

Adopted

**Myakka River Management Coordinating Council
Colonial Oaks Park
5300 Colonial Oaks Blvd.
Sarasota, FL 34232
January 11, 2008
9:05 A.M. – 3:10 P.M.**

MINUTES

Jono explained the procedure for the meeting.

Kathy Meaux – Myakka Water Quality Monitoring – Sarasota County.

A handout was provided. Kathy explained how Sarasota County has been conducting water quality monitoring on the Myakka River. The number of sites that have been sampled has changed over the years. Total Minimum Daily Loads (TMDLs) are going to be completed in 2009. Their sampling results from 2 months of sampling show that Clay Gulley has a potential problem with iron.

Suzanne Cooper asked about the continuation of monitoring. Would there be sufficient overlap such that all of the data from 1995 would be included in the TMDL?

Kathy Meaux responded “Yes.” In fact all the Mote data is on their Sarasota County Water Atlas site. She left some cards.

Discussion followed.

Greg Blanchard – Manatee County

Greg discussed the Manatee County memo regarding the existing protections that Manatee County has in place for the Myakka River. A copy of this memo had been emailed to the Council. It is in the Director of the Environmental Management Dept.’s opinion that the biggest hole in Myakka River protection has to do with Agricultural BMPs in the Upper River Basin. Conservation easements look like the only real avenue for getting substantial conservation lands within the Myakka River Basin.

Discussion followed.

Jono stated that he was surprised at how the memo reads. Part reads like a rebuttal as to why it shouldn’t be a Wild & Scenic River so that seemed like it was a little off target. There is no special protection in any category that applies specifically to the Myakka. The protections that are listed are distributed throughout the County Codes and ordinances. There’s more protection for the Braden and Manatee rivers upstream of the dam than for the Myakka River.

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Jono continued saying the other item that surprised him is that this seems to be contrary to the testimony that was heard in Manatee County. Jono's recollection is that agricultural interests were telling us that they were the good stewards of the river and had protected their river area values and they were concerned about phosphate and also (to a lesser extent) the potential for subdivision and smaller lots along the river. Whereas the staff analysis seems to suggest that agriculture is the problem; phosphate not so much and we don't really need to worry about development along the river because of flooding.

Greg indicated that Manatee County does have a single-element watershed protection mechanism for potable water watersheds used in the upper Braden and Manatee Rivers, and the Peace River watershed in Manatee County (Watershed Protection Overlay Districts). The memo was prepared by the Director of the Environmental Management Dept. in response to discussion we heard before the Board but without specific direction from the Board. EMD believe it accurately represents the opinion of EMD and the Planning Department. EMD does not know how it was presented to the Board.

Discussion followed.

Bill Byle – Charlotte County Update

Bill gave an update on the proposed phosphate mining compact and how it could affect the Myakka River watershed. The Keyes track portion of the Pine Level property is the headwater of the Big Slough and Myakkahatchee Creek. Mining impacts stream flows. If you put 50 sq. miles of strip mining in the headwaters of Myakkahatchee Creek you will impact stream flows to the most critical part of the Myakka River, which Dr. Ernst Peoples refers to as the "center of abundance", where you have all the nursery grounds up near the mouth of these rivers like Peace River and so on.

It is unlikely that Lee County and possibly Sarasota County will agree to the compact.

Bill discussed that the cumulative impact that mining in the Peace and Myakka River watersheds would have on the amount of water entering into Charlotte Harbor could be serious. Reservoirs are becoming a reality. In Texas very little water ever reaches the Gulf according to the experts he has talked to. These impact the estuaries and so on.

Maran Hilgendorf stated here that the National Estuary Citizens Advisory Committee is meeting Wednesday, January 16, 2008. CF Industries is sponsoring the meeting in Bolling Green. Three people presenting are involved in that project. After the meeting there will be a tour of phosphate activities.

Bill continued saying the NEP did submit a letter making comments on the reservoir proposals by CF.

Teresa Payne – City of North Port

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The City is reviewing a couple of proposed development projects. West Villages Improvement District is developing a 35 acre site for commercial/retail to be located north of US 41 and 1 mile southwest of River Road. This project is named "The Prado." An additional commercial project consists of a 7 acre parcel located adjacent to the West Villages site and is named "Myakka Crossings." Both parcels are approximately 1 mile east of the Myakka River.

The Prado project environmental report was prepared by BRA and has been thoroughly reviewed by the City Environmental Division. There are approximately 8.75 acres of wetlands that have been field verified and delineated by SWFWMD. They have applied with Fish and Wildlife and received a gopher tortoise relocation permit for up to 111 gopher tortoises.

