

**Myakka River Management Coordinating Council**  
**Colonial Oaks Park, 5300 Colonial Oaks Blvd, Sarasota, FL 34232**  
**December 13, 2024**  
**9:30 A. M. – 12:30 P.M.**

**MINUTES**

The meeting began at 9:30 A.M. with Jono Miller presiding. This meeting was advertised in the Herald Tribune on November 29, 2024.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club	Glenn Compton-Manasota 88
Steve Giguere-FDEP	Rob Wright-Sarasota Audubon
Stefan Kalev-City of North Port	Emily Barnett-FDOT
Sarina Weiss-CHNEP	Frank Gargano-SWFWMD
Ann Hardy-SCLWV	Stacey Mazza-Gilkison-Friends of Myakka
Victor Dobrin-Homeowner	Charlie Hunsicker-Manatee County
Caroline Ritchey-FFS	Randall Shotto-City of Sarasota
Becky Ayech-ECOSWF	Howard Berna-Sarasota County
Bob Clark-Venice Audubon	Justin Howard-Charlotte County
Debbie Musallam-Homeowner	Lee Amos- BWLT/formerly CFGC
Cristina Rimes-City of Venice	Barbara Lockhart-ECNP
Hugh Havlik-GCHSC	Chuck Johnston-O Bar O

INTERESTED PARTIES

Chris Oliver – FDEP/FPS	Nadine Hallenbeck – FDEP/FPS
Ray Westbrook-Homeowner	Michelle Keirsey-FDEP
Linda Carroll-Homeowner	Glenna Blomquist-ECOSWF
Miri Hardy-Friends of Myakka	Jean Pichler-Venice Audubon
Chris Becker-FDEP/FPS	Natalie Bergeron-FDEP/FPS
Derek Gilliam-Herald Tribune	Scott Proffitt-Black Branch
Ronnie Hart-Sarasota County	Lesley Blackner-Bear Warriors

- **Call to Order and Role Call.**
- **Approval of the Meeting Minutes from September 20, 2024.** Becky Ayech moved to approve the minutes and Glenn Compton seconded.

**Public Comments:** None

**OLD BUSINESS**

Jono Miller projected [Old Business slides](#) for several topics that they have been the focus of the last several meetings. He started with history and status of the **National Wild & Scenic River Partnership**. Since December of last year, they have been interested in a program that the Federal Government offers called the partnership program. It could provide money for the management of the Myakka River, but it does not bring any additional federal regulations. There is no federal ownership or management, it will continue to be locally managed, presumably by this Council or some version of this Council. It could be up to \$220,000 per year, which would be helpful. It could be used for staffing, outreach, stewardship, and exotic control, and monitoring. The state river program currently has no direct funding, anything would be helpful for the

management of the river. The good news, on December 11<sup>th</sup>, 2024, Representative Steube introduced a bill to create this Myakka Partnership Program, and it is House Resolution 10350. Those from organizations can write to Representative Steube, to thank him for introducing it. It is being co-sponsored by Representative Buchanan. It is introduced, that does not mean it will pass, but it is a great step forward.

Becky asked Jono if he is going to speak to the legislative delegation on Monday, December 16, 2024?

Jono said that he will be busy with the Myakka River Christmas Bird Count.

Victor stated he will attend this meeting and bring up this issue.

### **Diocese of Venice (DOV)**

Jono continued noting that he had been working on this wall issue for many years. Chris and Jono met there 1,604 days ago when the DOV first proposed a wall right on the river. Later, they proposed a wall which was 15 feet back from the river. The county commission heard that request in February and two or three of the commissioners expressed concern seemingly because if you drive a wall into the land 15 feet from the edge of the river, you are going to be severing the roots of the oak trees and the cabbage palms that are helping to stabilize the bank. Jono showed a slide of the site with the most concern. He showed the entrance road and where the road is closest to the river.

In the county staff report, they reached the same conclusion that Jono and FWC reached, which is the historical aerial maps do not demonstrate any significant erosion at the site. When they flew the aerials on March 13, 1948, you cannot see any significant erosion since then.

These are the reasons that the county's Myakka protection code exists for. To maintain the remarkable values, to permanently preserve and enhance the river and its resource values to promote beneficial and appropriate development, to predict the character and establish pattern of compatible development, minimize potential adverse physical and visual impacts, minimize adverse impacts on private landowners used for residential purposes, maintain property values and establish a process that effectively and fairly applies the regulations.

Jono showed the current alignment of their entry drive noting that his drive was built too close to the river, and it has a sharp turn that is problematic for some vehicles. This is what they are proposing for the new driveway, it is much wider. If you combine the existing impact with the proposed impact, you can see they are talking about at least 7,000 square feet of impact that is right next to the river. There is enough room to create a new entry drive that would be outside the 50-foot buffer zone.

Jono asked Howard Berna what kind of permit they would need?

Howard replied that they may be exempt if they are relocating a drive.

Jono asked if they would need a variance to remove the old drive and plant oaks and palms?

Howard replied that they would not need a variance to demo.

Jono continued. They could dig up the cabbage palms and store them somewhere. When the new road was complete, they could come back in and replant the cabbage palms and add some live oaks next to the river. That would help stabilize the riverbank. There is one row of trees and then their driveway. If those trees go, then there are no plants left to hold it. The current proposal contains 379 feet of buried retaining wall to address undocumented significant erosion. It contains an exorbitant amount of paving, and it should be

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

**Glenn Compton motioned that the Florida Statute 258.501 (7)(a) authorizes the Myakka River Management Coordinating Council to render non-binding advisory opinions to local governments. Sarasota County's Myakka River Protection Code (MRPC): Chapter 54-Environmental and Natural Resources Article XXXIII, which in Section 54-1047 "prohibits construction and development within the 50-foot River Area Buffer or wetlands, "and riverfront landowners are entitled to seek a variance if they meet criteria established by the County. The current variance request advanced by the Diocese of Venice contains 379 feet of buried retaining wall within the Myakka River Buffer Area to address undocumented significant erosion and it contains an exorbitant amount of paving within the Myakka River Protection Zone and consequently, it should be denied to achieve the purposes set out in 54-1047. 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. [Becky Ayech seconded. Sarina Weiss, Howard Berna and Emily Barnett abstained.]**

### **Snook Haven Park (SHP)**

Jono projected a map and discussed the new proposals for SHP noting there is significant erosion in some areas there. The new proposal includes stabilizing 18 feet adjacent to a proposed fishing pier. There is a cove that is about 200 feet and some of that would be stabilized. Then there is 170 feet that no erosion measures would be proposed. People tend to treat the peninsula like it was a drive-in movie theater. They pull up and sit in their car and eat lunch, watching the river flow, which is great but this all should be vegetated with native vegetation, and there should be set back.

Chris Oliver added in that area used for parking, every three to four years, recently there has been water flow over that. During Ian by a lot, Milton by bit, that is captured by the floodplain.

