

**Myakka River Management Coordinating Council  
Oscar Scherer State Park  
1843 S. Tamiami Trail  
Osprey, Florida**

**December 5, 2003  
9:30 A.M. – 12:00 P.M.**

The meeting was called to order by Chair, Jono Miller, at 9:30 A.M. Introductions were made and there was a brief explanation of the meeting format.

**Law Enforcement Update – Officer Ken Watson, Florida Park Patrol**

Over the past 90 days five warnings to speeding boaters were written for violating the Myakka Wild and Scenic River Rule. On several occasions water levels have been too shallow to go north of Rambler's Rest. Recently, DEP Officers teamed with Fish and Wildlife Commission Officers, who patrol with a shallow draft flats-boat, so they have been out on the river.

The officers asked council members for "the most frequent times they see people violating the speed zones, or other criminal activity on the river".

Officer Watson warned the council that a gentleman by the name of Ivan Kittles is being released from prison later this month (Dec.). He is notorious for stealing boat engines. His target area is from Lee County to northern Charlotte County, but he has been seen on the river in the past. If someone is seen working around your boat motor, immediately call law enforcement, "**Do not approach**".

Phil Segerstrom explained that on late Friday and Saturday afternoons, people are observed speeding on the river as they return home.

Questions and answers followed.

Ken distributed stickers with information on HOW TO REACH THE FLORIDA PARK POLICE: Communication Center/Emergency Contact Numbers: 239-938-1800, or \*347 on cell phones.

**Sarasota County's Environmentally Sensitive Lands Program Update – Belinda Perry**

Since the last meeting the county has closed on four additional properties. Three are at Warm Mineral Springs. These are small lots along Warm Mineral Springs Creek, which are less than a quarter acre in size. They also closed on the King Parcel, approximately 21 acres, which crosses the Myakka River three times.

They are doing environmental assessments and due diligence on five additional properties. These will equal another 5800 acres once acquired, and include:

- A conservation easement on Schroeder Manatee Ranch now called the Heritage Ranch (almost 2000 acres)
- The LOR Property which is part of Deer Prairie Creek priority site (3600 acres)
- Parcel within the Warm Mineral Springs site (less than a quarter acre)
- Parcel adjacent to the Myakka State Forest (60 acres)
- Parcel south of Border Road on the west-side of the river (80 acres)

These should be acquired within this fiscal year.

### **Southwest Florida Water Management District Update – Dianne McCommons-Beck**

The McClure Facilitating Agricultural Resource Management Systems (FARMS) Project contract has been signed. Cameron Daken Dairy Project contract has been signed. Cameron Daken Dairy is a water quality improvement project. Falkner Farms has submitted a Phase II to further reduce subsurface seepage into Flatford Swamp. Also Pacific Tomato Growers are in discussion with the district on a Phase II of their project. They would like to convert to surface water to completely offset their groundwater withdrawal and reduce excess runoff into Flatford Swamp.

Three additional FARMS projects are proposed for the Upper Myakka Watershed. Diane did not have the names for those projects.

At the Manasota Basin Board Meeting on Wednesday (presumably 12/10/03), the FARMS Program is being proposed to go SWUCA wide. The emphasis will still be on the upper Myakka watershed and the Shell, Prairie and Joshua Creek watersheds.

Questions and answers followed.

### **Department of Environmental Protection Update – Peggy Morgan**

Copies of the TMDL timeline for the Sarasota Bay, Peace and Myakka River basins were distributed, as well as a memo on the Venice Wastewater Treatment Plant (WWTP).

The bottom-line is that the City of Venice will not discharge in the dry season, and the discharge must meet advanced wastewater standards (5 mg/L biochemical oxygen demand; 5 mg/L total suspended solids; 3 mg/L total nitrogen; and, 1 mg/L total phosphorus).

Marlene expressed concern about dumping additional water into Curry Creek.

