

Adopted

**Myakka River Management Coordinating Council  
South West Florida Water Management District's  
Sarasota Service Office  
6750 Fruitville Road  
Sarasota, Florida 34240**

**December 9, 2005  
9:30 A.M. – 12:30 P.M.**

**MINUTES**

The meeting started at 9:34 a.m. Jonathan Miller explained the procedure and introductions were made.

**Brooke Elias – Sarasota County's Environmentally Sensitive Lands Program Update.**

The two referenda proposed by Sarasota County's Environmentally Sensitive Lands Protection Program (ESLPP) passed on November 8, 2005. Approximately 14% of the citizens voted and the referenda passed with an 80% voter approval. It allows the current bonding cap to rise to \$250 million through the year 2029, and allows for the creation of a new urban greenspace and neighborhood parklands acquisition program.

B&B Holdings, a property on the west side of the Myakka has been approved for contract. Sarasota County's Public Works department is handling the contract with the intent on using the property as mitigation for the widening of River Road. Little direct impact is expected on the property and no impact on the 220-ft buffer. Closing on the property is expected early in the New Year.

Snook Haven's contract was approved by the County, and property inspections are being conducted. Surveying, title details, environmental aspects, and specific site assessments are also ongoing. Due to the number of structures on the property this is taking awhile. The future plans of how the county will use the parcel is not known.

The county continues to negotiate with land owners throughout the County and along the river, to be able to protect more land in the watershed.

**Howard Berna – Sarasota County's Myakka River Permitting.**

Two dock permits are currently under review. One new dock is in the Myakka River Trails neighborhood. The second is a re-permit and there are no changes to the structure plans from the initial application. Many new docks can be seen on the river in the Myakka River Trails neighborhood; these were permitted a few years ago, but only built recently.

There are still problems with vegetation removal within the buffer zone and prohibited areas despite the joint mailing to riverfront homeowners. He will be following up with the Amy Emmert on a problematic site.

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Jono Miller asked if Howard had any other cases where clearing has occurred. Howard responded that only a few cases on the smaller developed lots have occurred and they responded with some code enforcement. Most of the enforcement has been at the education level. They have not seen too many cases where trimming has occurred. Jono asked if there was replanting involved with enforcement. Howard responded he is not the one who follows up on the code enforcement end, and did not know how much replanting has been required. He assured it would be a part of the process. Jono asked Howard to get in touch with whoever does the follow-up to give a report for our next meeting and Howard responded he would. He knew of a couple wetland clearing projects that required significant replanting, and those are still ongoing.

Jono stated that he thought homeowners needed to understand that enforcement actions are a consequence for people who made mistakes. It is important that they have been required to make things right. It would help to educate and deter other from making similar mistakes.

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

The phosphate industry has been a concern, but it hasn't been a high priority for the Council because of the distance of mining activity from the Myakka Watershed. The Wingate Mine has brought it closer to home. Pine Level is also in the Myakka watershed and is the largest mining property still to be mined. It's about 30,000 acres, and is found at the headwaters of Myakkahatchee Creek / Big Slough. During an Ecosystem Team Permit meeting three years ago, the Pine Level mining project was proposed and then postponed. It hasn't gone away, and there is still a plan to mine the property.

Based on the Tenaroc Study, reclaimed phosphate mines have elevated levels of 19 different radio-active materials, and elevated levels inorganic materials. Radium 226 has a half-life of 1800 years, and will be breaking down for a long time. Mining operations brings the materials up to the surface, redistributes them through the aquifer, and eventually will flow through the streams and down the river. There are different approaches to fight the practice of mining; one is from the human health concerns, and the second is from the aspect of environmental impact.

Altering freshwater flows to an estuary will be ecologically devastating. If freshwater flow is reduced, the harbor can increase in salinity and be saline enough to support red-tide. In 1996 149 manatees died in Charlotte Harbor due to red tide. That year was a dry year. The mining industry doesn't cause red-tide, but they do cause conditions that allow red-tide to enter the estuaries.

The Altman Tract in the Four Corners area, is in the headwaters of Horse Creek. The only thing left of the headwaters of Horse Creek is Headwater Marsh, and the plan is to mine about 1800 acres around the marsh. This is at the top of the system and will affect everything down stream. Charlotte County won litigation three years ago denying the permit. The day before Thanksgiving DEP decided to reissue the permit and gave 21 days notice for comment. Today is the end of the 21 days. Bill believes Charlotte County has filed for an extension, and he was not sure where Sarasota County stood. Sarasota County contributed support in the past. Charlotte

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County does not have a lot of money to fight upcoming permits because of Hurricane Charley and three previous litigation battles.