Jono added that if they had a buffer zone and then moved all the cars back, there would still be room for people to park there. There is an existing deck out over the river. There is a leather fern. There is some other vegetation. He wrote to the permitting people recently saying that that north riverbank really needs a coherent, separate solution with a separate budget. Trying to solve that problem with this project is problematic. The existing boat ramp dock can and is being used for fishing. People fish off the bank. The need for that dock could be questioned. The peninsula shore needs to be set back. The river house should be lifted and then translated further east to get it away from the river. The seawall in that cove probably should have a wooden facing that looks authentic even if there is a more substantial backing behind it.

Becky asked if Jono sent that on behalf of the Council.

Jono did not because the Council had not voted on it.

Becky asked if he received a response to those recommendations.

Jono has not received a response.

Becky asked if it would be appropriate for the Council to make a motion to support those, that way when he sends his next letter, he will be sending it on behalf of the Council.

Jono replied that the Council can do that.

Charlie asked about the wooden seawall and about erosion. Do people pull up to dock against that area?

Jono projected a slide. This cove here was all excavated. A sandbar separates this area from main stem of the river. Historically, this is all land. They created this cove, and the result is there is very little current in there. This was in Debbie and some of the other things, this would sweep you away and swept him away. In here it is relatively calm. There is not a lot of erosive force. The function of the wall at this location is primarily to protect the upland structures and not to prevent erosion.

Charlie added that the water side of a wall is simply a wall. And asked about any planting?

Jono replied that there will be planting, but his contention is no matter what you plant, people come down the river, you will still see a portion of the wall.

Chris added that there is a restaurant right on top of the wall.

Jono replied that if they are trying to keep the old-time fish camp feeling, which apparently is part of the goal, then having a wooden wall is going to look more appropriate than a sheet metal or vinyl wall.

Howard suggested pausing the motion for final vote until after hearing the presentation from Sarasota County because they have made changes to the plans that were previously presented.

John Bryant introduced himself and his team. John is the principal at Sweet Sparkman Architects and the lead architect on the SHP Improvements project. They are contracted with Sarasota County. Ali Biddle is an engineer with BGE Civil Engineering, Kerry MacNutt with Monarch Ecology and Juan Ocana is a project manager for Sweet Sparkman Architects.

John continued noting that his team did the master plan and worked with Sarasota County on this project as it has gone along almost four years now. At SHP there is a well-loved, well-visited, existing restaurant there, but it is very low. It has already flooded at least once in recent times. The county had purchased that. The basic goal of the project is to keep the old Florida feel, make the minimal number of changes to the site, but to put a new restaurant in there that is going to be more elevated than the current restaurant and more resilient. The current building that is there is not sustainable. The new proposed restaurant is in the 25-foot buffer but it is significantly pulled back from where the existing restaurant is. John showed a few of the original concept renderings they did in the master plan. They have nearly completed the construction documents to execute the design of this and really stayed very consistent to the concept of the master plan and these images of maintaining that old Florida feel. The existing restaurant is being demolished. The deck extends up to the existing wood wall. That is going to be coming out. They are not doing anything to the piers or docks that are there at the restaurant. They are removing a couple of the cabins that are very close to the north edge of the river, there is a lot of erosion there.

Ray Westbrook asked if they are moving them or demolishing them?

John replied that they are going to be demolished. He projected slides showing which buildings will remain, which ones will be renovated, and which one will be replaced.

Debbie Musallam asked what the current elevation is.

John replied it is at about six feet. The new building is going to be at nine feet.

Debbie replied that it will still be flooded during storms.

Discussion continued about the elevation and how high the flooding was in recent storms.

John continued that the proposed finished floor is higher than the flooding that the restaurant experienced during Hurricane Ian. The base flood elevation is eight feet. They are putting it at the design flood elevation of nine feet. The existing restaurant is wood construction with more absorbent materials, this is all masonry construction. It is in a river location. It is at least designed with wet flood-proofing mitigation measures.

Ray asked if there was any consideration for filling in the cove, that was the borrow pit, to raise a lot of that area where Snook Haven exists today? Was there any thought to moving dirt back in, creating the natural flow of that river? The cove does not get the circulation. It is kind of a little pocket. It is not natural. Making it natural and then the setback goes away in the water, you get a lot of additional flexibility.

Kerry MacNutt replied that it was not discussed, but that would be a permitting nightmare. They would never get permits for that. Not from the state, not from the Army Corps, not from the county. When you are filling wetlands, especially something as highly protected as the Myakka River, it is not even permissible. There is the issue of sovereign submerged lands. The state owns everything that is underneath, basically submerged. They would be asking the state to essentially take back their sovereign land. Kerry asked Howard if he agreed.

Howard replied that it would be difficult, the current comprehensive plan language prohibiting filling up the Myakka River, they do not fill water bodies on a regular basis.

Kerry added that maybe in some cases where perhaps somebody's house was literally falling into the water, maybe there would be some leniency there. In this scenario, it would be a tough feat.

Chris added that it is complicated because it depends on whether it is considered restoration or not. With 62D-15 for example there is an exemption for restoration activities.

Linda asked if everything they have done so far is accepted and ready to be permitted.

Kerry replied that they are in the middle of permitting. They have submitted applications to the DEP, the county, and the Army Corps. They do not have any permits yet. They have gotten agency comments back and they are working with them to work through some of those comments. They have made substantial revisions, which they are talking about during the presentation in response to some of those comments.

John continued. A lot of it is balancing the actual experience on the site. They were trying to find that optimal balance between maintaining the old Florida feel of a covered, dining, eating pavilion that relates to the music stage, that you can sit and eat your food and be able to experience the banjo players, that is accessible. The higher you go with the building, the longer the ramps need to be, and it becomes much less of a welcoming, accessible experience. They found a sweet spot between resiliency, elevating the building and making the building wet-flood proof. They put it in an elevation that is higher than it has ever flooded there, but it still is going to maintain that feeling that people come to Snook Haven for.

Jono added that there will not be a mold problem. They are anticipating not just raising it up but designing what is above that for the next level of problems.

John continued. In addition to the environmental permitting, they will be submitting for the variance related to the 25-foot setbacks. The variance request will go to the Board of County Commissioners.

Kerry added that they are submitting that variance request next week.

Kerry continued noting that originally, a living shoreline design proposed in front of the wall. This has been removed, at least as a part of this phase. She noted that like Jono suggested earlier that maybe in the future a more holistic living shoreline approach is possible but would be separate from this project.

Additional discussion continued about the new shoreline structure, the wooden wall, and the upland planting.

Jono concluded this topic, re-projected the slide on needed improvements and noting the consultant addressed a few of the concerns outlined earlier including that they are keeping the historic wooden wall. And the riprap has been removed from the pier and in the cove. He noted while not in this project, the house should be moved, and the peninsula shore needs a 25-foot setback.

### **The Waterfalls of Venice/Landis Property and Curry Creek and Hidden Hammock**

Jono showed a slide of the Landis Property flooding during the recent hurricanes. Jono showed various slides of proposed new developments for Hidden Hammocks and the Curry Creek Conservation subdivision which similar to the Landis property have the potential to impact the river area. He showed slides of the flooding from recent hurricanes in those areas and stated that there has been a lot of talk recently in the wake of Hurricane Debby and other storms this season, should the county be allowing development in the floodplain. These are three current examples of development being proposed in FEMA identified flood zones.

