

OLD BUSINESS

September 20, 2024

Jono Miller

NATIONAL WILD & SCENIC PARTNERSHIP

September 20, 2024

Jono Miller

Federal Wild & Scenic Partnership

Alternative A is the recommended alternative and involves designation of the 12-mile segment within the Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. Additional eligible segments could be added to this designated portion of the river as local and State initiatives to provide permanent protection for the river corridor are implemented. A Myakka River Commission to represent the three-county area and composed of landowners, conservationists, business interests, and representatives of local government could be established to develop strategies for protecting the river. There are numerous ways to institute a river basin commission. Several options are discussed in this report.

The Partnership Model works locally with the communities and the federal entity that is a partner with your community is not managing the land. It is managed at the local levels. Under the Partnership Model **federal ownership and management are not authorized**. There will not be a superintendent at a Partnership Wild and Scenic River. There will not be an arrowhead on the signage. There will not be a park ranger, either. **It is locally managed and controlled by a local council with broad representation guides that management just like it is being done now, with all the partners at the table**. Land use is locally controlled. The NPS role is limited.

There is no federal control. All the local ordinances and state ordinance come into play.

What will happen to my property rights? Nothing.

Could the study or designation result in federal restrictions on my property? No. **The study is only a study.**

There is no authority for federal land use control associated with a Wild and Scenic Designation.

Local governments will continue their primary role in establishing and enforcing land use.

Jamie continued saying there is a fair amount of work to become a Partnership NWSR. What are the advantages? National recognition and prestige are important. There is funding through the Partnership Wild and Scenic River Coalition around the country, **up to about \$220,000 per year (per river)** through a cooperative agreement that they work with a local nonprofit, and the river and the committee, on dispersing those funds for projects and programs. They are using that funding on the Wekiva for staffing, outreach, stewardship, exotic control, maintenance, and monitoring studies.

Chris offered if we take this course, and if we got in the Partnership Program and received the annual funding. We can grow that funding. The MWSR Program was able to turn \$200,000 to around \$800,000 for the Upper Lake Weir removal by partnering with SWFWMD and FWC. **The MWSR Program currently has no direct funding. Money must be pulled from other areas, which is hard especially when he is working outside of MRSP.** He must make a big justification. When there are unfunded state park projects, how can I get money outside MRSP? This would be a big financial input from this program.

118TH CONGRESS
2D SESSION

H. R. _____

To amend the Wild and Scenic Rivers Act to designate the portion of the Myakka River lying within Sarasota County, Florida as a component of the National Wild and Scenic Rivers System, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. STEUBEN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Wild and Scenic Rivers Act to designate the portion of the Myakka River lying within Sarasota County, Florida as a component of the National Wild

OLPH RETREAT CENTER

September 20, 2024

Jono Miller

1,519 days ago (July 24, 2020) I met on the banks of the Myakka River with Chris Oliver and representatives of the Diocese of Venice to understand erosion concerns and attempt to devise a permissible approach that would meet the needs of the Diocese as well as the goals of state Wild and Scenic River and Sarasota County Protection Zone.

Since then the Diocese has proposed a wall in the river that could not be permitted and a wall within 25' of the river, which some members of the County Commission did not seem inclined to grant a variance for.

On October 9th, they will be back with a new proposal.

Chronology

1983 Myakka studied for Federal W&S status

1984 Diocese acquires 24.9 acre site

1985 State W&S designation

1995 > 2002 Site developed as retreat center

2003 County adopts Myakka River Protection Code

2017 Hurricane Irma

2020 Diocese applies for seawalls (County & FDEP)

2020 Seawall permit challenged

2022 Hurricane Ian

2023 Diocese withdraws permit application

2024 Diocese applies for retaining wall variances









JANUARY 20 2016

JUNE 1 2022



Your county staff reached the same conclusion.
Here is what they said:

Page 2: *“Historic aerial maps do not demonstrate significant erosion trend at this location.”*

Page 5: *“Although the property includes outer bends of the river, a review of historical aerial images does not show significant erosion at the subject property (see Figures 7 through 12).*

Page 5: *“No significant changes in the shoreline configuration can be observed through the time series of maps.”*

Page 9: *“Given that historic aerial maps from 1948 to 2023 do not demonstrate that significant erosion has occurred at this location, the Board may find that “no-action” remains an option to remain consistent with the Comprehensive Plan Management Guidelines for the Myakka River.”*

Page 10: *“The historic aerial images do not appear to*

FWC agrees. In June of 2023, The Florida Fish and Wildlife Conservation Commission published a report **Peace River Streambank Restoration and Myakka River Watershed Threats Assessment and Fish Assemblage Monitoring**. This report included analysis of the Myakka River from Big Slough (AKA Myakkahatchee Creek) up into the Manatee County.

The study area included the subject property. The researchers were looking for “*active streambank erosion, streambank mass-wasting, sediment deposition, riparian zone degradation, channel alteration, and potential areas of non-point source pollution (NPSP)*.” The team found 27 sites in Sarasota County along the Myakka. Neither of the Diocese sites were identified.



74 years at north site

No significant erosion

Graphic analysis by Jono Miller

1948

Yellow wetlands change size
but don't move

74 years earlier



1948

74 years later



The Comprehensive Plan Element 1: Prohibit Shoreline Hardening of the Myakka River (Myakka River Management Guideline VI.2.g). On page 2 of the Board packet, staff states: "The proposed project results in new shoreline stabilization ..."

There has not been significant erosion in this area in three quarters of a century, a fact established by County staff, myself, and the Florida Wildlife Commission. In order for a variance to be appropriate, it should address a demonstrated need.

The record is not complete as it lacks a statement from the applicant required by Section 54-1049 (1) (a) which states that a variance shall not be granted by the Board unless and until there is a written application demonstrating that the applicant has met five mandatory criteria.

The variance cannot be issued because the special conditions and circumstances being addressed have directly resulted from the actions of the applicant. These are self-inflicted situations that can be remedied by making better choices.

There are five conditions that have to be met in order to grant the variance.

1. There are special conditions or circumstances
2. Literal interpretation would deny reasonable use
3. Circumstances not the result of the applicant
4. Won't confer a special privilege
5. Won't create need for additional capital facilities

Here's the wording:

(3) “That the special conditions and circumstances do not result from the actions of the applicant.”

Put another way, Is the Diocese the victim of natural phenomena that no one could have reasonably anticipated and which the Diocese did not somehow precipitate?

