

**Myakka River Management Coordinating Council  
SWFWMD Sarasota Service Office  
6750 Fruitville Road  
Sarasota, FL 34240  
September 16, 2016  
9:38 A. M. – 12:12 P.M.**

**MINUTES**

The meeting began at 9:38 A. M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on Friday, September 2, 2016.

**MEMBERS IN ATTENDANCE**

Jono Miller – Sierra Club	Corky Pezzati - SCLWV
Tom Mallet – Myakka State Forest	Mike Chouinard - Homeowner
Tara Poulton – SWFWMD	Paul Thomas - FWC
Gillian Carney – City of Venice	Howard Berna - Sarasota County
Steve Giguere – DEP/ Myakka River State Park	Gerald Boyce – City of Sarasota
Linda Wilson – ECOSWF	Mary McNish – North Port

**INTERESTED PARTIES**

Chris Oliver – FDEP/FPS	Lee Amos - CFGC
Nadine Hallenbeck – FDEP/FPS	Juliette Jones – Friends of WMS
Wade Matthews – Sarasota Audubon	Edie Driest – NP Fowl
Dee Allen – Mosaic	Shawn Yeager – Sarasota County
Rebecca Armstrong – FDEP	Jon Robinson – Sarasota County
Luke Thema – Sarasota County	Bob Whitford – SANCA
Jeff Talbot – Sarasota County	Jeremy Johnson – FPS/DEP
Allain Hale – ECOSWF	

**NEW BUSINESS:**

**Updates:**

**Howard Berna-Sarasota County Update:**

Sarasota County was seeking delegation from the State of Florida for the mangrove trimming statutes. The state has approved the request. It is going to the Board of County Commissioners for final approval of local ordinance addressing mangrove trimming at the October 10<sup>th</sup> public hearing with an anticipated effective date of November 1<sup>st</sup>. Howard indicated a new individual has been hired to focus on education, compliance and permitting.

Howard described the Mangrove Trimming and Protection Act of 1996. The statute allows for local jurisdiction over the trimming of mangroves. Currently the FDEP controls the permitting to trim mangroves on an individual's shoreline. The statute allows for local governments to seek

local delegation so Sarasota County would be issuing permits instead of the state. The county rules are no more stringent than the state but now those doing the trimming need to be professional mangrove trimmers that undergo an educational course offered by the county and to be registered at the county. If everyone knows how to do it and the local rules it will lessen the amount of damage to the mangroves.

**Shawn Yeager-Sarasota County Parks & Recreation Natural Resources Update:**

The Snook Haven Addition Project is in the process of finalizing the design and permitting. Construction is anticipated to commence February 2017 and be completed in November 2017.

Dock and shoreline improvements at Snook Haven are currently underway. The bulkhead and debris are being removed and a new kayak launch is being installed. This should be completed in November 2016. The permitted fishing pier is not currently proposed for construction due to unanticipated additional costs from driving pilings into submerged bedrock.

The Senator Bob Johnson's Landing Project is currently within design and permitting. It is anticipated that the contractor will start construction between March and May 2017. This should be complete between December 2017 and January 2018. The contractor for the installation of the rowing dock is currently seeking a county building permit. The dock should be installed shortly after receiving the permit. Usage would be dependent on the final operation plan which is in the development.

Lee Amos mentioned the operating plan and its relation to the use of the river for the Pilot Rowing Program.

Jono suggested holding off on this issue for discussion later.

Allain expressed concern about the additional parking for motorized boats at Snook Haven and adding more boats onto the river.

Jono clarified that the intent is to replace the existing parking in a more sensible, rational place, not to add additional parking.

**Mary McNish-City of North Port Update:**

Mary stated that not much has happened since the last meeting in April, but offered to answer any questions anyone might have.

Allain asked about the bridge to Carlton Track.

John Robinson replied that the bridge (to connect trails) between Myakkahatchee Creek Environmental Park and the Carlton Track is opening tomorrow at 10 a.m. This is a joint project between North Port and Sarasota County which connects the Myakkahatchee Creek Environmental Park to over 60,000 acres of public natural lands.

**Gillian Carney-City of Venice Update:**

Venice Golf and River Club (VGRC) is closer to build-out with 37 units left of the 1,331 total. No permits have been requested in the Myakka River Protection Zone. Venice Myakka River Park in Venice has a volunteer group planning to go before the city council to put in ADA facilities. Gillian did not have many details other than that but she knew it had not gone to council or to permitting yet.