Bob reminded the Council of Nancy Edmondson's statement at the last meeting. She mentioned that the developer wants to rezone, to move up to 200 homes in about 100 acres, currently it is zoned to allow 17 homes. To this project, it would require some changes in the county comprehensive plan. Proposed changes that would allow a new zoning called conservation subdivisions. Bob is concerned and suggested that something be done to put a pause in any changes in zoning that would relate to increases in housing in the flood plain of the Myakka River.

**Bob Clark motioned that the Myakka River Management Coordinating Council write the Sarasota County's Board of County Commissioners recommending a pause in consideration of developments within the Myakka River flood plain, that would increase the currently allowed building density until such time as the county has undertaken a thorough review of existing standards relating to stormwater management. In light of recent catastrophic flooding and the increased severity of weather incidents impacting Sarasota County. Furthermore, the Council recommends denial at this time of comprehensive plan amendments 2024(B) and CPA 2024(C) amendments that would allow conservation subdivisions as a new rezoning designation in South County in what has been rural or OUE-1 zoning. Becky Ayech seconded. Stefan Kalev, Lee Amos, Sarina Weiss, Frank Gargano and Howard Berna abstained. (Motion passed after discussion.)**

Motion discussion.

Becky stated that she wrote an article about how invaders come to speak another language. Invaders are the developers, and they come, and call lakes open space. They call taking over everything conservation subdivisions. This is how they work, but they do not. In the comprehensive plan, it says that if you want to increase densities in hamlet overlay, you must do it with the conservation subdivisions. That is the part that needs to be taken out. A conservation subdivision says, you have 1,000 acres, 50% of it must be open space and 50% of it can be developed. Now remember, open space are lakes and stormwater ponds. It is not a pastoral scene with cows, unless they are swimming. Here you have 50 acres, or they are doing 1,500 acres, that are now lakes that were never lakes. You have houses that if there is central water and sewer, can go up to two units an acre. It is a huge increase. She would like people to start thinking about not development units but population. For example, on a five-acre parcel, one house, the county has 2.11 people living in that house. There were two people on that property, but if you put densities where it is two units an acre and you put those two houses in. Now you have four people. What you must understand is that these are not the size of the lots. This is a dwelling unit count, not a lot size count. When they say, "Oh, the density is one unit an acre," that is that double speak, that new language, everyone goes away thinking, "Oh, what are those rural people complaining about? One unit an acre?" No. The other day she was told that the lots were very large

on Lakewood Ranch, they are 60 by 100 feet. That is a large lot by their definition. Back to the conservation subdivision. When they sold this idea, they said, "Well, since it is in an agricultural area that half of the property can be used for agriculture," but there is no implementing language, which they learned about to make that happen. Becky explained that it would have to be the current agricultural use without any flexibility to change to other forms of agriculture. When there is a mandate, then you do not need to talk about compatibility, you do not need to talk about anything. It is taken completely out of the Commissioner's hands because they are told this is what you must do. She does not want to promote the feel-good idea of conservation subdivisions.

Lee asked for clarification on the Council's jurisdiction over this property. How much is in the Myakka Zone?

Chris replied that there is several jurisdictions that the Act and Management Plan lay out. The act creates the Council and says it has two roles, non-binding advisory opinions and to steward the management plan. The management plan defines several different areas. The river area is the area that DEP has jurisdiction, has the most protections. That is anything in a tidal based on mean high water, or the ordinary high water and connected wetlands. The Myakka River Protection Zone (MPRZ) administered by Sarasota County is the next area with the most amount of protection, but it is certain, in fact, Bob brought up general management position 5.1 in the Management Plan. It talks about the entire watershed, including the uplands and directs the Council and the management plan to work with the county and other agencies to protect the uplands within the watershed as they impact the river area and MRPZ. If someone wanted to impact even a wood stork colony on the Peace River, those wood storks are coming into the area. That is a part of the management plan guidelines is to protect imperiled species levels and to make sure they are in recovery and not in decline. The Council could write a letter to FWC to get more protections for the Peace River CWA. Broad authority, probably the strongest in the river area, but the intention was for the entire watershed.

Bob added that he did not put that into the motion because for brevity, but his hope was when the chair sends a letter, it would clarify their interests in the protection of the whole watershed.

Debbie added that they need a moratorium. It seems like it is very far from the Myakka but as the crow flies it is about 500 feet. Her dock was underwater for almost 21 days.

Anne Hardy asked if this would apply to the entire county.

Bob replied that it would affect wherever that conservation subdivision zoning is not applicable.

Jono paraphrased saying do not extend the conservation subdivisions on any other part of the county. If there is something that is in the flood zone now, the county should not be permitting development until it rethinks that.

Bob replied that it is not prohibiting any development, but any development that would increase the density.

Lee stated that if this was developed with the maximum under the conservation subdivision, what are the perceived or potential direct effects to the river?

Jono's perception is that they dig these ponds, and they tell you that the pond is going to take care of the first 10 inches of rainfall, and that the system is designed to handle the first 10 inches in 24 hours. But if it rained five inches the day before, which is not uncommon, if you have a tropical depression, that pond is already full. The water that is falling on that roof is not soaking in the ground. That is falling on the sidewalk. That is falling on the driveway. That is falling on the road. None of that is going in. It must go somewhere.

Lee mentioned increased runoff.

Debbie added to that with fertilizers, as you increase the density, you are increasing the leaking cars.

Rob Wright added that the one thing being ignored now is the height of this surficial aquifer underground. In most cases in those areas, the water table is basically a foot or so below ground level. A stormwater pond that can handle all the runoff from the houses you want to put in, you only have maybe two feet of free board to work with because you are already into the water table. Consequently, you have got to build a giant pond to hold the water. And by doing that, you are eliminating a lot of the homes that people want to build.

Bob offered, unless you bring in fill and raise the homes like the proposal at the Celery Fields.

Rob continued, if you do that, now you are going to be flooding everybody around you.

Jono stated the water has to go somewhere.

Becky added that it is not just where the water level is in the surficial aquifer. You must look at the soil type. On her property, she should have standing water six months out of the year. She said that she is doing a service to everybody because she is higher than everyone else, and she is keeping that water on her property. If you paved her over, it is going to go elsewhere. These stormwater ponds and the lakes that they are seeing develop are not solely for stormwater. That is where the Sarasota County Utilities is storing their treated reuse water which the county calls reuse ponds. That is why they can keep their agricultural permit well so that if the ponds go down, they can fill it back up. People do not want to look at mud. They are going to keep that elevation up, then you have lateral seepage. The water reaches a point and then it must go this way. Without rain it becomes even worse because now they are filling it up more often. They are keeping that saturation there. There is no storage capacity afterwards. That is also part of the bigger scheme of things because if they do not store in stormwater ponds, they must have injection wells, which is a whole another issue.

Victor asked for the opinion of the SWFWMD member of the Council.

Frank Gargano replied that at some point in time you basically have a situation where you have an unpermittable design because you are impacting the floodplains, then you cannot compensate for it.