The answer is, no!

Virtually all of the perceived erosion challenges can be attributed to decisions made by the Diocese.

How could that be possible?



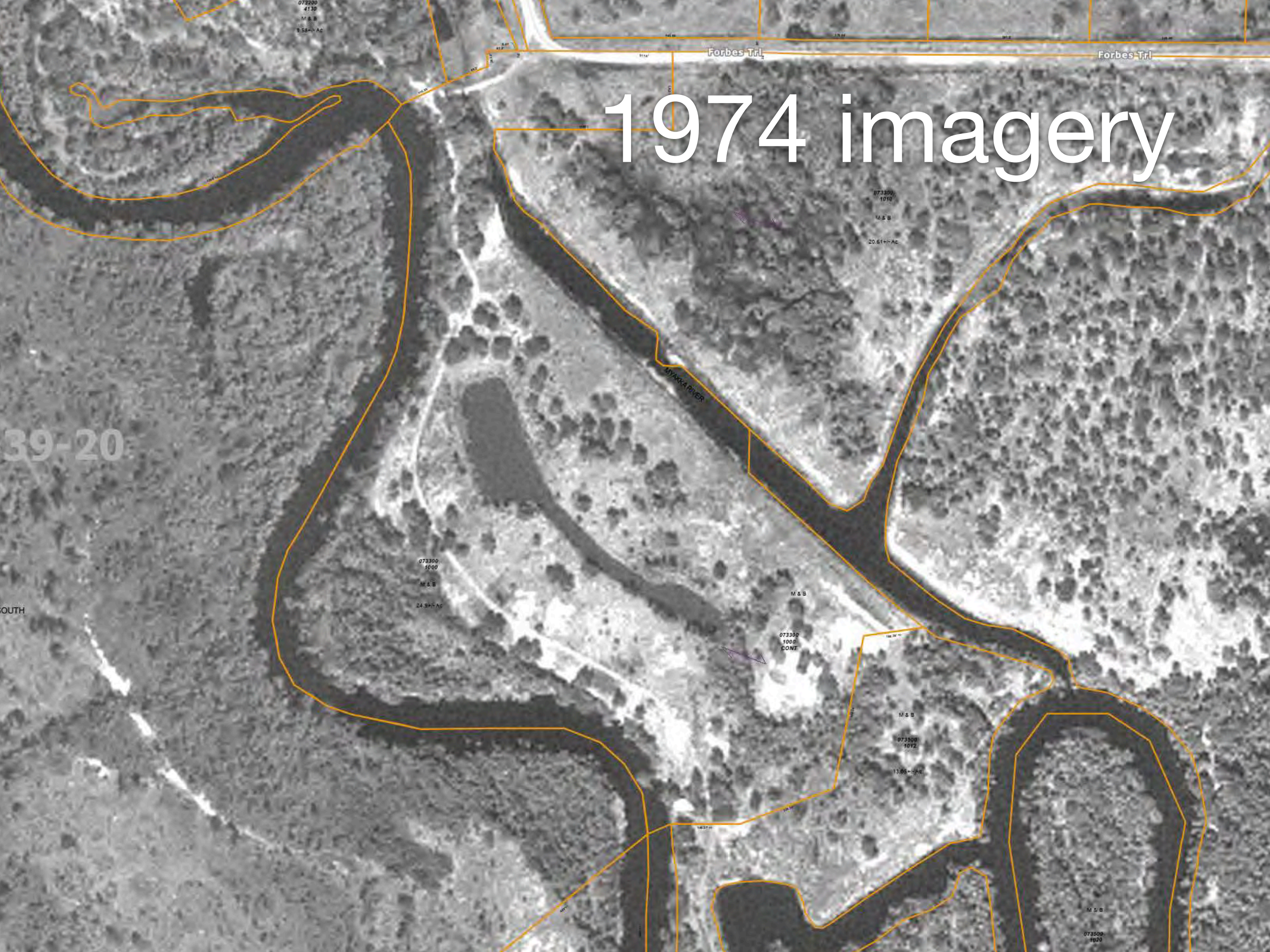
<https://www.youtube.com/@TheRRCvideo>

The professionals that helped the Diocese develop the retreat center must have been aware of the basics of river meanders — that erosion tends to take place on the outside of curves. Yet the owners chose to locate the drive near these outside curves.

1974 imagery

39-20

SOUTH



1974 imagery

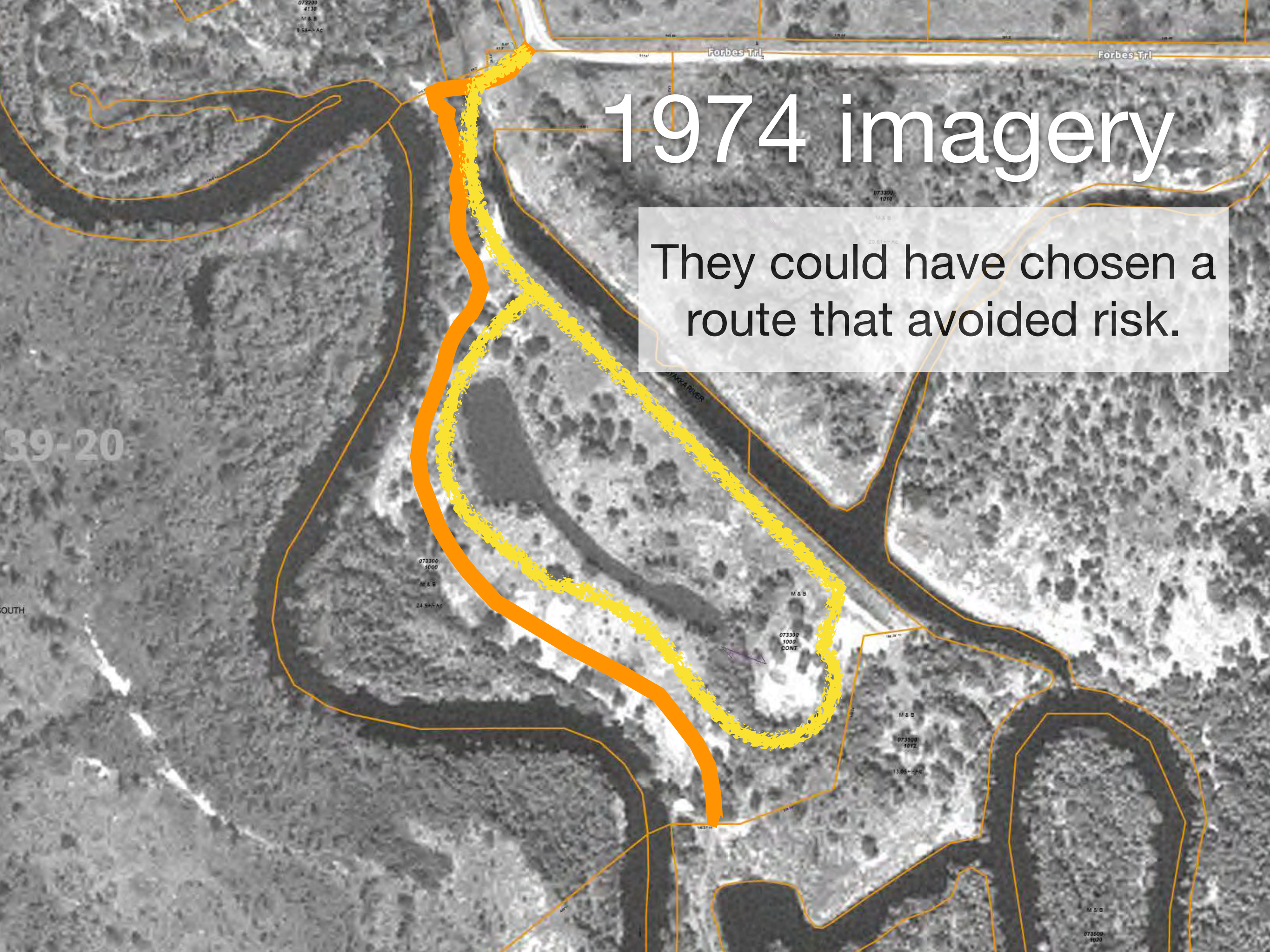
When the Diocese bought the property in 1984, they were under no obligation to utilize the existing primitive road.