Now is the time for the council to send a loud and clear message to the board of county commissioners about using funds to prevent mining. The next mine may be closer. Bill states he has never seen a group more dedicated to protecting a natural resource than this council, and the mining is moving south into the watershed.

Amy Emmert asked Bill for an update on the Environmental Lands Acquisition referendum. Bill responded that a referendum was planned for an election in November until Hurricane Charley hit the area and it was postponed. The Environmental Lands Acquisition Committee or Commission for Charlotte County is going to try to include it in the next election.

Questions and answers followed.

### **Paula Benshoff – Myakka Wild and Scenic River Trails Map.**

A Myakka Wild and Scenic River Trail Map was given to each individual. They are being made available at the Ranger Station at Myakka River State Park. A \$2.00 donation is requested for each map so reprinting is an option as they run out. Other sites will also have a supply of the trails map, Crowley Nature Center, Sarasota County, and the Myakka State Forest.

The map was printed with grant funding from Charlotte Harbor National Estuary Program and South West Florida Water Management District. Park volunteers and Belinda Perry helped in the coordination of the map. Also, property managers were helpful by providing information about their respective properties. The public gave input and guidance to the project. Diana Donaghy helped putting the GIS information in the correct format for the printer, and Ken Lackman aided by printing the preliminary copies.

Feedback from the council included that it was a remarkable product, and applauded Paula's efforts.

Jono asked Paula how much it cost to print one. Paula responded saying they printed 20,000 maps at 50 cents per map. The more maps printed, the less the cost per map and vice-versa. Jono encouraged donating towards the cost of reprinting the map.

### **Amy Emmert – Myakka Wild and Scenic River Biologist Report.**

Amy gave an overview of activities from the Myakka Wild and Scenic Management Office. In September, Chris Becker and Amy Emmert attended the public hearing for the Wingate Creek Phosphate Mine permit. The comment period has passed and any further developments will be presented in the next meeting.

The letter written from the Myakka Wild and Scenic Management Office to the City Manager of North Port, (presented to the council last meeting for comment) was sent in September. The

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office has received a response, and is hopeful that this is the beginning of the development of protection for the 220-ft buffer zone in North Port.

Two permits were issued in September.

The Florida Park Service commented to SWFWMD's to FDOT's permit application for SR 72.

The community mailing were completed in September. Every homeowner within the 220-ft buffer received an overview of the Myakka River rules as well as a Sarasota County brochure on county ordinances.

In October, a meeting was held with State Park Patrol. Park Patrol is designing a task force for the river. They want to partner with law enforcement from City of Venice, City of North Port, Sarasota County, Florida Fish & Wildlife Commission, and Florida Park Patrol for cooperative patrolling. The goal is to get more law enforcement visibility out on the river. The more often the river patrolled the more proactive protection it will allow.

A partnership with Institute of Food and Agricultural Sciences (IFAS) from the University of Florida is leading to the development of an exotic plant booklet that will be an exotic plant ID guide, and alternative native plant to replace the exotics with.

Marlene Guffey commented about the expense it takes to remove large trees. Removal of Australian Pine tree is about \$750 to \$900 per tree.

Marlene questioned where vegetation violations occurred. Amy responded that it is commonly seen with properties that have changed hands. Chris Becker added that new property owners who move into existing homes try to improve their view by cutting trees down. Jono asked if there was any practical way to track new transactions on the river before people move in to get them this information. Chris Becker responded that one way is deed restrictions. Jono continued, asking if the county has the capacity to monitor and flag real estate transactions, they could put out ones that were adjacent to the river to give people additional information. The deed restriction is great, but Jono thought that was pretty far off and not a quick fix. Discussion continued on this subject.

Marlene Guffey stated that if you live on the river that you could maintain set view. She wanted to protect that right. Protection of the river is important, but there is a neighborhood that has been there for 55 years. Part of their investment is having a view of the river. Jono responded that what's happening is that new people are moving in and changing the way things were. Marlene continued that she knows of five homes that have sold within the last year. Those five homes on the riverbank still look like when they were bought. She does not know of anybody who has removed vegetation.

In November, the management office attended the Myakka Minimum Flows and Levels public information meeting. The Environmental Protection Agency toured the upper river Myakka watershed looking at impaired water bodies. The county commissioners passed a mooring

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ordinance that does not allow mooring to vegetation along the Myakka. This will require the removal of boats tied to shore along the Ramblers Rest facility.

