts that you personally know. It is like going to court. What she has seen over the many years that she has been involved, is that people get up and they say all kinds of things and there are no facts that they personally know. That puts the commission in a very difficult position to make a judgment without facts to support it. An expert is either someone through education or personal experience that can attest to something. If she takes a picture and gives it to someone, they cannot put it in because they did not take that picture. They cannot be questioned on that picture. That is how she sees the losses come about because the system is not understood. The commission has no way that they can make a finding based upon facts.

Jono expanded on that saying that it is easy to go to Snook Haven, put in at the new Snook Haven addition, paddle up there by the northernmost red mangrove on the Myakka River. You would get to see the conditions of the riverbank and it is a nice trip. Then if you showed up at the hearing, you could say you have been there and whether you saw evidence of erosion or not.

Debbie Musallam asked for clarification about when going to a meeting whether someone would be representing themselves as an individual or the Council.

Jono confirmed that you would be representing yourself and not the Council. The Council could adopt a position, but Becky's point is, you must use information that is your personal knowledge. It could be that you have expertise. That you have lived on the river for many years, and you have gone by this for many years, and you have never seen any issue with erosion.

Debbie asked if anybody recommended to them to move the benches.

Jono stated that they have moved the benches over the years.

Debbie asked Chris if there is something that could be recommended to them to put on the bank to get the vegetation back?

Chris replied they suggested years ago that instead of mowing and weed whacking, they could plant low clumping grasses that are native. And offered to help them with a planting pallet. They did not have any interest in changing their landscape practices.

Ray Westbrook added that he is going to meet with Father Mark to see firsthand what is going on there, being a Sarasota County resident who will be going to speak at the October 9th hearing.

Jono stated that he believes someone will be there to testify that he met with the staff, and they agreed on moving the wall back 50-feet and when the proposal came in, it was just over 25.

Becky asked about the cap put on the amount of people that state parks could hire. Is that still there?

Steve Giguere confirmed that has not changed.

Chris clarified for the National Wild and Scenic Partnership, the DEP would not be providing the staff, it would be an independent river ambassador.

Jono added that staff could be supplied by county staff. Half of Sarasota County is in the Myakka watershed. An argument could be made that the county should have one person dedicated to dealing with the river and what is going on in that half of county.

Jono brought up Sarasota County's plans to rework the restaurant at Snook Haven. They are going from an inside dining situation to outdoor dining. It is going to be fast casual, where you go up and place an order and they give you a beeper and you come back. This is not a waitress service. During Hurricane Ian there was significant flooding. There is a lot of work that is going to be proposed to be done at Snook Haven. It is a challenging project because stuff needs to meet code, but there is also a desire to retain that old fish camp feel. The old fish camp feel is not to code. If you eat out on the deck at Snook Haven, you will see part of the deck is Treks and the other is old wood and one looks like an old fish camp and the other looks like a playground. They are going to be working on the shoreline too. The question is, what happens with the shoreline? In their documentation they say shoreline stabilization needs to provide protection for the park, improvements being funded by taxpayers.

All of Snook Haven Park is within the Myakka River Protection Zone (MRPZ), but a lot of Snook Haven predates the adoption of the acts, it is grandfathered in. There are three different shorelines. A shoreline that is about 700 feet, and they are proposing to put in a little fishing pier and 18 feet of rip rap. Then there is 170 feet, there is nothing really being proposed there.

Debbie asked where they want to put the fishing pier.

Jono showed on a slide where the fishing pier would be.

Debbie asked how long it will be.

Jono replied that it does not protrude very far.

Jono showed the existing pier that is part of the boat ramp. There is a sign that says no overnight mooring, but it does not say no fishing.

Ray and Chris confirmed that people fish there a lot.

Jono showed a slide of an area where people can pull up and park facing the river, watching the river go by. This zone should be native vegetation but is sparse and mowed.

Chris stated there would be native vegetation if people were not trampling and walking on it. It would never be super high except for the cabbage palms, and the oaks, when they got established over time. The real issue is that it floods where people are parking. Using this as overflow parking, because this area floods often, about every two to four years, is not a good idea.

Jono continued. People will bring their boats up and pull up to the bank and then get out and go to the restaurant.

Chris clarified with Howard that that is not allowed. The Manatee Protection Plan says that there is a certain number of slots.

Howard confirmed that they should not be creating new slips.

Jono projected a letter that the Council authorized him to send (in 2016) when the county was contemplating a rowing facility on the Myakka River. They wanted to supplement the Benderson Park rowing facility with several other venues where the Harvard rowing team could come down and practice. There are new plans to have guided commercial operations out of Snook Haven. He reminded the County, that they will need a Myakka River Permit to do that, and the Council should be involved in these things at the front end.

Jono provided some suggestions of ways to improve what the county's proposing at Snook Haven Park. He has concerns about the rip rap and thinks that whole 170 feet needs to be rethought. It is probably a million-dollar project to take that out of there and put in something sensible. The peninsula shore needs to be set back. The river house should be moved and elevated. If there is an existing seawall that is made from wood, whether it is from the thirties, forties, or fifties, that seawall has been working fine because there is no real erosion there. To have a historically appropriate area next to the restaurant, putting back a wooden seawall would be appropriate.

Jono discussed the Cope Permit for a proposed shoreline wall at 897 Brentwood Drive. He wrote to the DEP and pointed out it was not on Curry Creek, that they had not established a mean high-water line, they should not be using the safe upland line, and it did not qualify for an extension. He pointed out that when people are applying for permits, they should come up with proposals that are going to meet all the requirements. Mr. Cope has withdrawn the permit application. He is not sure what that means, but that is the status of that.

Jono addressed the status of the Waterfalls at Venice, which is also known as the Landis property, or the old dolomite mine site. The county has been hoping to acquire this. Jono showed what it looked like in Hurricane Ian, just a few islands that were above the flood water. There is a proposal for developing an RV park and Jono showed a slide of everything that was going to be in the protection zone. No news on what the status is.

Chris asked Howard if this type of activity could receive a variance. If the Myakka River Protection Plan says you cannot have commercial activities in the MRPZ and specifically says you cannot have an RV park within

the MRPZ, is that something that can receive a variance? When the developer presented at a previous Council meeting, they stated they were prepared to argue for a fifty-foot setback instead of 220.

