

The

Midnight Pass



SOCIETY, INC.

"MIDNIGHT PASS - PASS IT ON!"

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MIDNIGHT PASS POSITION PAPER

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March 4, 1990

ANSWERING THE OPPOSITION

SYNOPSIS

A few homeowners on North Casey Key have banded together to oppose the restoration of Midnight Pass. Their expressed concern is that the recently accreted beach by their homes will once again be subjected to Pass-induced erosion. It would seem they are also less than enthusiastic with respect to the people that will be attracted to the north Casey Key County park by a restored Midnight Pass. Agree or disagree, their arguments and motives are clear.

Unfortunately, some environmentally-oriented organizations have also stated their opposition to the Pass restoration plan. Some concerns expressed are quite legitimate and deserve to be fully addressed; Sarasota County did so last year in a carefully researched response. But a few opponents continue to raise these points as viable reasons for opposition. And others make wild assertions with no foundation in fact. Such tactics do a disservice to the environment. As such, they are irresponsible. The motivation of those who would twist the truth to press their point of view is not at all clear.

In dealing with Midnight Pass as an environmental issue it is important that fiction be separated from fact, that misconceptions be identified and corrected and that legitimate concerns be addressed and resolved "head-on." This paper reviews the issues raised by the opposition and provides our answers thereto.

BACKGROUND

Midnight Pass was an essential, integral part of the ecosystem of Little Sarasota Bay. Truly a natural resource in its own right. An inlet had been open and flowing in this locale for as long as recorded history... perhaps for as long as the barrier islands themselves. The early 1960's deepening of the Intracoastal Waterway and improper deposition of the resultant spoils caused Midnight Pass to become unstable. When the Pass began to migrate in the early 1970's and accelerate its own instability... nothing was done. Then, in 1983, the artificial closing of Midnight Pass was "permitted."

The absence of the historic tidal flow through Midnight Pass has wreaked environmental havoc on Little Sarasota Bay. A once flourishing seagrass community has been all but eliminated. Only one species of seagrass remains; it's sparse and stressed. A commensurate decline of

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the marine animals who resided in the grass beds has been witnessed. The clams have all been killed. The fish population is but a shadow of what it once was. A vibrant, vital, vertical food web has been reduced to just a few scavengers and detritus/deposit feeders.

The damage to Little Sarasota Bay is real, it's massive and we did it. We have the means to restore historic tidal flow. Accordingly, we have a clear responsibility to right this wrong... to restore, to protect and to preserve these essential natural resources.

NORTH CASEY KEY

CONCERNS. Since Midnight Pass was closed in 1983, beach accretion has occurred on North Casey Key. The opposing homeowners are understandably concerned that restoring Midnight Pass will wipe out this new-found sand. We've also been told they do not wish to compromise the solitude of Key life that they've come to enjoy which they feel would be threatened by an open Pass and a County park.

FACTS. A review of aerial photographs suggests that beach accretion on north Casey Key actually began sometime prior to Pass closure. The same photos reveal that this beach was historically under erosion pressure.

Rudimentary beach profile analysis by the Society in December, 1989, confirmed that approximately 2,000 linear feet of beach south of Midnight Pass has accreted on an average of 100 feet. The same analysis disclosed that the beach north of Midnight Pass up to the trailer park has eroded an average of 50 feet. Erosion at and above the Pass site has accelerated during the past three months (December, 1989 through February, 1990).

North Casey Key beach accretion came at the expense of south Siesta Key beach erosion. But Midnight Pass was historically located here and the north Casey Key beaches were under some erosion pressure for many years... long before north Casey Key was built upon.

The Midnight Pass restoration plan does offer an answer. Pass restoration will return nearly 400,000 cubic yards of sand to the beach and ebb shoal areas. Periodic maintenance will return beach sand to those beaches experiencing erosion. Pass-induced erosion will be offset during inlet maintenance. Of course there's no guarantee the beaches won't erode for a whole host of other reasons. That's just one risk of residing on a barrier island.

An open Midnight Pass would attract more boaters for the access it afforded to the Gulf and as a destination in itself. Sarasota County acquired property on north Casey Key in 1980 for just such a purpose. The southern tip of Siesta Key and the Bird Islands are also County-owned. These properties are in the public domain for all to enjoy. The Pass was a natural resource serving Little Sarasota Bay. Restoring the Pass and utilizing these lands is surely in the public interest. With proper planning, the public can be served and the rights of the Key residents protected. There's no reason why the protection of one set of rights has to be at the expense of the other!

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Protecting some "new-found" sand acquired at the expense of their Siesta Key neighbors and safeguarding a quiet lifestyle on Casey Key are not sufficient reasons for accepting the devastation of Little Sarasota Bay. With an environmental issue, the environment must come first. Historic tidal flow, essential to the Bay, can be restored without harming the beaches of north Casey Key.

THE OTHER OPPOSITION

Initiating the permitting process flushed out the Pass opposition. It required the opponents to put their concerns in writing. This is healthy in that communication leads to understanding... at least it's supposed to!