### **Downs' Dam Removal**

Chris advised the FDEP has received their Army Corps permit on December 9<sup>th</sup>, 2024. They have several small hurdles, but that was the biggest one on the table. If it were to happen, it would probably happen in mid-February 2025. The construction phase is all paid for by U.S. Fish and Wildlife Service, no state money.

### **Dark Sky Protection - Miri Hardy**

Miri, the executive director of Friends of Myakka River (FOMR), introduced herself and gave some background on the topic. In the last Council meeting, Becky Ayech brought up the very important topic of dark sky with the suggestion to move forward with a request for a dark sky ordinance. Council members requested additional information about this topic to better understand why this is an issue and why action by the Council is necessary. She was asked to put together a presentation.

Miri projected her Dark Sky Protection Presentation noting that light pollution is the presence of excess or inappropriate artificial light outdoors at night. Dark sky conversely is a natural night sky that is relatively free of light pollution. She highlighted a photo taken by Stephen Miller, who is the central Florida Chapter Chair of Dark Sky International. Him and his colleague, Marty Proctor, who is an advocate from Groveland, which was

designated the first dark sky community, not only in Florida, but in all the southeast USA, have been helpful in helping her wrap her head around this topic and important next steps. She showed a photo of the Milky Way at Kissimmee Prairie Preserve State Park, which was designated the first Dark Sky Park in Florida in 2016. Light pollution occurs in three ways. Glare, bright and uncomfortable light that shining directly to observers that interferes with vision. Light trespass, the unintended spill of artificial light into other people's property or space. Sky glow, the brightening of night sky from human caused light scattered in the atmosphere.

Why does dark sky matter for Myakka River State Park (MRSP) in the Wild and Scenic Myakka River? Dark sky is critical for healthy ecosystems, a dark sky is integral to many natural processes such as circadian rhythms, mating, feeding, migration, navigation. Numerous studies have shown that artificial light at night has negative, even deadly effects on many species of animals, including birds, amphibians, insects, and mammals. Interestingly, it also negatively impacts plants. Light pollution also reduces these resource's recreational value. The resources are degraded due to negative impact on plants and wildlife. Stargazing opportunities are diminished. Miri has noticed a dramatic change at the park in the last 10 years since she is lived here. The park's location is in a largely rural area, or it used to be a largely rural area. Historically the night sky was dark and free from artificial light pollution. As a result of encroaching development, light pollution is rapidly increasing in the park and the Wild and Scenic Myakka River Corridor. Future development in the proximity of the park and in the river corridor will further exacerbate this situation to the detriment of natural resources.

Miri continued. Some of the light associated with the sky glow stays at human level. Some of it goes all the way into space, and that means that earth-orbiting satellites can intercept some of that light. Their cameras provide evidence not only where artificial light at night is used in the world, but how it is changing. Miri shared maps that she created. [Lightpollutionmap.info](http://Lightpollutionmap.info), which overlays Visible Infrared Imaging Radiometer Suite, VIIRS for short, imagery. From NOAA's Suomi National Polar-Orbiting Partnership Satellite on top of an interactive Bing map. You can enter any location in the world, and It will show you the artificial light at night maps for that area. You can change the years of the maps and that way you can also see progressive changes. You can use real units of artificial light that are calibrated on these maps to have an actual metric of change. These maps underestimate light pollution. This is a light pollution map from 2012. Miri's slides included the water plant at the Carlton Reserve, the main entrance of Myakka River State Park, the intersection of River Road at the exit off I-75, Bel Aire, Hidden Hammocks and the river corridor. Toggling back and forth between 2012 maps and current maps showed a dramatic increase in light pollution.

Miri showed a slide from the "What's Next" presentation that Matt Osterhoudt gave to the commissioners. They have 6,576 DUs, as Becky pointed out, that have already been approved at 3H. There is a proposal. It is still in progress, for the 4,660 DUs down here. They have got Hi Hat Ranch here with 13,081 DUs over here. On this side, there is potential additional impact for the river. Miri also showed the same types of maps for Oscar Scherer State Park (OSSP).

Chris Becker, who works at OSSP and lives on that park's south boundary, added that there is a lot of snakes that creep around at night. When you have got glow like that, owls and other things can pick them all off. They have seen a lot of wildlife populations go down. The Hispid cotton rat, which is a native little tubby ground dweller, around 2000, they disappeared. A lot of things that are out at night, predators can pick off easy because it is not that dark out there anymore. They used to do Halloween events at night and used to be able to see the stars for the first couple of times, but you cannot see as much anymore. When you start looking to the north and northwest, it is always got a glow, and you can kind of get a glow from S.R. 681 that has been expanded with lit-up developments.

Miri continued. Sarasota County does not have a dark sky ordinance. Per conversations that she is had with staff, the current outdoor lighting ordinance is difficult to enforce. For those interested, Miri provided a link to the outdoor lighting ordinance. There is specific language regarding light pollution when you look at the

Sarasota County Marine Turtle protection. In the Sarasota County Unified Development Code, there is the commitment to protect and enhance the county's environmental, recreational, cultural, historical, natural, and scenic resources and to protect quality of air and both surface and ground waters and the preservation of their ecological integrity. Obviously, this is related. Future land use needs to provide for adequate buffering of public conservation lands and protect environmentally sensitive lands.

Sarasota County has a specific policy that talks about Myakka River State Park, Oscar Scherer, and the Myakka State Forest. Focused on avoiding, minimizing and mitigating impacts to these public lands through special measures that address water quality and quantity, light and noise pollution strategies to allow for wildlife movement and land management practices. These special measures have not been codified, and that is an important next step.

One action needed is to mitigate and reduce spill light from all road crossings and the communities located south of Carlton, especially if River Road is expanded to six lanes. Adding light to the environment that has the potential to disrupt habitat is just like running a bulldozer over the landscape. But unlike other forms of habitat destruction and pollution, light pollution is a reversible problem, with solutions that are easy to implement and deliver immediate-lasting results. Now the quickest solution is you switch the light off, but obviously that is not a sustainable solution. But you can modify existing lighting, so it is shielded, down pointing, 3,000 Kelvin or less and of course, requiring future developments to comply with these guidelines. It is more difficult to contain light that is higher up than light that is lower down. But even if the lights are higher up, they can be better shielded so that they are not just blasting light upwards.

After having discussions with Dark Sky International. Miri suggests a two-pronged approach. The FOMR will first work with partners continuing to identify key sources of light pollution that are impacting the resources, using these light pollution maps, and quantifying light pollution through regular measurements. Just like how you test water quality, you can test light pollution. A partnership with the National Park Service (NPS) Natural Sounds and Night Skies Division is another exciting avenue for them to explore, timely since we are potentially moving towards the national designation of the river. If elevated, the river will be considered a part of the National Park System. The NPS has a team that comes out and they calibrate satellite imagery with highly sophisticated 360 photography that will specifically identify where the problems are.

