

ADOPTED

**Myakka River Management Coordinating Council
Colonial Oaks Park
5300 Colonial Oaks Blvd.
Sarasota, FL 34232-6844**

**April 18, 2008
9:00 A.M. – 12:37 P.M.**

MINUTES

Introductions were made and Jono Miller explained the procedure.

Teresa Payne – City of North Port – EAR Comp Plan Amendments, MRPZ Ordinances

Stacia Hetrick and Teresa have been working with the assistance of Sarasota County on the Myakka River Protection Zone Ordinance for the City of North Port. They have a draft that will be submitted to Council members when finalized. Then they will begin public workshops and public hearings for eventual adoption.

Teresa had requested comments from the MRMCC through Stacia for their EAR (Evaluation and Appraisal Report) Comp Plan Amendments. The City received comments from DEP and the Plan went for the first public hearing with the Commission on Monday, April 21. It has gone through two reviews by their Planning and Zoning Board. In the second review they took no action and sent it directly to the City Commission. The two major issues have been the flood plain and the City's population projection.

Questions and answers followed.

Don Caillouette – City of Venice Comp Plan Update, Venice Myakka Park

The Venice City Council is working on updating their Comp Plan. It is still projected that they should be submitting their Comprehensive Plan amendments to Tallahassee in May.

The design plans for the Venice Myakka Park are close to being finished and the City is getting ready for the bid of it. Conclusion is expected in 2009.

Jono asked Don to present the plans for the park at the next meeting.

Discussions occurred regarding canoe launches on the Myakka River.

Charlotte County Update- Bill Byle was not present

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Manon Lavoie explained that Charlotte County is redoing their entire Comp Plan. They just began their efforts and Manon believes their deadline is sometime in the fall of 2009.

Susan Hochuli – PRMRWSA – Feasibility Study and pipeline project update

Handouts of PowerPoint information and fact sheets regarding projects were available at the back table.

The Source Water Feasibility Study is a project that her agency's board of directors approved moving forward to look at water supply opportunities. Flatford Swamp, Shell Creek, and Dona Bay have been identified as potential future water supply sources.

The Source Water Feasibility Study is projected to be completed later this summer. July or August is when they expect to have the analysis complete with respect to how much water may be available, what kind of impacts it would have and what kind of opportunities there are to site facilities. Facilities would include reservoirs, treatment facilities, pipelines, etc. They would begin the discussion that needs to happen with their governing board probably in September.

The timeline for getting new water supplies online may be stretched out in order to reflect the slowdown in population growth.

They are also working hand in hand with the water management district on the Flatford Swamp/Upper Myakka River, in particular. They are following their lead as far as the Myakka River Watershed Initiative (MRWI).

Dianne Davies commented that the MRWI was supposed to have a public outreach component and that the MRWI has been put on hold until there are some deliverables. There isn't a timeline for this.

Diane Davies commented that there is supposed to be a public outreach component to the MRWI. They were supposed to use the CWM (Comprehensive Watershed Management) as the public forum but CWM has been sunsetted.

Stacia asked Susan to summarize the presentation on the feasibility study for the Flatford Swamp that was presented at the last PRMRWSA Board meeting.

Susan stated that efforts include quantifying water available at the site as well as finding potential sites for a reservoir. At least 6 potential sites have been identified for a reservoir, including Tatum Sawgrass. They anticipate to complete the study in July or August.

The other project is a pipeline project that the PRMRWSA has underway. A potable water transmission main that would start at the Carlton Water Treatment Plant (WTP) site, travel across the river westward, onto Laurel Road, turn north on Knight's Trail and go to a location very close to where the existing landfill is. It is a large diameter pipeline;

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it's on the order of 48" to 54" – 4 to 4 ½ feet in diameter. One of the pipelines would start at the Carlton WTP and cross the Myakka River. It is predicted that the crossing method would be jack and bore, which is the same method used for the existing pipeline under the river.

Responding to a question raised by Marlene Guffey about taking water from the Myakka River, Susan explained that they would pull water off the river when the flows are high enough that they can scalp what is considered excess flow. The health of the harbor is primary. There needs to be a mechanism to scalp those high flows so that you have enough to sustain the needs all calendar year so that you are not in a bad position in the dry season.

Discussions continued regarding reservoirs being built above-grade and aquifer storage and recovery wells.

Maran Hilgendorf – Charlotte Harbor National Estuary Program Update

At the last meeting Maran mentioned they had their triennial Charlotte Harbor Watershed Summit. They had more than 50 people give presentations. All of the presentations are posted on their website at www.chnep.org.