The Army Corps of Engineers accumulated the negative comments received on the Midnight Pass permit application and asked Sarasota County to respond to them. The issues involved displacement of mangroves; seagrasses; stormwater pollution; sea turtles; stability; water quality; turbidity; algae growth; tidal prism; least terns; erosion; maintenance; the ebb tidal shoal. In a carefully researched response, Jack Merriam of Sarasota County sent a letter dated May 10, 1989, to the Army Corps of Engineers responding to each concern expressed.

In July, 1988, the local chapter of the Sierra Club sent a letter of concern to the DER with respect to the restoration of Midnight Pass. On September 4, 1988, the Society responded to that letter. A copy is included herein as Exhibit #1.

In an August, 1989, letter to the Sarasota County Commission, Manasota-88 announced their opposition to the restoration plan. The reasons given merely restated the comments accumulated by the Army corps of engineers... which had already been answered in depth by the County! The Society responded to Manasota-88 on August 30, 1989. A copy is included herein as Exhibit #2.

Following a "debate" on the issue with the local Sierra people, the Society sent a letter dated November 9, 1989, to the national Sierra Club. A copy is included herein as Exhibit #3.

A local group, Save Our Bays Association, recently joined the opposition. Anti-Pass activity has been increased by certain individuals as well. Yet the reasons given for opposition have been answered and re-answered. Santayana defines Fanaticism as redoubling your effort when you've forgotten your aim..the environment is the aim.

OPPOSITION CONCERNS & THE FACTS OF THE MATTER

SAVE "MIDNIGHT BEACH"-- ITS SEA OAT-CROWNED DUNES AND TURTLE & LEAST TERN NESTING AREAS.

In reality, the beach is a man-made land form, the plug put into the Pass...draglined & bulldozed into existence. The dunes are the remains of the construction work. There are 40 clumps of sea oats. Some older clumps are falling into the Gulf... victims of erosion. Least terns won't nest in the Pass site: foot traffic's too great & the vegetation is incompatible... sand spurs would kill the babies. Sea turtles would

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have more, not less beach after Pass restoration... and the turtles wouldn't have to contend with severe beach escarpment presently blocking their access to nesting sites.

SHOALS ARE INTERSPERSED WITH VITAL SEAGRASSES.

Just not true. Turtle and Manatee grasses that used to grow here are now all gone. The Cuban Shoal weed remaining is of sparse density and in a highly stressed state. The Cuban Shoal weed in the mouth of the inlet is at a transitory habitat indirectly created by the bulldozing of the beach. If elevation continues grasses will no longer grow here.

HUNDREDS OF FEET OF PUBLIC BEACH THAT IS NOT BEING ERODED WOULD BE DESTROYED.

Not true. The natural state before Man interfered would be replicated. The beach area in question is presently suffering severe erosion. So is the public beach to the north of Midnight Pass.

SEVERAL ASSETS WOULD BE DESTROYED BY DREDGING:

SEAGRASSES-- Seagrass habitat would be restored by restoring the Pass... the same habitat ruined in closing Midnight Pass.

MANGROVES-- A few mangrove pups have colonized the throat of the inlet. The proper elevation was created by wind winnowing the despoiled land. In time, the habitat will be lost by the same wind action. The growing plants can be easily transplanted to a suitable locale.

WATER CLARITY-- In fact, water clarity would significantly improve.

PROTECTED AREAS FOR MANATEES TO RAISE/FEED THEIR YOUNG-- There are few manatees around because there is little manatee food around. Pass restoration would increase their food resources. Manatee protection won't result from keeping the inlet closed. An active management plan including boat controls and sanctuary designations is what is needed.

In fact our natural assets would be enhanced by restoring the Pass. The plan would provide for needed beach restoration and for the restoration of an historic tidal inlet and all of its related marine environments.

THE PROJECT WILL COST OVER \$8,000,000.

Sarasota County's engineers project the cost at \$2,000,000.

MAINTENANCE WILL COST OVER \$800,000 PER YEAR.

Maintenance is estimated to cost \$50,000 per year but may well not be needed every year. This estimate was confirmed by the County engineering consultants. Also, see the Maintenance paper.

NATURAL SYSTEMS ARE ADJUSTING TO CHANGED CONDITIONS. CAN'T MAN?

In fact, the changed conditions were not natural and the natural systems aren't just changing... they're dying! The clams are killed, the seagrasses are going fast and so is the marine life that historically inhabited this embayment. Those that used the inlet as a doorway are also denied access...not that they'd want entry to what Man's created.

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WATER QUALITY CAN ONLY BE IMPROVED BY RETAINING STORMWATER RUNOFF.

Here's another of those absolutes...and it's absolutely not true. Water quality was degraded by closing Midnight Pass; the trend can be reversed by restoring the Pass. Pass restoration isn't the answer to Bay pollution... but it is the first step. The solution to pollution is not dilution! We have to right the wrong we created by restoring the historic tidal flow the embayment counted on... and that we counted on in discharging our excess runoff into the Bay.

THE DER WILL DENY THE PERMIT TO RESTORE MIDNIGHT PASS.