Teresa has been working with the owners of Longino Ranch. FWC and Teresa have met with them several times to discuss the possibility of creating a gopher tortoise mitigation area within a conservation easement. They have decided to begin with assigning approximately 250 acres for the initial relocation site. They have recently completed gopher tortoise surveys and are working with FWC to determine carrying capacity and final procedures.

Discussion continued.

Jono said that 4th Quarter Properties is doing Gottfried Creek Stewardship Village. This proposed project is located within Sarasota County. They have made concessions. One of them is to pay a portion of the costs for River Rd. up front and they would be reimbursed later. They are also talking about redoing the intersection of River Rd & US 41.

The Gottfried Stewardship Village is a 2850-acre parcel. Teresa reported that the County Commission agreed to let DCA review it at this point. She indicated that this project is several years from development if approved.

Teresa gave updates from the City's Utility Department on a water enhancement project for Myakkahatchee Creek and other utility projects.

Jono appeared before the City Commission in North Port regarding the phosphate mining compact. He told them that there is no city in the state of Florida that has more to lose from phosphate mining than North Port. They're downstream and so he encouraged them to work with their legislative delegation. One of the solutions to this compact problem is to actually go ahead and adopt by statute the provisions that were elaborated.

Teresa is working with Sarasota County in discussing the County's revision to the protection zone ordinances. She will be submitting a draft to this group from North Port sometime after the County's adoption. She wants to use the same format as the County so that it will be easier for people to understand since the City and County's protection zone areas are intermittent and interspersed with each other.

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Dianne Davies – SWFWMD

The fiscal year 2009 Cooperative Funding Slide Rule has been kicked off. The deadline for applications was December 7th, 2007. They received approximately 63 applications with Manasota Basin funding and 57 from Peace Basin funding so that would include Charlotte County.

Their 2009 through 2013 strategic plan went to the governing Board in November and was approved in December. It was printed for distribution. (Copies were available) It can also be downloaded from www.watermatters.org under the documents and publications link.

Dianne also gave updates about their speaker bureau and about local government's 10-year water supply work plans.

Susan Kinney – DOT-SR 72 Resurfacing Update Project

DOT has completed the complete substructure and superstructure on the overflow and they have been able to stabilize all the material underneath that bridge. They have eliminated any additional future potential impact on the overflow when the water does finally rise. Water levels have been low and they have been able to maintain a zero impact on the watershed in the area.

They are just about done on the Vanderipe Slough bridge. They have completed everything under the bridge and they have that area stabilized.

She mentioned the last time she was here that they're installing sheet pile wall along either side of the Myakka River. They will begin that operation starting next week (January 14). That will be driven (vibrated) into the ground. She has been working with Stacia insuring they will have plenty turbidity control.

Discussion followed.

Maran Hilgendorf – Charlotte Harbor National Estuary Program Update

They are working on updating their 20-year Management Plan called "Coming Into Our Future". It's officially called Comprehensive Conservation & Management Plan or CCMP. The difference between the first one and this one is striking in just the technology. It has been a very cooperative effort to update the plan. Their signing ceremony is going to be March 24, 2008 in the afternoon. She wants to be sure everyone in the Council gets an invitation.

Tuesday through Thursday of that week is their Watershed Summit. This is their 3rd triennial summit where researchers come and present their latest findings. It will be at

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Edison College in Punta Gorda. Last time they had the summit they added a day to deal just with Myakka issues.

They were able to create another calendar. (She had some available at the meeting.) The November 2007 and the January 2008 featured images are on the Myakka River.

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

A handout was provided. The water levels on the river have been pretty low. The permit program is pretty slow; much of the same stuff as the last time. There haven't been too many incidents/violations since the last meeting which was two months ago.

Future projects: next Tuesday they will be giving an interpretive presentation about the Myakka River at Rambler's Rest. They will also be giving one at Snook Haven next month. The Association of Myakka Communities is scheduled at the soonest available date which was in April. Stacia has also been in contact with people at the Venetian Golf and River Club to try and schedule an interpretive presentation there. Myakka River Trails has a homeowners association that she is trying to get in touch with.

Along with the interpretive programs is education about the MRMCC and her effort in trying to get more homeowner representation on the Council. That will be an ongoing process and she is making some headway. The only location she hasn't been able to contact yet is on the west side of the river below US 41. They may not have a formal homeowner's association. She would like the Council's recommendation on how to go about contacting them.

