# MYAKKA RIVER STATE PARK

### UMP NOW FIVE YEARS LATE

Dec. 2004 Current UMP adopted

Feb. 2015 MRMCC discusses upcoming UMP

Mar. 2015 Cattle proposed for Myakka Prairie

Dec. 2016 "advisory group" draft UMP

March 2 2017 UMP "hearing"

July 2017 Draft plan

June/July 2018 additional Drafts

Jan. 25 2019 MRMCC Tyler Maldonaldo

Mar. 2019 "ARC" Draft

June 7 2019 MRMCC meeting

June 14th 2019 ARC votes

### **Timeline**

The designated portion of the Myakka Wild and Scenic River inside Myakka River State Park embodies an essential paradox:

### MYAKKA RIVER STATE PARK

The original development of the park placed most of the recreational destinations and infrastructure in close proximity to the river and in the annual flood plain, and . . .

### MYAKKA RIVER STATE PARK

The passage of the Wild and Scenic River Legislation created a countervailing state mandate to minimize intrusions adjacent to the river.

### MYAKKA RIVER STATE PARK

MRMCC needs to decide if it will recommend adoption, oppose adoption, or take no action regarding the ARC adoption hearing next Friday, June 14<sup>th</sup>.

### MYAKKA RIVER STATE PARK

Today's meeting will be focused on the four areas of concern that the Council raised previously, although members can raise other concerns related to the Wild and Scenic River.

### MYAKKA RIVER STATE PARK

### Main Problems with draft UMP

- 1) Scant recognition of the Wild and Scenic River Designation, Myakka River Rule and Management Plan
- 2) No analysis of visual impact on recreational river user no avoidance of new impacts, and no proposals to remove or ameliorate existing visual intrusions
- 3) Capricious and inaccurate mapping of Protection Zone Floodplain, which excludes most development
- 4) Still no Recreational Carrying Capacity Study

### Main Problems with draft UMP

1) Scant recognition of the Wild and Scenic River Designation, Myakka River Rule and Management Plan

Prior concern: Many references to the Act, Rule and Management Plan, but no summary of the implications of these three documents on how the park is managed.

### Our prior concern

March '19 ARC draft
Half of page 2 and one quarter of page 7
profile the Wild and Scenic River

Also page 110 and a portion of 111.

March '19 ARC draft
Half of page 2 and one quarter of page 7
profile the Wild and Scenic River

Also page 110 and a portion of 111.

And the Myakka River Wild and Scenic Designation and Preservation Act and The Myakka River Rule (Chapter 62-D -15 FAC) are included as Appendix 10.

# Suggested Improvement

Page 53. Development will not detract from, nor overshadow the splendor of surrounding natural and cultural resources, and minimize impact to the viewshed of the Myakka Prairie and the Myakka Wild and Scenic River.

Page 54. Development will not detract from, nor overshadow the splendor of surrounding natural and cultural resources. Avoid or minimize impact to the viewshed of the Myakka Prairie and the Myakka Wild and Scenic River.

Page 110: For any activity not covered under a preexisting use exemption, the DRP will complete the necessary process to obtain a Myakka River permit. A broad determination of when the DRP will need to complete the process to obtain a permit is discussed below. Activities or structures within the adjacent Myakka River Protection Zone may also require obtaining a permit from Sarasota County.

Page 113: Routine maintenance and repair of these structures does not require a Myakka River permit, as long as the structure's footprint is not expanded. However, as stated by the Rule, "In the event that an exempted structure in existence prior to the effective date of this rule is damaged or destroyed by 50 percent or more...the person owning or operating such structure, in order to re-establish the structure, must submit a permit application". The DRP will continue to maintain the park structures within the river area and will abide by the permitting process if a given structure needs to be expanded or replaced.