Chris Becker explained that the best forum to ask those questions would be the County's Watershed Stakeholders' meeting, which had been proposed as the afternoon agenda, but Steve Suau had a scheduling conflict, and was unable to attend. The public meeting for the Myakka River Floodplain Study is planned for January 21<sup>st</sup> at the Englewood Recreation Center. This is a public meeting that is being held prior to the study being presented to the Board of County Commissioners.

## **Charlotte County Update – Bill Byle**

Since this group agreed to send a letter at the last meeting, Bill wanted to pass on that Charlotte County sponsored a letter to the Corps of Engineers and EPA three-years ago which eventually made it through the management committees of the Charlotte Harbor National Estuary Program (CHNEP). It requested a Cumulative Impact Study for the area, but the letter was never responded to, so a reminder letter has been sent.

Federal Agencies are supposed to comment on any activities that might adversely impact the estuary, and see if it is consistent with the goals and objectives of the CHNEP. Strip mining is not consistent with any goal of the CHNEP, but so far Federal Consistency Reviews have not been done for the proposed mining permits.

With phosphate mining proposed at the headwaters of the Myakka River and Big Slough (Myakkahatchee Creek), the MRMCC may want to examine if mining is inconsistent with the goals and objectives of its program.

Lastly, a couple years ago Charlotte County sponsored letters to NOAA's Essential Fish Habitat Program. Any kind of federally funded activity or permitted activity that could adversely impact essential fish habitat has to be very carefully studied.

The area from Charlotte Harbor proper to U.S. 41 constitutes the most important part of the estuary. These are the nursery grounds important to young fish. This is where the salinity runs between 5 – 12 parts/thousand. With the permitting of Pine Level coming down the road, at the headwaters of Big Slough, which empties right into the Essential Fish Habitat (Myakka River Estuary). Bill feels it would be appropriate for MRMCC to express concern to the NOAA's Essential Fish Habitat Program.

## **Sarasota County's "Adopted" Protection Zone Ordinances – Kelly Pluta**

Copies of the four "adopted" County Ordinances that provide additional regulations and protection of the river, were distributed

Kelly recognized and thanked Chris Becker, Jonathan Miller and Marlene Guffy for attending meetings, and helping staff and the Myakka River Planning Advisory Council.

Ordinance 2003-028, Land Development Regulations (LDR) amended and approved by the Board of County Commission (BCC), on Nov. 12. The LDR prohibits the removal of any vegetation within the 220-ft. upland "river protection zone" along both sides of the Myakka River. Removal of native vegetation in that 220' area is prohibited, unless it meets a list of exceptions.

The LDR revision also outlines where within the protection zone on site sewage disposal systems (septic systems) can be located (they need to be landward of the primary structure).

Ordinance 2003-089, Zoning Code, establishes the setbacks for structures within the 220-ft. upland “river protection zone”. On properties five acres or greater new residential structures are required to be located a minimum of 150-ft. from the river area (river and contiguous wetlands as established in 62D-15, Florida Administrative Code). The setback can be reduced on lots that were in existence prior to ordinance adoption, and cannot meet the setback requirement because of large wetland areas adjacent to the river (=River Area).

Jono suggested that members take the information home to review and this subject would be revisited at the next MRMCC meeting.

Marlene Guffy raised a concern that the ordinances need to be presented in a way that ordinary citizens can understand them.

Chris Becker added that existing conditions and activities were being documented, so that those preexisting practices would be allowed to continue.

Violations can be reported to Howard Berna or Kelly Pluta (Sarasota County), who would investigate the complaint.

Tom Moralee expressed concern that the river corridor and wetlands were not defined.

Clarification and discussions continued.

Chris Becker asked that if wetland vegetation trimming is seen, to please contact his office.

### **Charlotte Harbor Environmental Center (CHEC) Projects – Jamie Ovsianik**

Their first Myakka River Restoration Mapping (MRRM) meeting was held last week. Restoration projects for the Charlotte County portion of the river, and Myakka River State Park (MRSP) have been mapped. Restoration project information for the Myakka Basin will be available on a GIS map and an Access database.