1974 imagery

They could have chosen a route that avoided risk.

39-20

SOUTH



So the first circumstance resulting from the actions of the applicant was the provocative location of the entry drive.

The second was the decision to locate buried infrastructure (water, sewer, and possibly cable) on the river side of the drive — needlessly raising the spectre of a sewage spill instead of playing it safe by putting infrastructure on the East side of the road, away from the river.

Third, where the erosion appears to be worse, they designed the pitch of the impervious road surface so that some of the stormwater plunges down the bank, thus eroding the bank.





Note the oak
leaves washed
down the bank

Even though a representative of the
Diocese pointed out that:

“The trees’ root system acts as support
for much of the bank.”

Dr. Volodymyr Smirk, Sept. 20, 2021 Response to RAI 10.

4. In the south, the Diocese chose to
locate river observation decks in spots
where there were few trees with roots to
hold the bank.



There are multiple examples of noticeable erosion co-located with benches on the river bank.


It is apparently an aspect of human nature that putting a bench near the water somehow encourages people to clamber down to the river.





5. By ignoring human nature, the Diocese inadvertently created conditions that would lead to people breaking down the bank as they tried to access the river.



An aerial photograph of a riverbank. The river is on the left, and the bank is on the right. The bank is covered in dense green vegetation. There are two yellow squares with red outlines on the bank. A white arrow points from the top yellow square to the river. Another white arrow points from the bottom yellow square to the river. The text "And they did nothing to discourage climbing down the bank." is overlaid on the left side of the image.

And they
did nothing
to discourage
climbing down
the bank.

6. Finally, in addition to creating conditions that encouraged people to break down the banks, some agents associated with the Diocese sometimes threw debris off the banks.

Such practices inhibit the establishment of stabilizing vegetation and disrespect the intent and goals of the Myakka's Wild and Scenic status.









In summary, the Diocese (and/or their paid experts) should have known that:

- 1) locating an entry drive close to the outside bends along a river,
- 2) locating buried infrastructure on the river side of the drive,
- 3) pitching the impervious road to direct stormwater down the bank,
- 4) encouraging people to gather where there were few trees to stabilize the banks,
- 5) creating conditions that would encourage people to clamber down the banks, and
- 6) throwing debris off the banks

would aggravate the erosion potential the Diocese now seeks to address.

Put another way, in locations where

- 1) the entry drive is far from the river,
 - 2) there is no buried infrastructure close to the river,
 - 3) the impervious road does not direct stormwater down the bank,
 - 4) people are not encouraged people to gather where there were few trees,
 - 5) no one is clambering down the banks, and
 - 6) not one has been throwing debris off the banks
- there is no need to take any action regarding a perceived threat of erosion.

The current proposal from the Diocese adds unnecessary pavement in the 50' river buffer and places a wall in a location that will sever the roots of the very trees that are holding the bank. Thus, the retaining wall is likely to cause erosion.

There is no demonstrated need for a southern wall. The retreat center drive is nowhere near the water.

The prudent approach would be to relocate the drive and then assess the actual rate of erosion before incurring the expense and disturbance of a retaining wall.

The variance should be denied to properly balance the rights of property owners with the interests of the citizens of Sarasota County and the State.

Current
Driveway

Proposed
New
Driveway
NEW WALL LOCATION

TOP
OF BANK

MYAKKA RIVER

NO WORK PROPOSED
WESTWARD OF RIVER TOP
OF BANK

EX. TOP OF BANK (TYP.)

EX. TOE OF SLOPE (TYP.)

PREVIOUSLY PROPOSED
RETAINING WALL (TYP.)

CURRENTLY PROPOSED
RETAINING WALL (TYP.)

PREVIOUSLY PROPOSED
ASPHALT ROADWAY (TYP.)

CURRENTLY PROPOSED
ASPHALT ROADWAY (TYP.)

MOON DRIVE
EX. ASPHALT DRIVE

EX. HEADWALL

EX. TOP OF BANK (TYP.)

EX. TOE OF SLOPE (TYP.)