Untrue. The DER letter indicated that there was insufficient evidence to justify restoration based on the data submitted. The DER position is clear: provide sufficient evidence and the permit will be granted.

THERE HAS NEVER BEEN A STABLE, DEEP PASS IN THIS AREA.

Absolutely not true! As to stability, there's been a pass in this locale for all of recorded history. A pass has likely been here for hundreds of years... if not for as long as the barrier islands themselves. As to depth, Heron lagoon is the remains of the 1800's channel and it is 15 feet deep in areas. The 1955 hydrographic survey chart reports depths of 12' to 15' at Midnight Pass.

DREDGING CHANNELS TO SAVE THE BAY IS PERVERSE "DOUBLE THINK" LOGIC-- LIKE BOMBING A VILLAGE TO SAVE IT.

It's the above analogy that's perverse. Restoring Midnight Pass will restore historic tidal circulation to the Bay... tidal circulation required for the health and well-being of the marine community... tidal circulation stopped by the acts of Man. A proper analogy would be to a medical operation... an ill person will allow a surgeon to cut into their body to restore their health.

LEAVE THE OLD PASS SITE UNDISTURBED AND IN ITS NATURAL STATE.

This statement is oxymoronic... the conditions are mutually exclusive. Actually, most of the area in question has been disturbed by Man, so it is no longer natural. To the extent possible, restoring the Pass will replicate natural conditions prior to our interference.

Exhibit #4 estimates the land mass for different parcels of property in the Midnight Pass area and the percentage thereof that has been altered or otherwise despoiled by Man... is no longer "natural."

$\frac{1}{4}$ of the Jim Neville Marine Preserve is submerged land, all of which has been substantially altered by the "fines" that ran from the undiked ICW spoils. Of the 83.5 acres of emergent lands, 20 acres is forested in Australian pines and 8.5 acres is man-made salt barrens. Fully a third of the land mass was altered in the ICW deepening project of the early 1960's. Half the Preserve has been despoiled, is no longer natural.

There are 36.3 acres in the Casey Key parcel. Almost 9 acres are submerged and have been despoiled by improperly diked dredge spoil. While there are $14\frac{1}{2}$ acres of mangrove and marsh area, fully half of it has been altered by runoff or ditching or digging. Over 7 acres are in

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Australian pines... additional altered lands. Nearly two thirds of the Casey Key parcel has been despoiled or otherwise altered by Man.

The parcel of property on south Siesta Key recently purchased by Sarasota County is far from its natural state. Approximately 50% is derelict land from the old Mote Marine Laboratory site. An additional 25% is man-made beach area re-graded as part of the 1983 Midnight Pass closing project.

The final, unnamed parcel lies between Casey and Siesta Keys. It represents accreted beach and the site of the historic inlet. Its about 1,000 linear feet of draglined, graded and bulldozed sand. Its the plug put into Midnight Pass. A man-made land form...not a natural beach.

By far the largest percentage of these County-owned lands has already been severely disturbed... they're no longer in a natural state. A proper management plan for this area would include a lands reclamation program... elimination of exotic plants, regrading to historic elevations and replanting with native vegetation.

THE PASS CLOSED BY IRRESISTABLE (sic) NATURAL FORCES.

Everyone familiar with Little Sarasota Bay history agrees that Man caused the Pass to become unstable; that, when it began to migrate, Man did nothing; that, in 1983, Man physically stopped the water flowing through this inlet. There was nothing at all natural about the causes for the closure of Midnight Pass.

HUMAN INTERVENTION WOULD BE HUMAN FOLLY.

In its broadest sense, it was folly that closed Midnight Pass. In its most real sense, it would be folly to ignore the need to restore this inlet.

NULL ZONES ARE A REFUGE FOR MARINE JUVENILES.

Null zones create salinity regimes that are below the level of tolerability of most seagrasses. Destruction of the seagrass beds eliminates the very nursery habitat required by the juvenile fishes.

THE 1987 FISH KILL NEVER TOOK PLACE.

This is reshaping history to fit your particular point of view. The 1987 fish kill was well documented; it's a matter of public record.

SEVERAL ENVIRONMENTALISTS SIGHTED 18 MANATEES AT THE AREA.

Another instance of misrepresentations being paraded as fact. We investigated this claim including a review of the Mote Marine Lab records. It is without basis. Not that manatees aren't sighted in the area... they are. But their presence would, if anything, support the restoration of the inlet.

THE BOTTOM OF THE WILDLIFE REFUGE IS COVERED WITH RICH ORGANIC SILT.

There is, indeed, a six year accumulation of organic matter on the bottom of the Bay. It creates unacceptable habitat for many of the

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benthic critters that used to live here. By trapping these nutrients in the Bay rather than flushing them through the inlet, the near-shore areas of the Gulf of Mexico are deprived of an historic nourishment source. The overabundance kept in the Bay is responsible for a good deal of the rainy season turbidity. The resuspension of these materials in the water column abets algae and phytoplankton blooms. The roiled sediments also make their own demands on the available dissolved oxygen.

This rich, organic silt is a problem for the Bay, not an asset. The degradation of water quality in the Bay is, in large measure, directly associated with too many nutrients, not too few.

