

**Recreational Carrying Capacity Subcommittee
Oscar Scherer State Park
1843 South Tamiami Trail
Osprey, FL 34229
September 20, 2019
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 Friday, September 6, 2019.

MEMBERS IN ATTENDANCE

Jono Miller – Sierra Club
Jean Blackburn

Steven Schaefer-Friends of Myakka
Lucille Vaillancourt-Kreider-SCPR

INTERESTED PARTIES

Chris Oliver – FDEP/FPS
Brian Fugate-FDEP/FPS
Michelle Durr-FDEP/FPS

Nadine Hallenbeck – FDEP/FPS
Steve Giguere-FPS/MRSP
Duane Douglas-NSPC

- **Call to Order and Roll Call was made.**

Overview of subcommittee membership and areas of expertise

Jono Miller asked each member of the subcommittee to summarize the length of time they've been familiar with the Myakka River, the stretches of the river they've travelled, any personal goals for the river, professional goals for the river, any trends they've seen lately, if they have any stories about the river they'd like to share and their views on balancing resource protection and recreational experience on the Myakka River.

Jono stated that he has minimal experience from Myakka City through Tatum Sawgrass to Upper Lake. He's familiar with Upper Lake through Snook Haven and has minimal experience south of Snook Haven.

Jean Blackburn advised that her experience with the Myakka matches Jono's except for being below Snook Haven. She's been coming to Myakka River State Park since she was a baby but more extensively in the last 28 years. She enjoys the scenic views and the experience of being on the Myakka. She's taught painting outings for fundraisers for the park and also enjoys doing her own paintings of the river. She feels the most alarming trend that she's seen is the invasive species such as tilapia, catfish and invasive plants. She's also concerned about herbicide usage but realizes sometimes this is the only option. She's also seen boats with large outboard motors speeding on Upper Lake and a lack of law enforcement presence to stop this.

Steven Schaeffer has had much of the same experiences on the river as Jean has. He noted that he's seeing more boats in the Laurel Road area of the river.

Jono asked Steve Giguere if there was a size limit on boats in the park.

Steve advised that there isn't, but the boat ramp more or less dictates the maximum size boat that can be launched. Steve noted that the number of jet skis and paddleboards have increased.

Lucille Vaillancourt-Kreider works for Sarasota County Parks and Recreation as the manager for beaches and water access in the county. They currently have three parks on the river, Venice Myakka River Park, Senator Bob Johnson's Landing (SBJL) and Snook Haven. Most of her experience with the river is between these three parks though she has been a little north of Laurel Road and down as far as the rookery a few times. She's been interacting with the river for about 30 years. Half of that time in a professional capacity and the other have personally. She enjoys the wildlife on her personal time but also checks for any erosion issues, impassible areas and vegetation on the rivers edge in her professional capacity. A trend that she has noticed is more people living on the river wanting a cleaner looking edge instead of the wild and scenic look, especially in the SBJL area. She's also noticed more and more people on the river over the last decade.

Jean asked if that is due to the increase in launch sites.

Lucille replied that she thinks that's part of it. She also thinks it's due in part to the increase of retired baby boomers that are staying active.

Jono asked Lucille if she was involved with the Border Road take out.

She replied she's not. Debbie Blanco manages that section.

Lucille added that they are working with FWC on a youth program to introduce them to the river. They are also looking to acquire lands from SBJL to Snook Haven to link all the properties together.

Duane Douglas has experience with the river since 1992. He feels that the increase in traffic is due to the development from Jacaranda to Route 41. With this increase, there will be an additional strain on the resources.

Lucille spoke about the county trying to find the carrying capacity for their water access locations. They have a lot of erosion issues at these locations. They're trying to balance the resources with the recreational experience. They have people doing research on this issue so they can back up their findings and create a balance that works. She feels that they are a bit behind on this issue which also adds to the complication. They would prefer to have the rules and regulations in place before opening new parks instead of trying to implement rules after the park has already been opened.

Chris Oliver added that without doing a study and deciding what the metrics are, it becomes difficult. It's expensive and time-consuming work. One group will always be unhappy with the results.