Howard is not sure but stated that if they want to do something, they will have to ask for a variance, but he does not think that they meet the requirements. He suggested that their consultant will not likely bring that fifty-foot issue forward. If they did the staff review would focus on impacts to the river. He concluded denoting the zoning is another difficult issue for this property.

Additional discussion occurred about the separate zoning issue related to the RV Park proposal.

Chris talked about the Downs' Dam removal project planned for early 2025. Depending on when the next meeting is, they may or may not be mobilizing for that project. The project is still waiting on an Army Corps permit, which is their last major obstacle. If that is all secured. If they have good weather and can get physically down there with equipment, then the Downs' Dam will be removed.

NEW BUSINESS

Jono began his [Chair's Report slides](#) starting with the recent fish kill on the Myakka River in Manatee County. A neighbor of his recorded a fish kill in the wake of Debby. He knows at least one person contacted the FWC Fish Kill hotline. He showed a photo of what the area used to look like and now there is a golf course currently being built. It is called Myakka Village, and it gets very close to the river.

Miri Hardy showed additional [Fishkill Slides](#) and the Friends of Myakka River received the same alert six miles north of the park. The residents were also reporting their experience over the past couple of months, which they attributed to the golf courses. This resident mentioned, "Since the golf courses began construction, we have had bad sediment flow with every rise in the river. When the water drops, any low areas have one to two inches, on average, of black, nasty sediment that we have never had before. The sand beaches used to be white, when the water drops, are now black after each drop as well." They referred to the quartz nature. The beautiful white sand is no longer beautiful and white. Another neighbor mentioned his yard. The area floods after it rains. The water used to go back down and now it sits because it cannot get through the sludge. Miri showed a photo of regular sheet flow coming from rain and murkiness in the river. That is what the river is looking like up there. A lot of them live right on the river, they are got their boats and went to investigate, and they saw things that concerned them greatly. These are the two golf developments. On the right is Miakka Golf Club/Terranova, what used to be MJ Ranches. On the left is Soleta Golf, which is immediately north. It is a golf course and in that north area there are housing. River residents were noting there were berms showing up and there were trees getting chopped down. If you go to the website of [Miakka Golf Club](#), they talk about how all those hills are capped sand, and they are capped with engineered zoysia grass. They are also bringing in elements of non-native grasses.

Becky asked if their golf course eventually crosses the river.

Miri was not sure. There was one area where Soleta is on one side and this one is on the other side. To her knowledge, there are different owners. Miri showed an aerial view that one of the residents got with a drone. It is close to the wetlands and the river; it might be concerning. Given the concerns, they followed up with the residents. Reports were made to FWC. One of the residents also issued a complaint with the DEP that was directed to Inspector Avery Ghirghi, the DEP's Stormwater and Hazardous Waste Compliance Inspector. He went out there on August 30th, weeks after Tropical Storm Debby passed our area, and he found one of two discharges. At the point of the discharge, he got a measurement that exceeded his meter limits for turbidity. He took his background measurement at the overpass on State Road 72 between Singletary and MJ, that is above the development, and the measurement read 2.39 NTUs. At the point of

discharge on the new development, three weeks after Debby, it exceeded the limits. He came back on September 9th, and it was at 472, which is extremely high and a violation. Where is all this water going? This is a wetland off site where that discharge would be going. The measurements that he took on August 30th, the two points were 806 and 773. That is extremely high turbidity, a definite violation. They are not in compliance. What exactly is in the water? They do not know. There is also a SWFWMD permit, and they are looking into whether they are in compliance with that. As of September 4th, SWFWMD had requested a lot more information about the development.

Miri continued, at the point of discharge is where the fish kills were reported. Was it because of the turbidity? She is not sure. She had contact yesterday with one of the residents. He is seeing dead fish again. The DEP inspector is not finished yet with his report. It should be finished by next week. He said that the BMPs that are currently in place for them to be watering is what was in their plans, and it is nowhere near sufficient for the water flow rate being pushed through. The inspector recommended that they seek the input of a third-party environmental consultant at this point, due to the severity of violations. This is not something that rip rap or hay bales will bring back into compliance. She recommends confirming that all required permits have been taken for both golf developments. When the DEP inspector popped up in Soleta to see if everything there was compliant, he found out that they did not have a stormwater permit from DEP. Once they have one, he will go back and then he can see if they are complying. They are building without that permit. Are there other permits that need to be obtained. Inspections to assure compliant wetland delineation, setbacks from the river, nutrient allowance in the discharges.

Miri had conversation with the Conservation Foundation of the Gulf Coast, about their properties in the area and how they might be able to work together to make sure that they can keep a better finger on the pulse of what is going on north of the park and in the river. She is had conversations with Elizabeth Moore, who's also very concerned about what is going on here.

Becky asked if they have talked to the Crowley Museum and Nature Center?

Miri replied that she has not.

Becky suggested she talk to them as well.

Miri continued. To the extent that it is possible, invite collaboration by these two developers to talk to the Council and listen to any concerns that the Council might have and perhaps institute some changes.

Jono asked Steve if he has seen any effects in the park?

Steve replied that they had a few dead fish noted a few days after the storm, right about the time that this came in, but he was not sure what it would be attributed to.

Linda Dickson asked what is the discharge?

Chris replied that it is water running off their land. He referred to Miri's maps to show an area of higher elevation. He showed which way the water is moving. He showed an area that was moved to do the contouring for the future golf course. They are doing it in the rainy season, which also is not a great idea, but people work on their own construction schedules.

Linda asked if the rainwater runoff used to get absorbed into that area and now it is sloughing off the top.

Chris replied yes, for a big event like this. It is still going to move through there, but you had the vegetation, which was holding the soils. This is the normal thing, where you have all this vegetated area, and you are getting water. Where you have vegetation, it is slowing the flow, it is decreasing turbidity, and, of course, if you have that thick mat of roots, you are not getting total washout from that.

Linda asked if that increases the flows all the way downstream.

Chris replied probably not. It is probably just making it chocolatey in color there.

Linda asked if that caused the fish kill.

Jono replied that the fish kill could have been caused by several things. It could have been the sediment; it could be insect control chemicals that are toxic at a few parts per billion. They do not know. He is hoping that somebody will conduct testing.