An exotic plant removal day scheduled for February 1st at Rambler's Rest Resort. John and Stacia would like to do more removal events on the river.

Other activities: mentioned last time the folks from the Association Myakka Communities are still interested in possibly getting some kind of signage, channel markers on the Myakka River below US 41. DEP denied a permit for channel markers in the past. They had a meeting with folks from the County and from the Association of Myakka Communities. The County is going to do some formal bathymetry of the river. They didn't have a formal, signed, sealed bathymetric survey last time.

On February 7th is the Friends of Myakka Canoe Paddle. John and Stacia will be doing a canoe/kayak tour.

The Council's report on the Wild & Scenic Designation Expansion has been transmitted to the Legislature. She just got the electronic copy of exactly what was transmitted and will try to make available online next week.

Stacia thanked Maran Hilgendorf and the NEP for the grant to continue the Council's website.

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Jono explained that Jeanne Blackburn, who does the paintings of photography at the Myakka River, is having an open reception on Sunday January 27 from 4 -7 p.m. It is at Rhea Chiles at Ana Maria Island.

Jason Utley – SWFL Regional Planning Council – Status on Isles of Athena and North Port Gardens DRI

Isles of is a mixed use of development. 13, 000 dwelling units are proposed and 4.2 million square feet of non-residential use. They do not have access to the interstate yet. They have been through several sufficiency rounds. There was a holdup on one of them because the applicant had not provided the information requested. The Planning dept. said that what is being proposed isn't consistent with the adopted Comp. Plan of North Port. They're working with the City of North Port to amend the comp. plan. They're going to send that to DCA. If that change is approved and what they're proposing to do is then congruent the Regional Planning Council staff and the Council will move forward with further review. If it's not approved it can't go forward.

If they do not change the Comp. Plan, in the areas where they already have a village residential and they are consistent with the Comp. Plan then the RPC would have to approve it.

Discussion followed regarding the money to pay for an interchange with I-75 and water supply for the area.

North Port Gardens is another: about 500 acres. It is going to be a commercial center with some residential. It is consistent with the City's Comp. Plan. There are not as many environmental issues, and the traffic issues have been easier to review. They have been through two sufficiencies so far.

Diana Donaghy – Myakka River State Park

The park has been on Channel 7 and on the 6th it was in the Bradenton Herald concerning the lake and fish die-off due to cold temperatures. We recently have had some fairly cold weather two nights running. The two species Diana noted were Tilapia and the Vermiculated Sailfin Catch.

The other issue that has been in the news is a plane crash in Big Flats in the park. The pilot walked away with a broken nose and a passenger walked away without any injuries.

Discussion continued.

Lt. Hand – Bureau of Park Police – River Patrol Update

The task force just had a meeting. They are trying to get more organized patrol on the river and hopefully focus those patrols on weekends and other times that are needed.

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So far they have themselves, FWC, the Sheriff's Office of Sarasota County involved. They have City of Venice going to participate and North Port is still undecided. They have a new police chief. A letter from this Council would probably help.

As far as their enforcement on the river it has been almost nil. His agency did commit to buy a low water drafting vehicle specifically for the Myakka. When they get it they will be ready to go and it will be used primarily for that function. They do have jet skis that they use, but a vessel would be more practical.

Marlene Guffey asked can a fisherman just put the crab traps out there and just leave them.

Rick Sloan, FWC law enforcement, responded that crab trapping is a legal activity. He has checked on the crab traps on the river and they are legal. However, there are legalities he must follow in permitting: how often he checks the traps, if they are decrepit, etc. It is up to FWC to remove the traps once they've degraded. No one else can legally remove the traps.

Discussion continued regarding crab traps, navigability and poaching.

Rick explained that any harassment or taking or any molestation of a crab trap is a third degree felony and is punishable by a fine of up to \$5,000 and/or five years in prison. There is no season on blue crabs so traps can be left year round.

To get information to FWC a citizen can call a hotline number which was given at the last meeting, or call 1 888 404-3922 which is FWC dispatch and for wildlife alerts.

Stacia Hetrick – Discussion of Council Bylaws – A. Present a Meeting

Statement on the 3rd page says "All Council members or registered alternates must be present at the meeting in order to vote." This is something we need to get figured out because the Department of Community Affairs has voting members on this Council. They have zero budget for travel but would like to participate. We have been using teleconference system with them but some of the meeting facilities don't have a phone.

Their question to the Council and what the Council needs to figure out: is the teleconference considered present at the meeting. These Bylaws were adopted by the Council and DEP. The Council needs to make a decision on what they think it means. DEP also needs to discuss it.