Jono has been coming to the park since the early 70s. In the late 70s, Ken Alvarez hired his wife and him to canoe from SR 72 to Snook Haven or Border Road to determine if that stretch of the river could be part of the state's canoe trail system. At the time, there was no spraying for aquatic weeds, so they came to a point where they hit a hyacinth mat and had to get out and pull the kayaks. It was not added to the state's canoe trail system. He and his wife were also involved in trying to get the federal study for the wild and scenic river designation. His personal and professional goals for the river have always been to protect the resource. He's also seen a trend in more boats. Between drone use, an increase in kayaking and social media, he's concerned about Deep Hole. He also spoke about people with property on the river where erosion is a concern and coming up with a solution that's good for all parties involved. He feels that balancing resource protection and the recreational experience is possible.

Overview of Recreational Carrying Capacity (RCC)

Chris discussed the basis for management objectives and direction for the Wild and Scenic River. The Myakka River Wild and Scenic Designation and Preservation Act, 258.501 (Act) became effective on January 1, 1986. This created the Myakka River Management Coordinating Council (MRMCC) and, together with the department, were tasked to create a management plan and rule to preserve wild and scenic values. Along with Hunter Services, the first management plan was created. It became effective May 22, 1990, after being signed by the governor's cabinet and it was updated in 2011 and signed by the head of the park service.

The Myakka Wild and Scenic River Rule, 62D-15, (Rule) became effective January 1, 1991. DEP looked at the management plan and figured out what rules would be needed to protect and enhance Wild and Scenic values. The Act, the management plan and the Rule all have that same goal. There are also other plans and codes that help protect the river as well. The Myakka River State Park management plan (2019), the Sarasota County Myakka River Protection Zone, the Manatee Protection Plan and boat facility siting plan all aim to protect river resources.

The Act's intent is in part as follows:...Possesses outstandingly remarkable ecological, fish and wildlife, and recreational values which are unique in the State of Florida. These values give significance to the river as one which should be permanently preserved and enhanced for the citizens of the State of Florida, both present and future. The permanent management and administration of the river involves a complex interaction of state, regional and local interests which require balancing and coordination of purpose. The Myakka River is special and specifically noted as being unique in Florida and the intent is for it to be treated differently than a regular river.

The Act defines "resource value" as any one or more of the specific economic, scenic, recreational, geological, fish and wildlife, historical, cultural or ecological features associated with the river area as determined by the coordinating council. This distinguishes it from other acts that state another group is responsible for that.

The Act also directs components for the management plan.

(5) DEVELOPMENT OF MANAGEMENT PLAN

(a) The department and the coordinating council shall jointly develop a proposed management plan for the designated segment of the Myakka River, subject to and consistent with the provisions of this section.

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(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, primary emphasis being given to protecting agricultural, aesthetic, scenic, historic, archaeologic, and scientific features.
2. Continuation of land uses and developments on private lands within the river area which are in existence on January 1, 1986.
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.
5. Consideration of need for basic facilities to absorb user impact on the river area, including necessary toilet or refuse containers, but, if found to be necessary, located in order to minimize their intrusive impact.
6. Restriction of motorized travel by land vehicle or boat where necessary to protect the resource values in the river area.

.....

11. Review and regulation of all activities conducted or proposed to be conducted within the river area which will or may have an adverse impact on any of the resource values in the river area as provided in this section.

Normally FWC would be responsible for restricting motorized travel by land or boat but this is not the case in the wild and scenic designation area.

Something that is unique to the rule is that any activity that is new is presumed to have a negative impact. This is not standard in the permitting process.

Permitting is also supposed to be consistent with the Myakka Wild and Scenic Management Plan.

The parts relative to an RCC are as follows:

62D-15.002 Definitions.

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- (2) “Activity” means the doing of any act or the failing to do any act by a person.

62D-15.003 Statement of Purpose and Applicability.

- (1) The purpose of this chapter is to implement a regulatory program which includes a permit program to protect and enhance the resource values as identified in the Myakka Wild and Scenic River Management Plan
- (2) The rules governing prohibitions, permits, and exemptions, as set forth in this part apply to any activity as further delineated in Rules 62D-15.005, 62D-15.006, and 62D-15.007, F.A.C., within the river area...