The next MRRM meeting will be conducted at Oscar Scherer State Park’s Nature Center on December 16<sup>th</sup> from 2:00 P.M. to 4:00 P.M. All are welcome to attend. The focus will be on parcels of land outside of the MRSP in Sarasota County.

If anyone would like to participate, give Jamie a call at (941) 575-5854, or e-mail at [jamie-chec@earthlink.net](mailto:jamie-chec@earthlink.net). Jamie distributed her business card.

The “Assessing the Densities and Potential Water Quality Impacts of Septic Tank Systems in the Peace and Myakka River Basins” project that Betty Staugler discussed at the previous MRMCC meeting has been finalized. Jamie distributed an article summarizing the report that will be published in the next edition of *Harbor Happenings* CHNEP’s newsletter. Copies of the full report are available from CHEC (through the website or by contacting Jamie)

### **Charlotte Harbor National Estuary Program (CHNEP) Update – Maran Hilgendorf**

The four areas that CHNEP focuses on are: research, restoration, public information/education, and legislation.

The Charlotte Harbor Nature Festival is scheduled for January 31, 2004. It will be held from 10 a.m. to 3 p.m. at the Tippecanoe Environmental Park near the Charlotte County Sports Complex, located at 2300 El Jobean Rd. (S.R. 776), in Port Charlotte. CHNEP is a major sponsor, but many others are involved. It is family friendly, with a \$2.00/car admission. It is free for non-profit organizations to exhibit. Sponsorship opportunities begin at \$100 and can be cash or in-kind support (with approval of the committee). This event focuses on the natural environment of SW Florida. Last time 1600 people from 16 counties attended. Attendance is expected to increase this year. Brochures about this event were distributed.

A Water Budget Workshop will be held in May. Details are on the CHNEP's website.

The next issue of *Harbor Happenings* newsletter will have information on:

1. Public information activities including Micro Grants (up to \$250) and an internship program.
2. New projects are being worked on, including a guide/map of the study area highlighting areas to learn more about the environment.
3. A 2005 CHNEP Calendar. The artwork for the calendar will be chosen through a contest.

### **Myakka River Biologist's Report – Chris Becker**

Chris reported for Gwen Pipkin, FL Dept. of Transportation, who was unable to attend.

1. The public hearing had been held for the I-75 widening (north/west of River Rd.). The Location and Design Concept was at the Federal Highway Administration being reviewed. Once approved, design can start. Design is scheduled to start in fiscal year 04/05.
2. The I-75 Myakka Bridge replacement: The State Environmental Impact Statement (SEIR) has been completed and signed. The Selection of a construction firm is underway, and should be completed by the end of this year. Construction will start as early as March.

Thomas Moralee expressed concern about dumping water from the roadway into the river without treatment through stormwater ponds. He was also concerned about construction debris entering the river.

Chris reported for Steve Suau, Sarasota Co. Stormwater Manager, who was unable to attend.

The Myakka River Floodplain public meeting will be held January 21, 2004 at the Englewood Recreation Center between 4:30 and 7:00 p.m. Presently, it is scheduled to go to the Board of Co. Commissioners on February 10, 2004.

Chris distributed a summary of monthly river inspections from September through November. Not much was observed because of high water in September/October, except a few wading birds. Trash

from the summer flooding continues to be picked up in abundance, including such as hazardous materials as hydrochloric acid.

In November, water levels were low enough for wading birds and shorebirds on the Lower Myakka Lake and the shoreline of the river. At Down's Dam a 12-foot alligator was observed dead, no wounds (gunshot) were visible, so it may have died of natural causes.

An illegally constructed gravel boat ramp north of Border Rd. was observed in November. Chris stated that Sarasota County Code Enforcement was looking into this, and the Florida Park Patrol was also notified of the violation.

Permit activity has been slow, and he is currently waiting on additional information for a couple of permits.

Chris thanked Tom Moralee for hosting the MRMCC's Identifying and Controlling of Invasive Exotic Plant Workshop. Attendance was low. Chris stated he had copies of the book distributed at the workshop, available for property owners.