Chris added that a reasonable hypothesis is that a combination of factors led to low dissolved oxygen (DO). Turbidity introduces a lot of stuff in the water column. During flood events on this river system, you are going to have natural organic debris coming out of wetlands. It is normal to see a drop in DO after big storm. When it is hot and cloudy, that also leads to low dissolved oxygen. There are multiple drivers. Was this turbidity event, something that added to that? Probably.

Alissa stated that their Development Services Department could not be at the meeting today, but they wanted the Council to know that they are tracking the permits. They have gone through the system on mass grading plans and final site plans, through the county and getting their SWFWMD permits as well. She wanted to add that they have a water atlas, Manatee County Water Atlas. You can submit a complaint request through there as well. That comes directly to Manatee County Natural Resources Department. She reached out to FWC about the fish kill after they were contacted, and that was the first time that they heard about it. They are working on communication between all the agencies on this matter. It will help them to make connections if people reach out in multiple venues. Their department has an Ambient Water Quality Monitoring Program working for almost 40 years in the county. The Clay Gully Road bridge is one of their sites and they do take samples monthly. They have an August sample and a September sample; they are still going through QAQC. They do have eyes on the ground on these types of events. The upper Myakka River is probably one of the least developed areas. There are farmlands of course, but not a lot of developments yet. In Manatee County in this region.

Alissa stated that Debby was not a 100-year storm but a 500-year storm event. The pulse that came down the river from some of these wetland systems that, most of the time are isolated, although wetland is never truly isolated in Florida, but most of the time isolated, those systems also released their nutrients, which are very low DO, at the same time as developments are constructing during the rainy season. They have two sources of releases that happened with Debby. Obviously, fish kill, low DO, there was an effect. How much is attributed to the development and how much was attributed to just the natural upstream pulse that happened is hard to say. However, the developments are also large project developments, they have their own water quality monitoring plans, and they must take baseline water quality data. They will be reaching out to them for their construction water quality data, just to have that comparison for what happened. They will be working with the state and other permitting agencies regarding any discharges that are in violation of their permit. When the county does water quality monitoring, they typically have a whole suite that they do every month. DO, all the different nitrogen, total phosphorus, chlorophyll A, turbidity. There are about 18 to 20 constituents that they look at.

Debby was not a hurricane; she was a storm when she came through here. Becky stated that a 500-year storm event is simply a measurement of inches of rain. It has nothing to do with the number of years. It was created as part of what was done for mortgages, to see how far they were willing to give you a 30-year mortgage. A bunch of sand was brought in around Terranova to grow grasses for the golf course. They are bringing in special sand for the special grasses that they are growing for the golf course. Becky argued that this sand that is brought in may not drain properly. She wanted to make the Council aware of the fact that Manatee County loves golf courses. When they were looking for information about Soleta, they wanted to find out how people could prepare to testify against it. They had documentation from Manatee County. They love golf courses because they have stormwater ponds. Those stormwater ponds are where they put their reused water. In the '80s, Manatee County treated their reused water to a standard that farmers could use. They pipe it out to all those farms, courtesy of federal dollars. Now those farms are turning into housing subdivisions. They must have a place to store it or use because they are not putting it on crops like they used to do. They do not care where the golf courses are. They need a location to put that reuse water. Sarasota County is probably doing the same thing.

Mike Jones added that they had lots of complaints about fish kills in the Celery Fields. He went out and looked at it after Debby and walked around. A lot of dead fish looked like they were stranded after the water levels rose and then came back down.

Alissa added that they did not receive the fish kill notice, so they did not have anybody out there with a DO meter. FWC did not go out there. They did not have the staff at the time they were getting fish kill notices.

Jamie Richardson stated that FWC received two calls for the Myakka River. They also received calls from the Peace River and Manatee River, but they did not have anyone available at the time to check it out. Based on what they heard, they thought it was a stranding event. If there had been more calls, they would have prioritized going out there, but they had no idea.

Alissa spoke to Kyle (FWC) about it and said, "Just call us up, we'll send somebody out there with a DO meter, turbidity meter, grabbing Chlorophyll A." They are boots on the ground, they are local, they can do that kind of event. If they are not in the circle, then they were off doing Mill Creek, Bowlees Creek and Rainbow River. There were many calls after that rain event.

Debbie asked that since they are in violation, are they able to be fined right now with their lack of permits?

Chris replied that he is assuming DEP or stormwater are going to come back and monitor. He is only looking at turbidity, he is not looking at dissolved oxygen or any other metrics.

Bruno from SWFWMD replied that their compliance department is investigating it, but it is not as easy to produce answers because there are a lot of metrics. He stated that no one is going to shut the golf courses down for what they are doing, at least not right off the bat because this is a process, and it takes time.

Debbie asked about the inspector that went out and got a measurement that well-exceeded what was allowed. Are they going to be fined for being outside of the acceptable limits?

Bruno explained that this is a process with different government agencies, and it takes time to coordinate.

Mike added that in his past experiences working with construction projects, generally when you go that high above, they often get a cease work order so they can figure out what is going on and how to fix it.

Miri added that some of these answers might be in the report which is not written yet. She got the information from the inspector before he finished his report. From SWFWMD, they have requested additional information for them to be compliant. You have got 90 days to do it and if you do not, there might be ramifications. In the meantime, for the residents in the area, that is not a lot of comfort.

Debbie asked if there was a fish kill after Ian?

Chris was not aware of one.

Stefan Kalev asked if it is known historically how many fish kills have been in the area?

Jamie added that it is only how many are reported. A lot of times in the river systems, the fish kill will appear and then the river will sweep it downstream and disperse it.

Becky added that she has gone online and used the fish kill locator. However, if people do not report the fish kills, then the information cannot be put into the system.