# **Improvement**

Page 113: With the exception of structures predating the enactment of the Act, all new development within the River Area will be required to complete the permitting process prior to breaking ground. The Protected and Developed Areas Map shows the River Area and the Myakka River Protection Zone, as well as the currently developed areas of the park. Proposed developments applying for a Myakka River permit will be considered for approval or denial based on parameters set out by the Rule. Recreational carrying capacity concerns should also be considered prior to applying for a Myakka River permit. In the following sections, it will be specified which developments proposed by the DRP will be required to complete the Myakka River permitting process.

Page 118: As stated previously, most of the park's use areas are within the protected river area. Any improvement that expands the footprint of an existing structure or new development, including road paving, within the protected river area will require a Myakka River permit. The DRP will complete the permitting process as needed and will comply with all regulations governing the river area.

Action 4 Consider developing additional recreational facilities

Page 120/121:

(New picnicking amenities and interpretive programming)

All of these new recreational developments, if approved by the master planning process, would require Myakka River permits.

It is worth noting that, despite passage of the Act, Plan and Rule, historically the Park has not sought permits for activities in the River Area.

# Regarding our first concern:

1) Scant recognition of the Wild and Scenic River Designation, Myakka River Rule and Management Plan

The current draft provided much improved recognition of the Act, Plan, and Rule, which can be hard to summarize. The Act and Rule are included in the Appendices.

### Main Problems with draft UMP

2) No analysis of visual impact on recreational river user – no avoidance of new impacts, and no proposals to remove or ameliorate existing visual intrusions

**Suggested Fix:** Add "avoid or" to all references to minimizing impacts on river values

#### Jan '19 Draft:

Page 112: Creation of impervious surfaces is minimized to the greatest extent feasible in order to limit the need for stormwater management systems, and all facilities are designed and constructed using best management practices to limit and avoid resource impacts.

#### March 2019 ARC Draft:

Page 113: Creation of impervious surfaces is minimized to the greatest extent feasible in order to limit the need for stormwater management systems, and all facilities are designed and constructed using best management practices to limit and avoid resource impacts.

# Page 118: Action 2 Develop a conceptual master plan for the park.

Current recreational demand indicates that gradual redevelopment of the park's existing use areas will be needed to maintain the balance between safe public access and protection of park resources. To address this challenge, the DRP will create a comprehensive vision for the park through the development of a new conceptual master plan. The master plan will address potential redesign of the park's most popular day use destinations through careful consideration of interpretative programming, recreational activities, park operations, pedestrian and bicycle circulation, accessibility, critical viewsheds, and potential impacts to the park's natural and cultural resources.

Page 118: Action 2 Develop a conceptual master plan for the park.

Items to be considered during the master planning process include, but are not limited to:

- South entrance design/traffic circulation
- Parking considerations
- Recreational use patterns
- Mobility options between use areas
- Interpretive programming

### Suggestion for Master Plan Consideration?

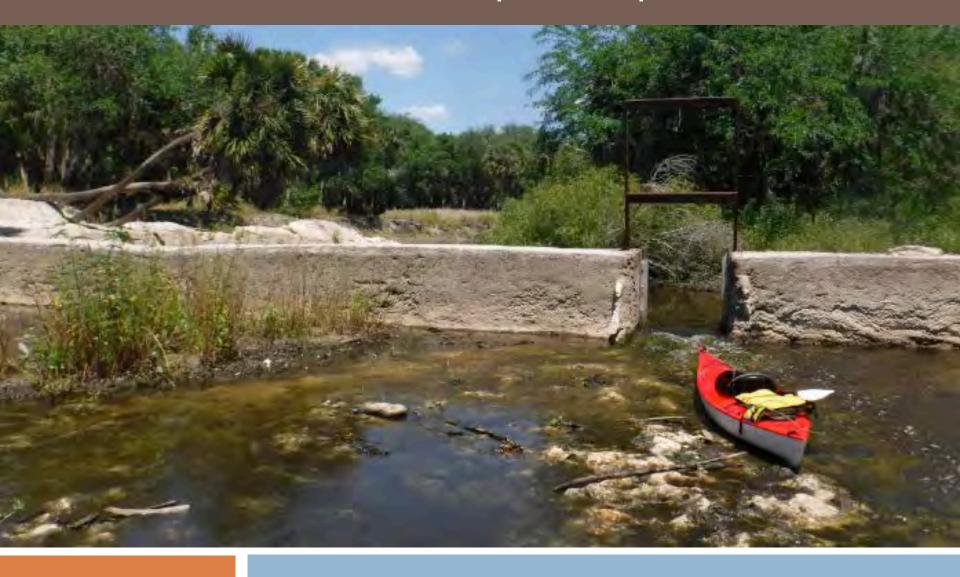
Additional Items to be considered during the master planning process include:

- Entering the park on the river Highway 780
- Entering the park from downstream Downs' Dam
- The Upper Lake Weir
- Deep Hole
- Tour boat impacts
- Recreational Carrying Capacity
- Improving paddler experience

# Improved entrance from upstream



# Failure of Downs' dam improves upstream access



# The weir at Upper Myakka Lake



### Publicity increases pressure on Deep Hole



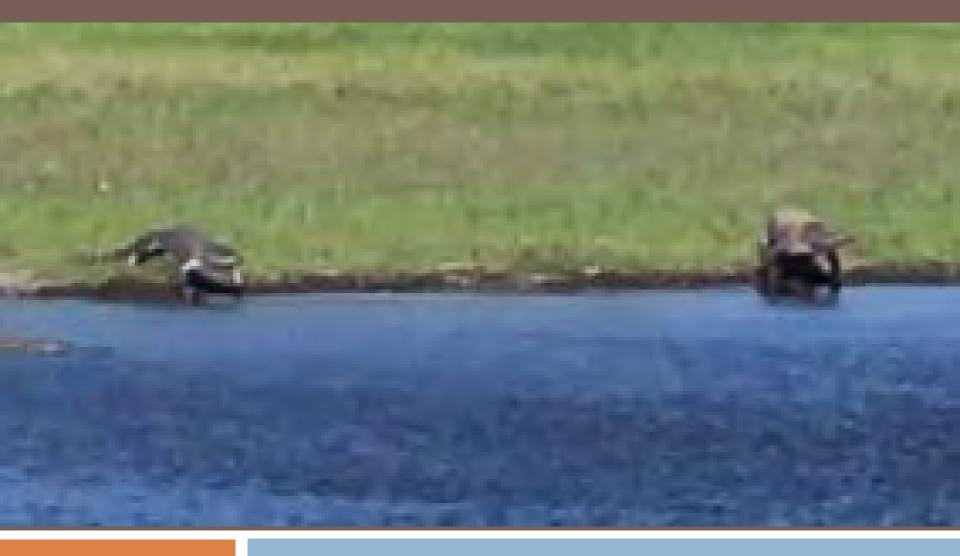




# Deep Hole: One of the best spots in Florida to see alligators



"I'm going to get you as close as I possibly can."



Upper lake boat tour

# "Lazy River" Waco, Texas



### Weeki-Watchee River, Florida



# Quality of paddler experience



### Suggestion for Master Plan Consideration?

Additional Items to be considered during the master planning process include:

- Entering the park on the river Highway 780
- Entering the park from downstream- Downs' dam
- Deep Hole
- Improving paddler experience
- Tour boat impacts
- Recreational Carrying Capacity

Objective B. Improve recreation and support facilities Page 119:

Implementation of all proposed park improvements will need to carefully evaluate potential impacts to the viewshed of the Myakka Wild and Scenic River.

Action 3. Address facility repair and renovation needs Page 120:

Implementation of all proposed park improvements will need to carefully evaluate potential impacts to the viewshed of the Myakka Wild and Scenic River. Designs should minimize the intrusion of manmade elements into the river's critical viewshed.

### Regarding our second concern:

2) No analysis of visual impact on recreational river user – no avoidance of new impacts, and no proposals to remove or ameliorate existing visual intrusions

The March ARC draft provides much improved recognition of the viewshed, but defers specifics to the Master Planning process.