37'

24'

12'

29'

19'

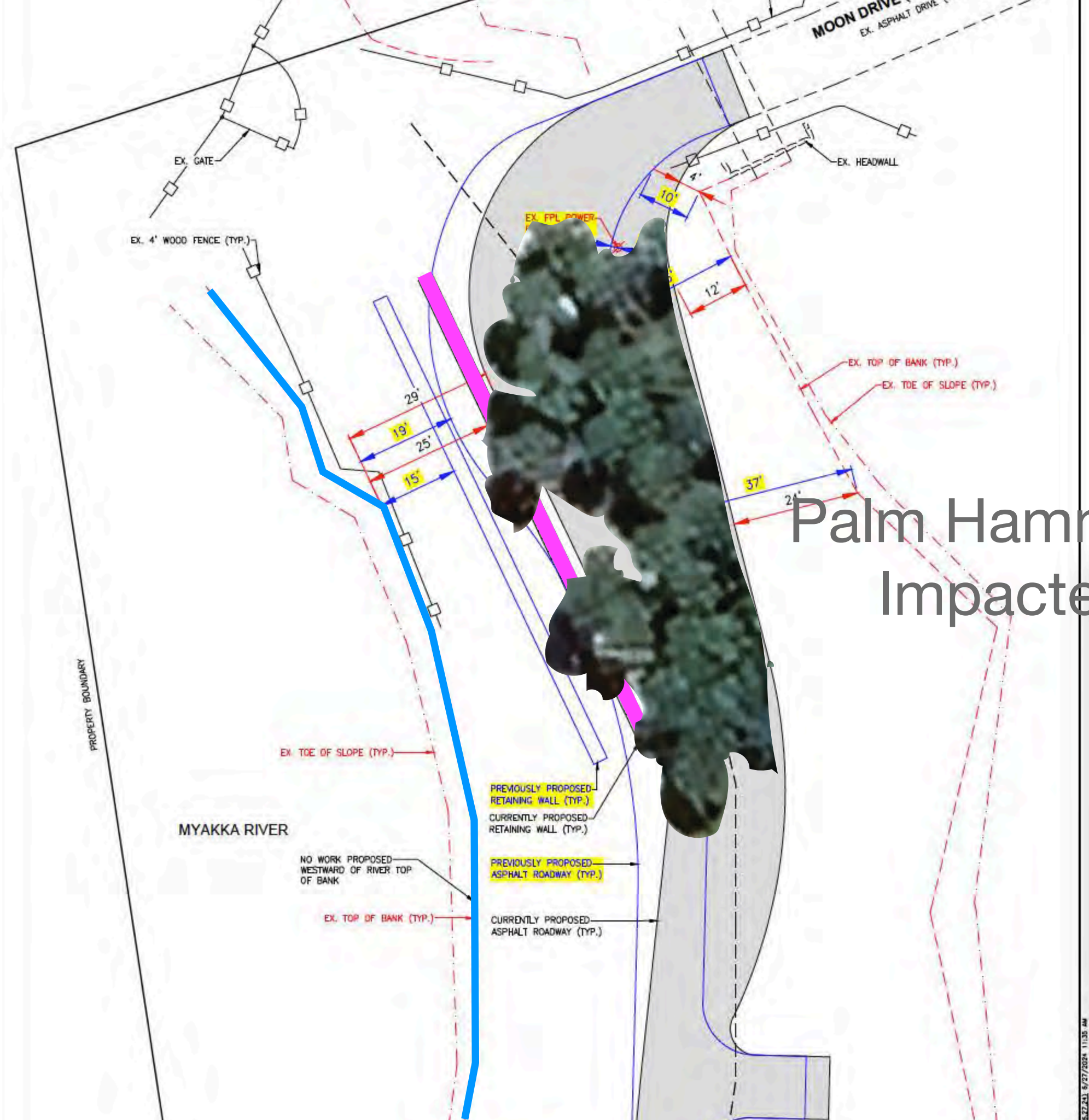
25'

15'