SUMMARY

We have every confidence that the restoration of historic tidal flow through Midnight Pass will be of significant influence in the amelioration of the poor condition of Little Sarasota Bay. It is the only environmentally responsible course of action available with respect to the status of this essential inlet.

Not one argument advanced by the opposition to date has shaken our belief as set forth above. In fact, the baseless nature of many of their allegations and the degree of rancor with which they are expressed leads us to question their motives.

Our concern is for the environment of Little Sarasota Bay. Any legitimate concerns with respect to the proposal to restore historic tidal flow are of genuine interest to our organization. All such concerns must be fully addressed and any problems completely resolved.

But Midnight Pass was not only a natural resource in its own right, it was of inestimable benefit to the ecosystem of Little Sarasota Bay. Man closed Midnight Pass and Man has a clear and continuing obligation to restore this natural asset as soon as possible to its open, functioning condition. If this objective sounds familiar its because its an objective espoused by the National Sierra Club... "Formerly natural areas that have been damaged should be restored as much as possible to their previous condition." 'Nuff said.

ADVOCATES

We'd be remiss if we failed to recognize the groups that support Midnight Pass restoration. Environmental organizations like the Florida Conservation Association, the Dona & Robert's Bays Environmental Society, the federal EPA, Sarasota County's Natural Resources & Recreation Advisory Board. Local business leaders like the members of the Argus Foundation. The Organized Fishermen of Florida. A "purse-strings" group like the Taxpayer's Association of Sarasota County. The Siesta Key Association. Bay-oriented homeowner and condo associations. Yacht clubs, fishing clubs, civic organizations. A large and diverse cross-section of responsible Sarasotans believe in the restoration of Midnight Pass...that we owe it to our environment and to future Sarasotans, too.

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September 4, 1988

Orville Clayton
 Chair, Manatee-Sarasota Group
 Sierra Club, The Florida Chapter
 626 Marbury Lane
 Longboat Key, Florida 33548

Dear Mr. Clayton:

I've just recently received your letter of July 8, 1988 to Secretary Twachtman of the Department of Environmental Regulation. In accordance with DER procedures I am addressing my response to you with copies to all interested parties.

The Midnight Pass Society, a local environmental organization some 1,600 members strong and growing, has a great deal of respect for the Sierra Club and for all that it has accomplished. We were, accordingly, most disappointed with the position of your Sierra Club Group concerning the restoration and maintenance of Midnight Pass.

What one would have expected from the Sierra Club WE know is a balanced, realistic consideration of ALL of the environmental issues involved and a constructive approach to the Midnight Pass problem which is of such critical importance to the ecosystem of Little Sarasota Bay and to all the people who live, work and/or play in this area. Instead, we got a ten point polemic serving up just the alleged arguments AGAINST restoration of this essential inlet while ignoring all of the environmental consequences of leaving Midnight Pass closed. While you stop short of saying it, you leave little doubt but that you want to keep Midnight Pass closed. And that's a shame.

We wish to take this opportunity to set the record straight. First, a brief review of what "Man" did to close Midnight Pass. Then, a summary of the environmental damage that's been done...to date. Finally, a rebuttal of the concerns listed in your letter.

Midnight Pass was a tidal inlet in Sarasota County, Florida; a "saltwater doorway" between the Gulf of Mexico and Little Sarasota Bay. The pass separated Casey Key from Siesta Key. It was the only inlet in a 14+ mile stretch of barrier island. The inlet ancestors can be traced back to the mid-1800's. In fact, there's considerable evidence a pass existed in this specific locale for hundreds of years.

In recent years numerous man-made alterations to the natural environment caused Midnight Pass to begin to migrate. It was OUR tampering with the forces of Nature that disrupted the tidal flow and caused the pass to become unstable. By 1983 it threatened the property of two homeowners. They were permitted to close the pass upon their promise to relocate it to the south and to keep it open for at least two years. Well, they closed the pass but didn't keep their promise. Thus began this environmental tragedy.

Little Sarasota Bay is dying. It NEEDS the flushing, cleansing action of an open, flowing Midnight Pass. Pollutants and nutrients carried along with stormwater runoff are trapped in this once beautiful body of water. A whole host of toxins accumulates day after day...

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for almost five years now! The clean, clear waters are now turbid. Nutrient levels are unnaturally high while salinity and dissolved oxygen levels are abnormally low. The ecosystem of Little Sarasota Bay, which HAD a food web based upon marine seagrasses and marine phytoplankton, has been reduced to one based essentially upon the decay and the detritus from upland runoff.

The consequences are all too real. Algae blooms, fish kills, noise pollution. Coliform and total bacteria readings that are alarmingly high! Bay seagrasses provide a necessary protective, productive habitat for young fish and shrimp...a nursery. But the seagrass beds of Little Sarasota Bay, which had actually THRIVED between the 1940's and 1970's, have been devastated since the pass was closed. Secchi dish readings, once in feet, now measure in inches. While most of the area marine life must spend at least a portion of their life cycle in a bay environment, they've been denied this doorway to and from the Gulf of Mexico on which they had counted for so many, many years.