DCA has also asked for the option at this meeting where we don't have teleconference ability can they give their vote via proxy to one of the other members and the other member could vote for DCA.

Discussion continued.

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Jono said that some of the comments suggest that while we may want to talk about this today we may need more from the DEP legal council about how we will comply with the Governor's Executive Order the extent to which conferencing does not pose problems with Sunshine. We probably should revisit the determination that this group isn't constrained by the Sunshine Laws.

Stacia Hetrick – Discussion of Council Bylaws – B. Quorum

There are several members that are over 40 miles away. Many members come from over 40 miles away. Many of these meetings have been cutting it close reaching the quorum.

For the last meetings it has been very important to have a quorum. Stacia would like to get some agreement or consensus on the interpretation of the definition of quorum.

Manon Lavoie would support something to the effect that the quorum is majority plus one instead of being whatever it is now.

Maran stated that they just went through this exercise with the NEP. They decided that the majority of the people with voting status who were attending that meeting were a quorum with a minimum number. It's easier to have a quorum.

Discussion continued.

Maran will send a copy of the bylaws by email. Wording will come in a future meeting.

Lunch Break start 1:00 PM

Rachel Herman and Council Subcommittee – Myakka River Protection Zone Ordinance Compilation

Rachel explained that there was a public hearing to consider this document by their Board of County Commissioners on January 23. The Board gave policy direction based on the testimony. On April 8th the Board will consider for final adoption the potentially revised version of this code.

Jono explained that the subcommittee met and reviewed the draft code and went on a tour of several properties on the river. Jono went through the handout (provided at meeting) of the subcommittee's comments on the draft code. Discussion occurred throughout.

Rachel stated that once the document comes into affect they are planning a very extensive public outreach education campaign with brochures and a website.

Discussion continued.

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Manon Lavoie moved that Council approve the Subcommittee recommendations and forward to Sarasota County in the form of memo or letter. Chuck Downs seconded. No discussion. The Motion was approved unanimously.

Marlene made a Motion regarding septic tanks being replaced where they were originally but that was voted down. It would potentially violate state law.

Discussion continued.

Belinda Perry – Environmentally Sensitive Lands Update

Sarasota County in partnership with SWFWMD acquired over 12,376 acres of the Carlton Ranch south of SR 72. The Water Management District gave \$20 million and the County \$31,000.

They are continuing with the Green property; the 8 acres on the river which is an inholding within existing lands on the west side of the river north of Laurel Road. They expect to close on that sometime within this first quarter of the year or within the second quarter.

Tom Moralee wanted to know if there is any program that Belinda is aware of that mixes in with ESLPP on buying existing properties that what to sell in Marlene Guffey's neighborhood.

Belinda responded that there is no county program for that. It had been looked at but never came to any kind of fruition. However, there are lots of private, non-profit that may be able to help that. She thinks the next presentation will help Tom hear about that program.

Albert Joerger – Myakka Ranchlands – Sarasota Conservation Foundation

Albert Joerger is president and founder of the Sarasota Conservation Foundation. They are a private land trust. They are about four years old and they are the County's acquisition agent for their Environmentally Sensitive Lands Program.

They did a proposal for the Myakka Ranchlands to Florida Forever. They were able to put together an additional 18 thousand acres on top of the 12,000 acres. When it is done it will be a 30,000-acre expansion of the Myakka Island. The current proposed expansion is 31,000 acres. Sarasota County has already done 12,000 of them. There's nearly 11,000 acres bordering the Myakka River State Park. It's the Hi Hat Ranch and then approximately 20,000 acres that connect the Carlton Preserve with the Lewis Longino Preserve. Hi Hat Ranch links the new Carlton acquisition through the Walton and Longino Ranch to the Lewis Longino Preserve and then goes beyond the county.

In terms of moving forward the Governor and his cabinet will vote in February whether to go ahead or not. So it is not a done deal, if the past is any predictor of the future then it

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should move ahead. Once approved, they submit a boundary map, and then negotiate the terms of the conservation easement. They do appraisals and then negotiate with the owners.

Discussion continued.

Susan Hochuli – PRMRWSA – Feasibility Study and Pipeline Project Update

Two projects are underway that are of interest to this Council. One of them is looking at three different locations within our four-county service area for developing another water supply source. Two of those three locations that are of major interest to this Council, one is at the upper end of the Myakka River Watershed; the Flatford Swamp location. And also the Dona Bay/Cowpen Slough Basin is another.