Maran's program operates by what they call Comprehensive Conservation and Management Plan or CCMP, which was just updated.

The children's book they've been working on is completed. It helps children understand the natural environment in southwest Florida. All seven school districts have agreed to distribute the book to the 3rd grade students that live within the study area (18,000 copies). Manatee County might opt to give it to 5th grade students.

Greg Blanchard and Stacia are listed as reviewers. CHNEP became an official publisher with this book. Their hope is to try to do this every year.

At the last meeting Maran also mentioned that in June they are having a three-day workshop called Public Issues and Conflict Management. The details are on the website.

Stacia Hetrick- Council Membership and Sunshine Laws Update

At the November meeting the Council passed a Motion: Responding to attrition in representation, the Council requests support from DEP staff in filling a total of four voting riverfront resident seats on the Council: one from above Snook Haven (currently Marlene Guffey), one from between Snook Haven and US 41, one from the Five Parks south of US 41 on the east side of the river and one from the west side of the river south of US 41.

The first location was listed as above Snook Haven in the Motion. Currently our member is Marlene Guffey. The second location was between Snook Haven and US 41 which

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includes Myakka River Trails and Rambler's Rest. Stacia has been attending homeowners' association (HOA) meetings and has sent a letter to Myakka River Trails HOA. The HOA board for Myakka River Trails designated Ms. Cheryl Picken to represent them. Stacia suggested a brief biography of Ms. Picken be given at the next meeting.

Another location was on the east side of the river south of US 41 which includes the Association of Myakka Communities (AMC). The AMC is composed of several different neighborhoods: Lazy River, Harbor Cove (south of the 41 bridge on the east side of the river). She attended some of their meetings and sent a letter. Their Board designated Mr. John Dziuba to represent them. John Dziuba is a past president of his HOA of over 800 residents. He is also the Executive Director of the AMC which represents five communities with a total of 2,900 homes and about 5,000 residents. He was also privileged to serve with Jono Miller on the Myakka River Planning Advisory Council prior to the adoption of the Sarasota County MRPZ ordinances.

The next location is the west side of the river south of US 41 which includes Myakka Country and Tarpon Point and others. There were no official HOAs that she knew about for these communities. Therefore, she sent individual letters to each of the riverfront residents that lived in these areas (27 total mailings were sent) and heard back from two. One expressed interest in the Council but wanted to attend a Council meeting before they agreed to be part of the Council.

The last one is a member-at-large. There has been interest from a few people; one Marlene will tell us about during the Motions. There is interest from people from Venetian Golf and River Club as well as Hidden River north of Myakka River State Park.

Stacia showed a map that showed the number of riverfront residents in the different sections of the river.

Marlene Guffey stated she was getting ready to retire from the Council soon. Mike Chouinard lives in Myakka River Estates. She would like him to take her place on the Council and until this Board gets someone she would like to be appointed as a member-at-large.

Stacia continued that for the last couple meetings this Council has been talking about Sunshine Laws and whether the Council was required to operate under them. This Council is an advisory council created by the Florida Legislature that provides non-binding, advisory opinion. Stacia has consulted with the DEP, Office of General Council and the determination is that this Council is subject to the Sunshine Laws. Under the Sunshine Laws Council members are not to talk about official Council business outside of the meetings. Stacia will try to have an agenda item for the next meeting for someone to give an overview of how the Sunshine Laws apply to this Council.

Discussions and clarifications occurred.

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Stacia Hetrick – Myakka Wild and Scenic River Biologist's Report

Stacia is reviewing a couple applications in the permitting program; nothing out of the ordinary. There have been several incidences within the past several weeks. There was a large incident involving a wetland clearing as well as bromeliad poaching.

There will be another Exotic Removal Day. Two have been conducted already at Rambler's Rest. The next will be at Venice Campground. There will be a Trash Removal Day in April targeting several properties that have tire rip rap in the river. Stacia has been working with the property owners and they have agreed to remove the tires and plant native vegetation on the shoreline.

Sarasota County has removed two derelict vessels from the river and they have also started to conduct a bathymetric survey of the river. They have gone from US 41 Bridge to the Charlotte County Line. They will revisit some of the shallower areas to find if there are other places along the width that are deeper.

One of the main things Stacia has been doing is reviewing the different Comprehensive Plans and ordinances from the cities and counties. Teresa said DEP has provided comments on the North Port Comp Plan EAR amendments. The city has been very receptive to those comments and incorporated many of them if not all of them into their Comprehensive Plan.