Updates were given from past council meeting. A question of how many hours has law enforcement been spending on the river was asked last meeting? Since June, when officers received the personal watercraft, they've spent an average of about 20 hours per month.

Dr. Richard Swier from the National Cemetery let the office know that the site has not been chosen for the national cemetery. There will be rankings of the preferred properties in February.

The City of Venice public park was on hold. Jono asked Don Caillouette for the background on the hold. Don responded that the City Manager, Martin Black, who indicated that the focus right now is the two parks on the island Jono asked if they agreed on the new name. Don responded no.

Marlene spoke about the county water monitoring station and wanting it painted. Some of the neighbors requested a couple of signs for manatee areas. Amy stated she would contact Belinda Perry to remind her.

### **Manon Lavoie – DOT update on State Road 72/I-75.**

Scott McCall is the project manager for the I-75 project that will widen the interstate from four lanes to eight lanes. One lane will be added to the outside, and one lane will be added to the inside in each direction. Construction will begin on the inside of the roadway and work outward. DOT is planning a public hearing for May.

The SR 72, project consists of widening the lanes from 10 feet to 12 feet and providing a two-foot shoulder in both directions. This plan is presently at 90% final design for the roadway and the bridge. The permits are on the way from the water management district and Army Corp of Engineers. There will be water management treatment and wildlife crossings at the Myakka Bridge. Traffic control will be a challenge because of the numerous environmental challenges on that road. Cars will share one lane, with a light controlling the direction of. SR 72's Project Manager is Ed Ponce.

Jono mentions the council has issues with River Road widening. He asked if Manon knew anything about that. She did not.

Jono asked for an update on I-75, SR-72 and the Englewood Interstate connector for the April meeting. Jono pointed out the Englewood Interstate Connector to River Road is going to be widened and elevated. Because it impacts the 100-year flood plain, in addition to wetland mitigation, they have to provide floodplain storage compensation. The question is where the compensation and mitigation going to take place? If mitigation is going to be on publicly-owned land how does that get permitted, and how does the county get compensated for that? Manon stated that the county would be able to answer that question.

Further discussion continued.

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**Maran Hilgendorf of CHNEP passed out calendars which showed the natural beauty of areas and was put together by CHNEP with donated photos/pictures from a contest.**

**Diana Donaghy and Chris Becker – Additional culverts to SR 72 for Wildlife Crossing.**

Diana Donaghy explained that with the expansion of State Road 72, four bridges were going to be replaced, 12 existing culverts will be replaced and two wildlife crossing will be added. The four bridges are the Myakka Overflow Bridge, Myakka River Bridge, Deer Prairie Slough Bridge and Vanderipe Slough Bridge.

Diana explained that additional culverts are needed to aid in hydrologic flow. The plans to extend and heighten the bridges are a good start, but not enough. SR 72 acts as a weir allowing the water to build up on the north side. Under flood conditions water runs over the top of SR 72 causing damage to the road and facilitates erosion on the southern side.

Additional culverts would aid as wildlife crossings. In the last three years, 151 animals have been killed on SR 72. That number is a gross underestimate of the number of animals actually killed by the road. Roadkill data is not gathered daily and is only recorded opportunistically. The number would be much higher if they did daily patrols. They can not account for the wildlife eaten, or for animals that die away from the roadside, or for small animals like tree frogs that can not be seen from the vehicles.

The species included as roadkill data are river otters, bobcats, deer, snakes, raccoons, and opossums. Many alligators are killed as well. There have been accidents where people have lost control of their vehicle. Chris Becker mentioned a newspaper article where someone wrote a letter to the editor stating that he had been driving on SR 72 and almost hit three deer in a one-week period. Diana mentioned that they do have a Florida Panther that uses Myakka River State Park as part of its territory.

In 1998 a report written for FDOT, stated that SR 72 within the Myakka River Conservation Area, was one of five identified areas in FDOT District One in significant need for wildlife crossings. The report was based on road kill, biodiversity, public inertia and conservation planning.

Additional culverts on SR 72 could be added. Nine potential sites were presented and Diana explained that they are not asking for all nine sites. They are trying to give FDOT choices. Research shows that wildlife culverts are best placed where there is cover on both sides of the road. The proposed culverts are in hammock areas as well as known road kill hot spot areas.

Chris continued that they believe they really need additional north to south sheet flows culverts and they thought at the same time they could use box culverts or something of the size that would facilitate wildlife crossings of the roads. They would like to propose to FDOT that state parks will buy the culverts if DOT will install them. It is a way to partner and get the project improved. They do not know the next time an opportunity will occur to fix the system.

