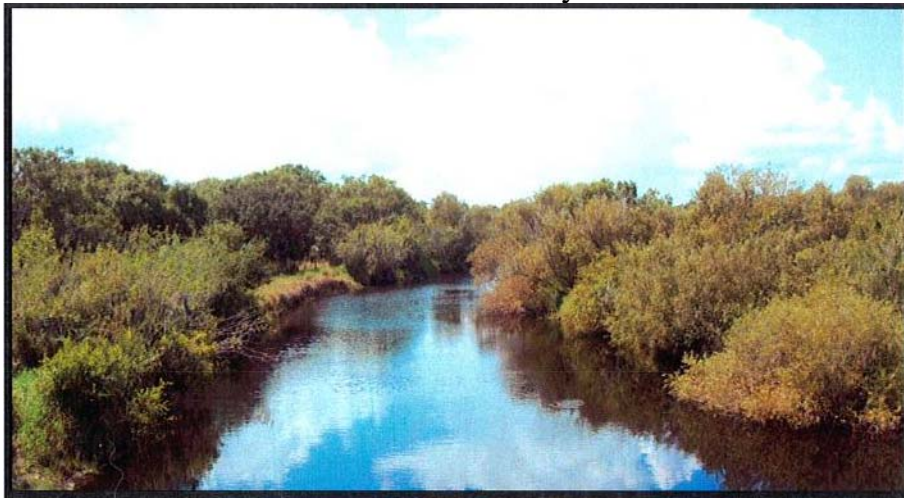


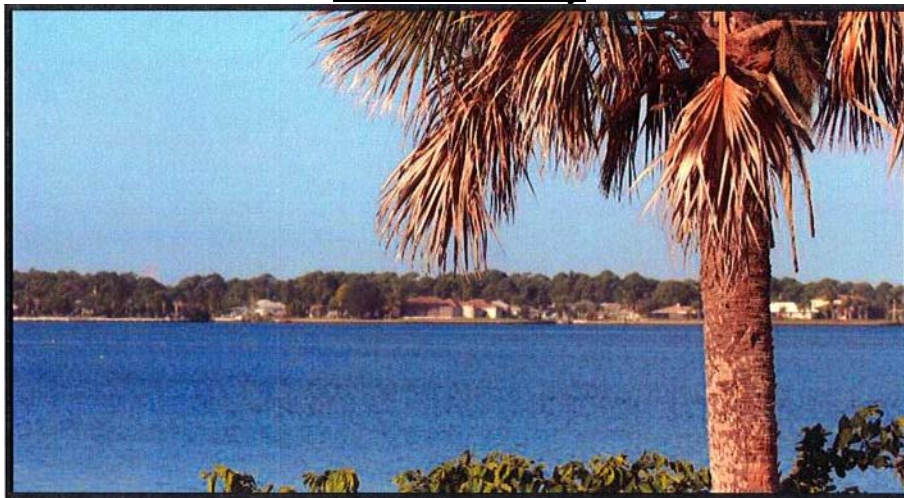
Report Concerning the Potential Expansion of the Florida Wild and Scenic River Designation to Include the Entire Myakka River Appendices

Manatee County



Manatee County File Photo

Charlotte County



Florida Park Service File Photo

**Prepared by the
Myakka River Management Coordinating Council
2007**

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**APPENDIX A – Myakka River Wild and Scenic Designation and Preservation
Act, 258.501 F.S.**

Section 258.501 Myakka River; wild and scenic segment.

(1) SHORT TITLE.--This section may be cited as the "Myakka River Wild and Scenic Designation and Preservation Act."

(2) LEGISLATIVE DECLARATION.--The Legislature finds and declares that a certain segment of the Myakka River in Manatee, Sarasota, and Charlotte Counties 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. It is the intention of the Legislature to provide for the permanent preservation of the designated segment of the Myakka River by way of development of a plan for permanent administration by agencies of state and local government which will ensure the protection necessary but retain that degree of flexibility, responsiveness, and expertise which will accommodate all of the diverse interests involved in a manner best calculated to be in the public interest.

(3) DEFINITIONS.-- As used in this section, the term:

(a) "Activity" means the doing of any act or the failing to do any act, whether by a natural person or a corporation.

(b) "Agreement" means the interagency operating agreement between the department, the Department of Community Affairs, and Sarasota County or the City of North Port.

(c) "Coordinating council" means the council created by subsection (7).

(d) "Department" means the Department of Environmental Protection.

(e) "Division" means the Division of Recreation and Parks of the Department of Environmental Protection.

(f) "Major infrastructure facility" means a manmade structure which serves the common needs of the population, such as a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

(g) "Person" means an individual, corporation, governmental agency or institution thereof, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity.

(h) "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

(i) "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor including the maximum upland extent of wetlands vegetation as determined by the former Department of Environmental Regulation pursuant to chapter 403 and chapters 17-3 and 17-312, Florida Administrative Code.

(j) "Wild and scenic protection zone" means an area which extends 220 feet landward from the river area.

(4) DESIGNATION OF WILD AND SCENIC RIVER.—

(a) The corridor of land surrounding and beneath the Myakka River between river mile 7.5 and river mile 41.5 is hereby designated as a Florida wild and scenic river for the purposes of this section and is subject to all of the provisions of this section. Such designated portion is more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line.

(b) The governments of Sarasota County and the City of North Port shall manage the Myakka River wild and scenic protection zone under their existing authorities for comprehensive planning, the regulation of land development activities, and other necessary or appropriate ordinances and in conformance with this section, the management plan required under subsection (5), and the agreements adopted by the department and the Department of Community Affairs with the city and county pursuant to this section.

(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.

(b) The development of the proposed management plan shall be by public hearing and shall include participation by all appropriate state agencies and by all appropriate or interested local governments and private organizations.

(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, archaeological, 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.

7. Agricultural and forestry practices similar in nature to those in the river area on January 1, 1986.

8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of river area resource values.

9. Monitoring of existing water quality.

10. Continuance of existing drainage and water management practices, unless such existing practices will adversely affect, degrade, or diminish existing water quality or existing resource values in the river area, and allowance of new water resource management practices which will not have an adverse impact on 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.

12. Review and regulation, by Sarasota County and the City of North Port under their respective authorities, of activities within the wild and scenic protection zone; and subsequent prohibition, or approval with or without conditions, of such activities in order to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes.

(d) To the extent not inconsistent with this section, the proposed management plan may also include any other provisions deemed by the department to be necessary or advisable for the permanent protection of the river as a component of the Florida Wild and Scenic Rivers System.

(6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

(a) Sarasota County and the City of North Port shall amend their comprehensive plans so that the parts of such plans that affect the wild and scenic protection zone conform to, or are more stringent than, this section, the river management plan, and management guidelines and performance standards to be developed and contained within agreements to be adopted by the department, the Department of Community Affairs, and the city and county. The guidelines and performance standards must be used by the department and the Department of Community Affairs to review and monitor the regulation of activities by the city and county in the wild and scenic protection zone. Amendments to those comprehensive plans must include specific policies and guidelines for minimizing adverse impacts on resources in the river area and for managing the wild and scenic protection zone in conformance with this section, the river management plan, and the agreement. Such comprehensive plans must be amended within I year after the adoption date of the agreement, and thereafter, within 6 months following an amendment to this section, the river management plan, or the agreement, as may be necessary. For the purposes established in this subsection, such amendments need not conform to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(b) Sarasota County and the City of North Port shall adopt or amend, within I year after the department and the Department of Community Affairs adopt with the city and with the county agreements for regulating activities in the wild and scenic protection zone, any necessary

ordinances and land development regulations so that those ordinances and regulations conform to the purposes of this section, the river management plan, and the agreement. Thereafter, following any amendment to this section, the river management plan, or the agreement, the city and county must amend or adopt, within 1 year, appropriate ordinances and land development regulations to maintain such local ordinances and regulations in conformance with this section, the river management plan, and the agreement. Those ordinances and regulations must provide that activities must be prohibited, or must undergo review and either be denied or permitted with or without conditions, so as to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes. The resource values of concern are those identified in this section and by the coordinating council in the river management plan. Activities which may be prohibited, subject to the agreement, include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the river area.

(c) If the Department of Community Affairs determines that the local comprehensive plan or land development regulations, as amended or supplemented by the local government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Community Affairs shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(b) The coordinating council shall review and make recommendations on all proposals for amendments or modifications to this section and to the permanent management plan, as well as on other matters which may be brought before the council by the department, any local government, or any member of the council, and shall render its nonbinding advisory opinion to the Southwest Florida Water Management District, the department, and affected local governments.

(c) The council may adopt bylaws to provide for election of such officers as it deems necessary, removal of officers for just cause, meetings, quorum, procedures, and other such matters as its

members may deem advisable in the conduct of its business. Such bylaws shall be approved by the department.

(d) Such professional staff as the coordinating council may require shall be provided by the department.

(8) PRESERVATION OF EXISTING GOVERNMENTAL AUTHORITY.—

(a) Nothing contained in this section shall operate to divest any agency, water management district, municipality, county, or special district of any authority or jurisdiction in existence on January 1, 1986.

(b) Notwithstanding paragraph (a), Sarasota County and the City of North Port must, in exercising their authority and jurisdiction over any part of the wild and scenic protection zone, act in conformance with this section, the management plan, and the agreements entered into pursuant to this section.

(9) RULEMAKING AUTHORITY.—

(a) The department is authorized to adopt rules to regulate activities within the river area which have adverse impact on resource values as adopted by the coordinating council within the river area.

(b) The department shall coordinate all activities related to rule adoption and enforcement with the regulatory and management programs of other agencies in order to avoid to the maximum extent possible any conflicts or duplication arising therefrom.

(c) The department and the Department of Community Affairs must enter into agreements with the City of North Port and Sarasota County that provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

(10) PERMITTING AUTHORITY.—

(a) No person or entity shall conduct any activity within the river area which will or may have an adverse impact on any resource value in the river area without first having received a permit from the department.

(b) A permit may be granted only after a finding by the department that the activity for which a permit has been requested will not have an adverse impact on resource values in the river area.

(c) The department may adopt an application fee schedule providing for payment of reasonable fees to defray the cost of processing applications.

(11) NOTIFICATION BY REGULATORY AGENCIES.-- All state, regional, and local regulatory agencies shall provide to the department notification of applications received by the agency for approval to conduct activities in the river area and protection zone.

(12) LEGAL STATUS OF COMPREHENSIVE PLAN AMENDMENTS.-- It is the intent of this section that the city and county amend their comprehensive plans, land development regulations, and other appropriate ordinances and regulations to be in conformance with this section, the river management plan, and guidelines and performance standards to be developed and adopted by agreement pursuant to this section. Such amendments shall have legal status as provided under s. 163.3194 and must be implemented through appropriate local regulations in accordance with s. 163.3201.

(13) STANDING TO ENFORCE AMENDED COMPREHENSIVE PLANS.-- It is the intent of this section that any aggrieved or adversely affected person may maintain an action for injunction or other relief against the city or county to prevent any such local government from taking action in regulating activities not consistent with the comprehensive plan, land development regulations, and other appropriate ordinances and regulations, as amended, pursuant to this section and s. 163.3215.

(14) PERMITTED ACTIVITIES.--

(a) Nothing in this section shall be construed to prohibit or regulate any activity taking place outside the river area and the wild and scenic protection zone for which necessary permits and licenses are obtained as required by other provisions of federal, state, or local law.

(b) Nothing in this section shall be construed to prohibit or limit public utilities from improving, maintaining, modifying, or expanding existing facilities or constructing new facilities in the river area or the wild and scenic protection zone, provided the necessary federal, state, and local permits and licenses are obtained.

(15) PROHIBITED ACTIVITY.-- Airboats are prohibited from operating in the river area north of U.S. Highway 41 (State Road 45), except for uses officially allowed by government agencies.

(16) ENFORCEMENT.-- Officers of the department shall have full authority to enforce any rule adopted by the department under this section with the same police powers given them by law to enforce the rules of state parks and the rules pertaining to saltwater areas under the jurisdiction of the Florida Marine Patrol.

(17) PENALTIES.-- Violation of this section or of any rule adopted under this section constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Continuing violation after notice constitutes a separate violation for each day so continued.

History.--ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, ch. 85-363; s. 30, ch. 86-163; s. 1, ch. 90-173; s. 101, ch. 94-356.

Section 369.301-369.313 Wekiva River Protection Act.

Section 369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

History.--s. 1, ch. 88-121; s. 26, ch. 88-393.

Section 369.303 Definitions.--As used in this part:

- (1) "Council" means the East Central Florida Regional Planning Council.
- (2) "Counties" means Orange, Seminole, and Lake Counties.
- (3) "Department" means the Department of Community Affairs.
- (4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
- (5) "Land development regulation" means a regulation covered by the definition in s. 163-3164(23) and any of the types of regulations described in s. 163.3202.
- (6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
- (7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.
- (8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit relating to the compliance of a development with applicable electrical, plumbing, or other building codes.
- (9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying

west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.

- (10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 46, ch. 91-221; s. 4, ch. 93-206.

Section 369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Habitat within the Wekiva River Protection Area of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and
5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.
2. Restrictions on the clearing of native vegetation within the 100-year flood plain.
3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.
4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.
5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.
6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.

7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural density and character.

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property adjacent to the Wekiva River System be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy established in paragraph (c) of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d) and shall also include restrictions on the location of septic tanks and drainfields in the 1 00-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 1 0 days of adopting any necessary amendments to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and

chapter 9J- 1 2, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, adopted or issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county, solely within protection zones established pursuant to s. 3 73.41 5, shall be sent to the department within 10 days after its adoption or issuance by the local governing body but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1) through (4) or to any development order approving, approving with conditions, or denying a development of regional impact.

(6) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(7) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 95-146.

Section 369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.--

(1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida

Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 89-116; s. 191, ch. 94-356; s. 10, ch. 95-149.

Section 369.309 Airboats prohibited; exceptions; penalties.--

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 90-81.

Section 369.311 Policy.--The Legislature reaffirms the policy of the state as set forth in this part, with regard to the protection of the Wekiva River System, including, but not limited to, its tributaries. The Little Wekiva River, as a major tributary of the Wekiva River, plays an important role with regard to the protection and water quality of the Wekiva River. Accordingly, it is appropriate to take timely and prudent actions to protect, preserve, and restore the water quality and environmental integrity of the Little Wekiva River.

History.--ss. 1, 4, ch. 95-315.

Note.--Repealed effective July 1, 1999, by s. 4, ch. 95-315, unless reenacted by the Legislature prior to that date.

Section 369.313 Pilot project design and implementation; restoration and protection activities; intergovernmental coordination.--

(1) The St. Johns River Water Management District is authorized to make expenditures from matching funds provided by Orange and Seminole Counties, for the purposes of designing and implementing pilot projects to restore, protect, and preserve the ecological integrity of the Little Wekiva River in Seminole and Orange Counties, including:

(a) Pilot projects for erosion control in areas where erosion is causing or is likely to lead to, adverse environmental impacts; and

(b) Pilot projects for restoration of areas where sedimentation is causing, or is likely to lead to, adverse environmental impacts, including, but not limited to, loss of formerly existing channels or flooding.

(2) The St. Johns River Water Management District, in carrying out its duties and responsibilities under this act, is authorized to request assistance from any department, office, division, agency, or political subdivision or municipality of the state to supply it with technical assistance, available data, reports, or other information that it deems necessary. Each department, office, division, agency, municipality, and political subdivision is encouraged, to the extent feasible and consistent with law, to cooperate with the district and furnish it with the available information, personnel, and assistance to accomplish the purposes of this act. To the maximum extent feasible, the participation of all organizations, agencies, and jurisdictions that are involved with or affected by the water quality and environmental protection of the Wekiva River is required.

(3) The St. Johns River Water Management District shall, on or before 24 months from July 1, 1995, report directly to the Speaker of the House of Representatives and the President of the Senate with regard to the actions taken pursuant to this act and the effectiveness of those actions in protecting, preserving, and restoring the Little Wekiva River. Copies of the report shall be provided to the Department of Environmental Protection, the Florida Game and Fresh Water Fish Commission, and the St. Johns River Water Management District. The district shall make recommendations and proposals in the report regarding further actions recommended to accomplish the purposes of this act.

History.--ss. 2, 4, ch. 95-315.

Note.--Repealed effective July 1, 1999, by s. 4, ch. 95-315, unless reenacted by the Legislature prior to that date.

Section 373.415 Protection zones; duties of the St. Johns River Water Management District.--

(1) Not later than November 1, 1988, the St. Johns River Water Management District shall adopt rules establishing protection zones adjacent to the watercourses in the Wekiva River System, as designated in s. 369.303 (10). Such protection zones shall be sufficiently wide to prevent harm to the Wekiva River System, including water quality, water quantity, hydrology, wetlands, and aquatic and wetland-dependent wildlife species, caused by any of the activities regulated under this part. Factors on which the widths of the protection zones shall be based shall include, but not be limited to:

(a) The biological significance of the wetlands and uplands adjacent to the designated watercourses in the Wekiva River System, including the nesting, feeding, breeding, and resting needs of aquatic species and wetland-dependent wildlife species.

(b) The sensitivity of these species to disturbance, including the short-term and long-term adaptability to disturbance of the more sensitive species, both migratory and resident.

(c) The susceptibility of these lands to erosion, including the slope, soils, runoff characteristics, and vegetative cover.

In addition, the rules may establish permitting thresholds, permitting exemptions, or general permits, if such thresholds, exemptions, or general permits do not allow significant adverse impacts to the Wekiva River System to occur individually or cumulatively.

(2) Notwithstanding the provisions of s. 120.60, the St. Johns River Water Management District shall not issue any permit under this part within the Wekiva River Protection Area, as defined in s. 369.303(9), until the appropriate local government has provided written notification to the district that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The district may, however, inform any property owner who makes a request for such information as to the location of the protection zone or zones on his or her property. However, if a development proposal is amended as the result of the review by the district, a permit may be issued prior to the development proposal being returned, if necessary, to the local government for additional review.