#### Main Problems with draft UMP

3) Capricious and inaccurate mapping of Protected Zone Floodplain, which excludes most development

#### Protected Zone

Generally, facilities requiring extensive land alteration or resulting in intensive resource use, such as parking lots, camping areas, shops or maintenance areas, are not permitted in protected zones. Facilities with minimal resource impacts, such as trails, interpretive signs and boardwalks are generally allowed. All decisions involving the use of protected zones are made on a case-by-case basis after careful site planning and analysis.

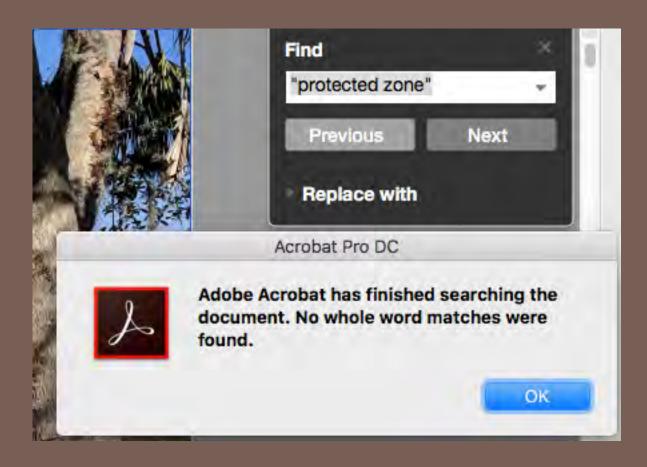
#### Protected Zone

At Myakka River State park all wetlands and floodplain as well as depression and floodplain marshes, river floodplain lakes, basin swamps, blackwater streams, baygalls, domes, hydric hammocks, scrubby flatwoods, dry prairies and known imperiled species habitat have been designated as protected zones. Please note that the protected zone includes only a general representation of the park floodplain based on topography and natural community composition. A true depiction of a park's floodplain would require a specific engineering study".

#### Protected Zone

As described on page 119 in the March 2018 draft UMP "The protected zone is an identified area of high sensitivity or outstanding character within the park from which most types of development are excluded as a protective measure. A protected zone does not include existing developed areas within the park as the land use has already been determined.

The term "Protected Zone" is not mentioned anywhere in the January or March 2019 drafts.



A protected zone does not include existing developed areas within the park as the land use has already been determined.

So, does the "protected zone" still exist and where are the boundaries of the developed areas?

Maps show "protection zone", but not "protected zone".

Structures

River Area



### Instead of a Protected Zone, we now have

Page 114: The Visitor Experience Zones (VEZ) are a series of geographic designations that will help guide future land use and resource management decision-making. These designations will shape the types of recreation opportunities offered within an area and help determine the contextual design of recreational facilities in each area.

So, we don't know the implications of an area being designated as developed and how the boundaries of the developed areas are determined.

# Main Problems with June 2018 draft UMP

## 4) Still no Recreational Carrying Capacity

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l	NOTE: THE DIV	ISION'S ABILITY TO COMPLETE THE OBJECTIVES OUTLINED BY THE MANAGEMENT PLAN IS CONTING					
FOR THESE PURPOSES.							
		Support the efforts of the Myakka River Coordinating Council to determine an appropriate recreational carrying capacity for segments of the Myakka River located within the park.					
l	Action 1 Conduct a recreational carrying capacity study for the segment of the Myakka Wild and Scenic River within						
l		the park.					
	Action 2	Continue to monitor recreational use on the river during patrols of the river as part of the monthly wildlife					
		survev.					
L	Objective D	Continue to implement the park's transition plan to ensure facilities are assessible in asserdance					

<u>UFN</u>	\$110,000
<u>UFN</u>	\$100.000

Study is unfunded!

Prior concern

The July 2018 draft had a figure of \$110,000 for the unfunded study and two actions:

Action 1. Conduct a recreational carrying capacity study for the segment of the Myakka Wild and Scenic River within the park.

Action 2, Continue to monitor recreational use on the river during patrols as part of the monthly wildlife survey.