The FOMR also would like to commence informational, non-binding outreach, to communities and facilities that are clearly negatively impacting the park. Again, you do not need an ordinance to speak with communities and explain what is going on and the benefits to dark skies to them, to their energy bills, to the park. Especially if it cost them nothing. There is grant money from various sources that may support such efforts. Developments are already approved east of I-75, near the park. Speaking to them about the benefits to the community and to the environment. What they can do to protect the resource, for the benefit of all.

But importantly, we need to codify these protections. Miri has already had preliminary conversations with Commissioner Smith that were very positive on this topic. They are planning to meet with all the county commissioners to share this presentation with their concerns, especially in light of proposed and approved high-density developments near the park and request actions necessary for implementing enforceable protections for the park and the river as per policies outlined in the UDC and the Sarasota County Comp Plan.

**Stacey Mazza-Gilkison motioned that in light of the concerning increase in light pollution at Myakka River State Park and on the Wild and Scenic Myakka River Corridor as illustrated in Friends of Myakka River's presentation to the Council, the Council directs the chair to write a letter supporting Friends of Myakka River's efforts to seek necessary action by the Sarasota County Board of County Commissioners, to control and reduce negative impact to the park and the river from light pollution. Becky Ayeche seconded. Caroline**

**Ritchey, Howard Berna, Sabrina Weiss, Emily Barnett and Frank Gargano abstained. (Motion passed after discussion.)**

Motion Discussion.

Becky added that city people are afraid of the dark. She has written columns for 10 years about turning your lights off to her neighbors and has talked about the benefits of doing that. But at times when density increases are being proposed, people need to be there, talking about this issue and to tell people they do not need to be afraid.

Miri added that the Dark Sky International folks do well speaking to that fear. They have some fantastic slides that illustrate how you can see better in the dark if you are not glaring everything up. You can have a prowler hiding right outside of your bright light and you are not going to see them, but with dimmer lighting you do.

### **Perpetual Conservation Easements - Lesley Blackner**

Lesley Blackner introduced herself. She is a lawyer that does work with Bear Warriors United. She come to Council to discuss conservation easements and emphasis that it easy to release conservation easements in Florida. It is a problem that exists on the down low because a lot of people do not know that the Florida statute authorizing conservation easements allows them to be undone at will by either the grantor or the grantee. This happens all the time, especially by the state and local governments. She noted that she has handouts available with more details as she gave the group example of conservation easements that she stated are being ripped off by the water management districts (WMD), by the DEP, by FWC, by counties, by cities, by private individuals. One example, [Farmton Mitigation Bank](#), the biggest mitigation bank in the United States, they take off conservation easements off of land that supposedly people have bought credits in the bank to put these easements on and then the easement gets ripped off.

The Florida Wildlife Corridor is being created with taxpayer dollars, of hundreds of millions, maybe billions before it is all over. We are buying development rights off of lands that are within the opportunity zones of the Florida Wildlife Corridor and conservation easements put on that land. Lesley has sat through several DEP meetings where land is proposed for conservation easement. "Oh, we want to keep it in the family, we want to keep ranching. We want to keep doing Ag." Hundreds of millions of dollars are being spent. They are putting the conservation easement on the Florida taxpayer. 7040.06, itself says, a conservation easement may be released by the holder of the easement to the holder of the fee, even though the holder of the fee may not be a governmental body or a charitable corporation or trust. You do not need any reason if you want to rip that conservation easement off. We are told that this land is being saved in perpetuity, it is not. I am here to alert you about what is going on. She is working on a legislative fix on this problem. Her group wants to call it the Florida Wildlife Corridor and Taxpayer Protection Act because it is not just about protecting the land. Of course it is, but it is also about fiscal responsibility, accountability to the taxpayers. If they are told that this land is being saved in perpetuity, but it really is not, then this is not acceptable.

Professor McLaughlin's proposal, which is the way they do it in most other states, is the owner would have to go through a judicial proceeding and demonstrate that the land cannot be used for conservation purposes anymore or it must be condemned for some national security reason. Then you would have to pay back the money that was paid for this conservation easement with interest. The state is spending billions on these conservation easements, and they do not work. Lesley hopes the Council will write a letter to Bear Warriors United, in support of their effort to ring the bell and get some sort of legislative interest in fixing this problem. Because 20, 30 years from now, the folks who put the land under conservation easement are dead and their heirs are ready to cash out.

**Becky Ayech motioned that the Council requests that the legislators amend FS 704.06, to make the conservation easement release a judicial process that includes the Florida Attorney General, as representative of the public interest, as a party to the release proceedings and require that any monies paid for a conservation easement be repaid with legal interest. Victor Dobrin seconded. Emily Barnett, Lee Amos, Howard Berna, Sabrina Weiss, Chuck Johnston, Frank Gargano, Caroline Ritchey, Stevan Kalev and Steve Giguere abstained. (Motion passed after discussion.)**

Motion Discussion.

Lee stated that as citizens, they want to make sure that the government does what they are supposed to do with shared assets. Everybody needs the ability to transfer property rights. It is about having accountability to our representatives to dispose of them the way that we want them to.

Lesley replied that people who are selling their development rights on their land and putting a conservation easement on that property, they are exercising their private property rights, and they are being paid handsomely for that. They want to keep their land; they do not want to sell it in fee simple to the government or to whoever. They have made this decision, and they are allowed to live on their land and maintain it in its existing state. Everybody knows that conservation easements are sold as a bill of goods, that the land shall be preserved in its natural existing state in perpetuity. Perpetuity means forever. So, this conservation easement process is totally copacetic with private property rights. It is an acknowledgement that some properties are going to be preserved in their existing state in perpetuity. Sometimes the heirs do not like it, but they must abide by the easement on that land that their precursors received payment for.

Stefan Kalev asked in order for an easement to be revoked, it can be done either by the grantor or the grantee. What is the process? Does it involve commissioner approval on a local level?

Lesley replied that in the example with Manatee County, Manatee County was the grantee of the conservation easement holding it in trust supposedly in perpetuity. So, in that case, Manatee County Commissioners had to vote to release the easement. The owner, the grantor comes to them and says, "Hey, I do not want this anymore." Then a board votes and says we are taking it off.

Victor asked why have conservation easements if you cannot enforce it?

Lee clarified that a conservation easement is a property interest. When the state requires that easement, they own those rights, they paid money for them and it is theirs to then keep or sell. It is the same as owning in fee simple, what you call fee simple interest. MRSP is owned in its entirety, all the interest, all the rights, by the state. The state can also purchase easements, which are a portion of rights to a property. The state can sell any of their land at any time. They can sell a state park tomorrow, if they decide to do that. The thing that prevents that from happening is the citizens saying, "Do not do that." An easement is a property right; it is the same as owning any property and you can sell that or hand it to other people.

Becky added she gets notifications all the time for the WMD when they are going to sell land that she thought was their land. This is after she attended the meetings, where she heard the justification for purchasing this land. It was a very good justification. The WMD has a long public process for buying land but less so when they get rid of it. They do not have any deed justification. It is just now we want to sell the land. Becky thinks that when the government buys something and says that it is a conservation easement, that means more than her life, her children's life, her grandchildren's life. They should not be able to decide at some future time by some group of people that do not share the same concerns and ideas, now they want to get rid of the land. When they enter into it, yes, it is their right and yes, they hold it. It is very difficult for the public to be able to go to all these meetings where all this land is being sold.

