

Manchester Waterway Cut-Through Summit

Notes

June 11, 2021 (via Teams and 410 Taylor Street-Engineering Division)

Attendees:

Charlotte County

-John Elias, Joanne Vernon, Brandon Moody, Matt Logan, Kayla Dotson, Janette Knowlton, Pooja Patel
Manchester Civic Association

-Brian Irwin and Jeff Anlauf

Florida Department of Environmental Protection (FDEP)

- Regulatory, Aquatic Preserves, State Lands -Megan Mills, Jon Iglehart, Tim Rach

Army Corps of Engineers (ACOE)

-John Policarpo- Section Chief

National Oceanic and Atmospheric Administration (NOAA) -Mark Sramek and Dana Bethea
(Biologist) – National Marine Fisheries

US. Fish and Wildlife Service (FWS)

-Jeffrey Howe -Coastal Biologist

US. Environmental Protection Agency (EPA)

-Cynthia Van Der Wiele – Wetland and Streams Regulatory Program

1. Introductions

2. Framework of the meeting

3. Background Information – Manchester Civic Association ([CC Agency Summit PowerPoint](#))

4. Lands:

- Ownership and Coordination - process and timing
 - County Investigation
 - Matt Logan:** The county is doing over 60 years of title work
 - This will have to go through the board of trustees twice (once before we apply and again at the end of the permitting process)
 - Megan Mills (FDEP):** One of the properties is co-owned by the water management district would need to be approved by the Water Management District's Governing Board. Parcel ID 402123451001

Coordinating Parties and type of information required

- Appear before the Board of Trustees twice. Once for Approval to Apply (in order to secure the upland easements) and at the end of the State Permitting phase, as the final authority on Permit Issuance)
 - State Bureau of Land Administration/Acquisition and Restoration Council - approval of the upland use; this approval is necessary before the Board of Trustees can approve the easements
 - SWFWMD governing board for the co-owned parcel
- Procedural timing

- Coordination will need to be at the onset to start the process of obtaining an easement.
- All agencies agreed that, if this project moves forward, the County should expect a long (years) permit period

Per Mr. Iglehart, the Lock Removal process was from 1997-2006. During this period the plugs (areas looked at for this proposal) were reviewed. The modeling done during the permit review dictated the NEB's that were established for the final permit. Models run during the '97-'06 timeframe showed that the removal of the lock would increase the holding times within the system. The areas in question were discussed and after reviewing it was decided to leave them in place.

- Upland
 - State Lands – Easement
 - Would need to be found consistent with the Park Management Plan
 - Cultural Resource Survey
 - Environmental Resource Survey
 - State Lands – Public Interest
 - Impact Surveys will be needed for upland areas
 - Would need to show Net Positive Environmental Benefit
 - Would need to be deemed of equal or greater value in the Public Interest
- Submerged
 - Sovereign Submerged Lands
 - Need resource survey for channel alignment
 - Cultural resource survey required
 - Aquatic Preserve (A.P.)
 - Must be found consistent with A.P. Management Plan
 - May be difficult as the management plan strongly discourages new dredging in the A.P.

When asked what mechanism would be necessary, i.e. easement..., it was stated that it may need a park agreement and easement, or management agreement. This will depend on what is determined by the governing agencies.

5. Resources and Impacts of Dredging: *FDEP wanted to make sure we understood this would be reviewed as precedent setting activity. This could mean a more thorough review as there are areas in the surrounding counties with similar conditions that could pursue permits if this were to be permitted.*

- Upland
 - Mangroves and other protected species
 - **John Policarpo (ACOE)**-will have to review this under a Standard Permit. Does not see how we are going to overcome the alternatives analysis and cumulative impacts analysis due to impacts of wetlands, mangroves, and submerged areas when there is already boat access. Cumulative impacts would need to consider the future development of the vacant properties.