62D-15.004 Delineation of Regulatory Responsibilities and Jurisdiction.

- (1) The conduct of any activity by a person within the river area which will have an adverse impact on any resource values in the river area shall be regulated by the department.

62D-15.006 Permits.

- (k) Constructing, erecting, installing any form of structure related to a water-dependent activity, or any other structures in the river area;
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- (m) Establishing recreational facilities on publicly owned portions of the river area; and,
- (n) Any other activity not subject to Rule 62D-15.006, F.A.C., conducted or proposed to be conducted after the effective date of this rule within the river area which adversely impacts resource values in the river area.

62D-15.007 Exemptions.

- (1) Activities that have not been prohibited, or subject to permit review may be conducted within the river area without a Myakka River permit unless the activities will have adverse impacts on resource values in the river area
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- (d) Structures, land uses and water-dependent activities on public and private lands in existence at the effective date of this rule within the river area, including but not limited to docks and associated mooring pilings, boat ramps, shore protection structures, fences, other structures;

62D-15.008 Standards for Issuance or Denial of a Permit.

- (1) In accordance with Section 258.501(10), F.S., no permit shall be issued unless the department finds that the proposed activity will not adversely impact resource values in the river area.
- (2) Factors to be considered by the department in determining whether the activity will adversely impact the resource values include:
- (a) Whether the activity is consistent with the Act, this rule, and management principles,

objectives and actions of the Myakka Wild and Scenic River Management Plan.

(b) Whether the activity will affect resource values by:

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18. Causing or contributing to overuse of the river's recreational resources,
 19. Blocking, obstructing, lessening or otherwise interfering with the scenic and natural views as seen within the river area, including but not limited to open water, broad marshes, forested horizons, mangrove swamps, bluffs, riverbanks and bars,
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24. Impacting the conservation and preservation of fish and wildlife including endangered or threatened species or their habitats, feeding or breeding grounds,
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30. Causing or contributing to unsafe conditions for boats or boaters,
 31. Encouraging unauthorized use of public and private lands;

Jean asked about regulation regarding the runoff from the new developments into the river.

Chris advised that right now there isn't any. The Act and Rule don't apply to tributaries, only the river and the buffer area, which is protected by the Myakka River Protection Code. When a developer wants to build, they have to apply for a permit and advise where the runoff will be directed to. Total maximum daily limits would help to force the developers to do more about where the runoff goes but these have not been established yet (possibly in 2022).

The premier duty of the MRMCC is the management plan with the secondary duty being to send non-binding advisory opinions to municipalities and to agencies. The management plan is a 10-year plan that looks at historical conditions, current conditions, issues, problems, objectives and actions. It then prioritizes these and calls out special features such as areas that need more mapping or more protection. Chris feels that along Upper Lake and Lower Lake should be called out in a future management plan.

The plan calls for:

- permanent protection and enhancement of the ecological, fish and wildlife, and recreational values within the river area,
- periodic studies to determine the quantity and mixture of recreation and other public uses that can be permitted without adverse impact on the resource values of the river area,
- regulation, control and distribution of public access where necessary to protect and enhance the resource values of the river area,
- consideration of need for basic facilities to absorb user impact on the river area
- restriction of motorized travel where necessary to protect the resource values in the river area.

3.0 PUBLIC ACCESS AND RECREATIONAL USE

4.0 RESOURCE VALUES, ISSUES, AND PROBLEMS

4.2 SCENIC RESOURCE VALUE

4.2.2 Issues and Problems Pristine Views--The scenic resource value of the Myakka River is critical to the foundation of the Wild and Scenic River designation. Scenic views along portions of the river are unobstructed by structures...

4.3 RECREATIONAL RESOURCE VALUE

4.3.2 Issues and Problems The primary issue associated with the recreational resource value is the utilization of the Myakka River and its impact on the terrestrial and aquatic resource values. The problem consists of overuse, which degrades natural resources and limits the use of the river for the most sensitive recreational activities such as nature study and birding.

Other user-related issues include noise, odor, and water pollution problems associated with powerboat motors, boat speed and resultant wakes and erosion, and user limitations due to watercontrol structures. Potential conflicts between boaters and the manatee are also a particular concern.