#### Main Problems with Jan '19 draft UMP

4) Still no Recreational Carrying Capacity Study

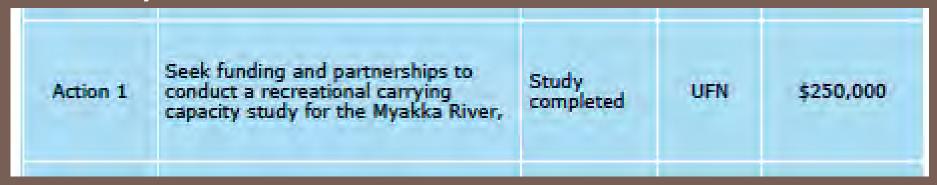
Action 1 Support the efforts of the Myakka
River Management Coordinating
Council to determine an appropriate recreational carrying capacity for segments of the Myakka River located within the park.

Study
completed
UFN \$110,000

UFN = Unfunded @ \$110,000

#### Main Problems with March '19 draft UMP

# 4) Still no Recreational Carrying Capacity Study



Dollars more than doubled, But task remains unfunded.

<u>UFN</u>	\$110,000
<u>UFN</u>	\$100.000

Although the formulas are constructed to take into account the connection between visitor experiences and natural resources, the DRP's recreational carrying capacities should not be considered an ecological carrying capacity for the park's natural resources. In the event that funding becomes available, the DRP will support interagency and stakeholder partnerships to develop a rigorous and scientific recreational carrying capacity study for the Myakka River.

Recreational carrying capacity is an estimate of the number of visitors each recreational use area can accommodate and still provide a high quality recreational experience and preserve the natural values of the site. March '19 draft UMP
Objective A. Improve the visitor experience in the main use areas

"The DRP should also prioritize working with the Myakka River Management Coordinating Council and other relevant stakeholders to develop a recreational carrying capacity study for the Myakka River."

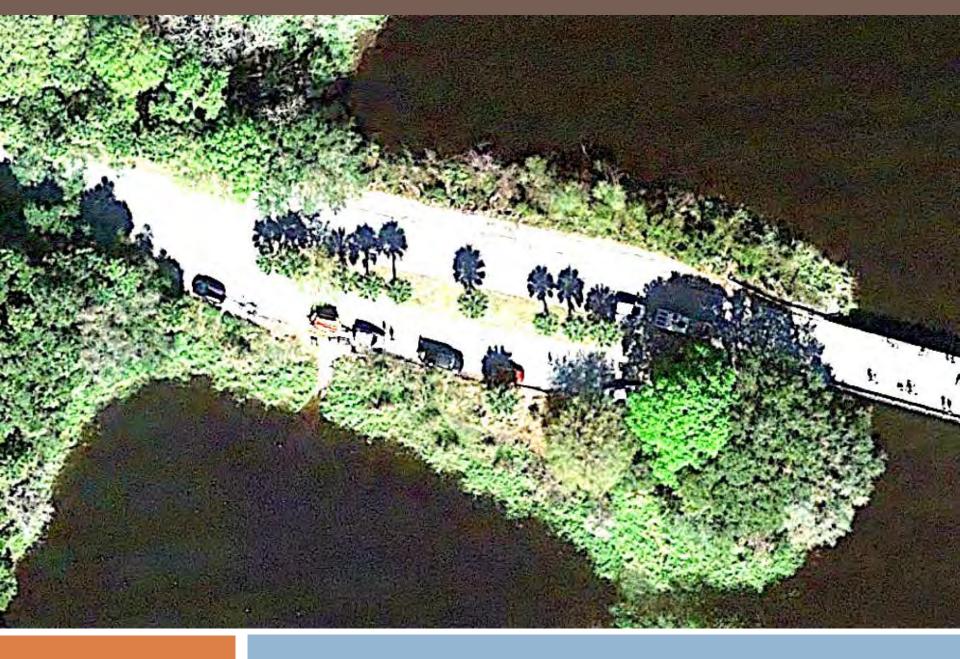
"As noted previously, this plan's recreational carrying capacity is based on access points and the allocated parking spaces at each recreational use area."