Jono moved on to the next topic, that Sarasota County had an issue with commercial fishing charters picking up passengers at county parks, the clients were parking there and taking up a lot of the parking spaces. The way the county laws were written, this was a legal activity. They convened a task force to try and sort this out quickly. They wanted to evaluate existing opportunities and requirements for commission on water-based charter boats and tour excursions and make recommendations. The recommendations were to move forward with a permit program, they would set standards and would issue permits by zone. They created three zones, a north zone, a mid-county zone and a south county zone. The south county zone includes Snook Haven. They calculated that Snook Haven had 42 vehicle spaces. It suggests that there could be a lot of commercial activity on the Myakka River between fishing charters and tour boats. There are only two tour boats now on the Myakka. There is the one in the park and there is one out of Snook Haven. Jono wrote to the county and reminded them that while they identified the required permits, there is no mention of any permits required for the Myakka River. There is already lax enforcement and increased use of the river that is damaging the resources. This was not brought up during the county's discussion. If you are going to have an activity on the river that has the potential to affect the resources, you must get a permit. The people that were serving on the task force and the staff that were supporting the task force might not have been fully aware of the implications of working on the Wild and Scenic River.

Jono continued with a few Sarasota County protection efforts. There is a conservation easement on Longino Ranch, 655 acres. They are still interested in the Landis property and still far apart on price. They are negotiating with the Englewood Youth Foundation Camp. There is an area at the top that is already owned by the county. The problem with the Englewood Youth Foundation has to do with access and the Diocese. They have a common driveway that comes in and the county would need public access for this facility. The county is still interested in the Southern 65 Property, which is between Jelks. The current thinking is someone would buy it and sell the eastern half that is more flood-prone to the county, but they will see if that happens.

There is an emerging revision of the Myakka River State Park (MRSP) Conceptual Land Use Plan. It is still very conceptual. It is an eleven-page document that can be made available to the members. He heard there will be better access and interpretation of the dry prairie, distributing the impacts better, particularly reducing car use, trying to reduce impacts on the river corridor, and then as always, trying to optimize the boundary. Virtually, anything you want to do in the park north of S.R.72, until you get out to the prairie, is in the river area. Any changes in there require extra consideration of permitting.

Jono brought up a proposal for a Curry Creek subdivision on a 100-acre parcel. Jono projected an image showing the FDOT rest area, Sleeping Turtles Preserve and where the homes would be noting that the FEMA Zone A. He showed the area during Hurricane Ian. They want to put 200 houses in an area that floods. They would either cluster all the houses on the west, or else if you are going to put them in the east, then you are going to have to add fill. The way they typically add fill is they excavate a pond. If you have a rainstorm prior to your storm event, the pond is already full. You are displacing water that would have been sitting on the land, and it is going to go on somebody else's property. It is not uncommon to have a rainy season where the system's already saturated, the soil is full, the wetlands are full, and then you have a subsequent event. When a county says they are designing their system to deal with 10 inches of rain in 24 hours, the question is what are the antecedent conditions that that is based on? If you are just taking a random sort of dry period, that is different than realizing that in the rainy season it is likely or more than possible that you are already going to have a totally saturated system.

Linda asked how deep the flooding was.

Nancy replied that the entire property currently has a concrete wall around it that is closed at the bottom and there is a watermark on the east side of the wall that ranges from 36 inches to 46 inches. Neighbors on the north side of the property did have at least two feet of water standing for at least a week. Within the wall there was flooding, but she was unsure of the depth of that flooding.

Linda asked if the proposal includes elevating homes above that.

Ray replied that it would be required, to the 2010 established elevation. A good example is the flooding that was in northern Sarasota County. The old communities that were built in 2000, lower elevation, new communities like Artistry, very high, all the runoff overflows the flood plain and then destroys what used to be a very nice community back before everything was developed around it.

Jono showed an official county map of flooding. The county's had these for years. For the Myakka and Cow Pen Slough drainage, they have never integrated them with the FEMA maps. Jono added that one of the challenges you are facing in the county is this issue of walls and berms or dikes. Whenever you are dividing a watershed up and excluding water from one side or the other, you are going to have conflicts.

Debbie noted that since it is a conservation subdivision, half of it must go to conservation and then they want to put those 200 homes on 50 acres and surround all this with a berm.

Becky commented that Nancy did not mention what the overlay was as far as its relation to any Resource Management Areas (RMA). When the county adopted 2050 and the RMA, they mandated that any increase in density in certain resource areas had to be a conservation subdivision. The lie that they put out there was, "A hundred acres, 50 goes to the houses and if it is existing agriculture, 50 goes to existing agriculture, but by the way, we can have lakes to meet our open space requirements." Let us just say 25% of the property now goes to lakes, which were never there. Now they have 25 acres for an existing agricultural operation to function on. Having experience in agriculture, you do not go from a 100 to 25. Then they said, it must be the existing agriculture. If you are raising cows, and 25 is not enough, but you want to put in row crops. Nope, cannot do that. You want to grow strawberries. Nope, you cannot do that. Everybody heard this word conservation, and they all jumped up and down and they are going to preserve 50% for agriculture. That did not happen. The reason it did not happen, and this is important, is Sarasota County's Comprehensive Plan is no more than ideals, aspirations, and goals. It is an accepted document, but it is not an adopted document. The only way that it becomes an adopted document is if you go through and have a regulation that requires this thing to happen that you set out as an ideal in your comp plan. Nobody knows that, because everybody thinks it is in the comp plan, you must do it. That is not the way it works. They did a neighborhood plan in Old

Miakka. They told them they accepted it. They thought that meant it was it. Then they said, "No, we never adopted it." Then when she asked about these conservation subdivisions, they said, "No, we did not adopt that. That is just our ideal." When you go in and you point to a policy that is going to protect something, if you cannot find it in the Unified Development Code, they do not have to do anything, and they would not do anything, and you cannot enforce it.

Debbie asked if it is in the master plan? The master plan is an adopted plan.

Becky continued. The policies, goals, and objectives in the comprehensive plan can only be utilized or mandated if they are adopted in the Unified Development Code, which is where the zoning is and where all the ordinances are located. Becky used dark skies as an example. There is no regulation in place that is going to make it a dark sky like what it should be.

Nancy commented that the petitioners are adding to the conservation plan, and then that includes south county. Under the conservation subdivision that alludes to the RMA, there was nothing about south county having the opportunity of conservation subdivisions. The petitioners are looking at both the comp plan amendment as well as the UDC, and that development hinges on the acceptance of the amendment.

Becky stated that further down in the documents that she saw about it, they do make it a mandate, and she wants to make sure that that is out. That can be a choice, but it cannot be a mandate. If that comp plan amendment is not adopted, then the UDC does not go forward because there is nothing to tie it to.