**Paul Thomas-FWC:**

Critical Wildlife Area (CWA) proposals are sites that are designated by FWC to protect places where wildlife congregates, primarily birds. Originally called CBNA's (Colonial Bird Nesting Areas), the name was changed in 1982 to accommodate more than nesting birds. From 1977, when the program started, to 1993, 22 were established throughout the state. Around 1987, the rookery in Myakka was included in that group. In 2009, a review of the CWA process took place. In 2010, Commissioners okayed changes to the rules. In 2014-2015 two more sites were added. Currently staff is reviewing all CWA's again to see if any changes or updates need to be made. At the Commissioners meeting in June, five sites were identified as needing changes, one of them being the Myakka River CWA. At the June meeting, the Commissioners approved the start of the process to make the needed changes or updates. Part of that process is public engagement, which includes talking to stakeholders, organizing meetings, press releases, workshops, emails and social media. Since June, there have been 14 public workshops with over 400 people in total attending. There have been 320 comments with all five of the proposed CWA's receiving at least one comment each. Topics and themes from the public included support for the CWA's, scope of proposals, buffer width, enforcement, timing of closures, navigation safety and multiuse needs. The current establishment for Myakka CWA is posting on land with no in water buffer from March 1 through November 31. The proposal is to extend the buffer out into the water. At the public meeting on July 19<sup>th</sup> at the North Port Public Library, 42 people attended. The public input was to increase data on bird use and disturbance, increase the buffer where feasible and provide protection to the sand bar, not just the island. The proposal is to expand the buffer to 75 feet out of the north, west and south sides of the island for a year-round closure. Commissioners told staff to continue to meet with stakeholders, evaluate public input, and determine if any changes need to be made before returning to the Commission in November for final consideration. Commission will vote on whether or not to accept proposals by staff.

Dee Allen asked what, if any, objections did the public have.

John Robinson mentioned that the public was in favor of making the CWA even bigger if it can be done without impacting boating traffic too much.

Jono added that a gentleman, who stated he enters the island to rescue birds, was upset that he was being told not to enter the rookery due to it possibly disturbing other birds. Jono continued to discuss the options on buffer size noting he recommended 75 feet on the eastern side and 100 feet on the western side. That would still leave 175 feet on the eastern side with the majority of the boat traffic traveling on the western side anyways. The current proposal is a compromise and went with the lesser buffer.

A member of the public asked about markers and how closed areas will be designated. Chris replied markers will be installed as part of an FWC Uniform Waterways Management permit. Sarasota County currently maintains the markers in that area, but Sarasota County or another group will need to be identified to be the party responsible.

**Tara Poulton-SWFWM Update:**

The District is working with the Florida Park Service on two separate projects at Myakka River State Park (MRSP) to potentially fund them. The District is also working with the Conservation Foundation of the Gulf Coast on several projects above MRSP. In August, the SWFWMD Governing Board approved the purchase of an easement in Triangle Ranch in Manatee County which is in the Upper Myakka River Watershed. The ranch is just under 1,000 acres. They are continuing talks about acquiring the Orange Hammock Ranch.

Tara encouraged people to apply to the Cooperative Funding Initiative and, if it's a project that falls into their purview, SWFWMD can contribute up to 50% of the project costs. Some of the types of projects funded are restoration projects, water supply projects, and water quality projects.

A discussion followed on the upcoming Minimum Flows and Levels (MFL) meeting and on the current ranking of Warm Mineral Springs (WMS). Several members and attendees questioned the ranking methodology and expressed that WMS was unique and should have a higher priority.

Tara did note that the public meeting was September 19<sup>th</sup> in Tampa at 5:30 p.m. They are looking for feedback, either in person or remotely.

**Tom Mallet-Florida Forest Service Update:**

The SWFWMD Hydrologic Conservation Project is almost complete. The project has been addressing the historic drainages on the property and has created more wetlands. Staff are seeing some flooding now in the project area. This is the fourth project they've done. They are also mapped some depression marshes, which was part of the management plan.

Jono asked about public access to the forest when it is very wet.

Tom replied that most of the campgrounds and the river camp dock have been closed due to serious flooding, but the property is still open.

**Steve Giguere-Myakka River State Park Update:**

Eleven culverts are failing along the main park drive due to several factors including: their age, being undersized, and not able to handle the volume of water from the floodplain. They are working with the Water Management District to possibly increase the size rather than simply replace like for like. There was also a major blow-out of the by-pass culverts near the historic weir. This bypass was put in to connect the lake and river to mimic the natural flow of the river. The Park does not have the funding for the by-pass area this year but they are investigating that possibility for the next fiscal year. The project may include the removal of the existing culverts and restoring the river bypass to mimic the natural flow of the river. There is a fishing pier that

is closed because of the culvert bypass washout. They are planning on making a boardwalk out to the pier until the restoration project is underway.