- **Cynthia (EPA)**- would need an alternative analysis and cumulative effects analysis of the potential impacts.
 - **Megan Mills (FDEP)** – since all three of the proposed channels have been mentioned the review would consider that an application for 1 channel would open the door for the others. They would have to look at the cumulative impacts for one channel and all three during the review. She reiterated that there are other areas in the region with similar situations and this would be viewed as precedent setting.
- Submerged/Aquatic
 - Seagrass, small tooth sawfish, shellfish....
 - **Mark Sramek(NOAA)**-concerns that this activity would adversely impact essential fish habitat through direct and cumulative effects of a new cut on the mangroves and sea grass habitats. If you provide hydrological connectivity from Peace River to Charlotte Harbor, there are unforeseen effects/impacts that could happen. Concern is, if the Manchester water quality is lower quality than that of the Charlotte Harbor, then the access would potentially negatively affect water quality and habitats via direct and secondary impacts. Made mention of the most recent SWFWMD seagrass study that shows a 23% reduction in our region (Charlotte Harbor /Lemon Bay). NOAA would be looking for avoidance and minimization of resource impacts and agreed with ACOE that there is already a channel for boat access.
 - **Jon Iglehart (FDEP)** – Tidal modeling will need to be conducted to see what will happen within the system.
 - **Dana Bethea (Biologist -NOAA)**-Concerns of impacts to juvenile small tooth sawfish and their habitat due to direct and secondary impacts (water quality). They would need to gather a team and figure out how to analyze this, or how to determine the impacts on this species. (The work and costs associated with the NOAA comments are unknown until the application is made and NOAA staff has determined the requirements. There is currently no methodology to determine the biological effects of reduced water quality on the small tooth sawfish.)
 - **Jeffrey Howe (FWS)**-impacts to seagrass beds could also impact manatee which would have to be analyzed as well as other impacts to additional species based upon upland impacts. Concerns over the impacts as the 700 vacant parcels are developed. (The 700 lots discussed were in reference to information provided in the Manchester Civic Association PowerPoint, Item 3 on the Agenda)
 - **Cynthia (EPA)** – Considers this area to be a high-quality aquatic resource. Would want to see an alternatives analysis. Would need to tackle the proposed activity vs. the positives of this area on coastal resiliency as a natural buffer.
 - Mitigation

- **Timothy Rach (FDEP)**-Statue prohibits the use of state land for mitigation but use of an upland Easement may be an option for permittee responsible mitigation
- Would have to have the resource surveys (aquatic and upland/wetland) to further the discussion

6. Water Quality:

- Water Quality Parameters ([MWCA Water Sampling Overview doc](#))
 - **Brandon Moody** – provided data analysis on the seagrass and overview of what has been provided by the MWCA.
 - **Megan Mills (FDEP)** – Stated that at a minimum enterococci and nutrient loads would need to be included. She said they can put together a list of parameters. The number of locations will depend on which model and location of the cut(s). This will be dependent on the results of hydrodynamic/flow study.
- Hydrodynamic s– USF study and requirements ([USF Flow Study Scope pdf](#))
 - **Jon Iglehart (FDEP)** – Will need to get with their hydrodynamic folks to see if this study is all inclusive. The changes to hydrology would need to be considered and assessed /addressed through the cumulative impacts process. Without a formal application any review of information will not be able to be conducted quickly.

7. Challenges to the Permit- Groups/Organizations

- *When asked: If groups from state/federal come out to challenge, how will this affect the permit process?*
 - **Megan Mills (FDEP)**- Administrative Hearing process when notice of permit is issued. groups would need to petition or file to petition. This would then go through the litigation process, which could be lengthy as there is an appeals process (Jon stated that lock removal objection took 4 years to resolve). It is possible that objections could require it to go before the board of trustees.
 - **Tim (FDEP)** – Opposition could affect ARC review and could decide not to issue the easement. (This could stop the project)
 - **John Policarpo (ACOE)** -As comments arise (at any point after submission of the application), they will be sent to the county to address individual concerns and how the project will overcome those concerns. Will not issue a decision until all the comments have been addressed. Anyone can appeal a federal permit which will delay this entire process even longer because the permit will not be able to move forward.

8. Additional Topics/Concerns- By Agency

- **Jon Iglehart (FDEP)**-The ecosystem in your area is quite dynamic, so the water quality will be different now than it was five years ago. Significant concerns include red tide, red algae, nutrient overloads, and how the water flows. It doesn't take much nutrients for blooms to occur. Any

increase in nutrient loads would not be viewed favorably. Reiterated that this potential project is years out

- **Megan Mills (FDEP)** -Compliance with the Manchester Lock removal permit was discussed. Continued compliance is required for the State to consider future permitting in this area. The management plans for State Parks and Aquatic Preserve both discourage connections. This will be a significant task to overcome.
- **John Policarpo (ACOE)** -This is “Daunting” project to permit, there are a lot of moving parts and issues. It could take years before anything begins to move forward. Be aware, that things may change (policies) that we are unaware of and could affect this.
- **Dana (NOAA)** -Sea turtles were not mentioned prior, but that is a concern due to the potential impacts to sea grasses
- **Mark (NOAA)** – Review of this project will be “Robust”
- **Cynthia (EPA)- Comments regarding the implied positive impacts (slide 11 of the [CC Agency Summit PowerPoint](#))**
 - Given that there is already access, the consideration of a project of this type raises a substantial number of issues and questions, particularly given the type and quality of aquatic resources (e.g., essential fish habitat, Aquatic Resources of National Importance, Federally-listed species, etc.). The benefits to the human and natural environment are unsubstantiated without documentation and baseline studies (e.g., traffic studies, noise studies, habitat quality, fin and shellfish assemblage information, etc.), modeling, alternatives analysis, cumulative effects analysis, etc. Other unknowns include whether the proposed 700-lot development would have hardened or living shorelines, traditional development and stormwater treatments vs. LID design or other techniques that disconnect stormwater and provide enhanced treatment, and other site design techniques and measures that would achieve measurable water quality and ecological results.