### **FWC Myakka River/Salt Creek Manatee Research Update – Lucy Keith**

The three-year tagging study is finished. Data are being analyzed. Lucy hopes that by the next meeting they can bring a poster of their research.

The two most important findings so far from the three-year tracking are that (1) nocturnal use is just as important as day use. A different set of animals were seen coming in at dusk than during the day, and (2) this is the only warm water spring known in Florida having blocked access for egress during low tides. At low tide the area near the US 41 bridge is too shallow for manatee movement. Their agency will be looking at this in the future as part of the Manatee Recovery Plan.

On December 2<sup>nd</sup>, twelve animals including one animal called Argo and her new calf were observed. The new regulatory signs for the "new" no-entry zones were posted on October 23, 2003, at several locations along the creek and at the US 41 bridge. The signs say **NO ENTRY from November 15 to March 15**. Signs are also posted at various road access points near the creek, where they have encountered people trying to feed/harass manatees.

Lucy is working with FWC's Bureau of Protected Species in Tallahassee on a letter to distribute to residents near the creek. The letter will explain the rules and use pictures for those who do not speak English.

Most of the homeowners are happy with the no entry signs, and several expressed wishing the restrictions were year-round.

Lucy reported that there is still one tagged manatee, a "rehab" animal, which was reintroduced last February. If an orange tag is seen call the hotline phone number. The new hotline number is 888-404-3922. (The old number, 1-800-DIAL-FMP, is now an adult entertainment line.)

Questions, answers and discussion continued.

**Role was taken and it was determined there was a Quorum.**

**Jean Ost moved to approve the August 22, 2003 Minutes, and Martin Black seconded.**

Dianne McCommons-Beck identified corrections to the Minutes. The McClure Property Project should just read the McClure Project (page 4). The very next paragraph in referencing the Daken Dairy Project. It is actually the Cameron Dakin Dairy Project.

Maran stated that on page 9, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence the sentence should read: "Maran stated that these grants were not intended to enhance private property that has no public access."

**The Minutes were adopted as amended.**

**Report on Chairperson's/Vice Chairperson's Activities – Jono Miller/Jean Ost**

Jono stated he continues to be active with the Environmentally Sensitive Lands Program.

He hopefully is finished with the County's Myakka River Planning Advisory Council (MRPAC). Marlene and Jono both spoke at the Sarasota Board of County Commissioners public hearing on MRPAC's recommendations.

Jean Ost stated that the CHNEP Mini Grant for the Jacaranda Library (the project was discussed at the August MRMCC meeting) was approved.

**Memberships of the MRMCC – Chris Becker**

Chris Becker stated that Catherine Rexford, Association of Myakka Communities, is unable to attend MRMCC meetings, and would like to be replaced. According to the MRMCC's adopted bylaws, she has missed three consecutive meetings, and thus resigned.

Dan Yoder expressed his wish to continue on the council through a letter sent to Chris Becker. He also has missed three meetings. He is a private property owner on the Myakka River south of US-41. He would understand if he were asked to send a letter of resignation.

Chris stated that Rick Turner, a rancher, no longer attends, and thus resigned.

Chris stated that the Charlotte Harbor Environmental Center might be appropriate for inclusion on this council as a voting member.

Discussion took place regarding reinstating Dan Yoder.

**Dr. Mary Jelks moved to allow Dan Yoder to continue his membership. Tom Moralee seconded. The motion was approved.**

At the next meeting Chris Becker will have a list of potential MRMCC members, as a discussion/agenda item.

### **The MRMCC Website – Chris Becker.**

Chris stated that he had been speaking with the company designing the MRMCC's website. The address is *myakkarivermanagement.org*. This site is currently a work-in-progress.

### **Federal Wild and Scenic Designation – Chris Becker**

The final *Federal Wild and Scenic Study for the Myakka River* (July 1984) made recommendations on getting the Myakka River included in federal designation program. Alternative A in the study, proposed that the state needed to protect the river and wetlands, and the County and City of North Port needed to protect the uplands along the river, before the lands south of Myakka River State Park could be designated.