(3) Not later than March 1, 1991, the St. Johns River Water Management District shall develop a groundwater basin resource availability inventory as provided in s. 373.0395 for the Wekiva River Protection Area and shall establish minimum flows and minimum water levels for surface watercourses in the Wekiva River System and minimum water levels for the groundwater in the aquifer underlying the Wekiva Basin as depicted on the map entitled "Wekiva Basin, 4OC-41 " which is on file at the offices of the St. Johns River Water Management District.

(4) Nothing in this section shall affect the authority of the water management districts created by this chapter to adopt similar protection zones for other watercourses.

(5) Nothing in this section shall affect the authority of the water management districts created by this chapter to decline to issue permits for development which have not been determined to be consistent with local comprehensive plans or in compliance with land development regulations in areas outside the Wekiva River Protection Area.

(6) Nothing in this section shall affect the authority of counties or municipalities to establish setbacks from any surface waters or watercourses.

(7) The provisions of s. 373.617 are applicable to final actions of the St. Johns River Water Management District with respect to a permit or permits issued pursuant to this section.

APPENDIX B – Myakka Wild and Scenic Management Plan, May 1990

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

Prepared for:

**STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES
Division of Recreation and Parks**

and

**MYAKKA RIVER MANAGEMENT
COORDINATING COUNCIL**

Prepared by:

HUNTER SERVICES, INC.

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

Marjory Stoneman Douglas Building • 3900 Commonwealth Boulevard • Tallahassee, Florida 32399
Tom Gardner, Executive Director

STATE OF FLORIDA)
)
COUNTY OF LEON)

C E R T I F I C A T E

I, Diana M. Hadi, do hereby certify that the Governor and Cabinet, sitting as head of the Department of Natural Resources of the State of Florida, met on May 22, 1990 and approved the following Item 9 on the agenda for that date.

Item 9

REQUEST: Acceptance of the proposed management plan for the State-designated Myakka Wild and Scenic River.

LOCATION: Sarasota County

STAFF REMARKS: In 1985, the Legislature adopted the Myakka River Wild and Scenic Designation and Preservation Act (Section 258.501, Florida Statutes), which designated a 34-mile segment of the Myakka River within Sarasota County as a "Florida wild and scenic river". The Act required the development of a management plan to provide for the permanent preservation and enhancement of the river and its resource values.

Important resource values for the river were identified by the Myakka River Management Coordinating Council, as required by the Act. The Council is composed of applicable state agencies, the Southwest Florida Water Management District, Tampa Bay and Southwest Florida Regional Planning Councils, affected local governments, and agricultural, environmental and landowner interest groups.

The management plan was prepared jointly by the Department and the Council, as required by the Act. The Council and Department met 12 times since January 1989 to develop the plan. In addition to the Council's meetings (which were advertised in accordance with requirements of Chapter 120, Florida Statutes), three advertised meetings were held to discuss the proposed management plan with landowners, environmental groups, civic organizations, and local elected officials. Two local public hearings on the proposed plan were also conducted by the Department prior to the Council's adoption of the management plan on October 27, 1989.

The proposed action is consistent with Subsection 187.201 (10), Florida Statutes and affected local government comprehensive plans. The Myakka River management planning process has afforded extensive coordination with representatives of local government planning departments. The affected local



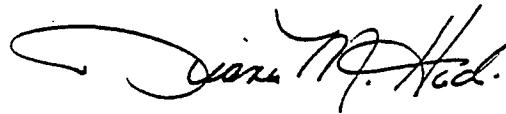
Administration	Beaches and Shores	Law Enforcement	Marine Resources	Recreation and Parks	Resource Management	State Lands
Bob Martinez Governor	Jim Smith Secretary of State	Bob Butterworth Attorney General	Gerald Lewis State Comptroller	Tom Gallagher State Treasurer	Doyle Conner Commissioner of Agriculture	Betty Castor Commissioner of Education

Certificate for Item 9
May 22, 1990 Agenda
Page Two

governments, the City of North Port and Sarasota County, have referenced the findings of the proposed Myakka River management plan in their local comprehensive plans approved by the Department of Community Affairs.

RECOMMEND ACCEPTANCE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Department of Natural Resources seal on May 22, 1990.



Diana M. Hadi
Cabinet Affairs Director

SEAL

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1.0 INTRODUCTION

1.1 BACKGROUND

The Myakka River has been a rich, diverse, and important ecosystem since shortly after the subsiding seas exposed peninsular Florida and the Myakka River valley at the end of the Pleistocene Period, approximately 10,000 years ago. The Myakka River and its watershed possess abundant natural resources, which vary from headwaters to river mouth and from river channel to the basin boundaries. The southerly location of the Myakka River within the southwest portion of the State of Florida, the near-subtropical to temperate climate, and the high annual rainfall contribute to the development of a complex association of flora and fauna.

Early man's dependence on vegetation and fish and wildlife resources attracted him to the river, and present-day man continues to be attracted to the river, less for subsistence, but more for recreation and an appreciation for the natural environment.

In the mid-1970's, county planners recognized the river's resource values (e.g., the only river in Sarasota County, freshwater and nutrient transport to Charlotte Harbor, habitat and hydrologic cycle functions) in preparing APOXSEE, Sarasota County's Comprehensive Plan. In addition, previous efforts by groups such as the Myakka River Coalition have brought attention to the Myakka River. An environmental study was conducted on the river system by this group in the late 1970's.

In November, 1978, Congress authorized the United States Department of the Interior, National Park Service (NPS) to study the Myakka River and determine its potential for inclusion in the National Wild and Scenic Rivers system. Public meetings or workshops were held locally in January 1979, April 1980, and September 1980 to disseminate information and obtain input from local elected officials, representatives of various governmental agencies, land owners, environmental interests, and other interested citizens. Press releases and study updates were developed and distributed in July 1979 and September 1981. The NPS prepared a Draft Wild and Scenic River Study/Environmental Assessment in September 1983. Based upon comments received by various federal, state, regional and local agencies, quasipublic

agencies, and conservation and private organizations, a Final Wild and Scenic River Study, was prepared in July 1984.

The final study proposed:

- The 12 miles of the Myakka River within the Myakka River State Park be included as a state-administered component of the National Wild and Scenic River System.
- The State of Florida continue its current management practices, protecting the natural and cultural qualities of the designated segment of the Myakka River within the Myakka River State Park.
- Additional segments of the Myakka River be designated as components of the National System if state and local initiatives to provide permanent protection for the river corridor are implemented and subsequent application for designation is made to the Secretary of the Interior pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act.
- A Myakka River Commission be established to coordinate efforts to conserve the Myakka River area.

In response to local level citizen support, the Florida legislature designated the corridor of land surrounding and beneath a 34-mile segment of the Myakka River between river mile 7.5 (the Sarasota/Charlotte County line) and river mile 41.5 (County Road 780) a Florida Wild and Scenic River in 1985. The Myakka River Wild and Scenic Designation and Preservation Act (see Appendix A) provided for the permanent preservation, management, and administration of the designated segment of the Myakka River by development of a plan to be jointly developed by the Department of Natural Resources (DNR) and the Myakka River Management Coordinating Council (Council). The Act also established the Council to provide interagency and intergovernmental coordination in the management of the river. The Council was composed of one representative from the Department of Environmental Regulation (DER), the Florida Department of Transportation (FDOT), the Florida Game and Fresh Water Fish Commission (FGFWFC), the Department of Community Affairs (DCA), Department of Forestry of the Department of Agriculture and Conservation Services, Division of Historical Resources of the Department of State, Tampa Bay Regional Planning Council (TBRPC), Southwest Florida Water Management District (SWFWMD),

Southwest Florida Regional Planning Council (SWFRPC), Manatee County, Sarasota County, Charlotte County, City of Sarasota, City of North Port, agricultural interests, and environmental organizations, as well as any others deemed advisable by the Department.

The Act also authorized the Department to adopt rules and a permitting program to regulate activities within the river area which may have an adverse impact on resource values as adopted by the Council. The plan, as required by the Act, must provide 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, archaeological, 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 that 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 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.
7. Agricultural and forestry practices similar in nature to those presently in the river area on January 1, 1986.
8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of river area resource values.
9. Monitoring of existing water quality.
10. Continuance of existing drainage and water management practices, unless such existing practices will adversely affect, degrade, or diminish existing water quality or existing resource values in the river area, and allowance of new water resource management

practices that will not have an adverse impact on resource values in the river area.

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

The Act also provides that the management plan may include any other provisions deemed necessary or advisable by DNR for the permanent protection of the river.

1.2 PLANNING AUTHORITY

The authority to develop a plan for the management, administration, and protection of the designated segment of the Myakka River as a Florida Wild and Scenic River was established under Section 258.501, Florida Statutes, the Myakka River Wild and Scenic Designation and Preservation Act. Development of the plan included public meetings and participation by numerous local, regional, and state agencies and private organizations, particularly the Myakka River Management Coordinating Council. Three plan presentation and public comment meetings were held for landowners, environmental groups, civic organizations, elected officials and their staffs, and other interested parties on September 8, 9, and 11, 1989, respectively. Two general public meetings were also held on September 11 and 12, 1989, to provide further opportunity for the public to comment and give input to DNR and the Council on the draft management plan. Four of the meetings were held during other-than-normal working hours. The comments provided by the public to DNR and the Council were summarized in the form of a written report and submitted for consideration by the Council and DNR in developing a final draft management plan. The final draft plan was submitted for consideration and approval in a public hearing by the Governor and Cabinet sitting as the Executive Board of DNR.

1.3 PLAN DEVELOPMENT

The plan was developed jointly by DNR, Division of Recreation and Parks (Division), and the Council, with assistance from a consultant contracted with DNR, Hunter Services, Inc. The consultants conducted a thorough data collection effort, including a computerized literature search, field

investigations, interviews, and a recreational use survey. Resource values were identified by the Council and included specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features. These resource values were then assigned to work groups, comprised of council members and appropriate resource value experts from the public and private sectors. Issues, problems, and priority concerns were identified by work groups for each resource value. Subsequently, guiding principles, objectives, and actions were developed to address the issues, problems and priority concerns. The principles, objectives, and actions form the basis and direction for the river management program. Initial drafts of the management plan were distributed for review by Council members and other interested persons and organizations.

1.4 CONTENTS OF THE PLAN

Section 2.0 provides a detailed description and assessment of the river area, river viewshed, surface and subsurface geological characteristics, watershed, water resources, plant communities, fish and wildlife, archaeological and historical resources, land use patterns and regulations, and land ownership in the river area and watershed. Section 3.0 addresses the existing access and recreational use characteristics along the river. Section 4.0 identifies resource values, issues, and problems as identified by the Council and work groups. Section 5.0 identifies the general management principles and includes an overview of the river management program involving the river area, a proposed wild and scenic protection zone, and the Myakka River watershed. Section 5.0 also includes the specific objectives and actions which are the focus of the management program and a discussion of the need for a recreational use carrying capacity. Section 6.0 discusses the implementation and coordination activities, plan review and amendment, and areas for legislature consideration.

2.0 RESOURCE DESCRIPTION AND ASSESSMENT

2.1 DESCRIPTION OF THE RIVER AREA

The Myakka River originates in marshes near Myakka Head and flows approximately 66 miles in a southerly direction through Manatee, Sarasota, and Charlotte Counties. The river discharges into Charlotte Harbor, which empties into the Gulf of Mexico. The wild and scenic river segment encompasses 34 miles entirely within Sarasota County (see Figure 2-1), from County Road 780 to the Sarasota/Charlotte County line.

In the upper reaches of the river near Myakka Head in Manatee County, the river consists of a very narrow channel. Mesic flatwoods is the dominant habitat type, and ranching is the principal land use. The wetlands adjacent to the river are mixed hardwoods, dominated by bays, oaks, and pop ash with a fern understory.

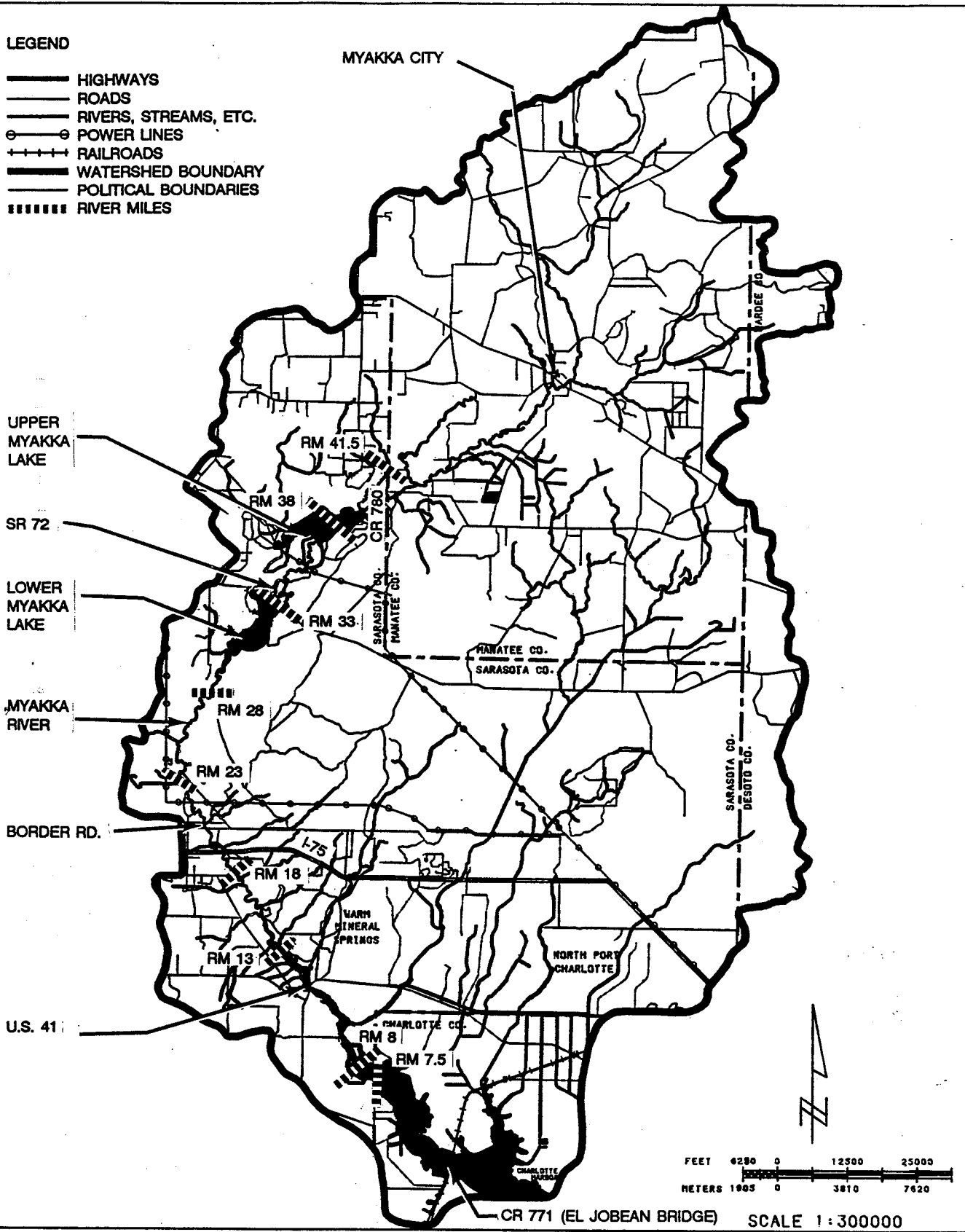
Wingate Creek joins the Myakka River at river mile 60 (see Figure 2-1), and Flatford's Swamp is located below river mile 59 (see Figure 2-6). The first of four large subbasins within the Myakka River watershed, Flatford's Swamp is formed from the confluence of seven different tributaries, which are Myakka River, Wingate Creek, Ogleby Creek, Long Creek, Maple Creek, Youngs Creek, and Taylor Creek. Immediately below Flatford's Swamp, the river runs through popash swamp and marsh habitats.

At Myakka City, some channelization and alteration of the river has occurred. Below Myakka City, at river mile 52, there is a transition from marsh and hardwood swamp to cabbage palm, live oak, and laurel oak hammock. This vegetation remains the dominant association for the remainder of the designated segment of the river, except for the salt marsh habitat at the extreme southern end near Charlotte Harbor. Adjacent land use is primarily agricultural and rural residential.

At river mile 43, just above Myakka River State Park, the river channel splits into Clay Gully and the Myakka River. Both watercourses run into Upper Myakka Lake. Before entering the state park, about 0.5 mile of the Myakka River flows through the southeastern part of Tatum Sawgrass marsh (see Figure 2-6). This 4,300-acre marsh is the second of the four natural depressions within the

LEGEND

- HIGHWAYS
- ROADS
- RIVERS, STREAMS, ETC.
- POWER LINES
- ++++ RAILROADS
- ▬ WATERSHED BOUNDARY
- POLITICAL BOUNDARIES
- ||||| RIVER MILES



**Figure 2-1
THE MYAKKA RIVER**

SOURCE: HUNTER, 1989.

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

FLORIDA DEPARTMENT OF NATURAL RESOURCES

Myakka watershed. A series of dikes to divert water away from the marsh and to allow conversion to agricultural land was constructed in Tatum Sawgrass in 1974. These dikes reduced the water storage capacity of the marsh.

Twelve miles of the Myakka River are within the boundaries of the state park. The dominant water features of the river in the park are Upper Myakka and Lower Myakka Lakes, the remaining two of the four topographic depressions along the river. Upper Myakka Lake experiences water quality problems, primarily from high nutrient levels and seasonally low dissolved oxygen levels, and a seasonal infestation of exotic aquatic vegetation. Downriver from Upper Myakka Lake, the Myakka River flows through a large marsh area known as Big Flats. Originally, a secondary water course from the Upper Myakka Lake passed through Vanderipe Slough, but this was severed by a dike constructed near the lake in the 1930's and 1940's. Below State Road 72, the Myakka River enters the Myakka River State Park wilderness preserve. At this point the hammock closes in on the river channel for a short reach before again opening into marshes at the northern end of Lower Myakka Lake. Downriver from Lower Myakka Lake, the hammock again closes in on the river channel. Approximately 0.5 mile below the state park boundary, at river mile 28, a private dam, locally known as Downs' Dam (see Figure 2-7), has been constructed across the river. Downs' Dam is capable of retaining approximately 4 feet of water behind the structure. The river channel is undisturbed from this point to approximately river mile 23.