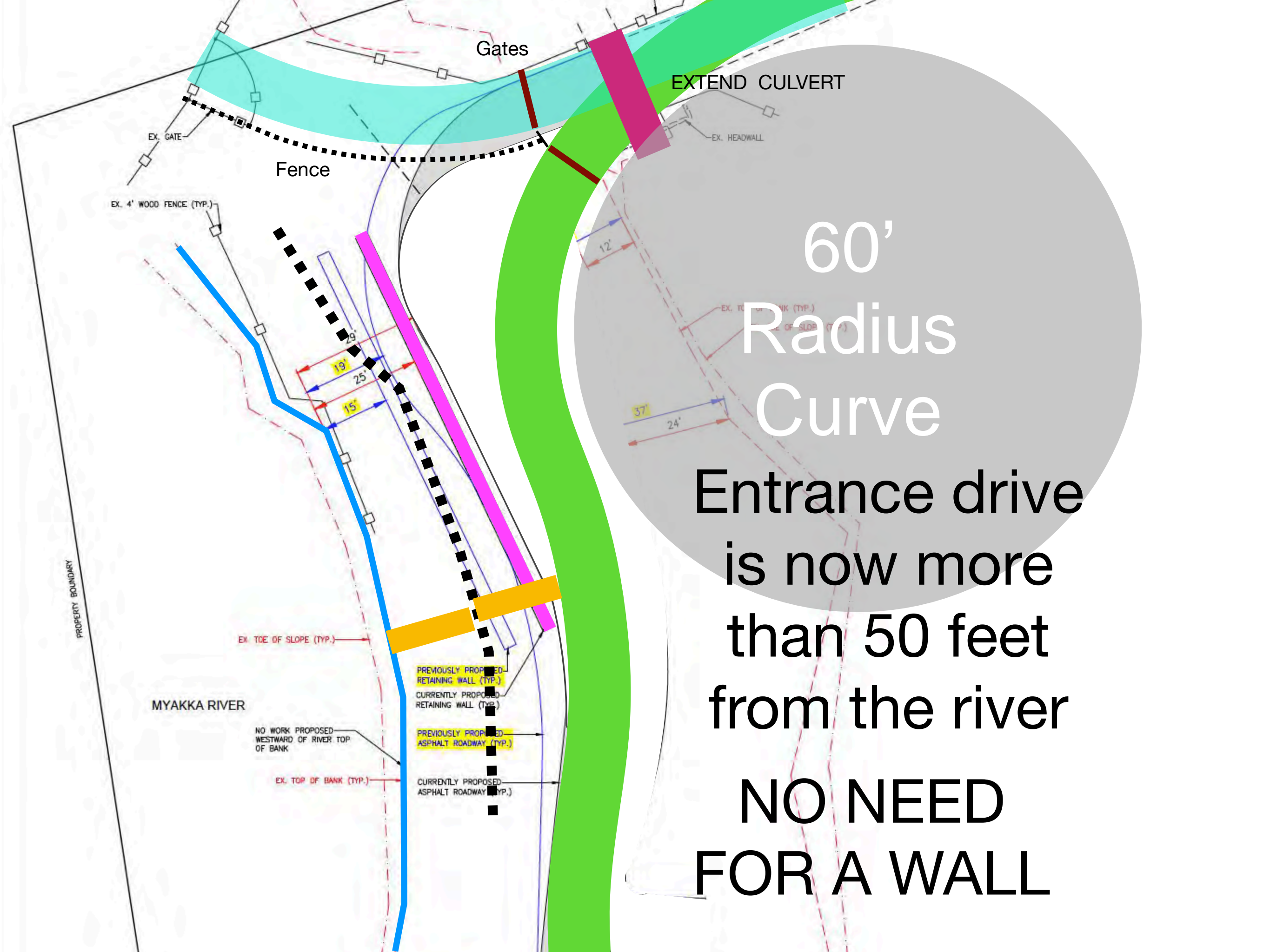
PROPERTY BOUNDARY

EX. GATE

EX. 4' WOOD FENCE (TYP.)



Palm Hammock
Impacted



60'
Radius
Curve

Entrance drive
is now more
than 50 feet
from the river

NO NEED
FOR A WALL

SNOOK HAVEN PARK

September 20, 2024

Jono Miller

The project includes some improvements on the north shoreline and the east shoreline including shoreline stabilization and a fishing pier. It should be noted that the property and restaurant in particular experienced significant damage from flooding during Hurricane Ian (in October 2022) and the proposed shoreline stabilization improvements will provide for better flooding protection for the upland structures which is the public interest. Significant improvements are also being proposed in the uplands including the restaurant which will be demolished and completely rebuilt. **Therefore, shoreline stabilization needs to be addressed to provide protection for the park improvements which are being funded from taxpayer dollars.**

The improvements proposed on the east shoreline include removal and replacement of 102 linear feet of seawall and installation of 105 linear feet of living shoreline in front of the seawall for shoreline stabilization purposes.



440 ft

1985

Image © 2024 Airbus

Imagery Date: 6/1

NORTH RIVER BANK ~700'
18' PROPOSED

PENINSULA ~170'
NONE

PID 0735001012
4001 S MOON DR
OWNER: BAUER JOHN G & BAUER IRENE A
ZONING: OUE - OPEN USE ESTATE
EXISTING USE: 0100 • SINGLE FAMILY DETACHED

PID 0735001020
SITUS ADDRESS: N/A
OWNER: DEWANE FRANK J, BISHOP OF THE DIOCESE OF VENICE
ZONING: OUE1 • OPEN USE ESTATE (1UNT/5ACRE)
EXISTING USE: 0000 • RESIDENTIAL VACANT SITE

MYAKKA RIVER

PROPOSED FISHING PIER

EXISTING BUILDING
TO BE RENOVATED

PID 0736003000 (2.5 ACRES)
5000 E VENICE AVENUE
OWNER: SARASOTA COUNTY
ZONING: OUE1 • OPEN USE ESTATE (1UNT/5ACRE)
EXISTING USE: 3500 • TOURIST ATTRACTIONS/
PERMANENT EXHIBITS

30' ROAD EASEMENT
(TO BE VACATED)
O.R.B. 437, PG. 768
O.R.B. 1311, PG. 939

EXISTING BUILDINGS
TO REMAIN

20' PERPETUAL
NON-EXCLUSIVE EASEMENT
O.R.B. 1029, PAGES 1034-1035

20' PERPETUAL
NON-EXCLUSIVE EASEMENT
O.R.B. 1029, PAGES 1034-1035

30' ROAD EASEMENT
(TO BE VACATED)
O.R.B. 437, PG. 768
O.R.B. 1311, PG. 939

PROPOSED STAGE & BANDSTAND

PROPOSED CONCESSION BUILDING

PROPOSED RETAINING WALL & LIVING SHORELINE

PROPOSED COVERED DECK

PROPOSED DINING PAVILION

MYAKKA RIVER

COVE = ~200 '
105' PROPOSED

PID 0736003010
4076 E VENICE AVENUE
OWNER: SARASOTA COUNTY
ZONING: OUE - OPEN USE ESTATE
EXISTING USE: 8220 • PARKS • RECREATIONAL AREA

PID 0736003020
4085 E VENICE AVENUE
OWNER: CAMP VENICE LLC
ZONING: OUE1 • OPEN USE ESTATE (1UNT/5ACRE)
EXISTING USE: 2870 • RECREATIONAL VEHICLE PARK

PID 0736004000
7001 FORBES TRL
OWNER: SOUTHWEST FLA WATER MGMT & BLDG
SARASOTA CO OFFICE OF MNGMT & BLDG
ZONING: OUE1 - OPEN USE RURAL
EXISTING USE: 8200 • PARKS • NATURAL AREAS, P

The east shoreline in front of the river has an old wood bulkhead in front of the restaurant that also runs along the north side of the little cove. The north side of the riverine cove also has two concrete staircases that are used as a kayak launch to access the river. The shoreline has a few cabbage palms, but is mostly characterized by wetland vegetation including bulrush (*Scirpus validus*), buttonbush, marsh parsley (*Cyclospermum leptophyllum*), leathern fern, torpedo grass (*Panicum repens*) and flatsedge.

The river bank along this north shoreline is also experiencing major erosion and scouring from the heavy river flow, particularly after heavy storm events. This has resulted in loss of shoreline and undermining as well as loss of native trees that have fallen into the river. Photographs are included in the Photolog (Appendix A). **Therefore, rip rap is proposed directly underneath the fishing pier to provide for shoreline stabilization.** The rip rap will be installed along the shoreline under the pier and will measure approximately 18 linear feet resulting in 182 square feet of fill impacts from rip rap. Native plantings are also proposed on either side of the rip rap for shoreline stabilization purposes which will total 122 square feet. Plan view and cross-sectional detail for the fishing pier and shoreline stabilization are included on the Construction Drawings as well as planting specifications for the planting areas.