Motion:

Debbie Musallam motioned that the Council send letters to the Sarasota County Planning Commission and the Sarasota County Board of Commissioners requesting that they deny the comprehensive plan amendments CPA 2024B & CPA 2024C.

Becky Ayech seconded. Stefan Kalev, Alissa Powers, Howard Berna, Steve Giguere, Jamie Richardson, Bruno Kapacinskis and Emily Barnett abstained. Motion passed.

Ray spoke to the Sarasota Planning Commission just recently. The people on that have been nominated and approved by commissioners that are pro-development. He could not believe what he heard from the planning commission related to the small five-acre rezoning of the northwest corner of East Venice Avenue and River Road. The planning commission member spoke to him and the public and said, "The whole River Road should never have been residential. That should have all been commercial general. There should not be any houses next to that road." Again, they need to pay attention to who they are voting for, who they are putting in control of these decisions.

Jono mentioned that during Debby, there was a local resident named Darron Rose. He was on his jet ski and collided with a boat with some teenagers. It took several days to find his body and there is a GoFundMe website if anyone wants to support his family. It just emphasizes that there are a lot of blind turns on the Myakka, and it is not a place to be speeding. You should be wearing a PFD. It is tragic to have people losing their lives on the Myakka.

Chris agreed that it is a very tragic situation. The area is well posted, certainly around Snook Haven. It is supposed to be idle speed. There are slow-speed signs going up toward Border Road. The bridge itself, it is posted. It is idle speed into MRSP. Idle speed is very slow, basically as slow as you can go and still operate the vehicle. Most people do not understand what slow speed means. It has been a problem. He has memos in his office from Chris Becker's time as the river biologist, where they just have areas of the river that rarely see any patrols. There is a history, a combination of people who do not obey the rules and not having law enforcement, resulting in dangerous situations for recreationist.

Debbie commented that even without the speeding laws, that water was raging fast.

Becky asked if there is a monetary reason why they are not getting enforcement or is it because the areas are difficult for the enforcers to get to?

Jono replied that it is not particularly easy, but if you are FWC, if you go to Longboat Pass on a weekend, there are 50 people committing violations, and you can have a big effect on trying to improve public safety. Whereas if you were to go out on the Myakka on a Saturday, you might run into two people. Just in terms of allocation of resources, there is the great temptation to go where the biggest problems are.

Becky asked if it is incumbent upon the Council to write each of these agencies and ask them to beef up their enforcement in those areas?

Jono replied that it has been done in the past and probably should be done again.

Terri asked about getting funds from the Wild and Scenic Partnership to patrol the Myakka to help the speeding issue.

Chris replied that funds from that program have been used in the past on other rivers to engage in extra patrols. It is a little problematic because they should already be getting patrols from one of the four legitimate police authorities with jurisdiction of the various river sections. If you go to take some of these funds and try to pay overtime for officers to have a special patrol for you, then it is a slippery slope because then you may get even fewer regular patrols unless you pay for them to come back with special funds. The park service had its own law enforcement until around 2011 and it was rolled into FWC. They were told they would have the same level of service that they had before. But what happened was, FWC has more responsibilities, they have more areas, and limited, similar number of staff. First before using that money, if we ever see that, is to try to get the City of Venice or Sarasota County to do on-river patrols.

Jono added that if there were game cameras on the river and they could go to the county commission and say, here is a 12-hour period and these are the boats that are speeding recklessly on the river. Please address this, that would help citizens that live along the river. If they notice that every Thursday evening, a particular violator is heading up the river with a gun and comes back with a dead alligator and there is a pattern to this abuse, then they could maybe get somebody out.

Chris added that neighbors can call the non-emergency sheriff's number or FWC, they have a law enforcement number. River residents have called him over and they think he is law enforcement. Chris advises them to call FWC. A lot of people do not want to call on their own neighbors. However, you will not get patrols because speeding and illegal takes are happening a lot of places. If you call the FWC service center, they put in a ticket. If they only have one or two complaints like with the fish kill, they probably cannot send staff out. If people are regularly calling, you will probably get service.

Debbie stated that with the Freedom of Information Act, people are afraid to call because they are such close neighborhoods, and you would be calling on your neighbor. The neighbor can ask who turned them in.

Howard Berna - Sarasota County

There is an upcoming Myakka River variance hearing for the Diocese. It is October 9th (*editorial note: this hearing was postponed due to Hurricane Milton*). It is always good to have people engaged in the public process, regardless of which side of fence they might sit on. There are no dates set for hearings on the property that Nancy mentioned earlier in the meeting. The variance application for another seawall at the

Cope property has been withdrawn. The applicants have chosen not to move forward with that proposal. The Snook Haven plans Jono shared earlier are not completed yet. Howard was at a meeting within the last month with some of their consultants on what to do with that shoreline. The living shoreline component may end up being removed. He is talked to them about putting the wooden retaining wall back, as that might be the better choice. Nothing has been submitted on the RV park. It still warrants the Council's attention.

Mike Jones, from Sarasota County Stormwater, added that they are applying for a FY26 co-operative funding for the Water Management District to update their Myakka Watershed Model.

Alissa Powers/Hannah Turbiville - Manatee County

Hannah Turbiville with Manatee County Environmental Lands Acquisition Program gave an update. They have five projects that are in the acquisition process within the Myakka River watershed. These can be seen on the Environmental Lands Candidate Property Dashboard. Hannah projected a map with key conservation lands. She highlighted one the new properties the B Square Ranch. This site is within both the Myakka River Watershed and the Peace River Watershed. It is 547 acres. They are currently working to acquire it fee simple. The site includes scrub, which is very pristine, stunning. Pine flat woods, wetlands and pasture. There are currently some cattle on site. They are currently applying to Florida Forever in October to add this to the Myakka Ranchlands Florida Forever Project, which will provide some additional funding for acquisition. Next was Anson Road Properties. It is immediately adjacent to Manatee County's newest preserve, Triple Oak Preserve which they closed on in September. Anson Road is 555 acres; they are also working to acquire it fee simple. Habitats to note include scrub. Their management team did note that it needs to be burned, but they were excited to see the scrub there. Forested and unforested, wetlands and pasture. They are also applying to Florida Forever for this project. This is coming in as a new project, but they are hoping it'll be amended and put in with Myakka Ranchlands.