Downriver of Downs' Dam, the river channel is deeply incised, meandering, and bordered by hardwood hammock. At several locations, the river flows through higher and drier land, with pine-palmetto flatwoods extending to the river's edge, creating a number of bluffs along this river segment. The outside edge of many meanders displays evidence of erosion, with sand bars accreting on the inner edge of the meanders. Much of the river bottom below Downs' Dam consists of hard limestone, and limestone outcrops along the river banks occur in many places. The bottom and banks in many places are also covered by relic marine shells.

The first residential development along the river is located at river mile 23. From this point to Interstate 75, at river mile 19.5, there are a number of

small homes along the banks. Downriver from Interstate 75 there are only a few homes, Snook Haven fishcamp, and Ramblers Rest Resort (see Figure 2-7). Downriver from Ramblers Rest Resort, no development occurs directly along the river until U.S. Highway 41, where several residences, Becky's Bait and Tackle store and a boat ramp are located.

Beginning just downstream from Snook Haven, the brackish water influence on the river bank vegetation is evidenced by the growth of leatherfern and other halophytic plants. Mangroves are found growing as far upstream as the mouth of Deer Prairie Creek (see Figure 2-2). Tidal marshes and mangroves gradually become more extensive from this point downriver towards Charlotte Harbor.

Downstream of U.S. Highway 41, both shorelines of the river have been partially developed. In this river area to the Sarasota/Charlotte County line, the river widens and is relatively shallow with a sandy bottom. Two small mangrove islands in this area are the site of bird rookeries. Limited development exists along the western bank of the river down to the Sarasota/Charlotte County line, in contrast to the eastern bank which contains several large, fully developed subdivisions. Between the Sarasota/Charlotte County line and the El Jobean Bridge (County Road 771), most of the native vegetation has been replaced with bulkheads and finger canals associated with residential development. Downriver from El Jobean, the river banks are relatively natural as they widen into Charlotte Harbor.

2.1.1 Visual Corridor Determination

To properly plan for the preservation, enhancement, and management of certain resource values of the Myakka River, several studies were conducted, including a study to determine the visual corridor or viewshed along the designated river area. The methodology generally consisted of field trips by boat or canoe, where the general extent of view was mapped on 1986 blue-line aerial photographs at a scale of 1 inch = 200 feet. During the field trips, an observer determined the extent of view from the river by counting the number of trees and shrubs visible from river bank (or contiguous marsh) landward. This number was then used to identify the tree canopies apparent on the aerial photographs.

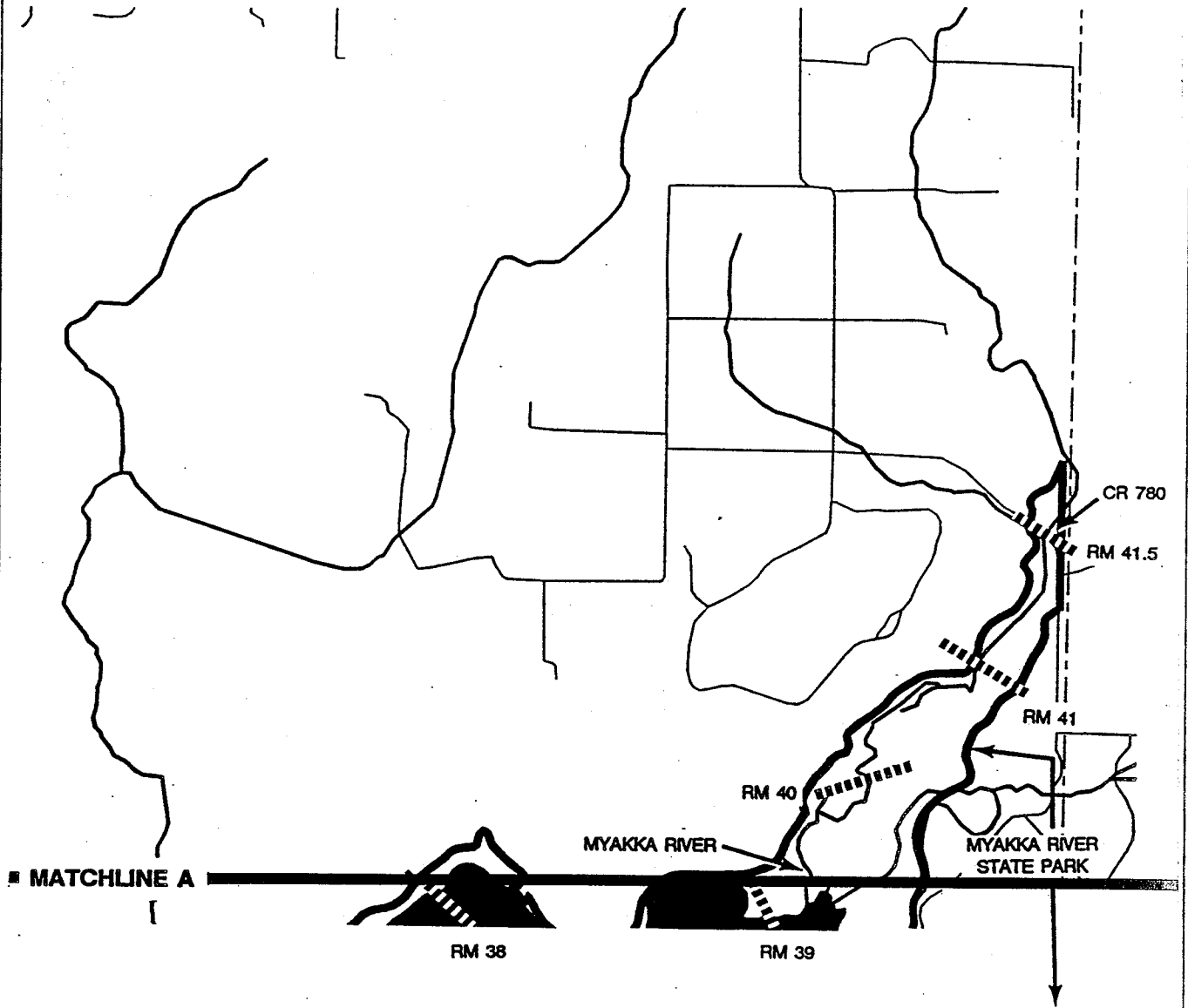
The field trips were conducted by canoe from Upper Myakka Lake to Snook Haven, and from a 20-foot Aquasport from Snook Haven to the Sarasota/Charlotte County line. Observations were made by an environmental planner from a boat, and views were made in both upstream and downstream traveling directions.

The field trips were conducted in March 1989, a period of relatively low water elevation. Shrubs and tree foliage was less than full due to the time of year of the survey. These factors as well as the height, size, and density of vegetation and structures played a role in determining the precise extent of the limits of the viewshed.

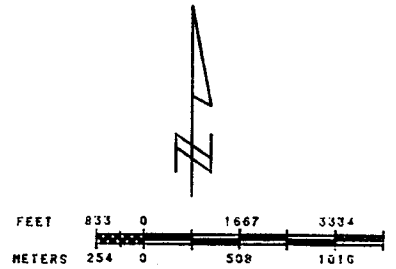
Viewshed limits were determined by identifying from the river channel the extent the observer could see into the plant communities along the river. Observations were made at a near horizontal alignment, with observation adjustments made for river shore obstructions such as bluffs or dense palmetto thicket. In these instances, the observer adjusted his line of sight upward or to the side to circumvent a nearby obstruction. Observations were, however, limited to general horizontal directions. A distant transmission line or radio tower extending well above the horizon, for example, was not used to determine the viewshed distance. Cultural features were recorded on the aerial photographs only to determine man-induced impacts to the viewshed.

The results of the viewshed mapping study are depicted in Figure 2-2. Three factors contributed to the width of the viewshed: the width of the waterbody; the width of adjacent marshes, which generally do not limit the extent of view; and the type and density of vegetation along and adjacent to the river bank. Each of these factors is included in determining the width of the viewshed throughout the Wild and Scenic River segment.

The viewshed is greatest at Upper Myakka Lake, where the treeline generally limits the view while on the lake. Maximum viewing distance is approximately 2.5 miles between lake shores. A significant viewing distance is maintained downstream to the outfall of Lower Myakka Lake, with the exception of a small area south of State Road 72 when visual observations are limited to several hundred feet by hammocks on each side of the river. The extent of the viewshed in these areas is due to the extensive open waters in each lake, as



LEGEND
 ■ VIEWSHED
 ■■■■■ RIVER MILE



SCALE 1:40000

Figure 2-2
 DESIGNATED AREA VIEWSHED (1 OF 7)

SOURCE: HUNTER, 1989.

MYAKKA WILD AND SCENIC RIVER
 MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

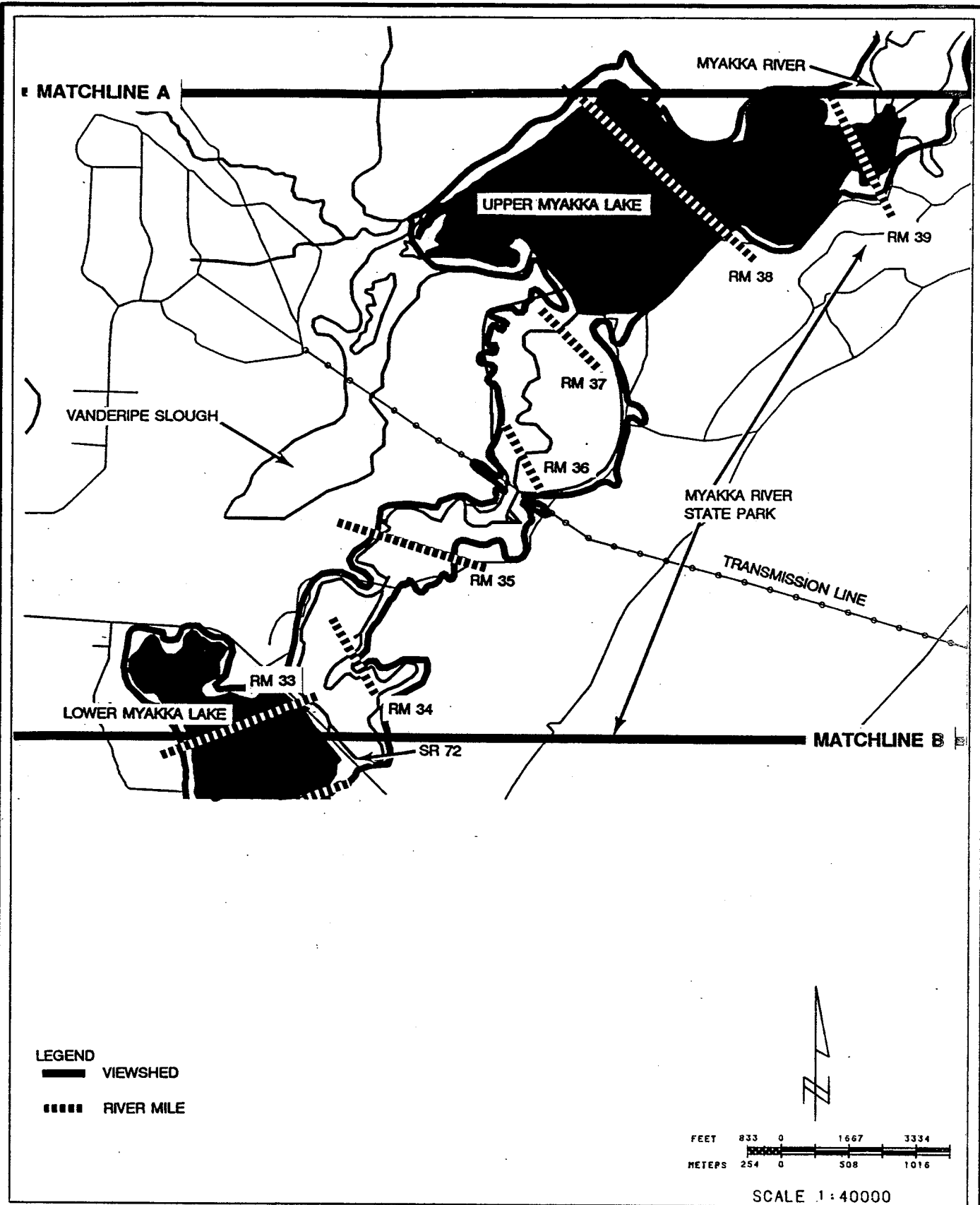


Figure 2-2
DESIGNATED AREA VIEWSHED (2 OF 7)

SOURCE: HUNTER, 1988.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

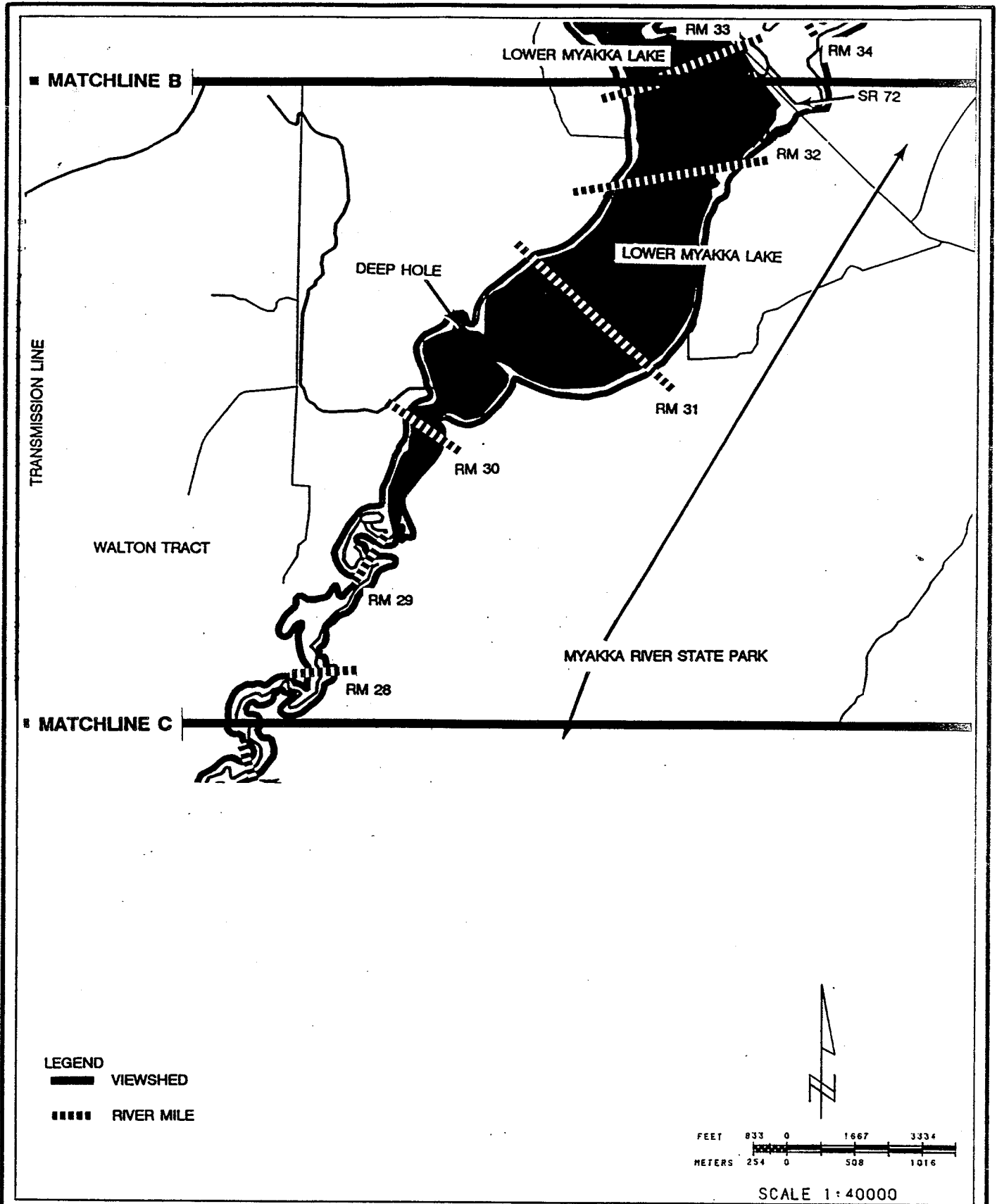


Figure 2-2
DESIGNATED AREA VIEWSHED (3 OF 7)

SOURCE: HUNTER, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

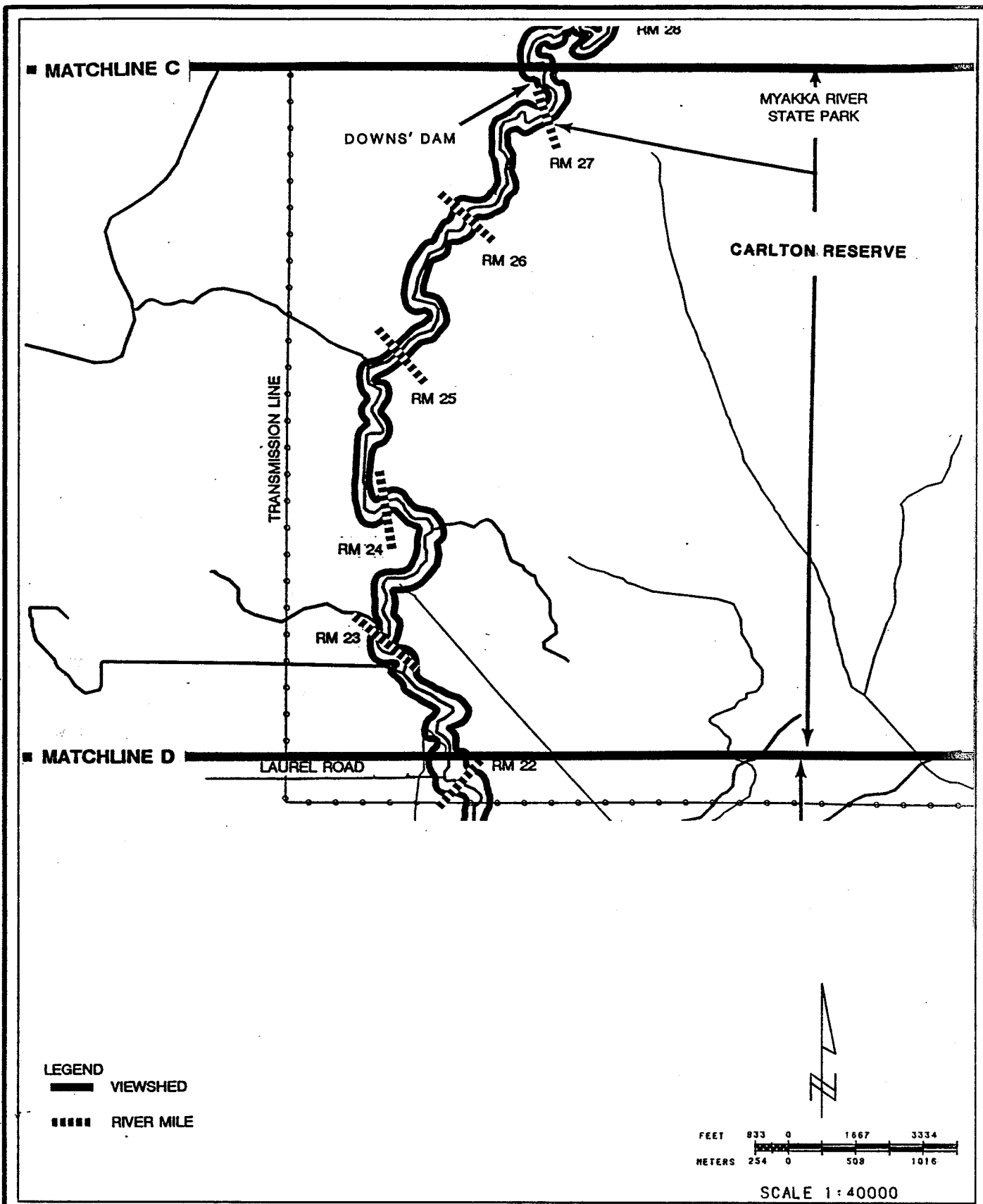


Figure 2-2
DESIGNATED AREA VIEWSHED (4 OF 7)

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCE: HUNTER, 1989.