Within this embayment is situated the Jim Neville Marine Preserve, a unique and pristine part of the bay. This vicinity was a special haven for clams...the Quahog, the Venus Sun-Ray and the rare and beautiful Angel Wing. In all, some 90 acres of clam beds. Well over 1,000,000 clams lived here. But they're all DEAD now, every last one! Killed by these contaminated waters...probably in 1987 when we had an enormous fish kill. This special Marine Preserve has become instead a Marine cemetery.

But what about MAN? While we caused the problem in the first place, and have been less than swift to correct it, we aren't immune from the consequences of closing this pass. First and foremost is the health risk associated with living, working or playing on these basically unhealthy waters. Like the "critters of the sea", fishermen and boaters counted on this doorway for access to the Gulf...and to beat a hasty retreat if they were caught in one of our sudden, summer storms. Bay fishing has markedly declined and our commercial fishermen must travel much farther for a day's catch. The economic consequences are just making themselves known...they will be most severe.

Then there's the safety valve aspect of Midnight Pass. While open and flowing, storm waters trapped inland of the barrier islands were safely vented THROUGH the pass back to the Gulf of Mexico. But with Midnight Pass closed there's increased and real risk that a storm will carve another pass through the barrier island...perhaps a developed portion of the Keys. Imagine the havoc that would create!

That's how Midnight Pass came to be closed and the environmental price that has been determined...at least to date. For further information, enclosed is a copy of our Justification for the Restoration and Maintenance of Midnight Pass.

Now for the concerns raised in your letter of July 8, 1988:

1. Pollution in the bay would be added to Gulf pollution. All too true. But Sarasota, like other Counties, was developed on the premise that "the solution to pollution is dilution". With current population levels...and those to come...it's obvious a better answer is needed. But it's many years away and we'll never completely change our habits, clean up our act. For the sake of the bay this flushing mechanism MUST be kept in operation. Restoring Midnight Pass isn't an easy answer to bay pollution, but it will buy our environment the needed time while we search for and implement the proper answer.

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1. (Continued).

Besides, the logical extension of your argument is that we should close all of our other passes as well! This would contain all bay pollution in the bays. This is just not a logical or practical approach to the problem.

2. Clean up any bay pollution before (re-)opening. This sounds good, but it's just not reasonable, practical...or even feasible. The better approach would have been to push for the restoration of Midnight Pass four years ago. The pollution problem accumulates day after day. The longer we wait the worse it becomes. The problem won't go away by ignoring it...it must be resolved as soon as possible. And the only answer available is the flushing mechanism aspects of Midnight Pass.
3. Valuable habitat would be lost as happened with Intracoastal Waterway and other dredging. In fact, valuable habitat has been lost because Midnight Pass was closed! The restoration of Midnight Pass would be confined to historical channel areas and would not alter the shallows around the Bird Keys...except to make them viable for marine life once again. A restored pass would promote seagrass growth and increase bird feeding areas.

Actually, only a very small fraction of Little Sarasota Bay has been dredged. And, while we're not fans of dredging, some ICW dredging was actually beneficial as to seagrass habitat! Note the ICW area in the vicinity of the Sister Keys.

4. Significant beach habitat would be lost; Least Terns and other shorebirds now nest where the pass was. Nonsense! The pass was open and flowing for who knows how many years. It has been closed for almost five years now. The proposed pass mouth is 400 feet and no birds are nesting there...pedestrian traffic is too great.

The nesting of Least Terns and other shorebirds has been recorded in this vicinity as far back as 1969...long before the pass was closed. Least Terns have been nesting for years on the north end of Casey Key...before and since pass closure. True concern for the Least Terns would be to call for the active management of this site by educating the public and keeping the beach surface free of vegetation.

5. More boats means more wakes which increases shoreline erosion. Within the locale of Midnight Pass today as well as back when it was open, very few boats cause nuisance wakes. One channel is a "no wake" zone while the other calls for low speed due to unmarked shoals. Most boaters go slow in consideration for others who have pulled up along the shore.

This concern ignores the fact that, while Midnight Pass remains closed, there is increased boat traffic in Little Sarasota Bay. Many boaters who would exit through Midnight Pass for an afternoon on the Gulf, instead opt to just meander up and down the Intracoastal Waterway.

But this concern has genuine merit and is right in line with a recent Society proposal. As part and parcel of the restoration of Midnight Pass we would like to have the entire embayment in this vicinity declared a No Wake zone. It would extend shore-to-shore from where the northern channel meets the ICW to just below the southern channel (by Spanish Point). This would be in keeping with the special character of the area and the Jim Neville Marine Preserve.

6. More boats would detrimentally affect/disturb the fish, wildlife and birds. This just 'taint necessarily so! In fact, heavy boat traffic doesn't seem to bother birds feeding or nesting. They're doing quite nicely on Edwards Island, inside the Venice Inlet, along the spoil islands in Blackburn Bay, the Sister Keys, the flood-tidal delta of Longboat Pass, the oyster bars by Bowlee's Creek, the mangroved spoils at the mouth of Phillippi Creek or the mangrove islands by Buttonwood Harbor.