Stacia is also working on reviewing the Venice Comp Plan Update. Some of the language regarding the river has changed.

Bureau of Park Police- River Patrol Update

Lieutenant Hand was not present and so Stacia gave the update. The Myakka Task Force is composed of Sarasota County Law Enforcement, City of North Port, City of Venice Law Enforcement, Fish & Wildlife Commission Law Enforcement as well as our DEP Division of Law Enforcement. It was created to coordinate between all these agencies to get representation from law enforcement on the river. They want to try to have at least one of the agencies out there during the important times which are weekends and holidays.

They will have their official shoeveoff ceremony on May 17th at 10:00 a.m. at the Marina Park (public boat ramp on Myakkahatchee Creek) in North Port. DEP's law enforcement went out with Sarasota County a couple of weeks ago on the weekend and gave out many speeding tickets.

Questions and answers followed.

Belinda Perry – Sarasota County Environmentally Sensitive Lands Update

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Since January Sarasota County closed on the Green Property which was an 8 acre inholding within Rocky Ford. They are also closer in negotiations on O Bar O Ranch conservation easement. It is anticipated approximately 162 acres along the river.

Almost 1,200 acres have been burned in the Myakka River Basin since January on three different sites: the Carlton, Deer Prairie Creek and the Pinelands Reserve.

They are in the process of removing exotic plants along Warm Mineral Springs Creek as part of a US Fish & Wildlife Service grant they obtained. Over the next year they will be phasing exotic removal in association with transplanting native plants in order to keep the shading of the creek consistent for the manatees.

Jono added that in addition to the County's Environmentally Sensitive Lands Acquisition Program the park program that he mentioned earlier is looking for a site in the US 41/Myakka River crossing area. If these negotiations are successful a canoe/kayak launch might be available.

Identify Candidates for Chair and Vice-chair of the MRMCC.

Stacia stated that at the last meeting six potential candidates were identified. They were going to check with their boards/supervisors to see if they were approved. Maran Hilgendorf is the only one who is interested.

The Council took a 10 minute break.

Belinda Perry for Kris Fehlberg – Sarasota County North River Road Regional Offsite Mitigation Area (ROMA)

Kris Fehlberg is in the County's Roadway Mitigation Program and was not able to be present. Belinda gave the update.

The North River Road Offsite Mitigation Area is really officially called the Myakka Regional Offsite Mitigation Area and is 72 acres. This is the 3rd ROMA for the County to provide mitigation for county infrastructure projects. The Myakka ROMA was set aside with permits and agreement between the SWFWMD and the US Army Corp of Engineers for mitigation for the Englewood interstate connector which is under design (North River Road Extension/Expansion Project). The location is North River Road south of the Jelks Preserve. A portion of property between the highway and the ROMA site is for a potential fire station for the County.

ROMAs (the county's have programs since 2001) were designed for mitigating proposed future and existing county infrastructure projects. This is not floodplain compensation. It's designed to enhance and preserve, to mitigate in this case, the Englewood Interstate Connector. The property is intended to be managed as part of the Jelk's Preserve after the mitigation is complete.

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Stacia Hetrick – Council Bylaws – Quorum

The definition of Quorum in the council Bylaws was discussed at the last meeting. Stacia brought several definitions to review.

Jono proposed that before the next meeting Stacia could get some guidance from Tallahassee on the activities of subcommittees. We could identify people today that would be willing to serve on a subcommittee for the Bylaws but that wouldn't start until we had a clear direction on what they can and can't do within the Sunshine Laws.

Peggy Morgan and Tom Moralee volunteered to serve on the subcommittee.

Rachel Herman – Sarasota County-Myakka Ordinance Compilation Update

The public hearing on the MRPZ will be held on Tuesday, April 22nd at the South County Administration Center in Venice in the afternoon.

Since the last public hearing there haven't been a tremendous number of changes to the draft ordinance. They added an allowance for accessory structures and residential expansions within the 50-ft buffer area on properties that are less than five acres. They also did maintain the requirement to get written approval for non-native and nuisance and invasive species removal within the MRPZ. They cleared up the language that allows the removal of poison ivy when it's a public health threat. They also clarified the language about the fees for the variances. It was decided to not include another diagram in the code, but to include it in the educational brochures. The entire packet that the Board received is available on the FTP site that Stacia emailed the members.

Clarifications to the amendments were made.

Rachel responded that they will begin the educational campaign with a brochure and a website with all the relative information. They are planning on doing it by the end of this summer. The Council will be kept up to date on their progress.