Through the County's Environmentally Sensitive Lands Program and Water Management District acquisitions, plus the amendments to county ordinances (documents provided by Kelly Pluta), most of the protection measures are in place for trying to get the Federal Designation.

Chris stated that he still needed to work with the Cities of North Port and Venice on a Memorandum of Agreement as required in the Designation Act, so that we have a continuous corridor of uplands protected through local regulations.

The Florida Park Service would look for guidance from the MRMCC on pursuing, or not, the Federal Designation.

Jono asked how does it help the State of Florida to have the Myakka River designated as a Federal Wild and Scenic River?

Chris answered (reading from the 1984 study): "the following consequences are inherent in the National Wild and Scenic River Designations. Section 7, Wild and Scenic Rivers Act imposes water resource development restrictions on streams included in the National Wild and Scenic River system. No federally assisted licenser or aided projects will be permitted on rivers in the national system that would invade the area or unreasonably diminish values." It is additional protection.

Jono Miller stated that when you put this river on a federal map so that it is comparable to all other national wild and scenic rivers, you are inviting the public from the rest of the country to come visit the river. Jono is concerned about what the river can support.

Further discussions continued about the pros and cons of the Federal Designation.

Chris Becker stated that the way the recommendations came out in the report was that there were different segments identified for different uses. The portion within the State Park was "wild". The portion from the dam to Border Rd. or I-75 was "scenic". The portion south of U.S. 41 to the

county line was for “recreation”. Another portion identified in Charlotte County was for “recreation”.

Chris added that the recommendation was for the 12-mile segment within Myakka River State Park to be a part of the state-administered component of the National Wild and Scenic River.

Jono suggested additional research on the subject, and having the National Park Service come answer questions at a future MRMCC meeting.

### **Other Agenda Items**

Regarding the Jacaranda Mini Grant Project, Jean Ost wanted to add that Jono Miller, Chris Becker, and Commissioner Shannon Staub wrote a letters to the CHNEP in support of it.

**Marlene Guffy moved that the MRMCC write a letter to FDOT requesting more information on the plans for widening I-75, River Rd., and the I-75 Bridge over the Myakka River. The letter should also request FDOT’s plans for treating stormwater from the roadway.**

**Jean Ost seconded the motion. The motion was passed and Chris Becker was asked to write the letter.**

Tom Moralee asked if FDOT had to apply for a permit before working on the road. Discussions continued on the process of permitting for this topic.

Noise level created by the widening of the road was a concern of this council.

Chris informed the council that an e-mail from Gwen Pipkin states that the State Environmental Impact Statement had been completed and signed for the bridge widening. The selection of the construction firm should be done by the end of this year.

Chris said he would contact Gwen to get more information regarding the above.

### **Set 2004 Meeting Dates**

It was advised that dates be set for the whole of next year.

**The meeting dates were set for April 2, 2004, August 13, 2004 and December 3, 2004.**

**Dianne McCommons-Beck moved to adjourn. Suzanne Cooper seconded. The meeting was adjourned at 12:30 p.m.**

**Members in Attendance**

Doug Taylor  
Marlene Guffey  
Belinda Perry  
Jean Ost  
William R. Smith  
Jeff Thirlwall  
Maran Hilgendorf  
Sandy Cotton  
Doug Means  
Marisa Erika Morr  
Martin Black  
Dr. Mary Jelks

Bill Byle  
Philip Segerstrom  
Suzanne Cooper  
Terry Green  
Gregory Nowaski  
Chuck Downs  
Dianne McCommons-Beck  
Peggy Morgan  
Tim Mitchell  
Thomas Moralee  
Jono Miller

**Others in Attendance**

Chris Becker  
Jamie Ovsianik  
Steve Stewart  
Howard Berna  
Lucy Keith

Michelle Norton  
Ken Alvarez  
Ken Watson  
Kelly Pluta  
Judy Meents