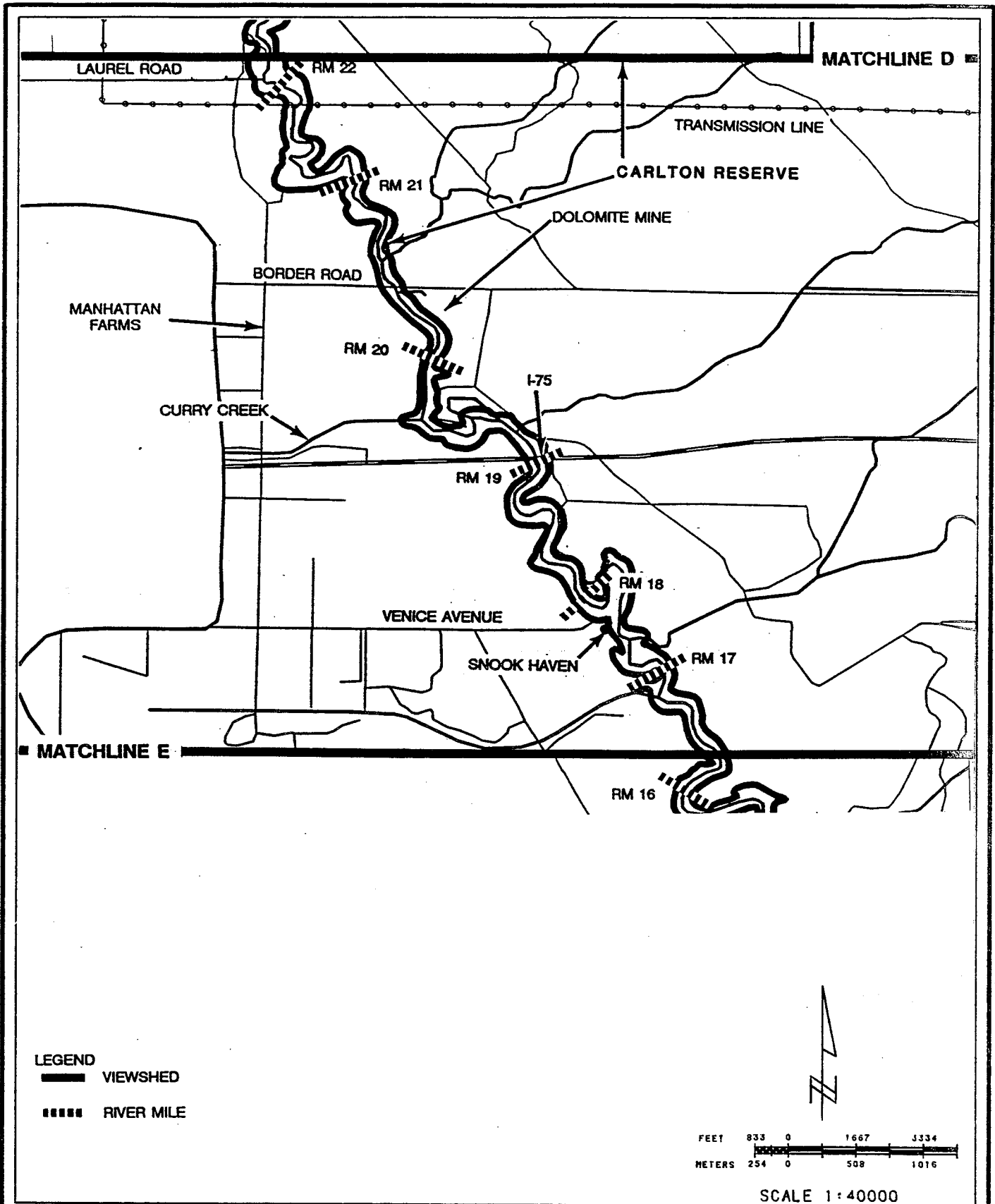


Figure 2-2
DESIGNATED AREA VIEWSHED (5 OF 7)

SOURCE: HUNTER, 1988.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

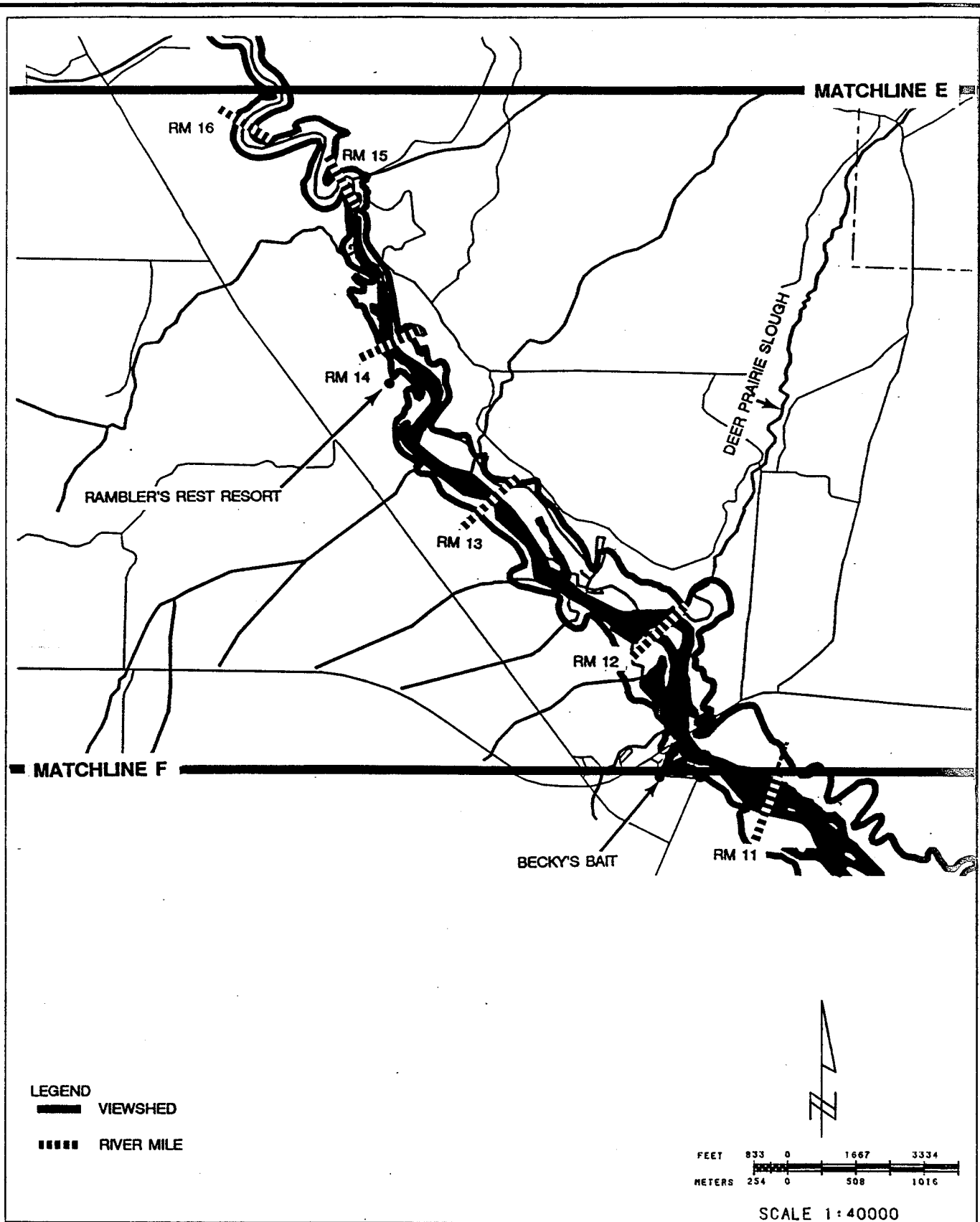


Figure 2-2
DESIGNATED AREA VIEWSHED (6 OF 7)

SOURCE: HUNTER, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

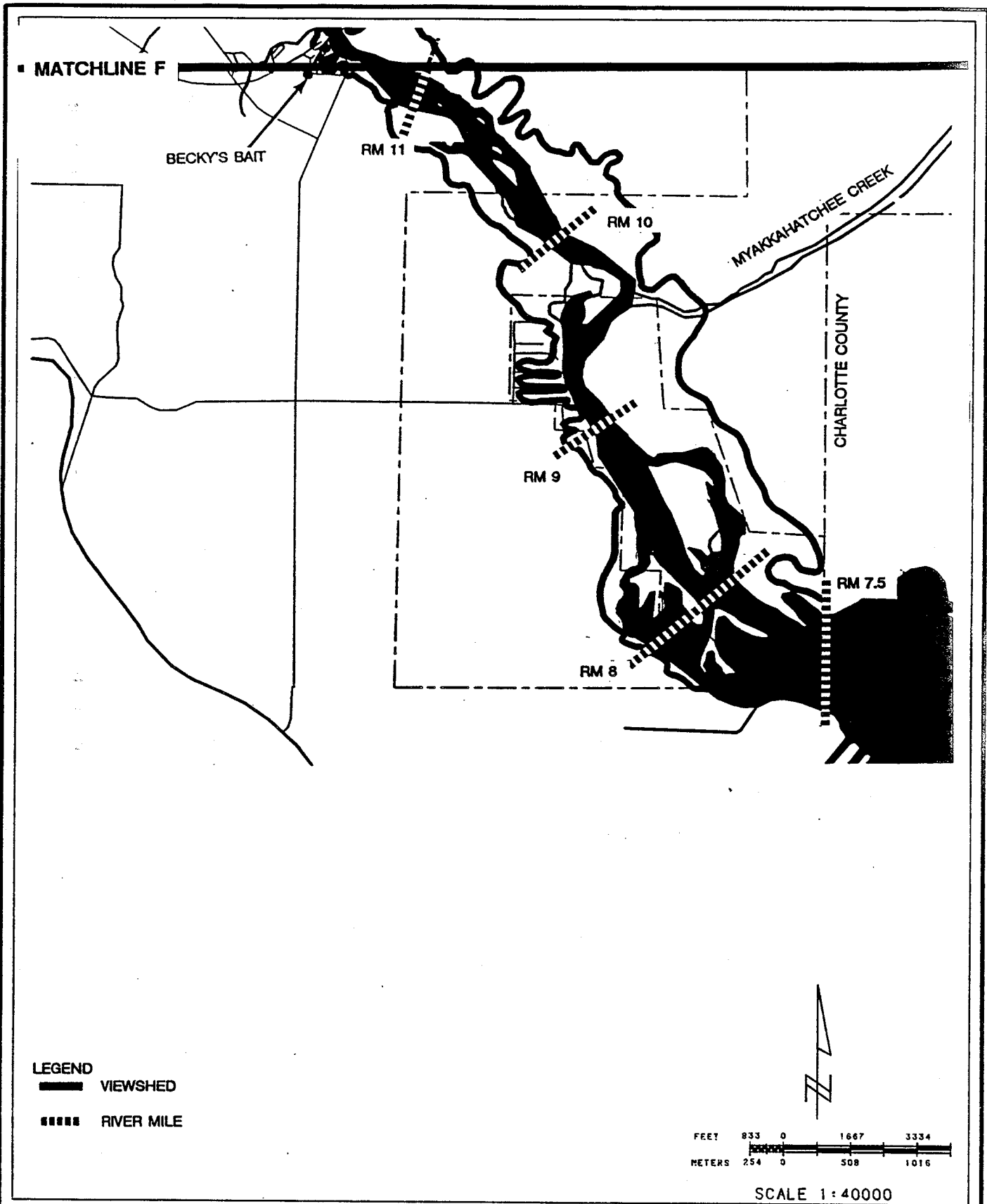


Figure 2-2
DESIGNATED AREA VIEWSHED (7 OF 7)

SOURCE: HUNTER, 1989.

MYAKKA WILD AND SCENIC RIVER
 MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

well as the extensive marsh communities between the lakes. From the outfall of Lower Myakka Lake to the vicinity of Ramblers Rest Resort, the viewshed is limited to an average of 300 to 600 feet by hammock vegetation and/or understory vegetation within the hammocks. Open water and marshes are narrow or nonexistent and play a small role in determining the viewshed width. Exceptions to the viewshed width occur at a transmission line crossing and the crossing of Interstate 75, where vegetation has been cleared.

South of Ramblers Rest Resort, the viewshed widens and includes extensive riverine brackish marshes. The limits of the viewshed increase south of the resort and are limited by hardwood hammocks, pine flatwoods, or mangrove forest tree lines. Due primarily to the width of the river and associated marshes, the maximum extent of the viewshed at the county line is approximately 1.3 miles.

The viewshed was determined in early spring, and changes to vegetation (dense vegetation in the summer months and senescence in the fall-winter) will serve to either limit or increase the width of the viewshed. In addition, higher water elevations will result in an expanded viewshed in areas where the river is incised, primarily from the outfall of Lower Myakka Lake to the vicinity of Ramblers Rest Resort.

2.2 GEOLOGY

2.2.1 Soils

The dominant soils types in that portion of the Myakka watershed lying within the DeSoto Plain in Manatee County are the Myakka-Immokalee-Basinger Association and the Immokalee-Pomello Association (Figure 2-2a). The former soils association, which includes the Myakka fine sand, the state soil, is characterized as nearly level, poorly drained, sandy soils, with weakly cemented sandy subsoil and poorly drained sandy soils throughout. The latter association is characterized as nearly level to gently sloping, poorly and moderately drained sandy soils with weakly cemented sandy subsoil. Along the Myakka River mainstem from Upper Myakka Lake, and including Tatum Sawgrass, up to Long and Ogleby Creeks, the dominant soils are freshwater swamp and marsh soils. These are nearly level, very poorly drained soils subject to flooding. The soils in the vicinity of the two lakes are the Pompano-Delray Association.

LEGEND

- 2. POMELLO - ST. LUCIE ASSOCIATION
- 4. IMMOKALEE - POMELLO ASSOCIATION
- 5. MYAKKA - POMELLO - BASINGER ASSOCIATION
- 6. MYAKKA - IMMOKALEE - BASINGER ASSOCIATION
- 7. WABASSO - BRADENTON - MYAKKA ASSOCIATION
- 8. PLACID - BASINGER ASSOCIATION
- 9. DELRAY - MANATEE - POMPANO ASSOCIATION
- 10. FRESH WATER SWAMP AND MARSH ASSOCIATION
- 12. IMMOKALEE - MYAKKA - POMPANO ASSOCIATION
- 13. ADAMSVILLE - POMPANO ASSOCIATION
- 15. POMPANO - DELRAY ASSOCIATION
- 16. TERRA CEIA ASSOCIATION
- 17. BRADENTON - WABASSO - FELDA ASSOCIATION
- 19. POMPANO - CHARLOTTE ASSOCIATION
- 21. TIDAL MARSH AND SWAMP - DUNES ASSOCIATION
- 25. POMPANO, HIGH - POMPANO ASSOCIATION

■■■■ RIVER MILE

CR 780

UPPER
MYAKKA
LAKE

SR 72

LOWER
MYAKKA
LAKE

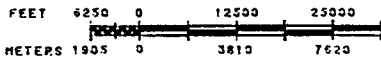
BORDER RD.