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Chris continued that FDOT has not applied for the Wild & Scenic Myakka River permit required for the Myakka River Bridge work. They are looking for support from this council. A letter from the MRMCC to FDOT would help them try to get additional culverts. Diana chose nine possible locations, but even a fraction of the additional culverts will help.

Discussion of the letter continued.

### **Maureen Doyle, City of North Port – Thomas Ranch Park Proposal, Deep Well Injection Facility.**

Maureen passed out draft copies of the Thomas Ranch index map. She said she was here to take notes, and get questions and concerns from the council. She said questions gathered here will be taken back to the office for answers and a formal write-up. She asked if the council had any problems over location of facilities or environmental issues she would appreciate the comments.

Diane Davies asked if this would be submitted as a DRI. Maureen said not at this stage.

Jono asked if the white area that approaches the river would a residential section of village G? Maureen responded yes.

Questions compiled:

- There is nothing that would serve to functionally connect the Myakka River State Forest to the Myakka Trails Subdivision. How would wildlife traverse? What about connectivity?
- It would be helpful for Village G on all conceptual maps to depict the 220 foot Myakka protection zone.
- What is the relationship between the hydric soil and the wetlands that are shown on the third map? There are a lot of areas that are shown in hydric soils that aren't identified as wetlands. These need to be reconciled.
- It would be helpful to show the approximate location of the 100-year floodplain to show the relation between the floodplain and recreational facilities.
- Another concern is the sewage treatment facility in an area that floods.

**Role was taken by Amy Emmert. It was found that there was a quorum.**

### **New Agenda Items:**

**Jean Ost** was presented a Certificate of Recognition for twenty years of service on the council. The December 9<sup>th</sup> meeting is her last meeting before moving to New Jersey. Ernie Estevez moved that the council authorize the Chairman to write to the Governor of New Jersey informing him of the arrival of a new citizen. The letter is to include that Jean is a citizen with exemplary environmental service, and how sorry Florida is to be losing her. Becky Ayech seconded. The motion was passed unanimously. Jean Ost stated that this council was her favorite of all the things that she did in Florida, and she will miss all involved.

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**Don Caillouette moved to adopt the August 12, 2005 Minutes. Becky Ayech seconded. The Minutes were adopted.**

**Becky Ayech made a motion to support Chris Becker and Diana Donaghy's recommendations to add additional culverts for wildlife crossings under State Road 72.**

**Dr. Jelks seconded the motion.** The appropriate people to contact are: the FDOT in the Bartow office James Wilt and Ed Ponce; Senator Lisa Carlton; PBS & J Engineering Firm, Shane Paynter, FDOT; Sarasota County Commissioners, project managers, and SWFWMD. Jono asked Chris Becker to get the names and addresses, and he would write the letter. Manon Lavoie mentioned that she would get Chris the addresses. The council would ask for nine culverts. The motion was passed. There was one abstention from FDOT, Manon Lavoie.

**Dr. Mary Jelks moved to support Bill Byle.** Bill stated that he didn't come prepared for this step. He wanted to keep the phosphate mining industry in the council's mind.

Jono asked Maureen Doyle to keep Amy Emmert informed of what the process is going to be in terms of the Thomas Ranch and who's reviewing it, the time schedule involved, and if there will be a public hearing. Discussion occurred regarding the Deep-well Injection Facility.

**Dates for 2006 meetings were discussed. The following dates were set for council meeting in 2006: April 14, 2006, August 11, 2006 and December 15, 2006.**

**Becky Ayech moved for adjournment; Diane Davies seconded. The meeting was adjourned.**

### MEMBERS IN ATTENDANCE

Dianne Davies  
Ernie Estevez  
Greg Blanchard  
Jean Ost  
Jonathan Miller

Mary Jelks  
Jeff Thirlwall  
Don Caillouette  
Bill Byle  
Marlene Guffey

Manon Lavoie  
Chuck Downs  
Marisa Barmby  
Terry Green

Maran Hilgendorf  
William Smith  
Becky Ayech  
Gregory Norwaski

### INTERESTED PARTIES

Steve Kipfinger  
Jamie Scudera  
Dana Bryan  
Terry Hingtgen

Diana Donaghy  
Chris Becker  
Ed Freeman  
Ken Alvarez

Adopted

Bill Hutchinson  
Maureen Doyle  
Amy Emmert  
John Chassey  
Brooke Elias

Will Rothschild  
Paula Benshoff  
Judy Meents  
Howard Berna