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6. (Continued).

This is an unfair conclusion. Yes, improperly operated boats have harmed wildlife. But otherwise there has been no proven detriment to fish, to wildlife or to birds from motorized boat traffic.

If your concern is accepted as legitimate, the logical conclusion would be to ban ALL motors on ALL boats. Pun intended, this just won't come to pass.

7. Motor boats and dredging could adversely affect the Jim Neville Marine Preserve. As we've already stated, it's the closed condition of Midnight Pass that has placed this special area in such jeopardy.

However, the best response to this concern is to relate the fact that JIM NEVILLE himself was a strong and ardent supporter of a restored, maintained Midnight Pass. To that end, we benefited from his advice and counsel and his lobbying efforts on our behalf. Jim Neville was an Honorary Director of the Midnight Pass Society.

Even the suction dredges of today do some damage. The Society opposes any bay dredging that's not in the public interest. But the dredging required to reopen Midnight Pass is very much like the incision part of a medical operation. A person willingly goes "under the knife" when it will restore his health. So, too, reopening Midnight Pass will bring back health, life and vibrancy to Little Sarasota Bay. The operation is well worth it!

8. The pass has a history of being unstable; a major storm could close it. In fact, the pass has a history of being quite stable...it existed for perhaps 100's of years. It was only MAN'S interference with Mother Nature that caused the relatively recent instability. Having caused the problem, we now have an obligation to correct it.

While a major storm could severely impede flow through the pass (as Hurricane Agnes did in 1972) or even close it, such a storm could also scour it deeper and wider than before. And remember that, while Midnight Pass is left closed, that same severe storm could carve a new inlet through a DEVELOPED portion of one of the Keys!

9. Costly maintenance dredging will be needed which will harm the environment. In fact, the dredging is essential to HELP the environment as already explained.

Maintenance scouring can be costly in terms of dollars, but just how much is the environment in and around Little Sarasota Bay worth? Then, too, keep in mind that the cost would be offset to some degree by the dollar value of high quality beach sand which would be used to renourish local beaches. Current estimates are \$5.00 per cubic yard.

To keep costs down Sarasota County or the WCIND could purchase and operate a modest-sized hydraulic pump dredge. They're sensitive to environmental concerns, quite reasonable in price and easy to operate. A dredge under local control could be used for a variety of area projects in addition to scouring Midnight Pass.

10. Human safety; the area's used regularly by canoes and kayaks because of the abundant wildlife and safety from motorboats. First of all, human safety would be much better served by restoring the flushing action of the pass and removing the pollutants that are bound to be harmful to us all if left to accumulate.

Small boaters aren't free from the responsibility to assure that their craft are seaworthy and capable of safely navigating the waters into which they are put. To get TO this area from the mainland requires that you traverse the Intracoastal Waterway; it's safer from the Keys, but there's still some rough water possible. Accordingly, boater safety should be a concern before you even get TO the Jim Neville Marine Preserve area.

10. (Continued).

As to your claim of abundant wildlife, while a few species can still be found in impressive numbers, the count of most wildlife has severely declined. Simply put, they've moved away. Or been killed...like the fish and the clams. The devastated seagrass beds are a telling benchmark. The area and its dependent wildlife are in for a long-term decline...unless something is done and done soon.

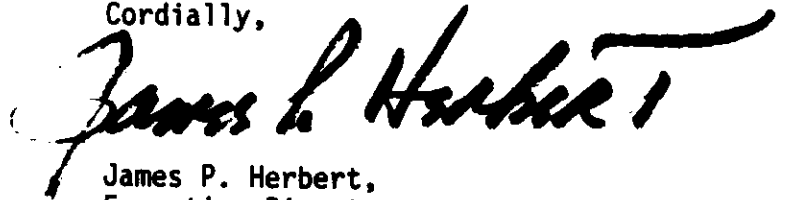
The concern stated here would be most positively resolved if our proposal for a NO WAKE zone for the entire area were adopted. Perhaps this is something we could jointly work on.

I can easily understand the attraction to canoeing in and around the Jim Neville Marine Preserve when the pass was still open; today it is far less than pleasant. Smells, turbidity, sediments, scum lines, algae...death and decay. It's like paddling around a polluted pond! When you go there you no longer revel in Nature; you're reviled by what has been done to this once special place. It makes me want to sit down and cry.

I sincerely believe I've positively addressed each of your expressed concerns. Please take the time to read through the enclosed Justification. We would welcome the opportunity to present our Midnight Pass slide program to your members. The Midnight Pass Society has accumulated quite a reference library and has initiated some impressive studies of these environs on its own. We would be happy to share this information with your group.

It is our firm contention that a restored and maintained Midnight Pass is essential to the survival of Little Sarasota Bay as we had come to know it; the long-term environmental advantages far, far outweigh any short-term problems. We owe it to ourselves and we owe it to future generations of Sarasotans...but most of all, we owe it to our environment!

Cordially,



James P. Herbert,
Executive Director

JPH/j
ENC.