I-75

MYAKKA
RIVER

U.S. 41

CR 771
(EL JOBEAN BRIDGE)



SCALE 1:300000

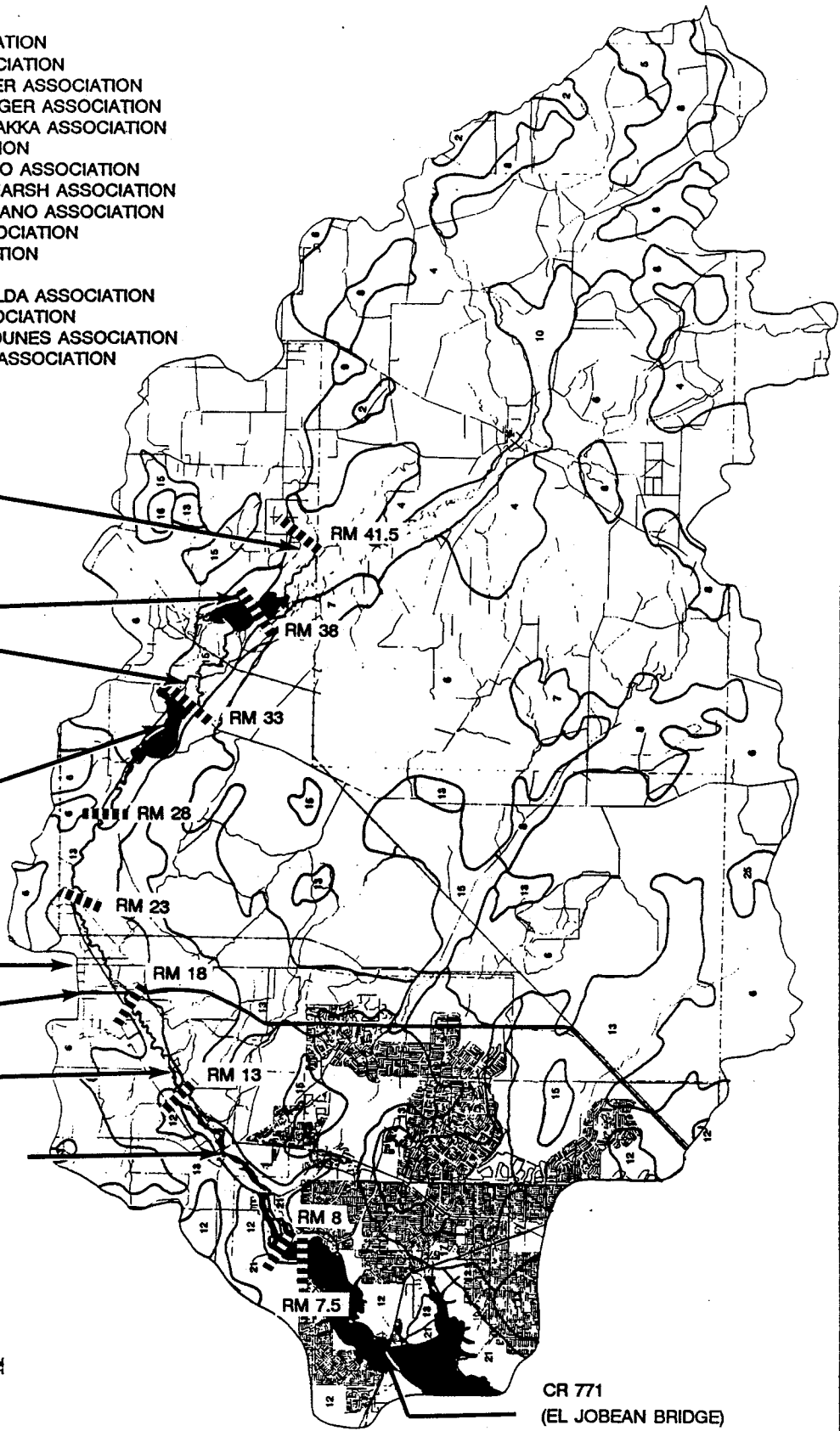


Figure 2-2a
SOILS ASSOCIATIONS MAP

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCES: GENERAL SOILS ATLAS, 1975; HUNTER, 1989.

This soils association contains nearly level poorly drained soils which are sandy throughout, and very poorly drained soils with sandy layers over loamy subsoil. From south of Lower Myakka Lake to just north of Deer Prairie Creek, the dominant soils on either side of the Myakka River are the Adamsville-Pompano Association. This soil association is characterized as nearly level, somewhat poorly and poorly drained soils which are sandy throughout. From this point to the Myakka River mouth, soils consist of a tidal marsh and swamp-dunes association, which contain nearly level very poorly drained soils subject to frequent flooding by tidal waters, and deep droughty soils.

APOXSEE categorizes the soils of the Myakka River watershed within Sarasota County as consisting basically of three soils categories. Along the river mainstem the soils are considered floodplain soils, which are nearly level and poor to very poorly drained. Bordering either side of the river are the hammock soils, which are nearly level and poor to very poorly drained. Flatwoods soils comprise the majority of the Myakka watershed and account for approximately 83 percent of Sarasota County. Flatwoods soils associations are nearly level and moderately to very poorly drained.

2.2.2 Subsurface Geology

Stratigraphy/Lithology--The surface and subsurface geology of the Myakka watershed are directly related to fluctuations in sea level. The rise and fall of sea level through geologic time resulted in the deposition of limestone and other sedimentary rocks.

The uppermost stratigraphic unit consists of undifferentiated deposits, up to 60 feet thick, of the Holocene and Pleistocene eras. These are mostly fine to medium grained quartz sand underlain by marine terrace deposits of sand and marl, including clay, shell and peat deposits. The top unit is underlain by the Caloosahatchee Marl, with a thickness of 0 to 20 feet, which consists of shallow marine deposits; marl and shell beds, limestone and some phosphate. Next is the Bone Valley Formation, 0 to 20 feet thick, which is primarily a non-marine deposit consisting of clay with lenses of quartz sand and terrestrial vertebrate fossils. It also includes some marine fossil fragments, phosphate nodules and quartz pebbles. Below the Bone Valley Formation is the Tamiami Formation, 0 to 50 feet thick, which is a shallow

marine deposit consisting of sandy calcareous clay, sandstone, limestone and some phosphate. Deeper are the Hawthorn Formation (200 to 400 feet thick) and the Tampa Limestone Formation (150 to 300 feet thick). Both are marine deposits. Below the Tampa Limestone are the Suwanee Limestone (120 to 420 feet thick), Ocala Limestone (300 to 400 feet thick), Avon Park Limestone (600 to 700 feet thick) and the Lake City Limestone Formations (950 feet thick).

Hydrogeology--The hydrogeologic units in central Sarasota County and the political-based boundaries of the Manasota Basin, in general, consist of the surficial aquifer, two intermediate aquifers and confining units, and the Floridan Aquifer. The surficial aquifer is contained within the surface undifferentiated deposits, the Caloosahatchee Marl and the Bone Valley formation. The intermediate aquifers are contained in the Tamiami and Hawthorn Formations and parts of the Tampa Limestone. The Floridan Aquifer includes part or all of the Tampa Limestone, Suwanee Limestone, Ocala Limestone, and the Avon Park Limestone Formations.

2.3 WATERSHED

The Myakka watershed is part of the Manasota Basin and dominates the eastern and central portions of Manatee and Sarasota Counties, respectively. The topography of the Myakka River watershed is largely controlled by a series of relict marine terraces and is characterized as low flatland, with moderate to gentle slopes limited to the peripheral areas in the northern half of the watershed. The watershed lies primarily within the Gulf Coastal Lowlands (in Sarasota County) and the DeSoto Plain subdivisions of the midpeninsular physiographic zone. The Gulf Coastal Lowlands is generally below 30 feet mean sea level (msl) and is a broad, gently sloping marine plain characterized by broad flatlands with numerous sloughs and swampy areas. The DeSoto Plain is a slightly elevated, gently sloping plain that generally lies between 30 and 100 feet above msl.




The Myakka River headwaters are located in the area of Myakka Head. The river drains an area of approximately 550 square miles. At its source the river is about 115 feet above msl. Except for a limited portion of the watershed headwaters, the land surface is quite flat. In the upper reaches of the river, the channel gradient is approximately 5 feet per mile (ft/mi), in comparison

to the lower reaches where the channel gradient is generally less than 1 ft/mi. Slopes within the Myakka River watershed rarely exceed 2 percent, which is considered flat.

Throughout its course, the Myakka River channel is the only well defined and naturally entrenched drainage within the watershed. The river itself is characterized by a wide floodplain which may be up to 1 mile or greater in width (see Figure 2-3). The extent of both the 100- and 500-year flood boundaries for the Myakka River depicted in Figure 2-3 were derived from current Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA, 1989). The Upper Myakka Lake-Lower Myakka Lake system, with its associated sloughs and depressions, has a large wide floodplain that is frequently inundated for long periods of time. The downstream area of the river below Myakka River State Park has a riverine floodplain, without the large depressions and natural impoundments characteristic of the river area within the state park. The upstream floodplain is in an important area for detention storage for seasonal flooding events to larger infrequent events, and has a major governing effect on discharge rates during high discharge periods.

The natural drainages within the Myakka River watershed are primarily sloughs and form a poorly developed drainage system. Most have small drainage basins, short channel lengths, and do not yield high volumes of flow. Many of the sloughs and swamps have been ditched and channelized to facilitate their drainage efficiency and reduce flooding of upland areas.

Drummond (1978) describes the characteristics of the Myakka River watershed. The watershed is divided into nine tributary subbasins and two subbasins centered on sections of the river's main stem. The subbasins are Myakka Head/Wingate Creek, Ogleby Creek, Owen Creek, Tatum Sawgrass, Howard Creek, Clay Gully, Mossy Island Slough, Deer Prairie Slough, Myakkahatchee Creek, middle river, and lower river. The four major tributaries of the Myakka River within the borders of Sarasota County are Howard Creek, Deer Prairie Creek, Myakkahatchee Creek, and Warm Mineral Springs Creek.

- LEGEND**
-  100-YEAR FLOOD PLAIN
 -  500-YEAR FLOOD PLAIN
 -  RIVER MILE

UPPER MYAKKA LAKE

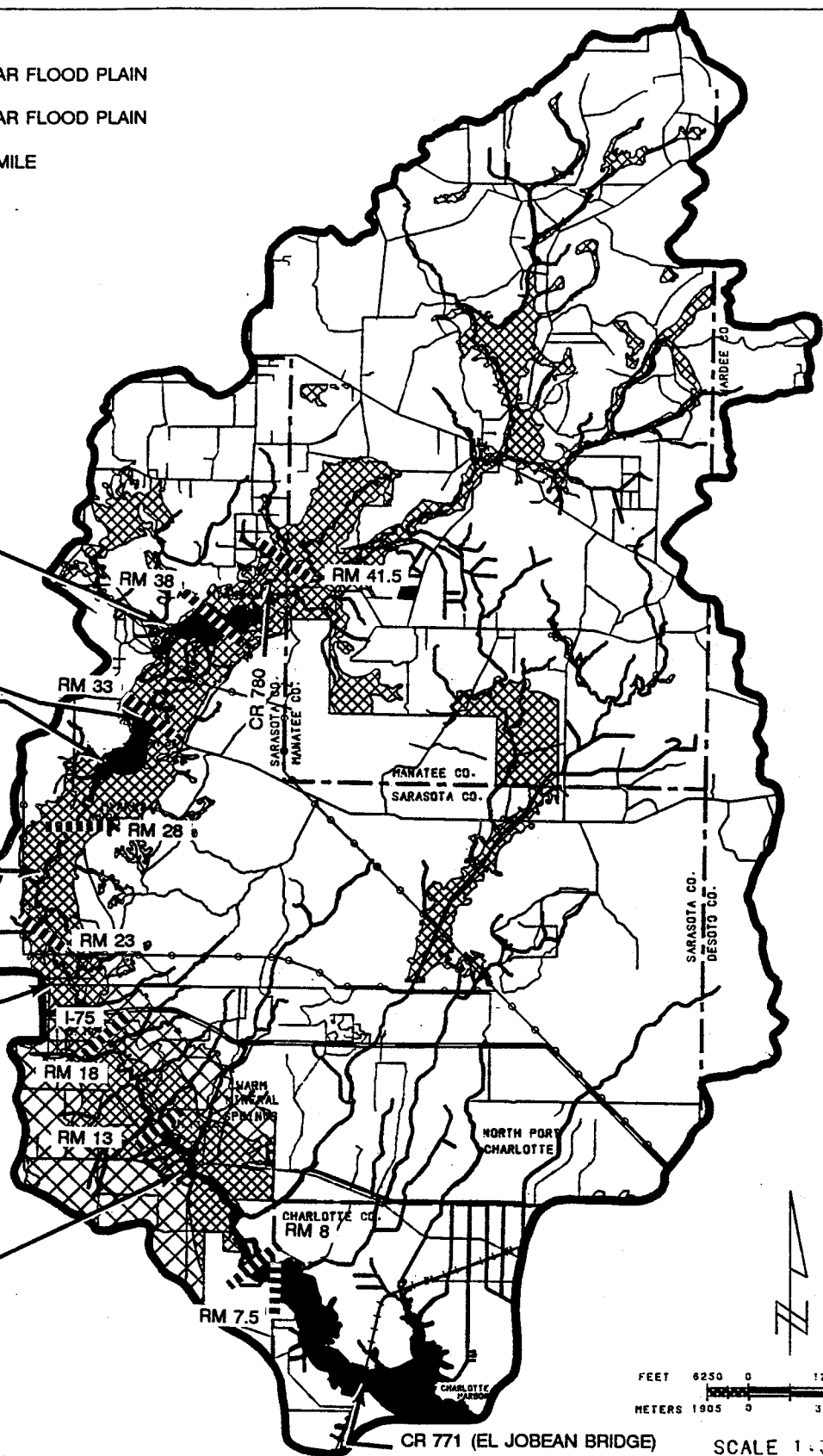
SR 72

LOWER MYAKKA LAKE

MYAKKA RIVER

BORDER RD.

U.S. 41



FEET 0 12500 25000
METERS 0 3813 7620

CR 771 (EL JOBEAN BRIDGE)

SCALE 1:300000

Figure 2-3
100-YEAR AND 500-YEAR FLOODPLAINS

SOURCE: FEMA, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

The Myakka Head/Wingate Creek subbasin covers approximately 54 square miles (mi^2), is an amalgamation of several smaller hydrologic units, and contains the headwaters of the Myakka River. This watershed also contains considerable recent phosphate mining activity which has disturbed the watershed's hydrologic character. The Ogleby Creek subbasin covers approximately 42 mi^2 and contains the longest single tributary upstream of the Upper and Lower Myakka Lakes. Most land within this subbasin remains in a natural state. Owen Creek is a subbasin which covers approximately 39 mi^2 and originates in a swamp just below Myakka Head. The land surface is predominantly undisturbed pine flatwoods and palmetto prairies. The Tatum Sawgrass subbasin is approximately 19 mi^2 in area. The dominant feature of this subbasin is the 4,300-acre marsh, Tatum Sawgrass, just north of the Myakka River State Park. The Howard Creek subbasin occupies approximately 31 mi^2 in area. Howard Creek discharges into the western tip of Upper Myakka Lake. More than 90 percent of this subbasin has been drained and cleared. Clay Gully is the smallest of the subbasins, covering about 6 mi^2 . The Mossy Island Slough subbasin has an area of approximately 12 mi^2 . This subbasin has a low wet topography and about 70 percent has remained in its natural state. Both Mossy Island Slough and neighboring Deer Prairie Slough have been channelized to achieve drainage. Deer Prairie Slough has a drainage area of approximately 27 mi^2 . The subbasin is characterized by a linear arrangement of intermittently flowing prairie depressions and swamps. The lower half of the subbasin has experienced drainage modifications that connects marsh areas into a drainage network. The Myakkahatchee Creek subbasin is the largest within the Myakka watershed, covering an area of approximately 168 mi^2 . The Myakkahatchee Creek subbasin drains the southeastern portion of the Myakka watershed. The drainage area is generally flat and swampy, and less than 50 feet msl. Myakkahatchee Creek serves as a potable water supply for the City of North Port. Discharge of Myakkahatchee Creek is controlled by a dam near the U.S. Highway 41 bridge in the City of North Port.

The middle river subbasin includes Upper Myakka Lake. This subbasin covers approximately 27 mi^2 . The lower river subbasin is a relatively homogeneous, low, flat region dominated by pine flatwoods, palmetto rangeland, and wet prairie depressions. This subbasin is approximately 125 mi^2 , and the drainage

consists primarily of small unbraided tributaries and drainage canals, and there is no apparent drainage pattern above the 20-foot contour.

Numerous drainage modifications within the Myakka watershed have been instituted for the conversion of lands to agricultural uses and for the control of flooding. The Tatum Sawgrass marsh was diked in 1974. Tatum Sawgrass is extremely important as a holding basin during periods of heavy rainfall. It has the capacity to store an equivalent of 1.8 inches of rainfall, four times that of the Upper and Lower Myakka Lakes combined. The results of the Tatum Sawgrass diking have been to reduce the storage capacity of the marsh and to increase the potential of downstream flooding by diverting water away from the marsh. As a result of the dike system, flood-peak discharges and flood heights having recurrence intervals of up to 25 years are increased, approximately 1,200 additional acres along the Myakka River may be flooded during 2-year flood conditions, a 19-percent increase in flood-peak discharge at the County Road 780 bridge may occur, and a 0.8 foot increase in flood height can result (Hammett, Turner, and Murphy, 1978).

Drainage modifications made to Clay Gully divert water from the Myakka River. During low flow, most of the surface water goes directly to Upper Myakka Lake bypassing Tatum Sawgrass. This diversion of water has accelerated vegetation changes in the bypassed section of the river which may stay dry for nearly half the year.

In the 1930's and 1940's, an earthen dike was constructed to separate Upper Myakka Lake from Vanderipe Slough and to divert the flow of Howard Creek into Upper Myakka Lake. These modifications were for the purpose of converting land near Vanderipe Slough into pasture land.

A privately constructed dam, Downs' Dam, approximately 0.5 mile below the Myakka River State Park's south boundary can retain up to 4 feet of water behind the structure during the dry season. As a result, the dam alters water levels upstream from their natural levels. The dam may also act as an obstacle to upstream movement of fish such as mullet, tarpon, and snook. These species may be found in Lower Myakka Lake following prolonged periods of

high water. The degree of impact of the dam is relatively unknown, but may be a negative influence on the Myakka River system (FDNR, 1986).