"Previous iterations of the recreational carrying capacity for the park considered only the recreational activities available at the park without regarding the physical constraints associated with accessing those activities. Without an increase to the physical space allocated to parking, an increase in recreational carrying capacity cannot take place."

"... parking spaces are considered physical constraints that only allow a certain number of visitors to access a use area at one time. Those parking spaces cannot be used simultaneously by multiple vehicles. Although vehicles can contain a variable amount of visitors, the number of parking spaces physically limits the number of vehicles that can access a given use area."

"the number of parking spaces physically limits the number of vehicles that can access a given use area."

Yes, but since they are vehicles they can relocate after unloading.



# 1,137 kayaks a day on the river?



It is true that the number of kayaks that can launch simultaneously is limited, but since the vehicles that brought them can be re-parked elsewhere, there is no practical limit to the number of boats that can be on the river daily.

#### Proposed in Jan. 2019 Draft

Picnicking	South Picnic Area 30 tables * 4 persons/table Log Pavilion Area 20 tables * 4 persons/table Clay Gully Area 20 tables * 4 persons/table Upper Lake Picnic Area 30 tables * 4 persons/table Total Picnicking 100 tables * 4 persons/table	4 persons	2/day	400	800
Canoe/ Kayaking	7 miles * 10 persons/mile	10 persons	2/day	70	140
Power Boating	875 acres of lake divided by 25 acres/vessel = 35 vessels 35 vessels * 4 persons/ vessel	4 persons	1/day	140	140
Boat Tours	1 trip * 100 persons/trip 2 trips at one time	100 persons	8/day	200	800
Tram Tours	1 trip * 100 persons/trip 2 trips at one time	100 persons	8/day	200	800

### Proposed in March ARC 2019 Draft

Table 10. Recreational Use Area Carrying Capacities							
Day Use Areas	Parking Spaces	Visitors Per Vehicle	Visitors at One Time	Turnover Rate	Daily Visitors		
Visitor Center/Entrance Area	25	4	100	3	300		
South Picnic Area	35	4	140	3	420		
Log Pavilion Area	10	4	40	3	120		
Myakka River Bridge	30	4	120	3	360		
Canopy Walkway/Tower	25	4	100	3	300		
Upper Myakka Day Use Area	145	4	580	3	1,740		
Birdwalk Observation Area	10	4	40	3	120		
Clay Gully Picnic Area	5	4	20	3	60		
Overnight Use Areas	Camp Sites	Visitors Per Site	Visitors at One Time	Turnover Rate	Daily Visitors		
Historic CCC Cabins	5	4	20	1	20		
Palmetto Ridge Campground	42	4	168	1	168		
Old Prairie Campground	22	4	88	1	88		
Big Flats Campground	26	4	104	1	104		
Backcountry Tent Camping	6	4	24	1	24		
Primitive Group Camping	4	20	80	1	80		

#### Proposed in March ARC 2019 Draft

Trails	Parking Spaces	Visitors Per Vehicle	Visitors at One Time	Turnover Rate	Daily Visitors
Powerline Road Trailhead	10	4	40	4	160
Ranch House Road Trailhead	10	4	40	4	160
Fox's Road Trailhead	10	4	40	4	160
Martin's Gate Trailhead	5	4	20	4	80
Special Use Area	Permits	Visitors Per Permit	Visitors at One Time	Turnover Rate	Daily Visitors
Wilderness Preserve	30	1	30	1	30

Recreational Use Areas	Visitors at One Time	Daily Visitors
Day Use Areas	1,140	3,420
Overnight Use Areas	484	484
Trails	140	560
Special Use Area	30	30
Park Total	1,794	4,494