Howard Berna added that this is not a widespread problem for Sarasota County. In 20 years, he only seen a handful of requests. It really depends on who it is dedicated to. The ones that he has seen released are ones that have been dedicated to DEP and SWFWMD. It is much harder for them to get something that is dedicated to Sarasota County. That is not to say it cannot be done, but it goes to the board for approval.

Jono added that several conservation easements in Sarasota County are held by the county and SWFWMD. Both SWFWMD and the county would have to simultaneously agree to do away with it.

## **NEW BUSINESS**

### **Jono Miller-Chair's Report**

Jono has been meeting with the county commission regarding several issues related to the Myakka River. He does not represent the Council; he is just an ambassador trying to tell them what is happening on the river.

The first issue was the legislatively mandated Carrying Capacity Study (CCS) which is still needed. Entities are not supposed to be increasing recreational use on the river until there is a CCS. In the past they have had a county commission that has offered to pay part of that. The assumption was that state agencies might pay a portion. He has spoken to the DEP secretary about it, but now he is gone. The county is not supposed to be making plans to increase recreational use on the river until a study shows no impact on two factors. One, the resources of the river. The Disney World model, where a boat comes along every 15 minutes, there are not going to be any alligators on the banks because they need to be out and sunning themselves. The other thing that is important is the visitor experience. If you are going to Myakka River to see alligators and you cannot because so many boats have scared all the alligators away, then they are doing something wrong.

Jono continued, in the past they have had Myakka Island managers meetings where they get ranchers, municipalities, the state, forestry, anybody who owns land in the Myakka Basin to come together for a day and hear presentations on what people are doing about hogs, about invasive animals, invasive plants, restoring the hydrology, fire management, and other topics. He suggested that this is needed again.

Jono has talked with commissioners about the Hidden River Subdivision flooding. He was hoping that the Resilient SRQ money could be used for that. Apparently not. On October 1<sup>st</sup>, 2024, a new law went into effect. It makes it a requirement to disclose if your house has been flooded. Homes in Hidden River had water was up to the eaves. Now that must be disclosed and will presumably affect the resale value of these homes.

Jono discussed the proposals for improvements at SHP and the status of the Landis properties. He also noted that the Diocese retreat "seawall" issue remains unresolved. Lastly, he wanted the commission to understand they are now seeing crocodiles in the Myakka River, and they do not want a situation where people who have a legal recreational take permit for an alligator shoot a crocodile by accident. He thinks there should be a more explicit conversation with a motion at some point that the Council would like FWC to close the Myakka River in Sarasota County to recreational harvest of alligators. Just nuisance gators only.

### **Howard Berna-Sarasota County**

Howard noted the Diocese variance is scheduled for Tuesday, December 17<sup>th</sup>, 2024.

### **Charlie Hunsicker-Manatee County**

Charlie stated within the Myakka River Ranchlands collection; the county had nominated two approximately 550-acre parcels for the Florida Forever Program. Both of those have now been included in the Myakka Ranchlands Florida Forever program. The Myakka River Ranchlands is ranked number one in its Florida Forever category. This happened December 12<sup>th</sup>, 2024.

**Justin Howard-Charlotte County**

No Updates

**Stefan Kalev-City of North Port**

Stefan gave an update on the project to clean up debris that has accumulated on the Myakkahatchee Creek following Hurricane Ian and later storms. The city is starting this project soon to clean up 193 different blockages throughout the creek. That should ultimately improve flow and prevent future flooding issues.

Chris advised his is in the freshwater portion above the water intake, far away from the river area.

**Sarina Weiss-CHNEP**

Sarina had no updates but handed out CHNEP 2025 calendars.

**Emily Barnett-FDOT**

Emily gave an update on the River Road project. There is a re-evaluation which considers widening from the originally proposed four lanes to six lanes from Center Road to I-75. That widening is being done to the inside, to the median so it is not going to be any closer to the river than it is currently. She showed a slide with the segment of that redesign. No additional general right-of-way will be needed. The construction in the southern segment from U.S. 41 to Center Road continues which was originally proposed to be six lanes.

Chris asked about new stormwater ponds, some prior ponds were placed on county preserves.

Emily stated the original study was anticipating an eventual need for six lanes so, the ponds were over-designed to accommodate for that. There will be no new ponds, only the original stormwater ponds.

Ray disagreed that the ponds were sufficiently engineered for six lanes. Last season when they got eight inches of rain, the ponds overtopped with the project partially completed for four lanes. He says he shared video showing the ponds beyond capacity. The design team did not do a good job on this project.

Jono asked Ray if River Road was inundated in any of these storms.

Ray replied that the construction was underway when it flooded due to Hurricane Ian, absolutely.

Jono asked if the road surface was up to its final elevation?

Ray said it was not; it was only partially complete. You have more runoff; they claim the ponds are built for that, but we have already seen proof that it failed. On the riverside, it failed to be clear. Water that is coming across in huge volumes goes to Jelks Preserve and into the Myakka River.

Stacey asked what FDOT is doing about the lighting.

Emily replied that FDOT policy is that they follow any requirements on lighting from municipalities.

Miri added that we need to quickly speak with our commissioners since we do not have a dark skies policy.

Jono asked about the tree mortality associated with the ponds.

Ray replied, he and neighbors, as private property owners near East Venice Avenue, and areas associated with Sarasota County Preserves experienced 300 to 400 dead trees confirmed by Eric Strickland of the Florida Forest Service. Much of this impacted area is environmentally sensitive lands where they dewatered the pit,

10 feet, to get the borrow material for the road. Then they modified their dewatering permit with SWFWMD to go to 15 feet. They did extensive dewatering. So, there is a significant amount of damage around it. He looked at the project design, the plan did not include a weir or spillway. However, it created its own spillway. The pond overflowed the banks and eroded the whole thing. FDOT is well aware of the issues they have got with it. They are not finished. He does not know if they raised the perimeter on that flood pond, if that helps any. It is just with the commercial development that is designated kitty-corner across the street, that might be one of the biggest issues the Wild and Scenic Myakka River for the next decade.

Jono asked if any entity has taken responsibility for the tree mortality and what are they going to do about it?

Ray spoke to the FDOT District Secretary. He said that the subcontractor is not taking responsibility because they had a WMD permit for it. The insurance adjuster has been out there. I know the county has spent thousands of dollars cleaning up. So far no one has been held accountable.

Emily continued. There was recently a public hearing for this reevaluation before Thanksgiving. The comment window has closed to become part of the public record associated with that public hearing. But you can make comments at any time. Emily offered contact information for members to make formal comments.

Becky commented that the lights need to be coned, so the lights shine down, and she will forward that too.

Victor added that this year has been awfully flooded because of all the development in West Villages. They created a big problem right now.

Bob asked if this means some of the construction that has already been done from Center Road up to 75 will have to be trashed to do this new project? As taxpayers, are we wasting money?