South of the Myakka River State Park, Deer Prairie Slough has been subjected to channelization to increase upland drainage. At the southern border of the park, a dike has been constructed in the slough to compensate for the effects of channelization. A weir also exists towards the downstream end of Deer Prairie Slough.

Myakkahatchee Creek drains flat, swampy lowlands generally less than 50 feet above msl in the southeastern portion of the Myakka River watershed, and serves as a primary source of drinking water for residents of North Port and a large portion of Port Charlotte. It has experienced channelization within the main stem, and extensive stormwater/flood control canals have been excavated within the City of North Port. A large east-west canal, R-36, along the northern boundary of North Port, intercepts the natural drainage flow towards the south, and also has some cross connections to Deer Prairie Slough and the Carlton Reserve.

Within the lower watershed, a diversion channel (Curry Creek) connects the Myakka River with Roberts Bay on the Gulf of Mexico. It was created to relieve flooding on the Myakka River by diverting water to the Curry Creek system. The canal may be tidally affected for more than 5 miles upstream from the Venice by-way, may flow in either a westerly or easterly direction, and may divert up to 10 percent of the Myakka River water into Roberts Bay at high flow (Hammett, et al., 1978; Myakka River Management Coordinating Council, 1987).

The Southwest Florida Water Management District (SWFWMD) (1989) summarized the watershed as follows. "The Myakka River drainage basin is characterized by sandy soils with many natural storage areas, such as lakes, swamps, ponds and sloughs. These characteristics have the tendency to reduce runoff potential of the watershed when storage is available on the surface and in the soil. During wet conditions, the high water table and inundated surface storage have a tendency to provide high runoff rates and volumes."

2.4 WATER RESOURCES

2.4.1 Surface Water

The surface waters of the Myakka River watershed include the Myakka River and its tributaries, Upper Myakka Lake and Lower Myakka Lake, Little Salt and Warm Mineral Springs, and numerous small depressional wetlands (see Figure 2-4). The Myakka River is a southern blackwater stream. Three critical aspects of the water resource value of the Myakka River are the water quality, the quantity of discharge, and the timing of the discharge. These three variables are not only important to the continued health of the Myakka River, they are also important to the health of downstream estuarine areas of Charlotte Harbor.

The Myakka River is designated as Class I waters (potable water supplies) from the Manatee County line through Upper Myakka Lake and Lower Myakka Lake to Manhattan Farms at river mile 20 (see Figure 2-10). The Florida Wild and Scenic River segment is an Outstanding Florida Water, and the area from the western line of Section 35, Township 39S, Range 20E in Sarasota County at approximately river mile 11 to Charlotte Harbor is designated as a Class II water (shellfish propagation or harvesting). From the Charlotte-Sarasota County line to State Road 771 (El Jobean Bridge), the lower Myakka River is an Outstanding Florida Water by virtue of the fact this area is a designated Special Water. Charlotte Harbor and associated aquatic preserve are Outstanding Florida Waters. Myakkahatchee Creek is Class I waters down to the dam at U.S. Highway 41. All other surface waters in the watershed are designated Class III (recreation; propagation and management of fish and wildlife).

The Myakka River watershed generally has very good water quality and meets the designated uses under its water classification. A small portion of the river above Myakka City is considered to have fair water quality, partially meeting the designated use under Class II waters. Two major tributaries of the Myakka River, Deer Prairie Creek and Myakkahatchee Creek, are considered to have fair water quality partially meeting the designated uses. The lower river just upstream of Charlotte Harbor is considered to have fair water quality, partially meeting its designated use [Department of Environmental Regulation

LEGEND

■■■■■■ RIVER MILE

RM 41.5 TO RM 7.5-
OUTSTANDING FLORIDA WATER

CR 780

UPPER
MYAKKA
LAKE

SR 72

LOWER
MYAKKA
LAKE

MYAKKA
RIVER

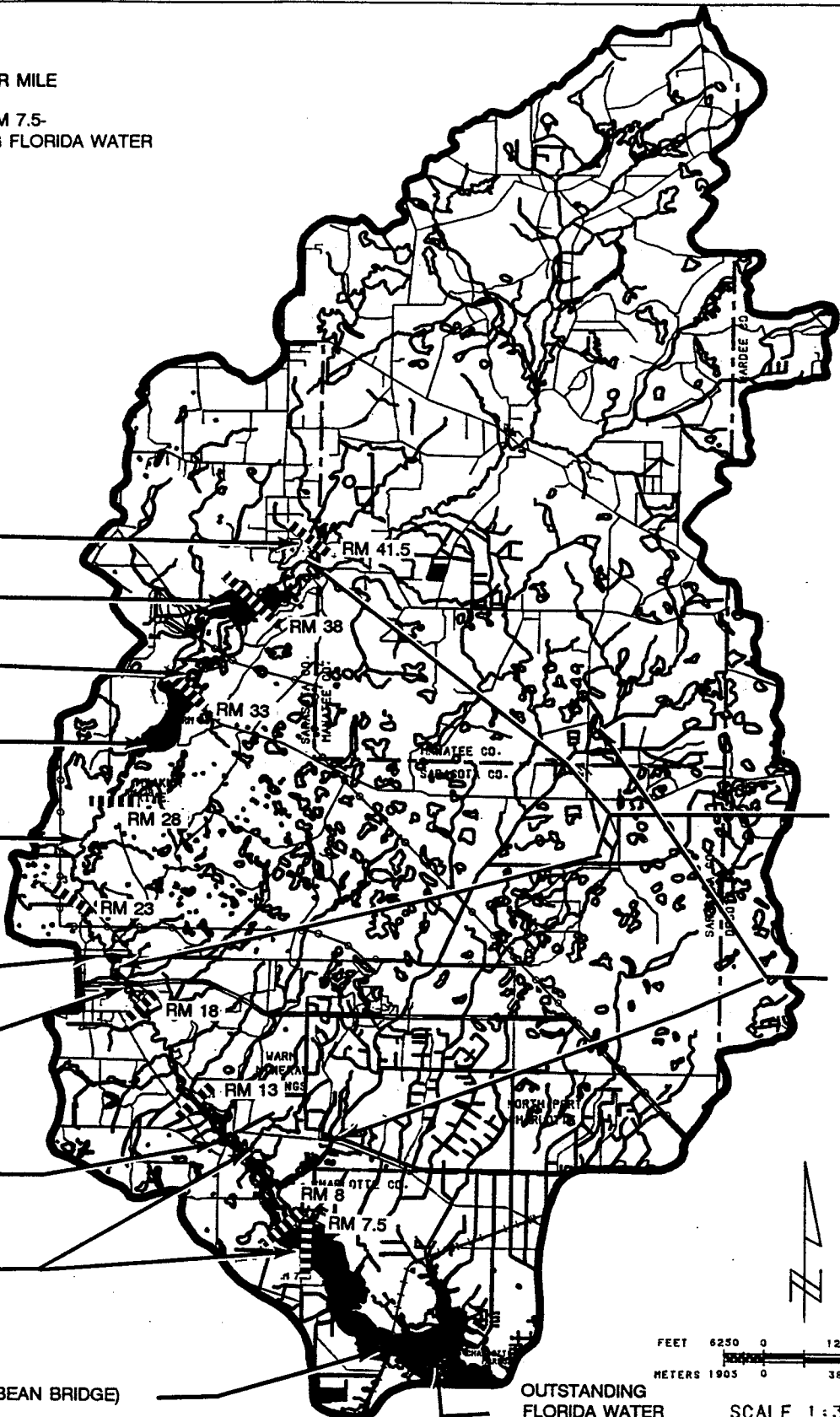
BORDER RD.

I-75

U.S. 41

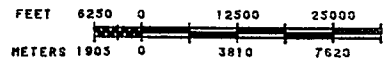
CLASS II
WATER

CR 771 (EL JOBEAN BRIDGE)



CLASS I
WATER

CLASS I
WATER



OUTSTANDING
FLORIDA WATER

SCALE 1:300000

Figure 2-4
SURFACE WATER FEATURES

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCE: USGS, 1988.

(DER), 1988]. Water quality data for the Myakka River are contained in Table 2-1 and Figure 2-5.

Monitoring stations at the Upper Myakka Lake (Reach #5.50), Clay Gulley (Reach #5.30), and Wingate Creek (Reach #8.30) had averaged concentrations of Dissolved Oxygen (3.0 mg/l, 4.5 mg/l and 4.9 mg/l, respectively) that are below the state standard (5 mg/l) for Class I Waters (see Table 2-1, Figure 2-5).

The bacteriological quality at a few of the monitoring stations along the Myakka River can be considered to be somewhat poor based on Total Coliform averages for the period from 1970-1987 (see Table 2-1, Figure 2-5). In particular, one station at Clay Gulley (Reach #5.30) had an averaged Total Coliform level of 3,550 per 100 milliliters which exceeds the state standard for Class I Waters (2,400 per 100 milliliters at any one time).

The monitoring station at Johnson Creek (Reach #8.31) exhibited a depressed alkalinity level (8 mg/l) below the state standard for Class I Waters (20 mg/l).

Sarasota County's Comprehensive Plan, APOXSEE, assigned a "threatened" rating to the Myakka River based on the fact there is no known impairment of its designated use, despite shellfish bed closures due to coliform counts. Further, based on the poor water quality in Upper Myakka Lake and potential future development in the watershed, the river's designated use could become impaired. Sarasota County has recently instituted a water quality monitoring program which includes the Myakka River.

Water quality within the Myakka River varies seasonally. During the wet season when streamflow is mainly surface runoff, specific conductance is lowest and color is highest. The brown water color of the river is the result of humic, fulvic, and tannic acids from drainage of floodplain swamps. Nutrient concentrations and coliform concentrations tend to increase with increased surface runoff. Dissolved oxygen concentrations are generally higher during the low flow period. During high flow periods, dissolved oxygen concentrations are lower due to the input of oxygen demanding organics included in runoff. Following extremely heavy rain events, including tropical

Table 2-1

WATER QUALITY DATA FOR 1970-1987

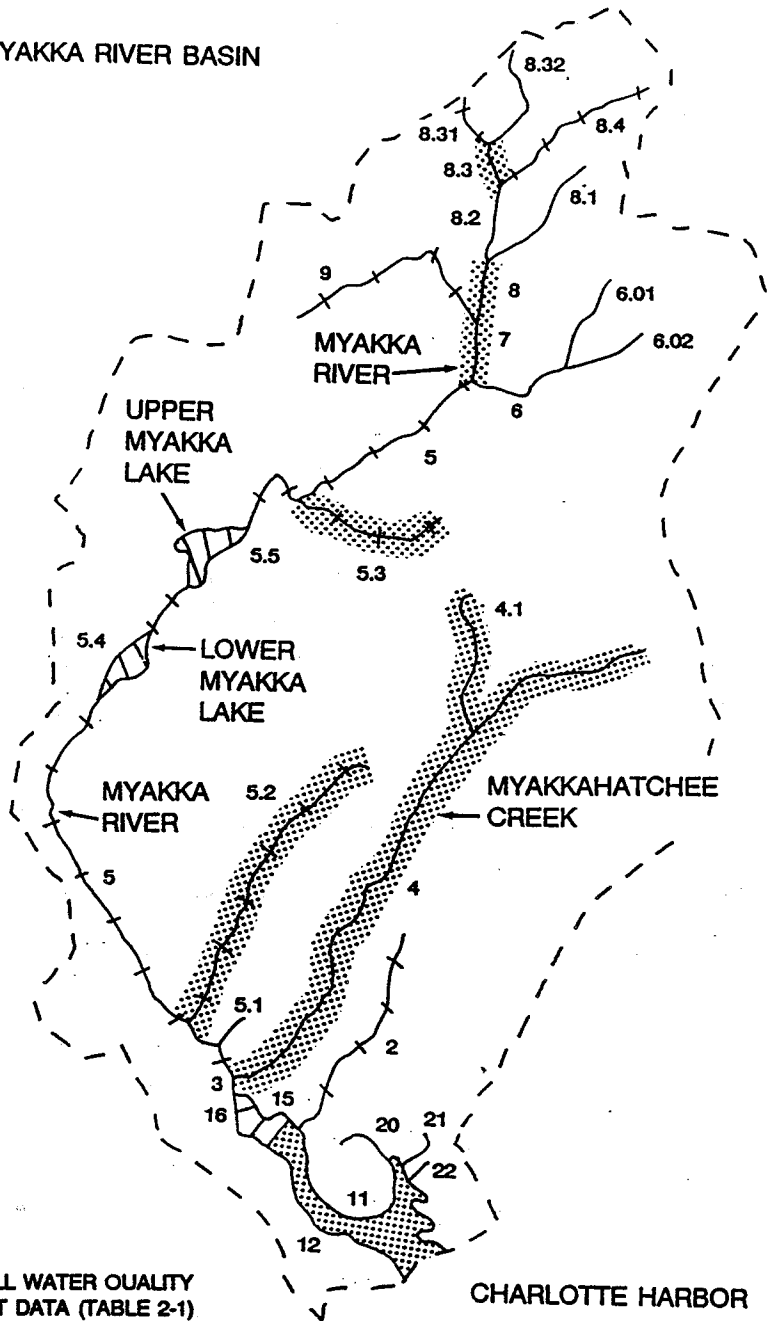
(MOST UNITS IN MG/L -1 INDICATES MISSING DATA)

+ Reach No.	REACH NAME	SAMPLE RECORD		WATER CLARITY		TURB	SD	COLOR	TSS	DO	%SAT	800	COD	TOC	PH	ALKALINITY		TROPHIC STATUS	COLIFORM	SPECIES DIVERSITY			COND	FLOW	WQI	
		MAX	BEG	END	WATER											CLARITY	PH			ALK	NITRO	PHOS				CHLA
		#OBS	YR	YR																						
** USGS HYDROLOGIC UNIT: 03100102 MYAKKA RIVER																										
* WATER BODY TYPE: ESTUARY																										
11.00	MYAKKA RIVER AB CHARLOTTE HARB	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1.0	-1	-1.0	-1	-1.0	-1.00-1.00	-1	-1	-1	-1.0	-1.0	-1	-1	
12.00	MYAKKA RIVER AB CHARLOTTE HARB	100	65	85	2.0	0.9	40	-1	7.0	84	1.5	-1	9	7.6	-1	0.90	0.24	14	65	96	-1.0	-1.0	-1	284.50	-1	
15.00	MYAKKA RIVER AB *A	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
16.00	MYAKKA RIVER AB CHARLOTTE HARB	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
* WATER BODY TYPE: LAKE																										
5.40	LOWER MYAKKA LAKE AB MYAKKA RI	14	65	83	-1.0	-1.0	150	-1	5.4	72	-1.0	-1	-1	7.2	26	-1.00-1.00	-1	-1	-1	-1.0	-1.0	-1	155	-1		
5.50	UPPER MYAKKA LAKE AB MYAKKA RI	10	75	80	1.9	1.2	158	-1	3.0	37	-1.0	-1	23	7.2	38	1.29	0.28	8	-1	-1	1.2	-1.0	3	128	-1	
* WATER BODY TYPE: STREAM																										
2.00	UNNAMED CREEK AB MYAKKA RIVER	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
3.00	MYAKKA RIVER AB CHARLOTTE HARB	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
4.00	BIG SLOUGH CANAL AB MYAKKA RIV	151	62	87	2.8	-1.0	170	10	6.2	72	1.1	84	22	7.2	41	1.25	0.29	5	1000	218	-1.0	-1.0	-1	423		
4.10	MUD LAKE SLOUGH AB BIG SLOUGH	22	81	85	1.0	-1.0	200	-1	6.3	80	2.0	-1	24	6.5	-1	1.47	0.29	-1	1334	-1	-1.0	-1.0	-1	99		
5.00	MYAKKA RIVER AB BIG SLOUGH CAN	1219	62	87	1.5	1.0	140	3	5.7	65	1.5	68	20	6.9	26	1.25	0.33	8	650	65	3.5	2.7	12	237		
5.10	WARM SALT SPRING AB BIG SLOUGH	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
5.20	DEER PRAIRIE CREEK AB MYAKKA R	42	82	85	0.8	-1.0	175	8	5.7	68	1.8	-1	22	6.2	-1	1.52	0.07	-1	1455	-1	-1.0	-1.0	-1	80		
5.30	CLAY GULLEY AB MYAKKA RIVER	9	74	79	2.5	-1.0	100	-1	4.5	47	1.1	-1	-1	6.7	44	0.87	0.20	-1	3550	335	-1.0	-1.0	-1	160		
6.00	OWEN CREEK AB MYAKKA RIVER	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
6.01	OWEN BRANCH AB OWEN CREEK	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
6.02	OWEN CREEK AB OWEN BRANCH	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
7.00	MYAKKA RIVER AB OWEN CREEK	111	66	87	1.0	0.5	185	-1	5.4	67	1.4	-1	23	6.5	-1	2.92	0.39	0	1950	150	-1.0	-1.0	-1	175		
8.00	MYAKKA RIVER AB OGLEBY CREEK	13	63	83	2.0	-1.0	160	-1	6.1	69	1.4	87	34	6.4	58	1.54	0.41	0	580	146	-1.0	-1.0	-1	273		
8.10	LONG CREEK AB MYAKKA RIVER	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
8.20	MYAKKA RIVER AB LONG CREEK	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
8.30	WINGATE CREEK AB MYAKKA RIVER	4	63	76	-1.0	-1.0	-1	-1	4.9	62	1.0	48	30	6.5	-1	1.13	0.19	-1	-1	-1	-1.0	-1.0	-1	76		
8.31	JOHNSON CREEK AB WINGATE CREEK	34	71	81	2.0	-1.0	40	-1	6.4	74	2.3	86	24	6.5	8	0.98	0.13	-1	-1	-1	-1.0	-1.0	-1	102		
8.32	WINGATE CREEK AB JOHNSON CREEK	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
8.40	MYAKKA RIVER AB WINGATE CREEK	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
9.00	OGLEBY CREEK AB LONG CREEK	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
20.00	SAM KNIGHT CREEK AB TIPPECANOE	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
21.00	HUCKABY CREEK AB TIPPECANOE BA	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		
22.00	FLOPBUCK CREEK AB TIPPECANOE B	0	0	0	-1.0	-1.0	-1	-1	-1.0	-1	-1.0	-1	-1	-1.0	-1	-1.00-1.00	-1	-1	-1	-1	-1.0	-1.0	-1	-1		

+ Reach Nos. refer to Figure 2-5.