Prop

	Existing Capacity*		Proposed Additional Capacity		Estimated Recreational Capacity	
Activity/Facility	One	Daily	One	Daily	One	Daily
Camping						
Standard	744	744			744	744
Group	60	60			60	.60
Primitive	48	48			48	45
Primitive equestrian	30	30			30	30
Cabin	30	30			30	30
Trails						
Nature	24	96	- 1		24	96
Hiking	156	312			156	312
Biking	450	900			450	900
Fquestrian	160	160			160	160
Picnicking	400	800	80	160	480	960
Boating			-	-		-
Canoe/kayak	120	240			120	240
Unlimited power	132	132			132	132
Concession Tours						
Airboat	70	210			70	210
Tram	70	210			70	210
Wilderness Preserv	30	30	= = 1		30	30
Visitor Center	50	200			50	200
TOTAL	2574	4202	80	160	2654	4362

<sup>\*</sup>Existing capacity revised from approved plan according to DRP guideling



#### Proposed in Jan. 2019 Draft

Picnicking	South Picnic Area 30 tables * 4 persons/table Log Pavilion Area 20 tables * 4 persons/table Clay Gully Area 20 tables * 4 persons/table Upper Lake Picnic Area 30 tables * 4 persons/table Total Picnicking 100 tables * 4 persons/table	4 persons	2/day	400	960	800
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Boat Tours	1 trip * 100 persons/trip 2 trips at one time	100 persons	8/day	200	210	800
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#### Proposed in March 2019 Draft

**Picnicking** 

Canoe/ Kayaking

Power Boating

**Boat Tours** 

Tram Tours

Why do we need a recreational carrying capacity study?
To protect the Wild and Scenic River values.

- 1. To protect natural resources, particularly wildlife
- 2. To meet recreational user expectations
- 3. To implement the law
- 4. To implement the plan
- 5. To implement the rule
- 6. To honor the Land Management Review

To protect natural resources, particularly wildlife



To protect the Wild and Scenic River values.

#### THERMOREGULATION OF THE AMERICAN ALLIGATOR, ALLIGATOR MISSISSIPPIENSIS<sup>1</sup>

#### E. NORBERT SMITH2

Department of Biology, Baylor University, Waco, Texas

#### INTRODUCTION

Despite the substantial literature concerning behavioral and physiologi-

1 Portions of this paper were part of a thesis submitted in partial fulfillment of the requirements for the M.S. degree at Baylor University, Waco, Texas. Obviously this research could not have been completed without the help of many people and several agencies. Dr. Eugene Crowder, Baylor University, now deceased, directed the study. Dr. Frederick Gehlbach, Baylor University, outlined the study and secured major funding from the National Geographic Society. Dr. Robert Allison, Scott and White Clinic, Temple, Texas, and Dr. Sara Huggins, Baylor School of Medicine, Houston, Texas, aided in the development of surgical technique. Mr. Jim Pittello, acting director of the Cen-Tex Zoo, Waco, Texas,

cal thermoregulation of reptiles, the crocodilians have received little attention. Aside from the study by Colbert, Cowles, and Bogert (1946) in which they determined the preferred (32-35 C) and lethal temperatures (38-39 C). little is known about the temperature ecology of the American alligator, Cott (1961) observed thermoregulatory behavior in Crocodilus niloticus and concluded that they exert considerable control over their body temperature by behavior. Most of the available data for the crocodilian group consist of isolated field measurements of body temperature (Brattstrom 1965) which are

To protect the Wild and Scenic River values.

2. To meet recreational user expectations

We don't actually know what paddlers expect. Probably not the Waco lazy river.

Hypothesis: paddlers want to see alligators and birds, preferably out of the water.

But surveys would need to be done to confirm or deny this supposition.

# 3. To implement the law Florida Statutes Chapter 258.501

- (5) DEVELOPMENT OF MANAGEMENT PLAN
- (c) The proposed management plan shall include provision for:
- 3. Periodic studies to determine the quantity and mixture of recreation and other public uses which can be permitted without adverse impact on the resource values of the river area.

To protect the Wild and Scenic River values.