Stacia asked if there will be any workshops or training for those who live along the river.

Rachel responded that at this point they hadn't thought about doing workshops, but if any river folks wanted to request a meeting they would be able to do that.

John Dziuba asked about trimming of the mangroves on the river.

Howard Berna answered that the mangroves are regulated by the state. Stacia stated that since 1991 there has been a rule in place in the Florida Administrative Code that prohibits cutting of native vegetation in the River Area which is the Myakka River and its wetlands.

Discussion continued.

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Belinda Perry – Myakka River Protection Zone Ordinance Compilation Council Subcommittee

The subcommittee consisted of Stacia Hetrick, staff; Marlene Guffey; Jono Miller; Tom Moralee; Peggy Morgan; Teresa Payne and Belinda Perry. At the January Council meeting the subcommittee had brought their suggestions to the Council that were approved and forwarded to the County for discussion. Since that time some of the suggestions were incorporated into the revision that is currently going to the Board on April 22nd. However, there are still some items that were not incorporated. For example, there isn't a definition for non-native nuisance species, although noxious species was taken out. While poison ivy was added other nuisance species were not included. There is still no definition for reasonable selective pruning and window.

While the County has included the acronym for Myakka River Protection Zone it is still read as *Myakka River Area Protection Zones* and the subcommittee had suggested eliminating *Area* in that title.

Additionally, the language, “top of bank” has been used in the document and it's recommended that another term such as jurisdictional wetland line be used instead.

The subcommittee also recommended that non-native nuisance species should not require written approval. Just that the removal must not impact native vegetation.

Removal of the vegetation within the 50-ft. buffer area requires written approval, however, currently there is no penalty for non compliance. The subcommittee suggested developing specific criteria for monitoring and a method of action for removal without written approval.

Belinda submitted the subcommittee's comments to Judy for the record. Jono reiterated that it would be helpful to have the graphic for small lots.

Questions and clarifications took place.

Peggy Morgan stated that she felt the one diagram that was included should be made clear that it is for a large lot and a new building. It presently does not explain that.

The Business Meeting was called to order at 11:50 a.m.

Call to Order and Role Call was taken. There was a quorum.

The Minutes from the previous meeting were reviewed. There were several changes; Green only has two e's in it. Remove the e on the end (page 9). On the same page Belinda stated that the County's partnership was 31 million, not 31,000 under the Environmentally Sensitive Lands Update.

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Maran Hilgendorf said the CC meeting was Bowling Green; not Balling Green. At the previous meeting she said that she could not serve as Chair without approval from her program director. Right now it just says she can't serve as Chair.

Chuck Downs moved to adopt the Minutes. Manon Lavoie seconded. The Motion passed.

New Business

Jason Utley – Southwest Florida Regional Planning Council (SWFRPC)

The Gottfried Stewardship Village is located on the south side of US 41 and is part of Taylor or Thomas Ranch. Kimley Horn is going to come in with a development of regional impact (DRI), but they are not going to do that for around five years.

The Isles of Athena project (IOA) is 5,800 acres and they propose 13,000 dwelling units with over 4 million square feet of non-residential. SWFRPC will be meeting with the agent because they owe them about \$5,000. One of the city council members, Councilman Blouchard had a conversation with their Executive Director Ken Heatherington and they're coming in to bring a check and talk about moving forward after the outcome of the April 22nd meeting with the City of North Port.

Teresa stated that City of North Port staff recommended denial for the proposed Comp Plan amendment for IOA. The city's Planning and Zoning Board made no recommendation to the Board regarding the amendment.

Discussion continued.

Ed Flowers – Division of Forestry

Forestry received a letter from North Port Council requesting to allow ATVs on the Myakka State Forest. The response from their director was that it would not be considered.

Discussion continued.

Valinda Subic – Florida Park Service, District Bureau Chief for Southwest Florida.

On behalf of the Department of Environmental Protection and the Division of Recreation and Parks, Valinda thanked Jono Miller for his long service as Chairman of the Council and recognized all his time, effort and energy put forth to lead the Council and its many accomplishments.

Valinda read a letter from Mike Bullock, Division Director. She then presented Jono with a Florida State Parks passport as token of their appreciation. Valinda read another letter from Mike Sole, Secretary of DEP.

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On behalf of the Charlotte Harbor National Estuary Program and the Council, Maran Hilgendorf presented Jono with a signed, framed print of an Osprey by Diane Pearce to thank Jono for his years of service.

New Business

Motion by Suzanne Cooper: For the Council to send a letter to the Sarasota County Commission thanking them for Council's comments that were included and pointing out those that were not; also send a representative to the Commission meeting.