The proposed seawall replacement and living shoreline will total 852 square feet of work in wetlands. A total of 480 square feet of fill impacts are proposed from the rip rap and 550 square feet of plantings are proposed as shown on the Construction Drawings. The living shoreline was designed slightly different on the north vs. the south side of the wall to accommodate existing grades and depths which slope down towards the south end of the wall. The north section of the wall will include approximately 3 feet of rip rap in front of the wall and a 5-foot planted littoral zone in front of the rip rap that will sit above the MHW as shown on the cross-sectional detail included on the Construction Drawings. The north section of the wall was designed so that the plants are visible from the river and will help mask the wall and rip rap behind the planted zone.





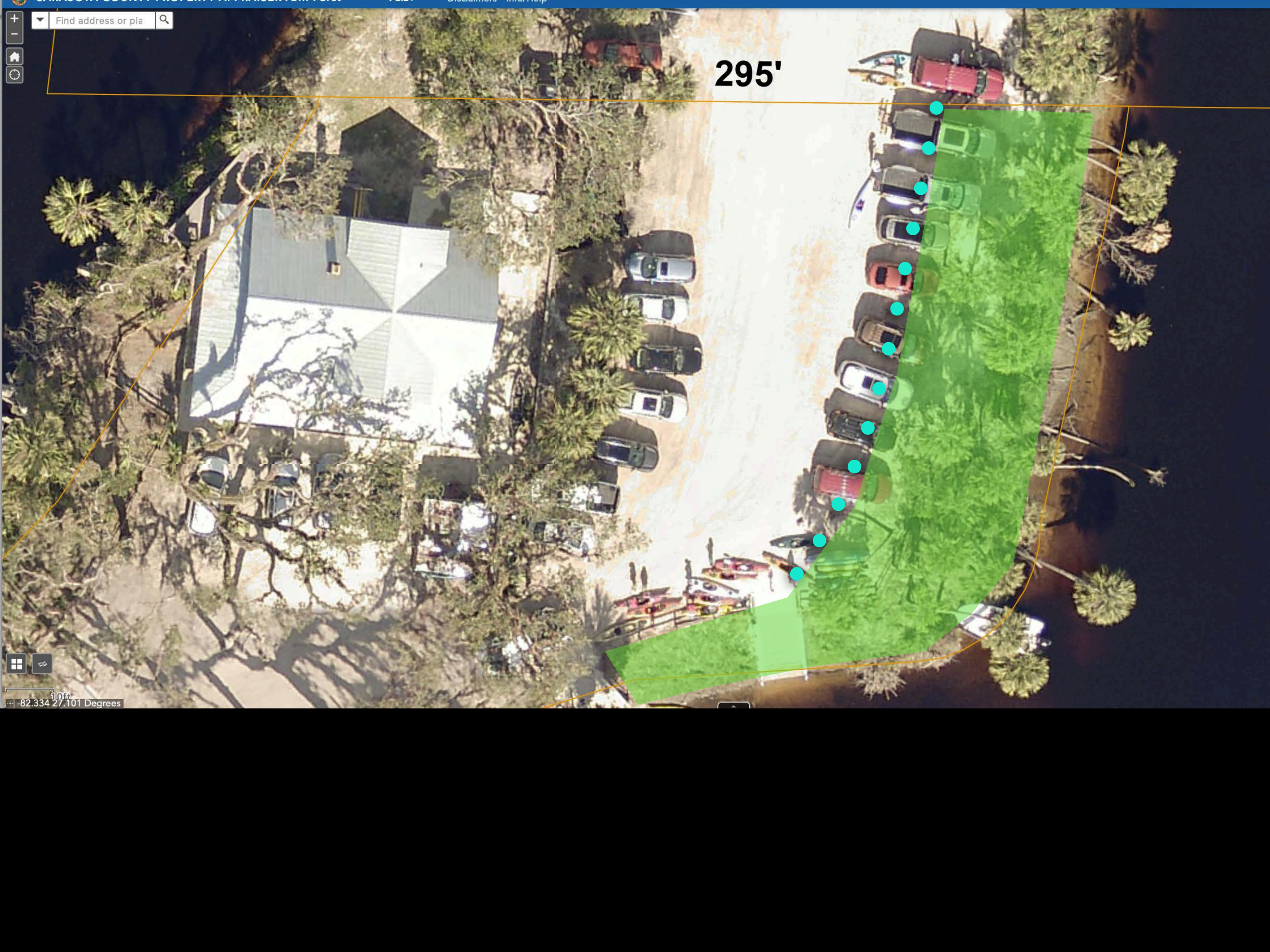








100 ft

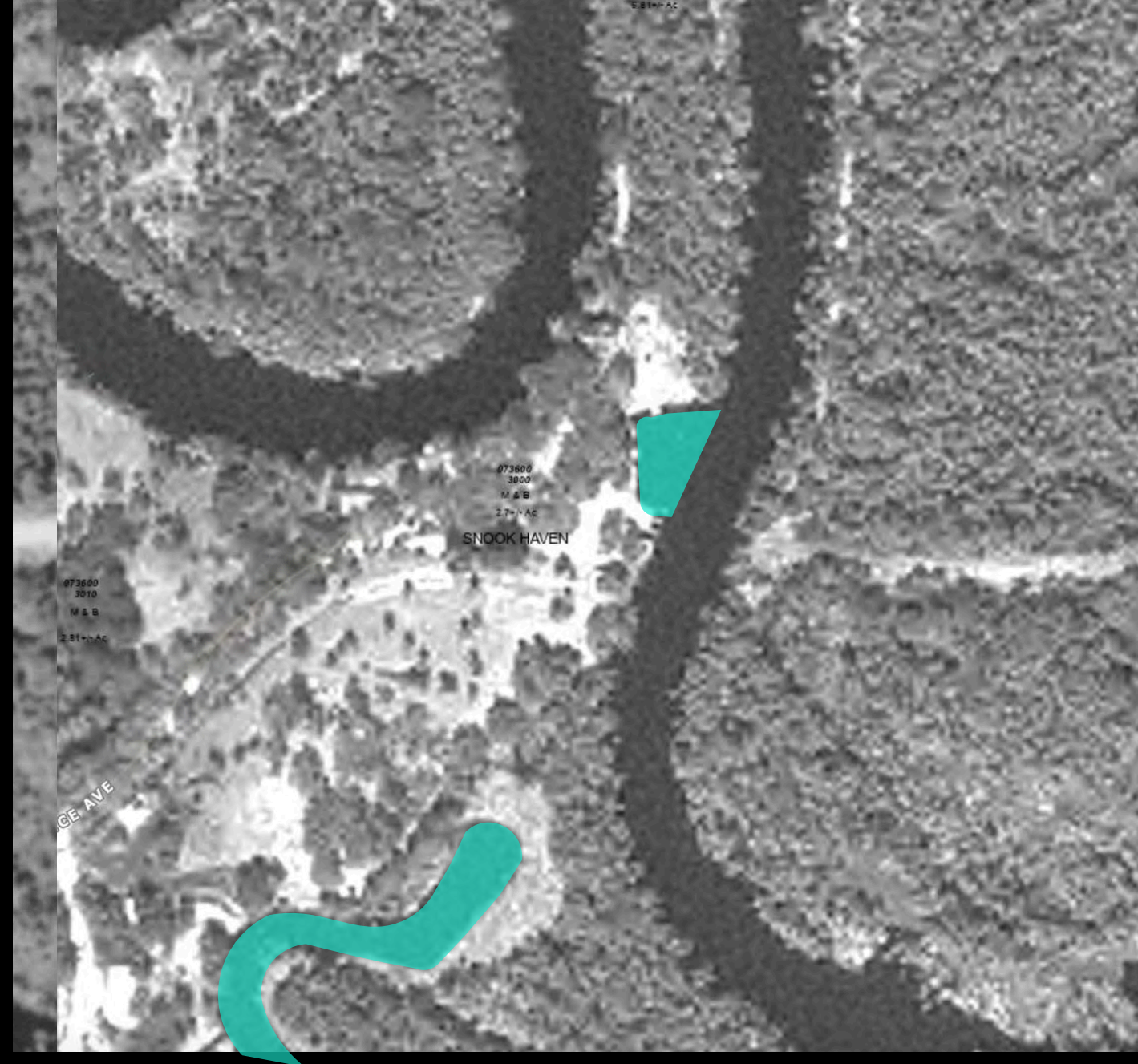


295'





1957



1974



9871232525

101 ft





Guide and Tour Boats - Snook Haven

Commercial Water-based Charter Boat and Tour Operators Task Force Final Report

September 11, 2024

- August 2022 – PRNR staff completed Board Assignment No. 22-015, where staff researched the development of a permit program for fishing charter and/or tour boats within the County water access parks.
 - In response to an increase in unauthorized commercial watercraft using parks and amenities as the pick-up and drop-off location for guests of private charters.
- October 24, 2023 – Board requested that the County Administrator bring back guidance on a potential composition of a task force to investigate unauthorized commercial activity and delegation of authority for approval of penalty fees for unauthorized use of County parks.

Purpose: Determine the mechanism for lawful and legal operation of commercial water-based charter boat and tour excursion operators.

Scope:

- Evaluate existing opportunities and requirements for commercial water-based charter boat and tour excursion operations.
- Develop final report and make recommendations to the Board of County Commissioners related to the purpose of the Task Force.

Timeframe: Two months (approximately June 1, 2024 – August 1, 2024)

1. Implement Permit Program

- Task Force recommends that Sarasota County move forward with a permit program that will allow for the legal operation of OUPV "6 Pack" Fishing Charters and Tour Excursions out of our County Park system.
- Once requirements are met, these permits will be sufficient for both the County Marine Park District and Parks, Recreation and Natural Resources (PRNR). These requirements will set standards for professional and safe operation.

2. Issue Permits by Zone

- Task Force recommends that County issue permits by zones including north county, mid-county and south county.
- Businesses will be able to apply for the zone or zones that best serve their customers. Permit holders will have flexibility to pick up and drop off their customers at any of the locations within the specified zone.