## (5) Development of Management Plan

- (c) The proposed management plan shall include provision for:
- 1. Permanent protection and enhancement of the ecological, fish and wildlife, and recreational values within the river area . . .
- 3. Periodic studies to determine the quantity and mixture of recreation and other public uses which can be permitted without adverse impact on the resource values of the river area.
- 4. Regulation, control and distribution of public access where necessary to protect and enhance the resource values of the river area.
- 6. Restriction of motorized travel by land vehicle or boat where necessary to protect the resource values of the river.
- 8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of the river area resource values.

### From the Management Plan Page 5-42

Because of the limited duration of research conducted during the development of the Myakka Wild and Scenic River Management Plan, there is a need to establish a more accurate recreational carrying capacity for the wild and scenic segment of the Myakka River. Therefore, after adoption of the plan a monitoring of recreational use will be conducted by DNR on the Myakka River. The Department will closely monitor impacts resulting from the levels of use. Carrying capacities will be reviewed at least on an annual basis, and adjustments will be made, as needed, after consideration of known resource impacts, increases in use, user preferences, river conditions, and other factors.

## From the Management Plan Page 5-42

#### 5.4.3 Scheduling and Enforcement

After adoption of the plan, DNR and other appropriate agencies, with input from interested groups and individuals, will develop and implement a system for monitoring use of the river and the determination and enforcement of recreational carrying capacity. This system would be jointly implemented by the Department and other appropriate agencies in accordance with formal interagency agreements. It shall not be DNR's policy to deny public recreational use on the river, except as noted under certain actions in the plan.

# 5. To implement the Myakka River Rule Chapter 62D – 15 FAC

- 62D 15.008 Standards for Issuance or Denial of a permit
- (2) (b) Factors to be considered . . . Whether the activity will affect resource values by:
- 4. Causing or contributing odors or noise
- 17. Decreasing recreational opportunities. . .
- 18. Causing or contributing to overuse of the river's recreational resources
- 24. Impacting the conservation and preservation of fish and wildlife. . .

To protect the Wild and Scenic River values.

#### 6. To honor the MRSP Land Management Review

The team recognizes the increased visitation to the area, and the team recommends that carrying capacity and infrastructure needs to be studied, and solutions be explored. (6+0-)

Managing Agency Response: Agree. A study of the park's carrying capacity and infrastructure needs will be addressed in the next Unit Management Plan. Costs associated with the study will be included in the plan, but can only be allocated as fund become available on a statewide priority needs basis.

October 10, 2014

	Current Year	Adoption Year	Difference
Myakka Wild & Scenic River Legislation	2019	1985	34
Myakka River Management Plan	2019	1990	29
Myakka River Rule	2019	1991	28
MRSP Land Management Review	2019	2014	5
Cumulative ve	70		

Cumulative years of DNR/DEP not assessing recreational impacts

70

March '19 draft UMP

Objective A. Improve the visitor experience in the main use areas

"In order to facilitate the development of a recreational carrying capacity study for the Myakka River, the DRP should work with the Myakka River Management Coordinating Council to establish the parameters and desired outcomes of a study. Once the outline of a study has been determined, the DRP should seek funding and partnerships to conduct the study."

#### Recommendation ARC

Acknowledge tremendous improvement in both the plan and the plan process.

Note the challenges involved in managing MRSP

Recommend adoption of the March 2019 draft at the ARC meeting

Endorse the Master Planning process

Emphasize the need to comply with the Act, Plan, Rule and Land Management Review regarding carrying capacity

Thank DEP, & DRP leadership and OPP staff for taking time to improve the UMP

#### Recommendation DRP

Acknowledge the tremendous improvement in both the plan and the plan process.

Endorse the Master Planning process

Emphasize the need to comply with the Act, Plan, Rule and Land Management Review regarding carrying capacity

Encourage DRP/OPP to collaborate with the Council on scoping for RCC study, and

Before increasing uses in the river area:

- Complete the Master Planning Process
- Complete the Recreational Carrying Capacity Study
- Get any required permits

Thank DEP, & DRP leadership and OPP staff for taking time to improve the UMP