Mossy Island Ranch is immediately adjacent to MRSP and a conservation easement. It was brought to them by SVN Realty, specifically Jeremiah Thompson. They are currently working on acquiring this property, bringing it to the state as a boundary amendment to the Florida Forever Program. It is 437 acres. They are hoping that it gets bought as a CE, conservation easement. Manatee County provided a letter of support.

Triple Oak Preserve, which was immediately adjacent to Anson Road Properties. Again, that is Manatee County's newest preserve that closed this month. It is 104 acres. It was acquired fee simple. Habitat includes pine flatwoods, old growth forest, forested and unforested wetlands. The Crane Park addition is a 16-acre site proposed fee simple as an addition to the current Crane Park, which is immediately adjacent to the Myakka River. It frequently floods. It is currently under review for county wetland mitigation.

Becky asked how close is the appraisal to what is being asked for the land and are they limited to buying land that was within a certain appraisal window? Can they go over 10% or 20% of an appraised value, for example.

Hannah replied that they try to stay at or below appraised value. She thinks Florida Forever also tries to do that, so they try to emulate them.

Becky asked about the Land Acquisition Trust Fund, which ECOSWF is still in litigation over. She wanted to know if the lack of their fair share of that money coming into Manatee County, has in any way inhibited or reduced their ability to purchase lands because they are not getting that chunk of change?

Hannah replied that they have not felt inhibited in any way in purchasing in Manatee County. They have gotten a lot of support from, for example, Florida Forever in acquiring properties. They recently got a grant from NOAA for a \$5 million reimbursement for the acquisition of Crooked River Preserve, which is along the Manatee River. In addition to their bond funds, millage funds and partner funds, they have not felt inhibited.

Alissa added that Triple Oaks Preserve and Anson Road are in the Tatum Gully Basin. Their first step will be to bring on a stormwater engineer to see what they can do in that upper reach that may benefit the river downstream.

Hannah continued that this is an exciting highlight of that property. Anson Road provides a lot of exciting opportunity for wildlife corridors as well. There are conservation easements around it that could be connected with wildlife corridors. Hannah provided her email address, hannah.turbiville@mymanatee.org and encouraged people to contact her. She has a plethora of information and can provide maps and a link to the dashboard.

Jono stated that for Sarasota County, the biggest hurdle in acquiring land is the expectation of the property owner. The second biggest hurdle is getting appraisals to match the expectations of the owner. He explained that developers have money and can afford to pay over appraised value and it is hard to compete with that. He does not feel that the County has ever overpaid for a piece of land but may have paid it too soon.

Anastacia DeFillipo - Charlotte County (No updates.)

Stefan Kalev - City of North Port

Stefan is the Natural Resources Manager. The City Commission of North Port voted to support preserving the historic buildings at Warm Mineral Springs. They are also moving towards a conservation easement of the 60-acre property around the springs. On September 18th, there was a presentation regarding the city drainage pattern. That was conducted by the Public Works Assistant Director. The presentation is available online at the North Port website in the city meetings section. It has great information on how that area drains. He is expecting that they will have some updates on the Myakkahatchee Creek. There are some areas that have experienced blockage since Jan. He knows that SWFWMD's permit has been issued. There are a few more steps and then the project will be presented in front of the commission in November.

Sarina Weiss - CHNEP

The CHNEP is funding the Baseline Charlotte County Vulnerability Assessment and that covers the tidal portion of the Myakka River. In 2025, they will be working with Sarasota County to fund part of their vulnerability assessment.

Jono asked vulnerability to what?

Sarina replied to flooding and sea level rise.

Becky asked if they are still taking money from Mosaic?

Sarina replied they are not.

Emily Barnett - FDOT (No updates.)

Chris added that during the last meeting we discussed the benefits of more wildlife crossing surveys, especially on SR-72. They were hoping to include language in the Unit Management Plan update.

Becky added that they are seeing more wildlife move east because they are being displaced and she has seen an increase in roadkill. It is becoming a serious problem for motorists and animals.

Jamie Richardson - FWC

Jamie stated that FWC was not able to respond to the fish kill. If they did respond, they have only collected water samples and send it to their lab. Since the last meeting, FWC met with park staff in July to discuss

future restoration projects such as invasive plant management and native submerged aquatic vegetation plantings. Their IPM section has people out there treating invasives.

Jono asked Jamie to provide the timetable for the FWC Commission meetings. That way the Council would have an opportunity to decide if they wanted to object to the zones for alligator harvest next year.

Jamie responded that she would look it to that for the next meeting.

Additional discussion occurred related to the process for determining what caused a particular fishkill and the need for future fish kills to be reported.

Bruno Kapacinskas - SWFWMD

Bruno gave an overview of the District's service area and noted that the Myakka is in the southern region which encompasses Manatee, Sarasota, Charlotte and Desoto Counties. The District is trying to meet the needs of current and future water users while protecting the water resources within their boundaries. They are also limited on resources. They only have two compliance officers in this area to check things out. Their Cooperative Planning Initiative for 2026 is underway now. They are taking applications and working with Sarasota and Manatee Counties specifically for the Myakka River Watershed Study. The study should get some attention and funding. The District will not be a sponsoring agency for the Hidden River dike situation.

Jono asked why not? Originally, when the district was formed, one of the four missions was to deal with flooding issues. If this is a situation where the residents are having trouble solving the problem on their own, why is this not an issue for the District?

Bruno replied that this would fall more towards the Sarasota County effort as the local agency.

Jono responded that the issues is the water that these people are being subjected to is coming from outside the county. It is not coming from Sarasota County but Manatee County.

Chris asked if the watershed model update is including the Vanderipe and the Hidden River dike systems, and the future of those dilapidated structures? He noted that he applied to the WMD last cycle to study the Vanderipe Dike, and it was not funded. Now, these issues have come to the top of the pile at the same time there is a joint effort to update the watershed model. It would make sense to include these two dikes.

Mike stated that he believes that area is included in the upper model, so it would be a part of updates.

Chris said we should talk after the meeting because he has started work with Ducks Unlimited to model that Vanderipe area, but if you are doing that, I will use that money for something else.

Mike replied you mean Hidden River, right?

Chris clarified that the Vanderipe and Hidden River dikes are two separate dikes, both needing study.