A waste water improvement project connecting several old septic tanks to a waste water treatment plant is underway. The septic tanks have been failing for years in the south pavilion area. The connection should be completed within the next two months and the old system will be abandoned.

The Park's prescribed fire program is a priority goal but we are short of our goal this year due to the recent wet conditions making it difficult to burn. The current plan for the year is 12,000 acres to try to make up for the lack of burning last year and to keep the ecological objective on a good rotation. To achieve that number, the park is looking at using contract burning, staff augmentation, supplemental contractor fire crew and the expanded district park service strike team of seven. A mechanical treatment contract is in place to restore an overgrown area north of Upper Myakka Lake. Thirty-eight acres will be treated where there was little to no fire history because of high fuels and potential containment issues. Once mechanically treated, they plan to use a control burn in this area.

A park-wide treatment of exotic plants is close to wrapping up. Cogon grass, lygodium, primrose willow and torpedo grass were some of the exotics treated. It was done by a contractor and it took them two months to treat 330 acres.

Discussion continued on invasive plant management including a brief discussion on the aerial herbicide treatment of non-native grasses in the Big Flats Marsh and the types of herbicides being used for different projects.

The MRSP Unit Management Plan (UMP) Public Hearing Meeting is on hold as of July 2016. The revised UMP is a draft document that will be presented to the public for comment.

Jono requested that the Florida Park Service make the composition of the stakeholders (for the peer review meeting) available to Chris to share with the Council.

**Charlotte Harbor Natural Estuary Program (CHNEP) Update:**

(Chris Oliver gave an update on Maran's behalf.) The CHNEP selected a new director and will publicly make an announcement within the next few weeks. The 7<sup>th</sup> Charlotte Harbor Watershed Summit will be March 28<sup>th</sup> to March 30<sup>th</sup> at the Charlotte Harbor Event Center. Please send any abstracts by September 30<sup>th</sup>. Agenda and registration details will be available in November.

**Chris Oliver-Myakka Wild & Scenic River (MWSR) Update:**

Permitting for any activity on the river is now processed through the FDEP South Regulatory Office. There are a few permits prior to the switch the MWSR Program are still working. The C.R.780 Bridge is slightly behind schedule but planned to be completed by February 2017.

Chris commented on some hydrologic projects noting that the main drive in the park acts like a berm separating the flood plain. Putting things back to how they were would solve a lot of issues and be cheaper. A restoration project to increase the volume and make things like the natural

and historic pattern would be more expensive and time consuming but it needs to be done. Chris also mentioned the declining conditions of Down's Dam.

There have been manatees in the park since the 14<sup>th</sup> of June and 30 different reports to date. One manatee observation was above MRSP near C.R. 780. This is the second year in a row this has happened.

Rookery numbers are down due to normal yearly cycle. There is a second island adjacent to the rookery, about 0.3 miles away, which has about 50 birds.

Mike Choinard asked if there is any talk about removing Down's Dam.

Chris met with the ranch manager, on behalf of the owner. He believes it negatively effects their ranching management and are interested in the possibly of removing it. Discussion on the removal of the dam and the possible ramifications continued.

**Break 10:45 -11:00**

## **PRESENTATIONS**

### **Lee Amos-Conservation Foundation of the Gulf Coast (CFGC) Projects:**

The Myakka Island Conservation Corridor Initiative's purpose is to build upon the Myakka Island group of conservation lands that surround the river. This consists of Shep's Island Ranch, Triangle Ranch and Orange Hammock Ranch. Shep's Island Ranch is inactive at this time. SWFWMD has decided to fund the conservation easement for Triangle Ranch. By September 30<sup>th</sup> the CFGC will close on the property giving another 1,000 or so acres protection on the Myakka River immediately north of the Wild & Scenic portion. There are 3 miles of the river which go through the property. It provides a critical connection between the river and a large floodplain marsh called Tatum Sawgrass which can be seen from the Crowley Museum and Nature Center boardwalk and is about 3 times the size of Lake Myakka. They are going to work on restoring the marsh by removing dikes and rehydrating the marsh. Funding is coming from SWFWMD; a buyer who's paying more than fair market value; the Selby Foundation donating \$200,000; and a private family foundation donating \$50,000. They've submitted an application to the North Americans Wetlands Conservation Act grant program to purchase an easement on Murphy Marsh. Any recreational activities will be determined later. Orange Hammock Ranch is 5,774 acres in North Port and abuts the Longino Preserve and the RV Griffin Preserve. The appraisal is at \$20 million and they need to show that there is significant interest among agencies to protect this property. SWFWMD, the County, FWC and the Peace River Manasota Regional Water Supply Authority have all shown interests in different parts of the land and will work together to preserve this land.