Source: FDER, 1988.

MYAKKA RIVER BASIN



AVERAGE OVERALL WATER QUALITY
1970-1987 STORET DATA (TABLE 2-1)

RIVERS/STREAMS	LAKES/ESTUARIES
GOOD FAIR POOR UNKNOWN	GOOD FAIR POOR UNKNOWN
EPA WATER QUALITY INDEX	FLORIDA TROPIC STATE INDEX



NOT TO SCALE

Figure 2-5
WATER QUALITY DATA

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCE: DER, 1988.

disturbances, the entire river may be in violation of the state dissolved oxygen standards. Water quality during the dry season may be measurably affected by limited ground water contributions to base flow and the runoff of ground water utilized for agricultural irrigation.

Potential sources of nutrient and pollution loads in the Myakka River watershed are generally nonpoint sources. These sources of high nutrients and pollution include agricultural and rangeland runoff, phosphate mining in the upper watershed, residential areas and related septic tank drain fields, landfills, golf courses, and other sources of stormwater runoff.

For the years 1963 through 1985, the Myakka River near Sarasota showed statistically significant trends of increasing dissolved solids, dissolved sulfate, dissolved chloride, total phosphorus, and specific conductance. There was a statistically significant decrease in total nitrate from 1963 to 1985, but the magnitude of the decrease was small. The increases in specific conductance, chloride, sulfate, and dissolved solids probably resulted from the increased runoff associated with irrigation. The primary source of irrigation water in the watershed is ground water, which has higher concentrations of chloride, sulfate, and dissolved solids than does surface water. Irrigation water effects are primarily seasonal, with the greatest quantities of water utilized during the dry season (Hammett, 1988).

In general, Upper Myakka Lake has been characterized as a highly disturbed ecological system with excessive nutrient concentration and extensive aquatic weed problems. Upper Myakka Lake is considered to be eutrophic to hypereutrophic. The lake has experienced numerous dissolved oxygen concentrations below the DER state standards, Chapter 17-3, FAC, primarily during warmer months, and there is a general lack of dissolved oxygen just above the organic bottoms of the lake. Total nitrogen in the lake has been found to peak following periods of high inflow from tributaries and following the application of herbicides for the control of aquatic weeds. There is also an increase in total phosphorus following herbicide applications. Lake water quality is influenced primarily from nonpoint source loads contributed by tributary loadings (Priede-Sedgewick, Inc., 1983). Chapter 17-3, FAC, non-numerical nutrient criteria state, "In no case shall nutrient concentrations

of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna." Upper Myakka Lake would appear to be in violation of this water quality criterion. Lower Myakka Lake and the river below the lakes also have extensive hydrilla growth.

Myakkahatchee Creek is a main tributary of the Myakka River. It is a Class I water and supplies potable water to North Port and part of Port Charlotte. The lower few miles are designated Class II waters. Historically, the lower creek received discharge from a sewage treatment plant and had experienced coliform and nutrient contamination. The sewage plant has recently ceased discharge to Myakkahatchee Creek. The water quality of Myakkahatchee Creek is still threatened by the discharge of stormwater from North Port and nutrient loading from agricultural runoff. DER has rated Myakkahatchee Creek as partially meeting its designated use.

Two major springs exist within the Myakka River watershed, Little Salt Springs and Warm Mineral Springs. Warm Mineral Springs discharges directly to the Myakka River through Warm Mineral Springs Creek. The water quality characteristics of Warm Mineral Springs suggests that the water from the spring is the result of upward migration of highly mineralized water from deep aquifer zones.

The base flow of streams in the Myakka watershed is principally controlled by the permeability and porosity of the surficial deposits, the interrelations among these deposits and older underlying beds, the relative elevations of the water table and the water surface elevation in streams, soil moisture conditions and evapotranspiration rates, man-induced alterations to drainage systems and water use, and the time distribution of precipitation. The streamflow of the Myakka River is highly variable and mostly dependent on surface runoff during the rainy season.

During the dry season, streamflow is maintained by ground water discharge. Low flow data indicate that ground water contributions to streamflow are small. (Hutchinson, 1984). Ground water discharge from the surficial aquifer is insufficient to provide base flow to the Myakka River during the dry period (SWFWMD, 1989). Streamflow and water quality characteristics indicate that

there are negligible ground water contributions to the Myakka River between Myakka City and the outlet to Lower Myakka Lake. The lakes and the Myakka River channel are underlain by relatively impermeable clays (Flippo and Joyner, 1968).

About 2.0 miles southwest of Myakka City, a seepage zone occurs along the Myakka River. The seeps issue from the top of a hardpan outcrop in the surficial aquifer. The flow of the individual seeps, one of which may be perennial, is probably less than 0.004 cubic feet per second.

All nontidal reaches of streams cease natural flows during droughts, and many go dry during most years. During the dry season, drainage from agricultural lands may contribute between 10 and 60 percent of stream discharge. Near zero flow has occurred in the Myakka River for periods of up to 6 months, and during normal water years the river will experience near zero flow for approximately 2 months.

Minimum discharges generally occur in April, May, or early June. The Myakka River at Myakka City drains an area of approximately 125 square miles. During the period 1978 to 1981, incidents of zero cubic feet per second discharge were recorded. At the Myakka River near Sarasota, with a drainage area of 229 square miles, incidents of zero discharge have been recorded during the 28 years between 1937 to 1981 (Hammett, 1985).

The average annual rainfall in the Myakka watershed is 56 inches, approximately 60 percent of which occurs from June to September. Because there is a lag time of river discharge following rains, the maximum river discharge generally occurs from July to October. The discharge of the Myakka River, as measured at the U.S. Geological Survey (USGS) gauging station between the lakes, averaged 254 cubic feet per second annually for the period 1937 to 1984. Inflow of freshwater to Charlotte Harbor from the Myakka River averages 630 cubic feet per second annually.

Several factors may act to either increase or decrease the freshwater discharge of the Myakka River. Factors which may increase the discharge are the diking of wetlands and the resultant loss of storage capacity, drainage

canals which increase the efficiency with which water runs off the surrounding land, and agricultural pumpage from ground water supplies for irrigation during the dry season. Factors which may serve to decrease the discharge of fresh water are diversion channels (i.e., Blackburn Canal), withdrawal for public water supply, salinity barriers in Deer Prairie Creek and Myakkahatchee Creek, and water control structures at the outlet of Upper Myakka Lake and below Lower Myakka Lake.

The quality, quantity, and timing of freshwater input is critical to downstream estuarine areas. However, what is relatively unknown is the critical amount of fresh water necessary to maintain the proper functioning of estuarine areas.

2.4.2 Ground Water

SWFWMD (1988a, 1988b) has conducted a Ground Watershed Resource Availability Inventory for Sarasota and Manatee Counties. The following discussion of ground water is taken largely from these reports. Ground water within the Myakka River watershed consists of the surficial aquifer, two intermediate aquifers, and the Floridan Aquifer. The surficial aquifer is suitable unconfined with a saturated thickness of about 40 to 75 feet. The water table is generally within 5 feet of land surface. In upland areas where drainage channels are well defined, the water table may be more than 10 feet below land surface. Fluctuations in the water table are seasonal and vary within about a 5-foot range. Lowest water table levels generally occur during May or June, and the highest water table levels generally occur in September or October. Water from the surficial aquifer is generally suitable for potable use, except near the coast and along stream and canals which allow saltwater intrusion or where poorer water quality from flowing wells has contaminated the aquifer. Iron and color often affect the potability of water from the surficial aquifer, but can be removed through treatment. In Sarasota County, many hundreds of wells tap the surficial aquifer, and are used to obtain water for domestic supply, lawn irrigation and watering livestock. In Manatee County the surficial aquifer is generally undeveloped as a water source and is used only in small volumes for domestic supply, lawn irrigation, and watering livestock. The surficial aquifer has the potential as a dependable water

supply because it is readily recharged by rainfall. It also has the greatest potential for contamination from surface sources.

The water of the intermediate aquifer is generally within DER primary and secondary drinking water standards. Water quality is best in eastern Sarasota County and degrades towards the southwest and water depth. The intermediate aquifer is the most highly developed aquifer and supplies most of the water used for domestic supply and home irrigation. For potable usage the intermediate aquifer water frequently requires extensive treatment to reduce mineralization.

The Floridan Aquifer is the principal source of ground water. Use of this water is generally restricted because of poor water quality. Large withdrawals of water are made from the Floridan Aquifer and used primarily for agricultural irrigation. Recharge rates of the Upper Floridan Aquifer are low, and no recharge occurs along the Myakka River.

In Sarasota County the loss of potable and agricultural water is a problem due to improperly constructed or deteriorated artesian wells. These wells are partially responsible for degradation of water quality in the artesian system through inter-aquifer connections. Uncontrolled wells discharge highly mineralized water at land surface resulting in artificial recharge of the surficial aquifer with poor quality water. Artesian wells are inventoried and some are being plugged by the SWFWMD through the Quality of Water Improvement Program (QWIP).

2.5 PLANT COMMUNITIES

The interaction of topography, climate, soils, and hydrology determines the character of the plant and animal communities within a particular region. Due to the southerly location of Sarasota County within the State of Florida, the Myakka River area experiences a near-subtropical to temperate climate with an associated high annual rainfall. This regional climate, together with other specific topographic and edaphic conditions, as well as surface water drainage features, contribute to a rich and varied flora. Due to the constant changes occurring to vegetation since presettlement times, as a result of natural and/or man-induced perturbations, the separation of these floral species

associations into distinct plant community types is an arduous task. Several distinct plant community and/or subplant community types have been described for the immediate region [Florida Game and Freshwater Fish Commission (FGFWFC), 1980; NPS, 1984; DNR, 1986; Sarasota County, 1986; Southwest Florida Regional Planning Council (SWFRPC), 1987]. However, for the purposes of this planning document, the emphasis on plant communities will be confined to those associations only found along the Myakka River Wild and Scenic designated portion of the river corridor within Sarasota County. Smaller plant community types or subtypes have been condensed into the major plant community categories, which are further separated by the major headings of uplands, wetlands, and submerged aquatic vegetation.

Plant species composition characterizes the specific type of plant community or association within a particular region. When a plant species within a community or association becomes regionally important due to an unnatural overabundance or diminished population status, that plant species is typically protected and/or managed through local, regional, state, or federal agencies. The Myakka River contains some important plant species that may be considered to be either exotic, nuisance, or officially listed species. Exotic or nuisance species include any plant species either naturalized or exotic within the State of Florida that outcompetes with native flora for growth space and nutrients. It is a commonly accepted practice that these plant species, where practicable, are controlled through the use of approved herbicides and/or mechanical methods. Listed species are plant species that have been officially listed by the state or federal government or conservation organizations as threatened with extinction or extirpation. State and federal laws protect these listed species from collection and/or eradication.

2.5.1 Uplands, Wetlands, and Submerged Aquatic Vegetation

Uplands along the Myakka River consist of pine flatwoods/pine prairie, scrubby flatwoods/oak scrub, xeric hammock, mesic-hydric hammock, coastal hammock, dry prairie, and agricultural areas/developed lands. Wetlands include mixed-hardwood swamp, swamp thickets, bay swamp, freshwater marsh, wet prairie, brackish-saltwater marsh, and mangrove swamp (see Figure 2-6 for geographic extent of wetlands). Submerged aquatic vegetation (SAV) typically consists of monotypic populations that persist underwater within the Myakka River and its




associated tributaries. Detailed descriptions of the plant communities distributed along the Myakka River are provided in Appendix B. The distribution of plant communities along the Myakka River are indicated on Figure 2-7. The land use and cover classification (see Figure 2-7) are defined by the Florida Land Use and Cover Classification System (FLUCCS, 1976).

The limits of land cover and land use depicted in Figure 2-7 are approximately one mile on each side of the river. The boundary does fluctuate in size to accommodate the width of the river and to depict important land cover and ownership classifications. The limits are not a definitive measure and are only used to provide enough area on both sides of the river to depict the appropriate land cover and ownership patterns.

2.5.2 Exotic and Nuisance Plants

Although there are no distinct plant communities of exotic vegetation (unless one includes the infestations of the submergent hydrilla within the Lower Myakka Lake and the Upper Myakka Lake as a SAV plant community), exotic and nuisance species have threatened the longevity of natural communities along the Myakka River. There are 21 species of exotic or nuisance plant species that occur along the Myakka River (DNR, 1986). Some species such as mango, guava, and citrus are not as noxious as the more insidious, aggressive forms of aquatic, wetland and upland weed plants including water hyacinth, parrot feather, paragrass, alligator weed, hydrilla, cattail, Melaleuca (punk tree), Australian pine, and Brazilian pepper. These exotic and nuisance plants outcompete the native flora for growth space and, thus, threaten plant species diversity. Exotic and nuisance plants should be controlled at every opportunity to preserve natural systems integrity. Although some of these exotic/nuisance plants are not at significant population levels currently, such as Australian pine and cattail, the opportunity for future encroachment should be restricted while conditions remain manageable. Currently, the most threatening exotic or nuisance species to the integrity of the Myakka River system are hydrilla, water hyacinth, cattail, Melaleuca and Brazilian pepper. The only ongoing exotic plant removal along the Myakka River through mechanical and/or chemical means is being conducted by the SWFWMD and DNR. SWFWMD has an aquatic weed control program that includes the Myakka River

LEGEND

-  WATERSHED BOUNDARY
-  WETLANDS
-  RIVER MILE

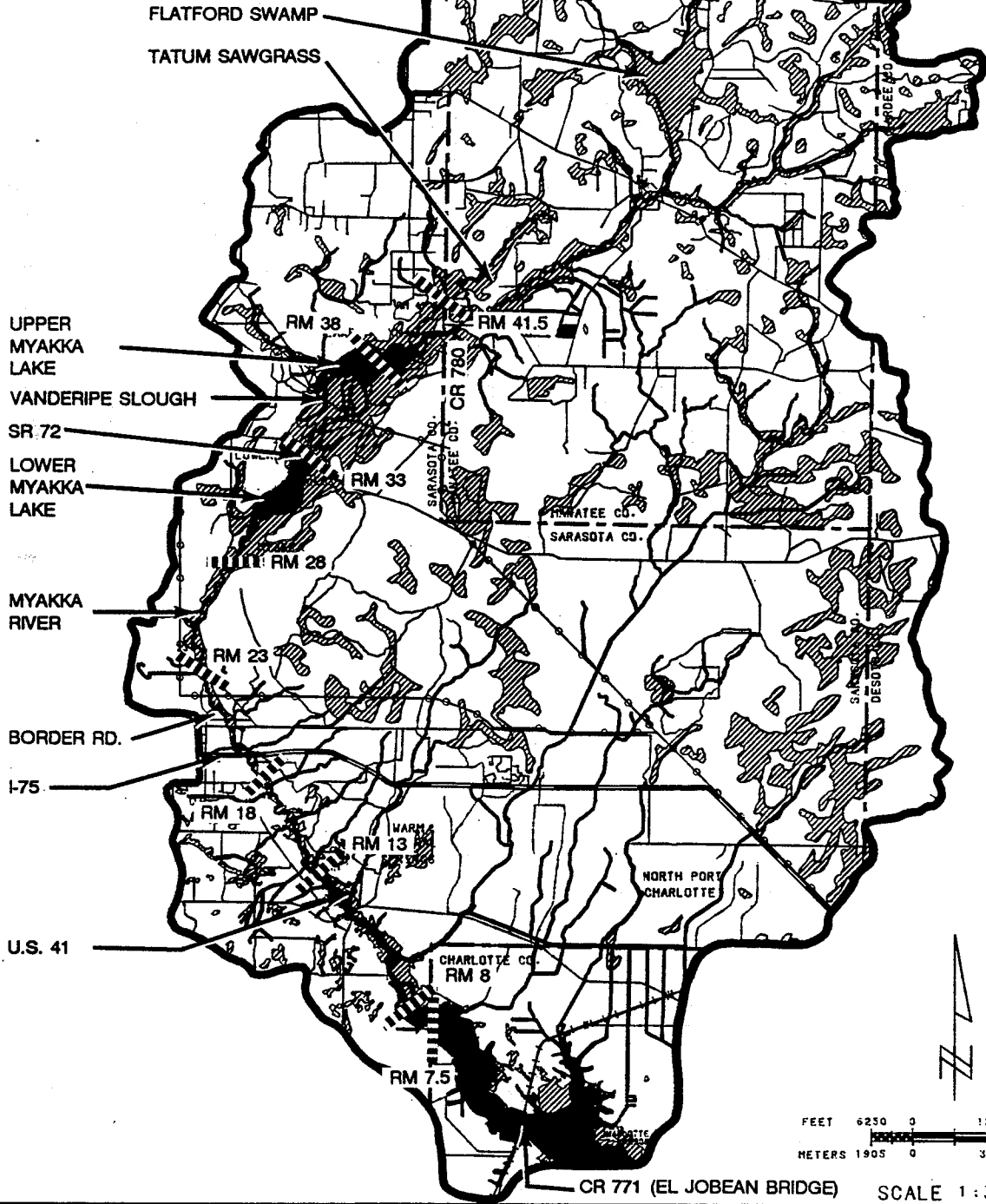
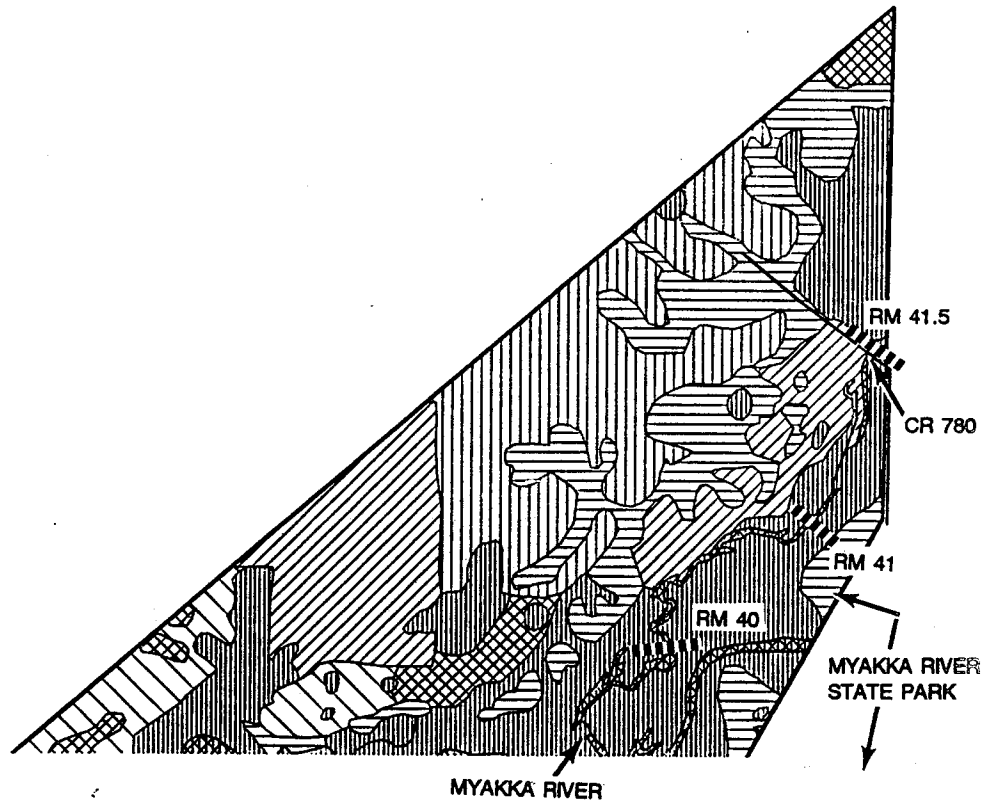