Ray replied that he went to the public hearing. The curbing that is in for the two lanes clearly has to be pulled out. There will be some impact to the second lane as they add the third lane in the inside. So, there is absolutely waste. They should have just designed it as three lanes. Why did they do it that way in the beginning? They said, "If we would've done the whole thing back when it was initially proposed, it would've cost us more because of the material and the contract. We decided to wait and scale it back as part of the justification because it is a hurricane evacuation route." Sounds like budget reasons. There is going to be definitely some re-engineering, material waste, labor waste.

#### **Frank Gargano-SWFWMD**

Frank gave a quick summary of the WMD efforts to reduce invasive plants including combating Old World climbing fern with biocontrol agents. Normal fireline maintenance and mowing continues.

Jono asked if Frank could update the Council on Flatford Swamp. What is the schedule for removing water?

Frank replied that he or Bruno Kapacinskas could give that update at the next meeting.

Debbie asked about a structure near her home that she thought might be SWFWMD's.

Chris replied that it is a USGS gauge. It has not been used for a very long time, decades. Chris pulled up a photo. It is a rusty metal frame with a box. It is adjacent to the FDOT rest area on the water. It is unsightly.

#### **Caroline Ritchey-Florida Forest Service (FFS)**

Caroline noted that the FFS has currently burned 1,080 of their 2,590-acre goal. She noted that they are proposing an amendment to their ten-year management plan. They are updating their arthropod control

plan, currently they only authorize treatment in a state public health emergency. There have been repeated complaints from neighborhoods off East River Road, which triggered the county to revisit their agreement with the Forest, District Manager, Ed Bulo and Eric Strickland, met with the county and approved what they felt was the most environmentally friendly, scientific-based treatment plan. The change would include more monitoring in the form of mosquito dips to gauge larval amounts and that would only occur in areas of mosquito probability in the adjacent communities and the use of mosquito-eating fish in those areas.

Jono asked where are these mosquitoes breeding, is it in the forest?

Caroline replied in any freshwater areas like depression marshes or small creeks.

Jono asked how far these mosquitoes are flying?

Chris replied that it depends on the species, it is common for saltmarsh mosquitoes to come up from Charlotte Harbor, it can be five miles in a day, in the right wind.

Jono asked if Forest's neighbors are being bitten by mosquitoes that they coming from the forest or from other properties?

Chris replied that it is complicated. There could be several sources. Without seeing what the trap results are, you do not know that mosquitoes that are biting people are from salt marshes, or woodland species, or coming off the cattle pastures, or other habitat. These are all different species. I suspect many mosquitoes are coming up from Charlotte, especially in the summer when the tides are high, coming out of the salt marshes and mangroves.

#### **Becky Ayech-ECOSWF**

Becky brought up a lawsuit against Charlotte County right now, where a property owner that bought in scrub-jay habitat preserve area that Charlotte County has established. He must pay \$100,000 to be able to build on the five acres that he purchased. He hired a law firm that is arguing that this is against the Interstate Commerce Act because the endangered species is covered under the Interstate Commerce and Florida scrub-jays are endemic to Florida. Therefore, they do not meet Interstate Commerce definition of endangered species. Now, this lawsuit has been filed before in several different states, and it has failed every time. It has been filed in Florida, and it is failed. ECOSWF is very interested, interested enough that they may become a party in the lawsuit. The other argument that they made was that it was an inordinate burden on the landowner.

#### **Lee Amos- Big Waters Land Trust ((BWL) formerly Conservation Foundation of the Gulf Coast (CFGC))**

The CFGC as of Friday, December 6<sup>th</sup>, is now BWLT. They are the same organization, nothing has changed. Their mission is the same. They protect land and water in Southwest Florida for the benefit of people and nature. The staff is the same. The website is different. Their email addresses are different. It is a new name. They have wanted to change it for several years. It is really challenging to create a brand when you serve people on the Gulf of Mexico and people in the interior, cattle ranches on rivers, water is truly the thing that connects everyone, and they felt strongly that they wanted their name to reflect that.

Becky asked since they are on the Council as one organization, does the name change affect their membership on the Council? Do they have to be resubmitted?

Chris stated that this should not be an issue.

Victor added that he heard of another land trust divesting their interests at some point in time. If you get into financial trouble per the law, can you divest that and put it for development?

Lee replied per the law; he believes that is true but per ethics, no. Lee noted BWLT is an accredited land trust. They follow national standards. They are an ethical organization. That is very important.

Discussion continued about land trusts, divestment and standards to protect conservation easements.

Jono suggested members conduct research and continue discussion up at the next meeting.

### **Chuck Johnston-O Bar O Ranch**

Chuck stated everything is going good on the ranch. The ranch is not in the river anymore like they were during the hurricanes. He brought up the FDACS [best management practices handbook for cattle operations](#) (2024 version, linked). Chuck mentioned the handbook was being revised to make it more user-friendly.

Becky mentioned that BMPs are voluntary. They are not mandated.

Chuck agreed, they are not mandated in this area. But if you are in certain areas, like south of Lake Okeechobee, there are some areas in there that have BMPs that are mandated in those areas. But if you see some of these signs up here that says, "This Farm Cares", that is the program that the previous Commissioner started with the Farm Bureau. If you can show you can follow the BMP program, you could get that sort of status. They are excited about it.

### **Stacey Mazza-Gilkison/Miri Hardy - FOMR**

Miri reminded everyone of the fish kill that happened south of the two golf courses that were constructed adjacent to the Myakka River. FOMR has been in touch with the DEP compliance inspector who has been looking into this. DEP has issued a warning letter to the Miakka Golf Club because of the severity of the violations. The parties had their warning letter meeting. Per their turbidity measurements, they are no longer in violation of NTU limits. The FOMR remains concerned about this and other potential developments above MRSP and the potential impact on the resource. Miri went up to that general area with the executive director of Suncoast Waterkeepers who is going to be partnering with FOMR to help them coordinate grassroots water quality testing by neighbors of the golf courses.

Becky suggested FOMR could contact Chris Costello with the Sierra Club because they were doing local water testing. She added that this golf course was not embraced by the community and recommended outreach.

Miri confirmed that they will continue outreach to locals. She continued, Soleta is one of them and Miakka Golf Club is the other one. As Rob was mentioning, one concern is the depth of the big lake that they have dug for stormwater. Then on the other side they have got their sod field. They have to transfer the sod from one side to the other. They have got a culvert for the water to pass. You can see the river from the road.

Becky added that Manatee County loves golf courses because that is where they put their treated effluent just like Sarasota County does. That is why they dig these huge things because there is no place else to put them. Otherwise, you would have to inject that water, injection wells have permits. People can challenge the permits. Their Comprehensive Plan language, "Manatee County encourages golf courses."

Miri added that on the positive side, there are new commissioners, and she is in conversation with them.

Bob brought up today's front page of the Sarasota paper, it is all about that golf course and the development there. The articles specifically mentioned the two miles of frontage on the Myakka River. Bob suggested on the future agenda to revisit this issue of things outside the designated river, and role of the Council.