Discussion continued on who would be managing the lands, where the funding would be coming from and what the land would be used for.

Jono brought up the Sarasota County Parks Master Plan noting the county spent a year working on the plan. The consultants working never presented the draft plan to the parks council before

going the county commission. He noted that the MWSR is a challenging river due to low water levels and, in spots, it is easy to paddle out of the river and get lost. It's great for locals with a flexible schedule but for non-locals trying to make plans it is not the greatest.

**Jono Miller-Myakka Wild & Scenic River Management Plan Review (continued):**

*Action 5.3*

*Encourage that land development review and approval consider sea-level rise, subsequent landward migration of wetlands, and resultant need for an upland buffer.*

Jim Beever's suggestion is to amend language to *DEO, DRP, DEP, SWFMD and the applicable regional planning councils should encourage land development review and approval process authorization to include that sign for ongoing sea-level rise and subsequent opportunities for landward migration of wetlands and a need for a migrating upland buffer. This plan should include regional climate change, a vulnerability assessment and any pertinent climate change adaptation plans for the Myakka River Basin and watersheds.*

Jono mentioned that the Council cannot require any actions but that it could say a vulnerability assessment for the Myakka River should be developed. Discussion continued.

*Action 5.4*

*Continue to encourage Sarasota County to acquire the rest area located at the Interstate 75/River Road Interchange.*

Right now, the rest area is closed with no interest in opening it. Sarasota County has shown interest since it falls under its Environmentally Sensitive Land Program and they may work towards leasing the property from FDOT.

Jono commented on the rest area not being in a good spot due to the heavy vegetation, its proximity to the Myakka River and the housing development directly behind it. It is currently being used as a staging area for the reconstruction of part of the interstate. Near Sleeping Turtle South there is potential for a recreational trail system that would pass under the interstate. It would involve negotiating with the State to make the property available for this use. This would only be likely to happen after construction is done on the interstate in this area.

Suggestions were made to add language for a reason or intent as to why it would be beneficial to connect Sleeping Turtles North and South.

*Action 5.5*

*Mitigate and reduce spill light from all road crossings and the communities located south of the Carlton Reserve.*

Howard suggested that some type of distance from the river be added to the language regarding lights.

Jono commented that the size and brightness of the light could have more of an effect than the proximity.

Discussion continued on lighting, what the action was trying to protect and what kinds of lights would be applicable. This should be revised at another meeting.

## OBJECTIVE 6

*To provide for the regulation, control, and distribution of public access to the Myakka River where necessary to protect and enhance the resource values of the river area.*

### *Action 6.1*

*Limit uncontrolled public access to the Myakka River on public lands to the extent allowed by the rivers carrying capacity, and include toilets, designated campfire areas, and refuse containers with a suitable vegetated buffer from the river area.*

Chris noted the text in the MWSR Management Plan adds some context to this action item, "...southern area of the river there are several residential communities and extensive private access to the river. Limiting the recreational carrying capacity for this area of the river should also be based on existing access for recreational use. Additional facilities for access to the Myakka River should be discouraged by the various river management agencies" (Page 94).

Jono added that Sarasota County has been investigating increasing recreational use county-wide, including the Myakka River. However, there was supposed to be a carrying capacity study to help establish, for different parts of the river, how much recreational boat use was appropriate. There has never been the funding for this type of study. The impact on the recreation and the resource needs to be studied, as well as the impact to the residents along the river. Jono suggested that the Council form a subcommittee and come up with what the carrying capacity study would look like and that the CHNEP and Sarasota County could assist with funding of such a project that could determine any unmet recreational potential there is or if that is already being exceeded.

Chris mentioned that these types of studies are complicated, usually fall behind other projects deemed more important, and are very expensive. But, this kind of study is needed due to increasing recreational use trends with birding, hiking, and boating in our regional natural areas.

Steve asked if any considerations were given to establishing non-motorized boating areas.

Chris added that this point of Action 6.2 and noted that our Legislators intended the Council to make recommendations on this issue, (258.501 F.S.) section 5 item 6; "*Restriction of motorized travel by land vehicle or boat where necessary to protect the resource values in the river area.*"

Discussion continued regarding the impact that recreational use could have to the river and if there was a way to minimize the impact to the river while still allowing people to enjoy it.

The movie "Moods of the Miakka" was shown.

## **FUTURE AGENDA ITEMS:**

**Discuss the Pilot Rowing Program Management Plan. Any member's comments should be sent to Chris Oliver prior to next meeting.**

**Next Meeting Date: Possibly December 2<sup>nd</sup> 2016.**

**Meeting ended at 12:12 p.m.**