4.3.3 Priority Concerns The highest priority concerns associated with the recreational resource value consist of the following:

- Overuse of the Myakka River and resultant impacts to the natural resources, including fish populations and manatees;
- The provision of access to the river and resultant opportunity to increase use of the river; and
- Unauthorized use of private lands and illegal activity within public lands.

5.1 GENERAL MANAGEMENT PRINCIPLES

- The permanent preservation, enhancement, and management of the river's resource values are the primary purpose of the management program.
- Effective management of the river requires effective management of uplands along the river and in the river's watershed. Management of the watershed will be in accordance with existing authorities.
- When the utilization of the river and its resource values conflicts with the protection and enhancement of these values, the protection and enhancement of resource values should prevail.

OBJECTIVE 6

Provide for the regulation, control and distribution of public access to the Myakka River where necessary to protect and enhance the resource values of the river area.

Action 6.1 - DRP, DEP, DOF and Sarasota County should limit uncontrolled public access to the Myakka River on public lands to the extent allowed by the river's carrying capacity...

OBJECTIVE 7

Minimize the disturbances to natural resources of the Myakka River from river-related recreational uses.

Action 7.1 -DRP shall undertake a comprehensive boat utilization study to quantify recreational carrying capacity by river segment.

5.4 RECREATIONAL CARRYING CAPACITY

One of the most important functions of the Myakka River management program is to determine and monitor the amount and kinds of recreational uses that are permitted on the river without creating adverse impacts on the resource values of the river area.

6.3 AREAS FOR SPECIAL MANAGEMENT CONSIDERATION

The final section of this plan summarizes the major actions that are recommended to be taken to implement the findings of the plan.

Specific actions for special consideration include the following:

- Undertake a comprehensive boat utilization study to quantify recreational carrying capacity by river segment (Action 7.1).

Jono asked Chris if this study has been a requirement for the last 30-plus years.

Chris replied that it has been a requirement on and off since around 1992.

Discussion of functional river segments

The group decided on the different segments of the river based on user group and the character of the river.

The river was divided as follows:

- The wild and scenic designation was used as a starting point
- Upper Lake is its own section
- Upper Lake to Park Bridge to the park entrance
- Park entrance to Deep Hole
- Deep Hole to Downs Dam
- Downs Dam to Rocky Ford
- Rocky Ford to Laurel Road
- Laurel Road to Border Road
- Border Road to Venice Avenue
- Venice Avenue to Snook Haven
- Snook Haven to SR 41
- SR 41 to El Jobean Bridge

Discussion of known and potential future RCC conflicts and goals

The group discussed known and potential future recreational carrying capacity conflicts and goals.

Conflicts and goals:

- New access from the North
- CR780 bridge
- People entering the park illegally from the South

- Upper Lake weir blown out
- Snook Haven ADA kayak launch
- Increase in population
- Increase in users from Red Tide events
- Increased range of manatees
- New types of motors and paddleboards
- Drone usage
- Power tool use with fossiling
- Less large alligators

Jono asked Lucille to summarize the boat rental at Snook Haven.

Lucille advised that there is a concessionaire that rents canoes and kayaks only. Unfortunately, they don't provide education, such as safety or protecting the resource. Sarasota County would like to make changes to that but it's proving difficult. The pontoon boat is still running but they do education about the resource and they go over safety. One of the houses at Snook Haven is staying and the other is being removed. They are looking into using it as office space for regulatory offices and a visitor center. They are looking at acquiring the Venice campground and, if they do, there is another house there that could be used for offices.

Break 11:30-11:35

Deep Hole

Chris gave an overview of the character, monitoring and changes in use at Deep Hole.

Deep Hole is one-third of the way down from the CR 780 bridge. It is a sink hole lake that is about 131 feet deep and about 300 feet across. It is an important feature within the natural community around it. Alligators aggregate there because of its location and the chemistry and physics in the area. Sometimes it can be warmer than the bay because it is shallow, dark water that holds the heat from the sun.