Tom Moralee seconded the Motion.

Discussion followed.

Suzanne Cooper volunteered to attend the Commission meeting on behalf of the Council.

Jono asked Rachel why the draft of the window definition didn't get done.

Rachel responded that it was left vague for interpretation purposes.

Jono stated that the Council's opinion is that the definition would improve it and the staff's position is that leaving it vague allows for more discussion. It's a balance between enforceability and discretion.

Stacia stated that written approval is required for cutting vegetation in the window. Stacia recommends that there be set criteria for that approval for the County to grant so that it is consistent for whoever is doing the approval; some set criteria and guidelines for what can be approved and what can't.

The Motion passed unanimously.

Belinda will email the changes that the County did not incorporate to Jono who will put it into a letter, sign it and scan it and get it to both the County and Suzanne.

Motion: Council recommends to DEP that John Dziuba be added to the membership. Diane Davies moved that he be recommended and Susan Hochuli seconded. The Motion passed uniamously.

Marlene Guffey moved to put Mike Choiunard in her place representing Myakka River Estates. She would like to be appointed as member-at-large until another member-at-large is appointed. Terry Green seconded. The Motion passed unanimously.

Future Agenda Items

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- Don Caillouette will bring a map of the park at the end of Laurel Road.
- There will be a presentation on the Sunshine Laws.
- Susan Hochuli will get a PowerPoint or some more focused presentation on the Flatford strategies.
- Update on North Port.

Marlene Guffey brought up increasing kayak access for the river.

Jono stated that we need to get back to our management plan and determine carrying capacity for the river.

Elections for Chair and Vice-Chair

Susan Hochuli nominated Maran Hilgendorf. Belinda Perry seconded.

Maran had two conditions: she wants the more traditional responsibility of just chairing at the meetings. The second is that the Council have a schedule for elections.

Stacia stated that there is a schedule for elections in the By-Laws. It is supposed to be the first meeting each year. It was tried at the January meeting but the Council was not prepared.

Dr. Jelks moved to close the nominations. Chuck Downs seconded. The Motion passed unanimously.

Marlene moved to elect Belinda Perry as Vice-Chair. Terry Green seconded. Dr. Jelks moved the nomination be closed. Chuck Downs seconded. The Motion was unanimous.

Schedule Meeting Dates for 2008.

It was decided that September 12, 2008 would be the next meeting date. We would then meet again in January and April.

Chuck Downs moved adjournment and Peggy Morgan seconded. The meeting ended at 12:37 p.m.

MEMBERS IN ATTENDANCE

Peggy Morgan- Florida Department of Environmental Protection
Manon Lavoie - Florida Department of Transportation
Paul Thomas- Florida Fish and Wildlife Conservation Commission
Kevin Kemp- Florida Fish and Wildlife Conservation Commission

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Ed Flowers- Dept. of Agricultural and Consumer Services Division of Forestry
Dianne Davies- Southwest Florida Water Management District
Jason Utley- Southwest Florida Regional Planning Council
Greg Blanchard- Manatee County
Belinda Perry- Sarasota County
Don Caillouette- City of Venice
Teresa Payne- City of North Port
Susan Hochuli- Peace River Manasota Regional Water Supply Authority
Andy Neuhofer- Sarasota County Farm Bureau
Maran Hilgendorf- Charlotte Harbor National Estuary Program
Terry Green- Dona & Roberts Bay Environmental Society
Dr. Mary Jelks- Friends of Myakka
Gregory Nowaski- Manasota-88
Gaines Finley- Save Our Bay Association
Jono Miller- Sierra Club
Suzanne Cooper- Tampa Bay Regional Planning Council
C.H. Downs- Rancher
Marlene Guffey- Homeowner
Thomas Moralee- Venice Campground, Inc.

INTERESTED PARTIES

Rachel Herman- Sarasota County
Kathy Meaux- Sarasota County
Diana Donaghy- Department of Environmental Protection, Florida Park Service
John Dzuiba- Association of Myakka Communities
Bernie Milosky- Charlotte County Utilities
Louis Kovach- Venetian Golf and River Club
Mike Chouinard- Homeowner
Olga Smith- Manatee County
Becki Babb- Myakka Country Estates
Valinda Subic- Department of Environmental Protection, Florida Park Service
Stacia Hetrick- Department of Environmental Protection, Florida Park Service
John Chassey- Department of Environmental Protection, Florida Park Service
Judy Meents- Department of Environmental Protection, Florida Park Service