Note: Task Force recommends the inclusion of Nora Patterson Bay Island Park within the north county zone even though it is located within the City of Sarasota and currently zoned for residential use. Issuing permits at this park may require the County to rezone the property and obtain additional approvals from the City of Sarasota.

Chart follows on next page.

3. Number of Permits by Zone

Methodology

% of Vehicle Spaces per Park	50%	Revised 8/7/24
OUPV (Vehicles per Charter)	1	6 passenger

County Park Name	Sea Wall Dock/Boat Ramp	Proposed Zone	# Trailer Spaces	# Vehicle Spaces	% of Vehicle Spaces	OUPV Permits (Vehicle/Charter)	Adjusted Permit # Per Zone
North Zone							
Turtle Beach Public Boat Ramp	Yes/Yes	1	20	33	17.00	17	37
Nora Patterson Bay Island Park	Yes/No	1	0	40	20.00	20	
Mid-County Zone							
Nokomis Beach Public Boat Ramp	Yes/Yes	2	24	40	20.00	20	48
Nokomis Beach Park	Yes/No	2	0	50	25.00	25	
Loreto Court Bay Access	Yes/Yes	2	8	5	3.00	3	
South County Zone							
Snook Haven Park (Addition)	Yes/Yes	3	12	42	21.00	21	39
Indian Mound Park	Yes/Yes	3	28	22	11.00	11	
Marina Park and Boat Ramp - WCIND	Yes/Yes	3	33	14	7.00	7	
							124

3. Number of Permits by Zone

- The Task Force based the number of permits issued per zone on 50% of available vehicle spaces within each park. The total recommended number of permits is 124. These are broken down into 37 for north county, 48 for mid-county and 39 in south county.
- Businesses should not be able to purchase more than four permits per zone. Each permit represents the use of one vessel and must meet the program requirements.
- One year after implementation, the County should conduct a review analyzing the impact this program has on the park system to determine if additional permits can be issued.

Chart follows on next page.

The motion that passed did not cite specific provisions of the Myakka Wild and Scenic Management Act or Plan, but the plan, was required by the Act, to provide for, among other things:

- Permanent protection and enhancement of the ecological, fish and wildlife, and recreational values within the river area, primary emphasis being given to protecting agricultural, aesthetic, scenic, historic, archaeological, and scientific features.
- Regulation, control, and distribution of public access where necessary to protect and enhance the resource values of the river area.
- Restriction of motorized travel by land vehicle or boat where necessary to protect the resource values in the river area.
- Review and regulation of all activities conducted or proposed to be conducted within the river area that will or may have an adverse impact on any of the resource values in the river area as provided in this Act.

Thus the Council's consideration of the rowing pilot program falls within its duties to review proposed activities that may have an adverse impact on any of the resource values in the river area. As noted in the opening paragraph, the Council's advisory opinions are non-binding, but please note that a DEP permit is required for any activity within the river area which will or may have an adverse impact on any resource value in the river area, and DEP may only grant such a permit after a finding that it will not have an adverse effect on resource values in the river area.