The

Midnight Pass



SOCIETY, INC.

"MIDNIGHT PASS - PASS IT ON!"

POST OFFICE BOX 88865

SARASOTA, FLORIDA 34281

ROBERT D. MEADOR, PRESIDENT (813) 840-1825

JAMES P. HERBERT, EXECUTIVE DIRECTOR (813) 983-3517

August 30, 1989

Glenn Compton, Director
 Manasota 88
 5314 Bay State Road
 Palmetto, Florida 34221

Dear Mr. Compton:

I've long regarded Manasota 88 as THE premiere environmental organization in this area. Accordingly, I was both surprised and disappointed to read your August 7, 1989 letter to Commissioner Anderson announcing your opposition to the restoration of Midnight Pass. The rationale supporting this position is beyond my "ken."

Rather than harm the marine plant and animal life in and around Little Sarasota Bay, the restoration of this essential inlet would be of tremendous benefit to them! Midnight Pass, destabilized and ultimately closed by Man, delivered salty Gulf waters to the Bay to blend and be exchanged with the fresh waters coming from the mainland. Part and parcel of the ecosystem, it made Little Sarasota Bay the productive estuary that it was.

Since closure, the balance of nature has been... out of balance. As a result, and directly related to Pass closure, the once flourishing seagrass beds have been all but wiped out, the clams in the Bay have all been killed and fish kills like those experienced during the 1987 rainy season are an ever-present threat. What was a thriving nursery for the critters of the sea has been turned... by us... into an environment now alien and hostile to them. We've slammed shut one of only four Gulf-to-Bay doorways in Sarasota County, denying historical access to the very marine life that must spend at least part of their life cycle in such an estuarine environment.

As to tidal prism sufficiency, several well-qualified coastal engineers have been actively engaged in the restoration plan design and/or review process. Keep in mind that the proposed plan seeks to replicate 1955 inlet and channel conditions and overcome the adverse effects of the ICW created in the early 1960's. While the restoration plan calls for periodic maintenance, it will be far less often than you suggest. Maintenance dredging would be confined to the established channels. There would be little disruption to Little Sarasota Bay and the reclaimed sand would be used to offset any Pass-induced beach erosion. The small price to be paid to maintain this inlet would be far, far outweighed by the incalculable benefits associated with restoring this integral part of the Little Sarasota Bay ecosystem.

Of course growth-induced stormwater runoff is the primary polluter of our bays. That problem needs to be addressed now and resolved just as soon

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Glenn Compton
August 30, 1989
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as possible. But implementation of an answer is years away and will never fully correct the problem. Meanwhile, Little Sarasota Bay needs the flushing relief that can only be provided by an open, functioning Midnight Pass. The same relief our other bays presently enjoy. Restoring Midnight Pass is but the first step in a commitment to our environment to correct to the extent possible the damage we've done to our bays and waterways.

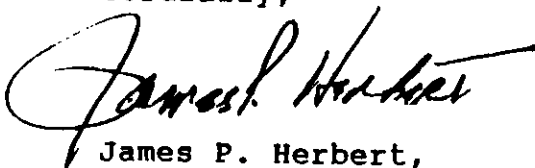
The Department of Environmental Regulation (DER) designated Little Sarasota Bay an Outstanding Florida Water (OFW) in 1986. During the nomination process the flushing benefits of Midnight Pass were specifically recognized. It is noteworthy that the DER was the first agency to conditionally approve the restoration of Midnight Pass... and they did so due to the anticipated long-term improvements to water quality in Little Sarasota Bay.

The stated reasons for your opposition appear to come primarily from the March, 1989 compendium of concerns issued by the Army Corps of Engineers as part of the Midnight Pass permit application process. Sarasota County's Jack Merriam, Director of their Natural Resources Department, prepared a skillful response, dated May 10, 1989, fully addressing each of the comments made. I've taken the liberty of enclosing a copy.

The Midnight Pass Society has prepared a comprehensive, fact-based justification for the restoration of Midnight Pass. Modesty aside, it is a most interesting and persuasive multi-media presentation. Our talks have been well received by quite a number of diverse community organizations. Over the past year we made several attempts to share this body of knowledge, and to exchange views, with Manasota 88. Unfortunately, every one of our overtures was rebuffed.

The Midnight Pass Society is a local environmental organization some 1,700 members strong. While we're dedicated to reopening Midnight Pass and will remain focused thereon, we have become actively involved in several other water-oriented environmental issues. We would welcome the opportunity to meet with you and/or others from Manasota 88 to discuss what can be done about the environmental desecration done in the name of "growth," and the challenge we face to protect and preserve what's left of our natural resources. The objective of both our organizations is to help, not harm, Mother Nature. We'd be far more effective, and the environment better served, if we worked together in pursuit of our common goal.

Cordially,



James P. Herbert,
Executive Director

JPH/j
JNC.

CC: Manasota 88 BOD

The

Midnight Pass



SOCIETY, INC.

"MIDNIGHT PASS - PASS IT ON!"