During low water periods, especially those with cooler temperatures, large numbers of alligators aggregate, under ideal conditions the small area is pack and alligators "stack". When temperatures rapidly change, rapid changes in Dissolved Oxygen (DO) can produce large fish kills. At low water many fish seek out this deeper area. Alligators and other species greatly benefit from these events. The presence of a large number of alligators and the stacking behavior are an excellent example of the type of wilderness experience that the MWSR management plan and MRSP aim to preserve. In a photo from 1937, there was no paragrass, no alligators and probably very little human activity. It's possible that there were no alligators because of being over hunted. With the passing of the Endangered Species Act in the 70s, their numbers were able to bounce back but not until the 90s.

After the establishment of the state park, an earthen berm was put up, but it washed out, so the idea was abandoned. Chris heard that there was no human activity down there including no boating. When the time came to start doing aquatic plant management, the boat ban was lifted

because that was the only way to get the funds. They started allowing a maximum of 20 visitors per day and that was eventually raised to 30 people a day.

Most of the users in the 2000s appeared to be hikers with some canoeists but aquatic plant issues may have reduced some access. With better aquatic plant management and more people in the area, there has been an increase in use by hikers, kayakers, canoeists and even small jonboats.

Chris went over some of the data collection from the monthly survey done on the river. He advised that with changes in staffing it's hard to know how accurate the data is because it is not known how others, before Chris, counted alligators. It also takes a bit of practice to get an accurate number and to be able to tell the difference in sizes. The counting was not consistent with some surveys separating the number of alligators at DH from the number found on the rest of the river, while other surveys didn't. The state of the alligators was also not noted (flushed, stacked, etc.). From 2008 to 2013, only two of 30 surveys had minor activity at DH. One was some hikers and the other was a jonboat.

A larger monitoring effort is needed to determine recreational activities and what different user groups are looking to experience. A monthly visit to the area for 5-10 minutes around 9:45 is not enough. Some discussion of variables to add to monitoring is needed, water temperature for example. Timing for basking/stacking may be a bit later generally. Watching for a longer period, before people arrive and then any watching behavior modification would be necessary. People arriving before alligators exist to bask may prevent them from existing the water. Hikers moving through paragrass or behind vegetation and people arriving over the North berm, especially without caution, may increase flushing. Kayakers at low water entering/transiting the hole, especially with paddle/bonking, noises, may increase flushing.

Noted in a few years, the data shows a flip. About two-thirds of the time there was activity, and often at a higher level.

There are complexities that make this difficult. The main drivers for aggregation include water level, temperature (air and water) but drivers for relocation and/or flushing could include wind, noise, recreation activities from park and other non-park authorized activities (helicopters, low planes, unpermitted boaters (from N and S), poachers. Further complexities arise in that hikers and kayakers behavior can be highly variable and threshold for flushing (or potential relocation) is likely cumulative. Emerging threats add to concerns including increase use/presence, new motorized paddle craft, and drone use.

The Plan states that we should be preserving and enhancing the Wild and Scenic River. The wilderness preserve and DH should be an area where this is done. There are different user groups and what they are expecting as a range of experiences in this area needs to be determined. What does an optimum experience mean for each user group?

It's not known if alligators repeated get flushed day after day, do they relocate, or will they stay in that area? It's a complex issue but it needs to be determined if an impact is occurring. If it is, what level of impact is acceptable?

Steven Schaeffer asked if the group is supposed to be deciding what research needs to be done or if the group is deciding what actions to take to protect the resource.

Chris replied that the group is going to make a recommendation and vote on it. That will go to the MRMCC to be voted on. The group is also going to decide if there are certain areas of the river that will be studied or the whole river and what elements need to be studied. The group could also look for funding for the study.

Jono added that the group is dealing with a study but Steve Giguere, the park manager, has the ability to manage things within the park. Lucille also can try to implement change at the county level as well.

Lucille pointed out that there is no interpretive signage at DH. She also suggested a designated viewing platform and some seating.

Discussion continued.

Chris suggested that the group brainstorm additional members that may have more experience in the lower section of the river.

Possible solutions such as guided tours, GPS wristbands, a trail camera to monitor activity and a required educational video were also discussed.

The Meeting ended at 12:30 p.m.