Please don't hesitate to contact me or Myakka River Biologist Chris Oliver if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Miller", with a stylized, flowing script.

John Miller, 2016 Chair MRMCC 941-320-3846

POSSIBLE IMPROVEMENTS

North River Bank needs a comprehensive strategy

170' solution — not 18' of rip rap

The existing dock can be used for fishing

Peninsula shore needs 25' setback and restoration

Historic River House should be moved eastward and elevated

Cove seawall should be historically accurate wooden wall,
no rip rap is required since this is not a high erosion area

COPE APPLICATION

September 20, 2024

Jono Miller

COPE PERMIT

MAYAKA RIVER

SITE:
897 Brentwood Dr.
Venice, FL.



COPE PERMIT

Not on Curry Creek

No MHWL at this location

Use of Safe Upland Line

MHWL confusion

Does not qualify for an exemption

"I support Mr. Cope's goal to retard riverbank erosion. I would encourage all involved to propose solutions likely to meet the requirement of all permitting agencies to avoid unnecessary delays and expense related to modifications required to comply with other requirements."

From: [Kristy Tignor](#)
To: [Ceilley, Savannah](#)
Cc: [Sensi, Daniel](#); [Mark Cope](#)
Subject: Fw: Myakka River in Venice Job No. 220407
Date: Wednesday, August 28, 2024 9:04:59 AM

EXTERNAL MESSAGE

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Hello Savannah:

Please be informed that the property owner, Mr. Mark Cope, would like for the permit application to be withdrawn.

Please let us know that you received this notification and let us know of any outstanding issues.

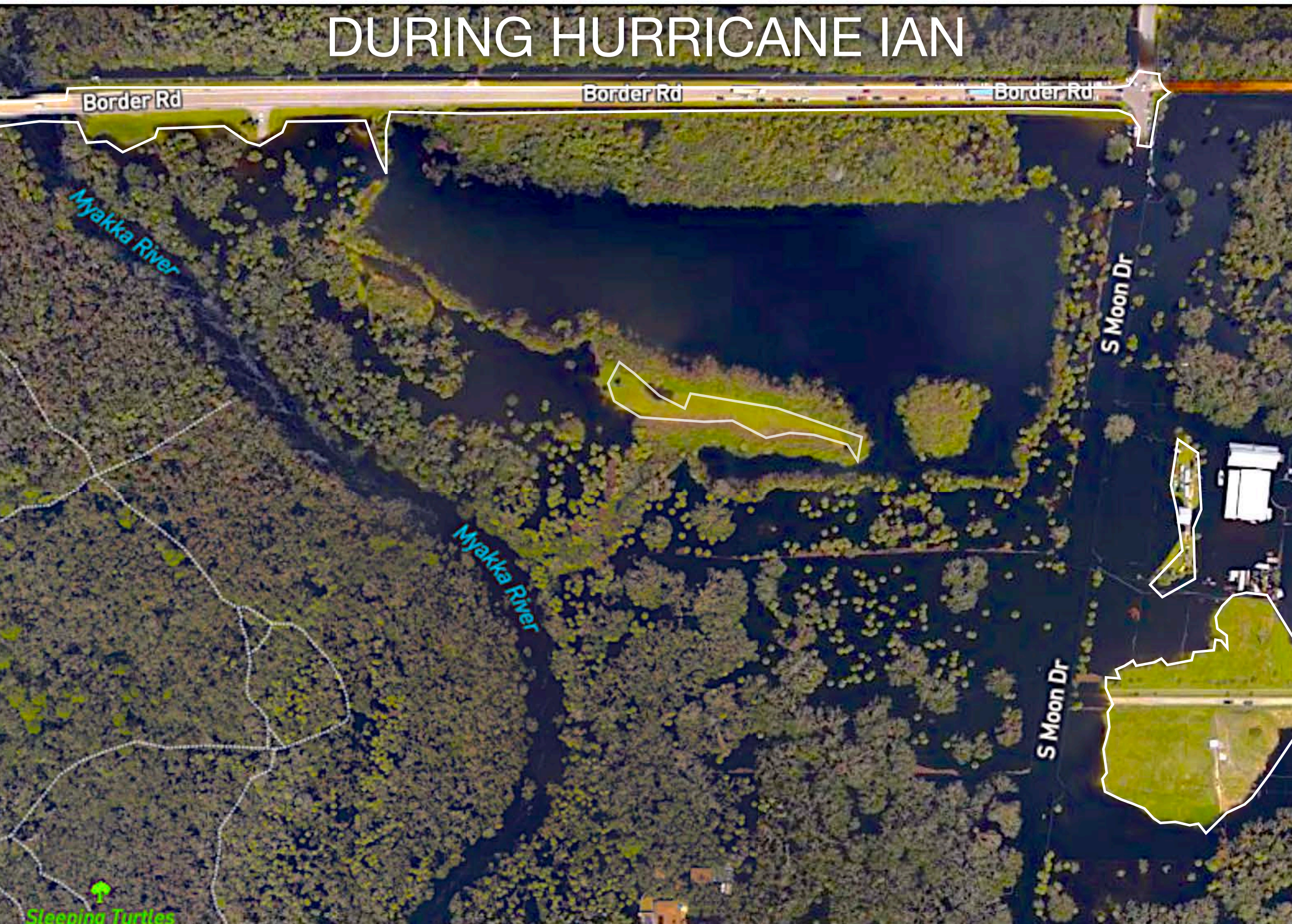
Thank you for your assistance.

Kristina "Kristy" V. Tignor, P.E.
The Tignor Group, P.A.
1255 South Tamiami Trail
Sarasota, FL 34239
Office: 941-365-6476
Cell: 941-544-7132
www.TheTignorGroup.com

“WATERFALLS
OF VENICE”

AKA LANDIS PARCELS

DURING HURRICANE IAN



Approx 220' setback
affects ~ 49 sites,
store, etc.

SITE DATA

BACK-IN RV SITES

Luxury 60 deg. = 93

PULL-THRU RV SITES

Luxury 60 deg. = 58

TOTAL RV SITES = 152

STRUCTURES

CLUBHOUSE = 1
OFFICE/STORE/CHECK-IN = 1
RESTAURANTS = 2
CABINS = 28
BATHHOUSES = 2
MAINTENANCE BLDG. = 1
PAVILIONS = 3

SITE AREA = 51.8 AC.