Chris noted that the Council's authority is for the entire watershed for writing letters and objectives in the FDEP approved management plan. The river is designated at Sarasota County but if something happens in Manatee County and the Council wants to vote on a motion to send something to SWFWMD or to Manatee County Commissioners because it affects the designated portion of Sarasota County. That is in the wheelhouse of the Council's business.

Bob responded that there is Charlotte County below. He would like to revisit what they can do to encourage adoption in those counties. It is a big issue but needs to be brought up occasionally. It affects all of it. Even if there is no way of overcoming this, if they do not from time to time at least voice interest in having others as focused on the river, then he does not think they are doing their job.

Jono added that several years back there was an initiative that did not go anywhere, but it was to get the Sarasota County Commission and Manatee Commission to have a joint meeting focused on the Myakka, that watershed and what everybody's responsibilities were. Maybe the Council could revisit that.

### **Steve Giguere-Myakka River State Park**

Steve noted that MRSP staff will be mowing and prepping the fire lines in mid-January 2025, getting prepared for the growing season and about 12,000 acres prescribed fire. They started a comprehensive low water crossing installation throughout the park. These are stabilizing, at grade, existing roads or boundaries in the park that are creating operational hazards or management challenges. That will increase the amount of burnable acres in the park that they are going to be able to add to regular fire rotations.

Becky added that she was happy about the addition of the speed bumps on the park drive.

Jono asked about the status of the unit management plan update and about the public participation.

Steve replied that the parks reviewed their resource management component items. Chris is assisting with the language update. They are holding at the moment, possibly waiting for everyone to catch up.

Chris replied that Tallahassee has an Office of Park Planning (OPP), they were also hit by storms. The OPP was originally hoping to have public meetings for inputs including stakeholders and advisory groups in early 2025.

Jono asked if the park is eligible to get reimbursed from FEMA for cleaning up after the storms?

Steve replied not to the park directly but the division. He has spent hours submitting FEMA reports. He added that the water levels are extremely low in the park right now. Very low for this time of year, but they have not had any real measurable rainfall since hurricane season ended. The boat tour is not running right now.

Bob clarified that removing the weir was not cause that the boat tour was not running.

Chris emphasized that weir had been failing, and with the large blowout of the bypass in 2016 the remaining structures had minimal potential to hold back water, a matter of days, not really months. By 2020 the blowout was basically 55 feet wide, similar to pre-alteration river outlet width. The structures were not doing anything at that point. The question was putting everything back to 1974, including a functioning bypass as designed. If you had done that you might have had water for maybe a month. But in this system, when you are thinking about water levels in the lake and above, is that it is all about rainfall. We went from around 10 feet of water level near S.R. 72. And dropped to 5 feet in 45 days. That is just because there was no rainfall, and it was hot. Also, the Tatum Sawgrass dikes are failing, Vanderipe dike is breached. All those changes to

the system basically reduce water levels. The Flatford Aquifer project is taking water; other places take water. There are a lot of inputs and outputs.

### **Chris Oliver-Myakka Wild & Scenic River (MWSR) Program**

Chris started the MWSR update noting earlier in the meeting Miri had highlighted concerns about golf courses constructed near the river. Alissa Powers from Manatee County could not be present today but wanted to share some information. One of the concerns that people had in addition to the turbidity water quality issues, was what were the actual setbacks. Alissa found that answer out and wanted to give it to the group. It is not 50 feet, it was permitted when they switched to 30 feet, as the wetland buffer requirement. When they say wetland buffers, that also means surface water buffers, which is the river. Alissa noted here, that is the average. Some places it can be 15 feet, the minimum, with an average 30-foot setback.

Miri stated that her understanding is that the change from 50 to 30 has not yet been codified in the Land Development Code (LDC). She was wondering how this was allowed before the LDC was actually changed.

Chris replied, good question, he does not know. This info is from an email he got from Manatee County. Chris continued that another good thing is that Manatee County did an inspection. It looks like October 17<sup>th</sup>, 2024, they did some inspections at one of the golf courses. It looks like maybe only one at Soleta. Manatee County was asked questions by the Council, and they provided this information and those people who were interested can reach out to him. The email indicates that Manatee County found there were not any major problems. They said that the BMPs were okay. That is different from the DEP inspection because they are looking at slightly different things. Manatee County also mentioned future wetland plantings. These topics may be something that the Council will want to talk about in the future.

Chris noted Chuck was not here earlier when this was previously mentioned, but they have their final permits for Downs' Dam. Vanderipe has been breached over the last couple of hurricanes. Chris showed a slide of the area, the Vanderipe Dike is mostly within the park. The park is this blue line, and this is Shep's Island Hunting Club and Myakka Valley Ranches. They are hoping to study this for potential removal. It is a giant berm. It is falling apart. It is going to fail. It has already started to fail anyway.

Jono added that there is a gap. A couple of years ago, you could walk across it, but it was about six feet deep.

Chris continued. The question is, what do they do about failing structures? What do you do about things where nobody is maintaining them? There are several dikes and other systems. Hidden River has one that has been talked about many times before. Some kind of comprehensive plan is needed. One element that might start this effort is that Sarasota County is planning a watershed update for the entire upper portion of the Myakka River System via a Cooperative Funding Initiative with SWFWMD. Mike Jones mentioned this at our last meeting, and I asked him to make sure that this update considers the dikes and the bridges.

Chris concluded his update mentioning Deep Hole alligator numbers have ticked up recently. He has heard of some reports of 60 to 80 alligators. The last few years 30 to 50 alligators was the more typical count.

Chris reminded members that at the next meeting in 2025, elections for Chair and Vice Chair must occur. It is the annual business meeting, and it is the only time new members can be nominated. Mike Choinard moved away, so they are down to two residents. Debbie and Victor are the only two residents along the river. The Council lost the Tampa Bay and Southwest Florida Regional Planning Councils. He elaborated on the appointment process and directed members to contact him with any questions.

Jono stated in addition to the issues with the dikes on the Myakka River there is a more general movement to raise the county commission's awareness of the flooding issues that are emerging. The flooding that

happened at Laurel Meadows subdivision was from a dike failure. That structure is owned by Sarasota County. There was a breach in that dike and that enabled water from Cow Pen Slough to flood into the Phillippi Creek Basin. Steve Suau and other people are working on this issue. We need to have something that the South Florida WMD has, which is a program of identifying and inspecting all the dikes. If there is a dike in the county that is holding water back and keeping a neighboring property from flooding, there needs to be a program to make sure that it is inspected and that it is up to snuff and not likely to fail.

Becky noted one complication, that if those dikes are on private property, one must be able to get the property owner to agree, to let you come on their property, to inspect their dike. The county can mandate it. But that is like when they were going to test septic tanks and then the outpouring against it was so strong that they walked away from it. She wants to make sure that it is part of the conversation. Also, as a taxpayer, there should be a discussion and communication about how a firm inspecting structures on private property benefits the larger community and the best use of tax dollars.

Linda asked if that group talking to commissioners about dikes was focused on the structures owned by Sarasota County or all the dikes in the whole county?

Jono replied, all the dikes.

Discussion continued on the need to study and implement actions related to the dikes and flooding issues.

Jono asked if there was any other business from members, hearing none, adjourned the meeting.