Becky in this study, will they look at what has happened to the surrounding properties because of the C.R. 780 Bridge Wall that was erroneously built over the Myakka River. This wall blocks the view of the river and impedes water. There is no flow fence on the high wall side, that when it rains, it backs water up on either side of the bridge because it cannot flow over like it used to. Is that going to be part of the study?

Bruno replied that it depends on the applications, what gets applied for.

Mike replied yes. He believes the Sarasota County upper model includes areas that have been developed.

Becky gave background about when the county replaced the bridge noting the county gave presentations showing no concrete wall. Then when they built it, it was nothing like what they showed them. The high wall on the upside of the river, blocks the view of the water. Hydrologically, it is changed the way the water flows, acting like a dam. So, the water backs up this way and goes this way, impeded by the C.R. 780 Bridge.

Jono added that the challenges that they are facing in Hidden River have to do with water that is coming from outside the county. Sarasota County is powerless to do anything in Manatee County.

Bruno concluded noting that the Flatford Swamp Aquifer Recharge outside power was restored since last time he reported. That is been brought back up and functioning properly.

Caroline Ritchey - Florida Forest Service (FFS)

Caroline is the new forester that is in charge of the Myakka State Forest, Peace River State Forest and Babcock Ranch. The former forestry supervisor, Rick Christman, is retired. Caroline started in February at the tail end of a salvage harvest that they were doing from Hurricane Ian. Altogether that harvest was about 200 acres to take care of the standing dead trees.

Jono asked what happens to the trees.

Caroline replied that it is turned into pulp and mulch. They do not do timber this far south. They are lucky to get what they get down here with the mills being so far away. On recreation, they had 32,549-day use of their forest and 1,271 camping visitors over that fiscal year. They were not able to get as much burning done last year as they wanted to due to funding, bad weather and lack of personnel. They were only able to burn about 140 out of 8,000 acres. Their burn blocks are getting smaller because of the development on all sides of the forest. They are trying to be mindful about smoke management. FFS staff met with SWFWMD to talk about issues that they are having with hydrology and sheet flow on the forest. All their plans for the future can be found in their five-year plan, which should be available on their website. Myakka State Forest had a Land Management Review (LMR) recently. This is where neighboring agencies are holding that conservation land accountable for sticking to their 10-year plans. They fared very well on the LMR. She had a copy that was available for Council members to see.

Becky Ayech - Environmental Confederacy of Southwest Florida (ECOSWF)

Becky highlighted that the ECOSWF has been around for a long time. They are an umbrella organization of other organizations as well as individuals. They look at many issues in a lot of counties. A big win for them, which ultimately may pay off in Manatee County is the win against Fisheating Creek, which was originally brought by Bob Graham, against the Lykes Brothers because they were felling trees across the creek so that people could not travel the waterway. They finally won. They got a settlement agreement, but then they had to sue DEP to make them do what they had got the settlement agreement for. Now you can go on Fisheating Creek from Rock Creek all the way down to Fort Hamner in a five-foot Jon boat. It is beautiful and wild. Becky continued, ECOSWF is still in litigation over the Land Acquisition and Trust Fund. She thanked Chris for sending out the article to members on conservation easements. Please read this document carefully. They need to get a champion to move this through the Florida Legislature.

Becky brought up dark skies and the need to protect MRSP from light pollution. She noted that an attorney from Sarasota County wrote a Dark Sky Initiative out on Siesta Key. She went out at nighttime, laid down and looked to see what all the light pollution was. Then she wrote an ordinance to eliminate that light pollution. That seems like a practical way to do things. I would like this Council, and I am proposing a motion that the Council ask Sarasota County to implement dark sky protection area.

Motion: Becky motioned that the Council ask Sarasota County to implement an ordinance that would have a black sky. It would be a black sky ordinance for MRSP. Glenn Compton seconded the motion.

Jono asked Becky if this presumably would extend beyond the boundaries of the park?

Becky stated it would be within the MRPZ. It would be the park plus the protection zone.

Ray asked if it would include the Tamiami Trail bridge over the Myakka River?

Becky was not sure but to grandfather in anything that is there. Once you raise the issue, then they may see it. She is talked to Commissioner Smith about this, just in general about it in the rural area.

Jean asked does the Council want to articulate what is the purpose of requesting the dark skies? You could say migratory bird species. Others would say so people can go to experience the dark sky and be able to see the Milky Way. She suggested thinking about what the purpose would be to request that.

Chris stated to add to and tie this back to the previous conversation about what is in the Unified Development Code, is that the current comp plan says there are special measures in place by Sarasota County to protect MRSP, Oscar Scherer State Park and the river area from noise and light pollution. We already have this promise, that is about 20 years old, but we do not have the mechanism to enforce it. As we speak, there are new visual impacts to the park, even in the day from cell towers, and from other structures. We need to do everything that we can to protect the park from development. For every experience in the park at night, dark skies are essential.

Steve added that the MRPZ protection area, 220 feet, from the river area is not big enough.

Chris agreed saying for example, the new proposal for Hidden Hammocks above MRSP. The MRPZ goes close to that area but would not include it. That new light would impact the park. If they do want to protect the park, it needs to be the park with a buffer in places beyond the protection zone.

Becky withdrew her initial motion and asked how to expand the language on the proposed motion to ask Sarasota County to implement the comp plan requirements for black skies for MRSP.

Chris responded the river corridor includes the MRPZ and would offer flexibility and more protection.

Modified Motion: Becky motioned to ask Sarasota County to implement the comp plan requirements for dark skies in MRSP, and the Myakka River corridor including the MRPZ. Glenn Compton seconded the motion. (Motion discussion continued but no vote occurred.)

Miri had a concern that it is not clear what the river corridor buffer in the motion is talking about exactly.

Becky stated that is up to the comp plan amendment to determine what the restrictions are. We are asking that staff develop county ordinances to put in their UDC that implement those comp plan requirements.

Miri ask how it could be enforced? if it is going a mile from the park, is that close enough? Half a mile? What is the specific distance?

Becky thought that was in the comp plan.

Miri said it is not.

Chris clarified that for the language on protections to the park, it just uses "special measures". It does not give a specific distance from the park.

Stefan suggested that it might be reasonable to consider a presentation that goes in more detail on the subject. He has many questions and does not feel comfortable voting at this point. He sees the benefits, it sounds appealing and makes sense, but he feels that there is other perspectives as well.