POST OFFICE BOX 88865
SARASOTA, FLORIDA 84281

ROBERT D. MEADOR, PRESIDENT (813) 849-1885
JAMES P. HERBERT, EXECUTIVE DIRECTOR (813) 988-8817

November 9, 1989

Michael Fischer, Executive Director
The Sierra Club
730 Polk Street
San Francisco, California 94109

Dear Mr. Fischer:

Midnight Pass in Sarasota County, Florida, which connected Little Sarasota Bay to the Gulf of Mexico, was a significant natural asset. A Pass has existed in this locale for the entire recorded history of the area; and likely far longer. Midnight Pass served Nature, and us, in many ways: It provided the exchange and flushing of Bay waters that made it the vital, productive estuary it was; It served as a Gulf to Bay doorway so essential to most of our marine life; it was a doorway, too for recreational boaters and commercial fishermen; it acted as a safety valve, reducing the chances that a storm would carve another inlet through a developed portion of the barrier island; and, finally, it served to eliminate the pollutants we dump into the Bay as a by-product of growth.

Unfortunately, the dredging of the Intracoastal Waterway in the mid-1960's caused the Pass to become unstable. It began to migrate until, by 1983, it threatened two barrier island homes. The Powers That Be permitted the homeowners to terminate the Pass on their promise to move it South of their property and to keep it open for at least two years. Well, they closed the Pass but didn't keep their promise. The result has been an environmental nightmare. What was a thriving, productive marvel of Nature has been desecrated... turned for the most part into an ecological wasteland.

The Midnight Pass Society, formed in 1984, is a local environmental organization some 1,900 members strong. We're dedicated to the restoration of Midnight pass and to the preservation and protection of Little Sarasota Bay, the once beautiful, bountiful body of water that it served. However, our efforts have recently been opposed by the local chapter of the Sierra Club. While we cannot comprehend why they aren't for rather than against us, unless political considerations are at hand, that isn't the purpose of this letter.

During a November 6th presentation I indicated that the Sierra Club bylaws (Article 2.2) state that the purposes of your organization include the objective "to educate and enlist humanity to protect and restore the quality of the natural and human environment." I further pointed out that page 7 of Sierra Club a Guide elaborates that "Formerly natural areas that have been damaged should be restored as much as possible to their previous condition." Following the meeting a Board Member of the Local Sierra Chapter specifically stated that their Chapter was not bound by those objectives.

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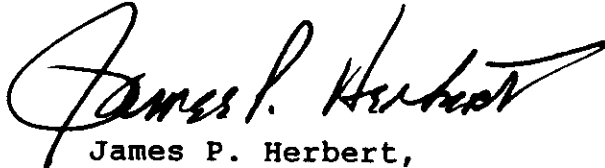
Michael Fischer
November 9, 1989
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I found this impossible to believe but was assured that it was true. Can you possibly allow your local Chapters the autonomy to operate outside of the very purposes of your organization? How can they possibly be permitted the use of your name, your reputation, your credibility while not embracing your beliefs?

We have the highest regard for the National Sierra Club...your stated purposes, objectives; your actions and your accomplishments. But we don't think your credibility should be compromised in the manner that it has in this community. We firmly believe that this local Chapter of the Sierra Club should either be required to operate in accordance with the stated purposes of the National Sierra Club or that it should be denied the privilege of using your good name.

We are genuinely interested in learning exactly what controls, or lack of control, your National organization exercises over the local Chapters. We would appreciate hearing from you at your earliest opportunity. Thank you very much for your anticipated cooperation. If you have any questions, please feel free to contact me.

Cordially,

A handwritten signature in cursive script that reads "James P. Herbert". The signature is written in dark ink and is positioned above the typed name and title.

James P. Herbert,
Executive Director

JPH/j

CC; Mr. C. Braun

MIDNIGHT PASS/BIRD ISLANDS AREA
SARASOTA COUNTY-OWNED PARK AND PRESERVE LANDS
COMPUTATION OF MAN-ALTERED VERSUS NATURAL LANDS

Bird Key/J. Neville Preserve Parcel.

Mangroves plus two ponds	54.1	
ICW spoil-Australian pines	19.2	
Marmade salt barrens	8.1	
Submerged lands below M.S.L.	27.8	
Floodtide delta mangh/shrub mangrove	<u>2.2</u>	
Total	<u>111.4</u>	Acres

North Casey Key Parcel

Mangroves/high marsh	14.5	
Spoiled Areas-Australian pines	7.1	
Dunes/sea oat stands	2.8	
Open beach	3.2	
Submerged lands	<u>8.7</u>	
Total	<u>36.3</u>	Acres

Siesta Key Parcel

Derelict land - Australian pines	6.4	
Marmade Gulf beach	4.4	
Natural (?) beach	<u>4.2</u>	
Total	<u>15.0</u>	Acres

1983 Man altered lands of Inlet - Total - 12.1 Acres

Grand Total 174.8 Acres

* * * * *

Entire area groundtruthed by Midnight Pass society field Research Team
December, 1989- January, 1990.
Estimates of land parcel categories made using the groundtruthing data,
Sarasota County plat maps and Sarasota County aerial photos (scale, 1" = 200').