In the Dona Bay/Cowpen Slough area they are looking at working in conjunction with what the Water Management District is doing as well as other agencies such as Sarasota County and quantifying the water that's available without harming the natural environment as well as opportunities for them to store water.

Their overall schedule: by August they will have their final report available. The other project of interest to this Council is a pipeline project. Along Laurel Road across the river is the corridor in which they are planning to put a large diameter pipeline. She believes there is an existing 18 inch and 42 inch diameter pipeline that Sarasota County has in place that used a construction method that minimized the disturbance to the corridor. They would follow the same approach with their pipeline. That is still in a preliminary engineering evaluation stage.

Jono wanted to know if that pipe would be collocated within the existing right-of-way that's been cleared already. Can the corridor stay the same width it is?

Susan doesn't know why it would need to get wider at this point.

Stacia attended a meeting on this up at DEP and she thinks it would need to be a little wider.

Chuck Downs wanted to know where the pipe was going.

Susan responded the southern terminus will be at the Carlton Water Treatment Plant. It will come out the driveway and head east/west along Laurel Rd. and then turn north on Knight's Trail Rd. It will go up about 6 or so miles. It's just west of the county's landfill area.

Stacia read the roll call.

Adoption of the Meeting Minutes from October 5, 2007 and November 2, 2007.

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Manon Lavoie moved Belinda seconded. Dianne Davies had a correction for the November 2, 2007 Minutes. The Minutes claim that Dianne Davies had copies of a memo that she presented to the Council (true) by the Executive Deputy Director. It was not by her it was by Dianne to her.

Manon Lavoie moved to amend her motion to accept the Minutes as corrected. Dianne Davies seconded. The Motion passed.

Election of Chair and Vice-Chair

Jono stated that he would like to step down as Chair for several reasons. First, he is currently running for County Commission in Sarasota County. Secondly, he doesn't want the Council to seem any more politicized.

Maran Hilgendorf, who is the Vice-Chair, was asked to chair the next portion of the meeting. Jono left the meeting temporarily so that the Council could discuss.

Maran stated that she would like to not continue as Vice-chair of this Council. She cannot commit to Chair of Vice-chair without approval from her Program Director.

Discussion occurred.

Maran asked if anyone might be interested, but doesn't want to commit today; for consideration and tentative approval.

Stacia described what the Chair's responsibilities are.

Greg Nowaski moved to accept Jono Miller's resignation on the condition that Jono chair the next committee meeting, April 11th, and the Council would decide who to vote at the next meeting. Peggy Morgan seconded. Discussion occurred.

The people who are willing to consider with the approval of their boards being nominated as an officer of the Council (Chair/Vice-chair) are Greg Blanchard, Greg Nowaski, Susan Hochuli, Manon Lavoie, and Dianne Davies. Members agreed to consider if the position would be redefined to have a separate spokesperson.

The people who would be willing to represent the Council at public meetings and other issues (spokesperson) are Susan Hochuli and Greg Nowaski (Greg Nowaski thought that his alternate might be interested.)

The Motion passed.

New Business

Maran Hilgendorf has been working on a children's book for third graders to teach them a little about the natural environment of southwest Florida. There is one chapter about

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the Myakka River. Their goal is to distribute it free to third graders using the school districts as the distribution method.

Marlene Guffey stated that there is a national website for FEMA on the “best practices.” The website is www.scgovernment.net/floodprotection/crs. Then scroll down to “elevation on the Myakka”.

Meeting dates for 2008

April 11th was scheduled at the last meeting. It was decided to move the meeting up to April 4th. The next meeting date will be decided at the April 4th meeting.

Subcommittee next meeting date will be discussed with the subcommittee.

Meeting adjourned at 3:10 pm.

MEMBERS IN ATTENDANCE

Greg Blanchard
Dianne Davies
Susan Hochuli
Dr. Mary Jelks
Bill Byle
Manon Lavoie
Tom Moralee
Jono Miller
Teresa Payne
Ernie Estevez
Marlene Guffey

Jill Green
Paul Thomas
Chuck Downs
Suzanne Cooper
Belinda Perry
Peggy Morgan
F. Gaines Finley
Gregory Nowaski
Jason Utley
Maran Hilgendorf

INTERESTED PARTIES

Rachel Herman
Kathy Meaux
Shawn Yeager
Diana Donaghy
Officer Rick Sloan
Stacia Hetrick
Judy Meents

Officer Andy Polaszek
Rachel Shirley
Susan Kinney
Officer Todd Hand
Officer Rob Gerkin
John Chassey