Becky suggested that Chris make a presentation on this for the next meeting on those policies and objectives within the Sarasota Comprehensive Plan that they want the county to then implement through the UDC.

Chris stated it is the county's comp plan, they should make the presentation.

Howard responded that right now there is nothing in the comp plan about dark skies or anything of that sort. It does not say follow the dark skies initiatives. There is nothing in the UDC that provides guidance on lighting.

Chris stated that the comp plan does say "special measures to protect" MRSP from light and noise. The language implies the purpose of the protections from light and noise are to keep the values at MRSP the same. It assumes a high standard, not special measures for a very low standard.

Steve added that the dark sky has diminished significantly over the past 10 years. The lights from the River Road exit impact skies over MRSP.

Chris agreed and noted that is why it must be the river corridor.

Victor feels like there is the need for a special ordinance. There is an ordinance for noise, you cannot go out and use your heavy equipment between 10:00 PM and so forth. We need a special ordinance to try to protect this natural zone against this additional disturbance.

Becky stated that there is a county light ordinance. That ordinance currently says, "that light cannot leave the boundary of the property." It cannot shine on a road, but it does not really address what you see out there as glow because even though it requires the lights to be shielded down a certain amount, you still have this glow. She can see the glow from I-75, and she is 13 miles away. It is not just this part of the light that you see, but it is the glow up above it. She is gone in front of the commissioners to discuss this. There is an ordinance. It is just not conducive enough to protect that scenic value.

Jono stated that it seems that Becky is interested in is having county staff develop an enforceable, implementable approach to protecting this dark sky value. Jono suggested this be discussed at the next meeting so that people can get through this. It will give people time to think about it and talk with Howard.

Esmeralda Figueras - Conservation Foundation of the Gulf Coast (CFGC)

The CFGC is excited to announce the permanent protection of 656 acres within the Myakka River watershed. Thanks to the Longino family and to Sarasota County's Environmentally Sensitive Lands Protection Program for making that possible. Their Director of Land Protection, Debbie Osborne is retiring.

Rob Wright - Sarasota Audubon Society (SAS)

SAS is working with another group called the Sarasota Citizen Action Network (SCAN). SCAN is working with a lot of groups so that they can pull it all together as a united voice. The aim is to limit these high-density developments, which are creating some of the recent flooding issues. It is also eliminating habitat, for not

only birds, but everything else in the world that is living here. They are working primarily out near the Myakka River because that is the area where most of the properties are being bought up and turned into high-density subdivisions. Any support they can get from the Council would be very positive. Rob noted that SAS is trying to push the county to start looking forward and going to people who have chunks of land where there is good habitat right now and asking them if they decide, in the future, to sell their farm, ranch or property, the county would like to have first dibs. The Environmentally Sensitive Lands Protection Program (ESLPP) already does this, but Rob feels they are still missing out on a lot of properties.

Jono added that Rob could come to an ESLPP meeting and identify sites that has not been identified.

Chris added that a lot of these properties are not environmentally sensitive. It is a future stormwater receiving area, for example. Either leaving them alone so they can process or creating something like the Celery Fields so that you can use it as treatment attenuation and collection.

Miri Hardy - Friends of Myakka River

Miri started noting the prior discussion is a perfect segue to the proposed development immediately north of MRSP. She had a great meeting with Howard and folks over at with Sarasota County Zoning and Planning. We learned what Becky was telling us, that things need to be enforceable and defined in the UDC. In addition to dark skies, we need to include water quality and quantity, noise pollution and developments surrounding MRSP. How close must you get to the park before you have to implement protection measures? There was a pre-application for a requested rezone regarding Hidden Hammocks from OUA and OUR to OUE. Miri showed slides of the non-binding conceptual plan and its proximity to MRSP. It is approximately less than a quarter of a mile from MRSP. This is especially of concern in the Myakka River watershed. You have hydrological connectivity, you have the Myakka Canal 81.68, which goes through that parcel, connects to MRSP and then does a bunch of loops and connects back into the Upper Lake. Miri showed a slide of the parcels that Hidden Hammocks owns and two parcels they do not. They were suggesting that the emergency access would be from Murphy Road. It is still an active pre-application. They submitted another pre-application, specifically to rezone the part of their parcel that was OUA. They stated they wanted everything to be consistent. There was a neighborhood workshop and the developers, and their attorney pointed out that this is a non-binding development plan. They stated they are not planning to develop. They only want their entire parcel to be consistent. As of yesterday, they have submitted a formal application for this rezone. The next step is a review by staff. Then the applicant will be bringing this to the planning commission.

Becky asked Howard if variances are granted for zoning? For example, those 40 acres currently zoned one unit for 160 acres, instead of asking for a rezone, could they come in and ask for a zoning variance?

Howard replied they cannot.

Miri stated that the canal starts north of the property. Where is that water going to go?

Steve Giguere - MRSP

The park is going through a management plan cycle again and going to a district-wide plan now. There are some early concepts. They wanted to get it out to stakeholders early so they can have input and have the best plan possible for everybody.

Becky commented that she was hoping it was going to be more than boilerplate language. She worked on Fisheating Creek's plan in the wildlife management area. You could have stamped in Myakka State River Park.

Steve responded that this model might be more boilerplate. The plan is going to be for the whole district with parks getting their own individual chapters instead of each park having their own separate plan.

Chris Oliver-Myakka Wild & Scenic River

Chris gave a quick update on alligator hunting in Sarasota County. He spoke with some Sarasota County Resource Managers. There are concerns about alligator hunting and the alligator hunting maps. Since the last meeting, they learned two new things. One, is that there was an alligator take on the Lower Lake in 2023 during hunting season where someone wrote down Lower Myakka Lake on their paperwork to FWC. That is the fifth time that has happened since 2019. There is still an issue with that. Second, is that crocodiles are being seen more often in the Myakka River. A crocodile was caught, captured and relocated on March 8th at near the Border Road bridge. It was captured on the Landis Property, where they want to build the RV Park, and let out at the canoe launch at Border Road. The croc was seen many times over the next few months.

Future Items:

- The comprehensive plan/dark skies initiative from Sarasota County
- Alligator hunting and alligator maps

Next Meeting:

December 13, 2024