Figure 2-6
WETLANDS-MYAKKA RIVER WATERSHED

SOURCE: SARASOTA COUNTY, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES



- LEGEND**
- 411 PINE FLATWOODS
 - 213 IMPROVED PASTURE
 - 422 OTHER HARDWOODS
 - 512 STREAMS WITH GRASS BEDS
 - 642 SALT WATER MARSH
 - 144 MAJOR ROADS AND HIGHWAYS
 - 621 FRESHWATER SWAMP
 - 522 LAKES WITH GRASS BEDS
 - 190 OPEN LAND AND OTHER
 - 191 UNDEVELOPED LAND WITH URBAN AREAS
 - 111 SINGLE UNIT, LOW DENSITY RESIDENTIAL
 - 115 MOBILE HOMES, HIGH DENSITY
 - 121 RETAIL SALES AND SERVICE
 - 127 MIXED COMMERCIAL AND SERVICES
 - 421 XERIC OAK
 - 179 OTHER RECREATIONAL
 - RIVER MILE

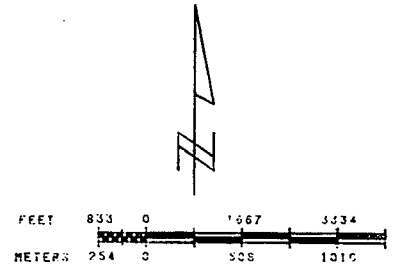
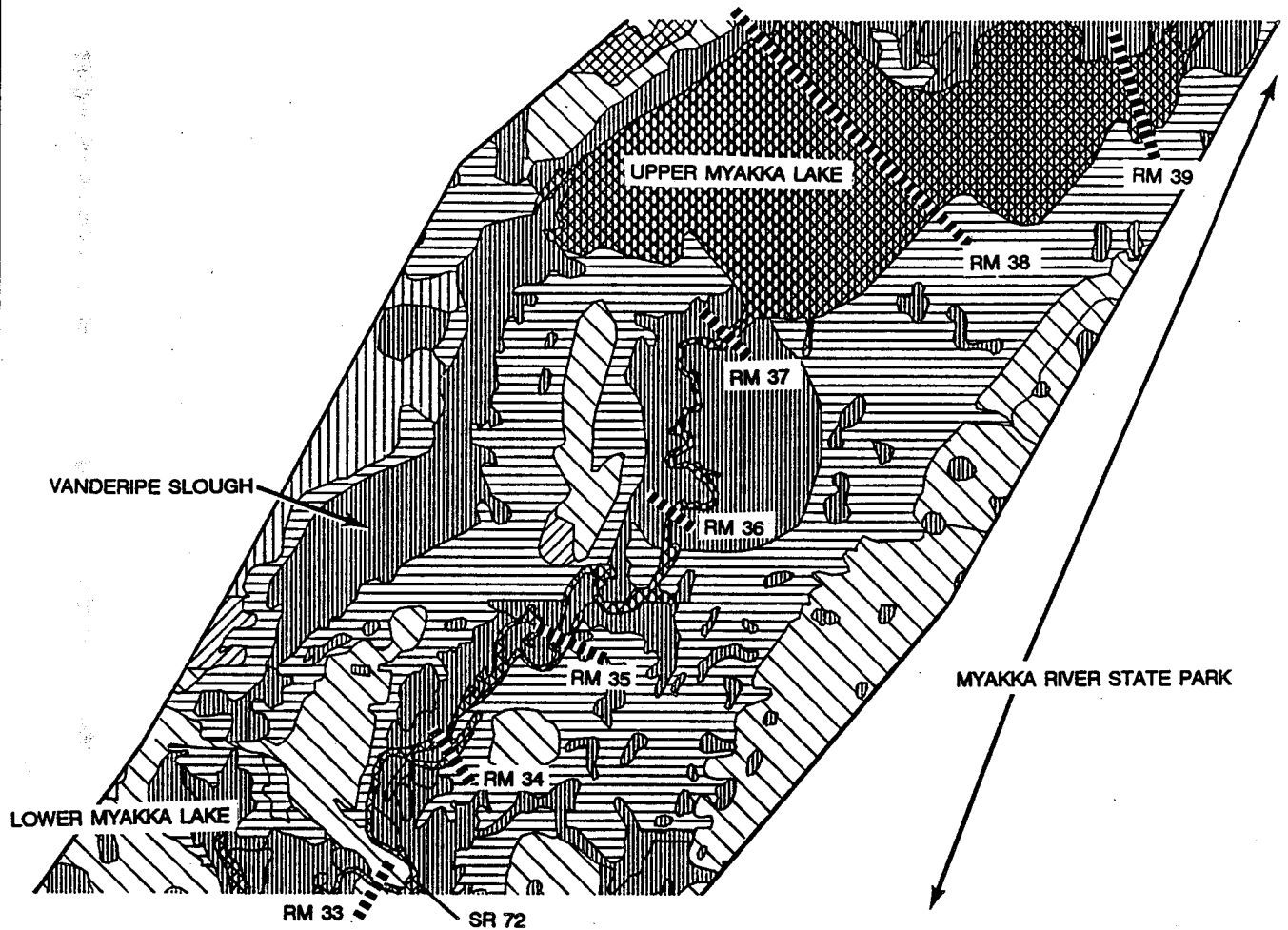


Figure 2-7
EXISTING LAND COVER (1 OF 7)

SOURCE: SARASOTA COUNTY, 1989.

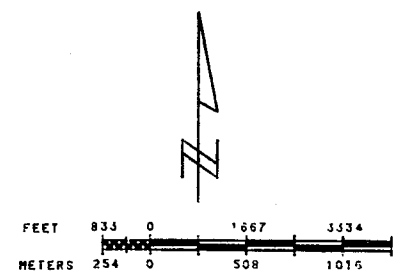
MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES



LEGEND

411		PINE FLATWOODS	191		UNDEVELOPED LAND WITH URBAN AREAS
213		IMPROVED PASTURE	111		SINGLE UNIT, LOW DENSITY RESIDENTIAL
422		OTHER HARDWOODS	115		MOBILE HOMES, HIGH DENSITY
512		STREAMS WITH GRASS BEDS	121		RETAIL SALES AND SERVICE
642		SALT WATER MARSH	127		MIXED COMMERCIAL AND SERVICES
144		MAJOR ROADS AND HIGHWAYS	421		XERIC OAK
621		FRESHWATER SWAMP	179		OTHER RECREATIONAL
522		LAKES WITH GRASS BEDS			RIVER MILE
190		OPEN LAND AND OTHER			



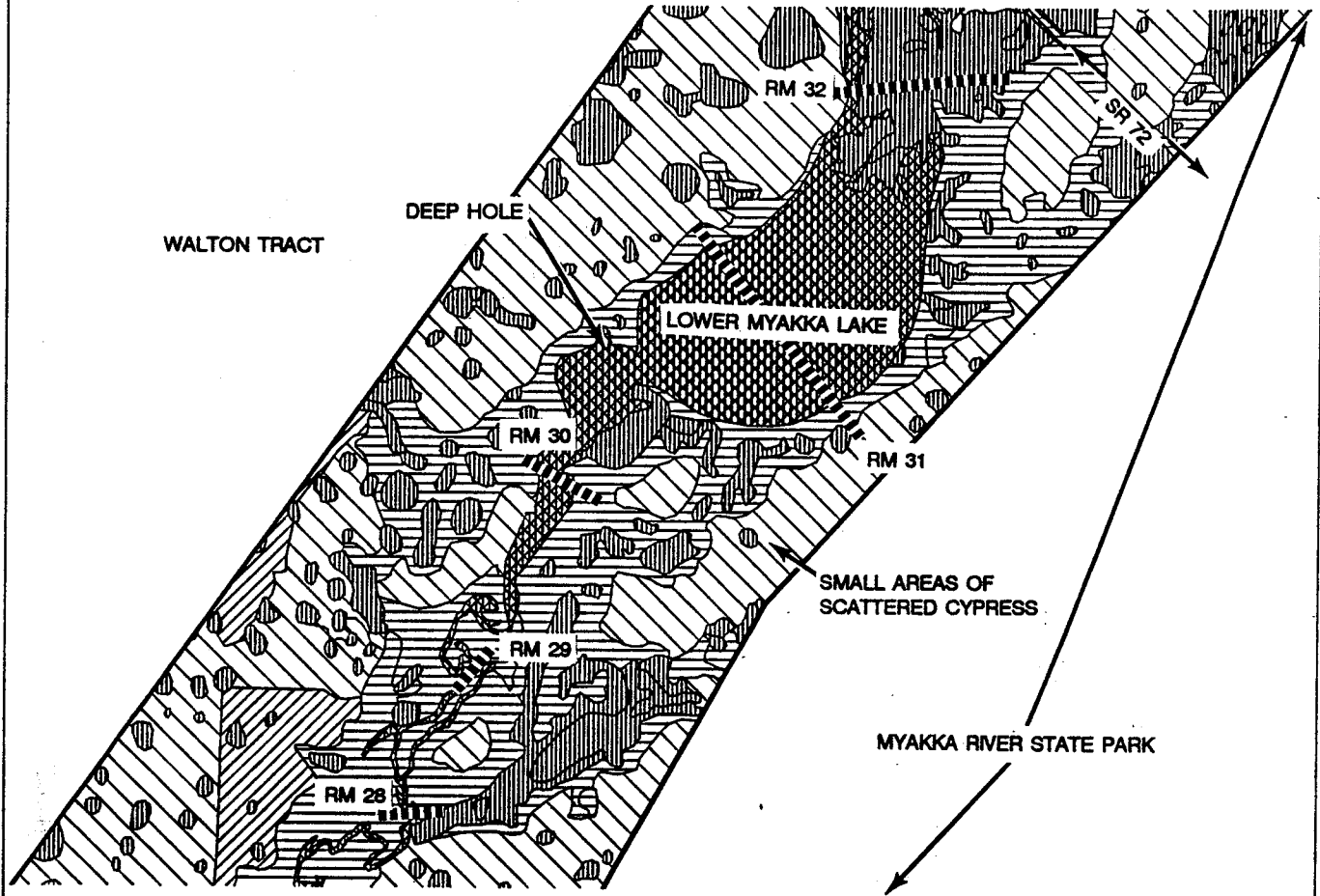
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Figure 2-7
EXISTING LAND COVER (2 OF 7)

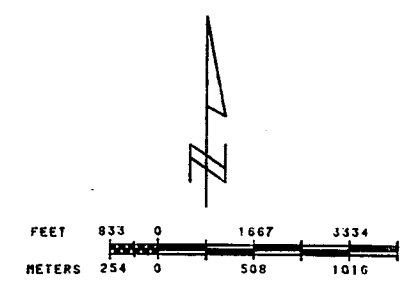
SOURCE: SARASOTA COUNTY, 1988.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES



- LEGEND**
- 411 PINE FLATWOODS
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 - 421 XERIC OAK
 - 179 OTHER RECREATIONAL
 - RIVER MILE



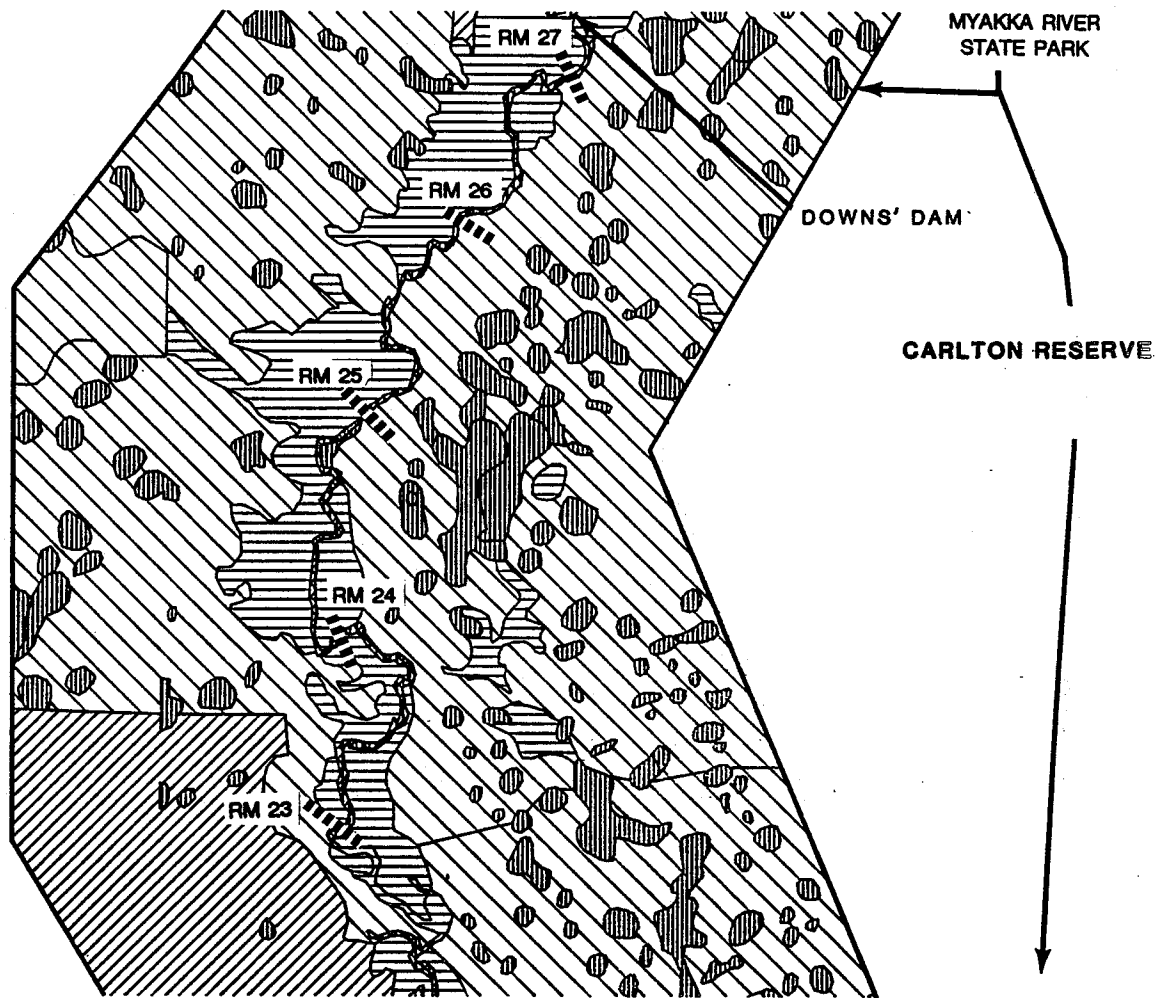
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Figure 2-7
EXISTING LAND COVER (3 OF 7)

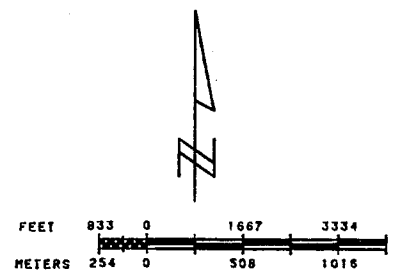
MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCE: SARASOTA COUNTY, 1989.



LEGEND			
411	PINE FLATWOODS	191	UNDEVELOPED LAND WITH URBAN AREAS
213	IMPROVED PASTURE	111	SINGLE UNIT, LOW DENSITY RESIDENTIAL
422	OTHER HARDWOODS	115	MOBILE HOMES, HIGH DENSITY
512	STREAMS WITH GRASS BEDS	121	RETAIL SALES AND SERVICE
642	SALT WATER MARSH	127	MIXED COMMERCIAL AND SERVICES
144	MAJOR ROADS AND HIGHWAYS	421	XERIC OAK
621	FRESHWATER SWAMP	179	OTHER RECREATIONAL
522	LAKES WITH GRASS BEDS	RIVER MILE
190	OPEN LAND AND OTHER		



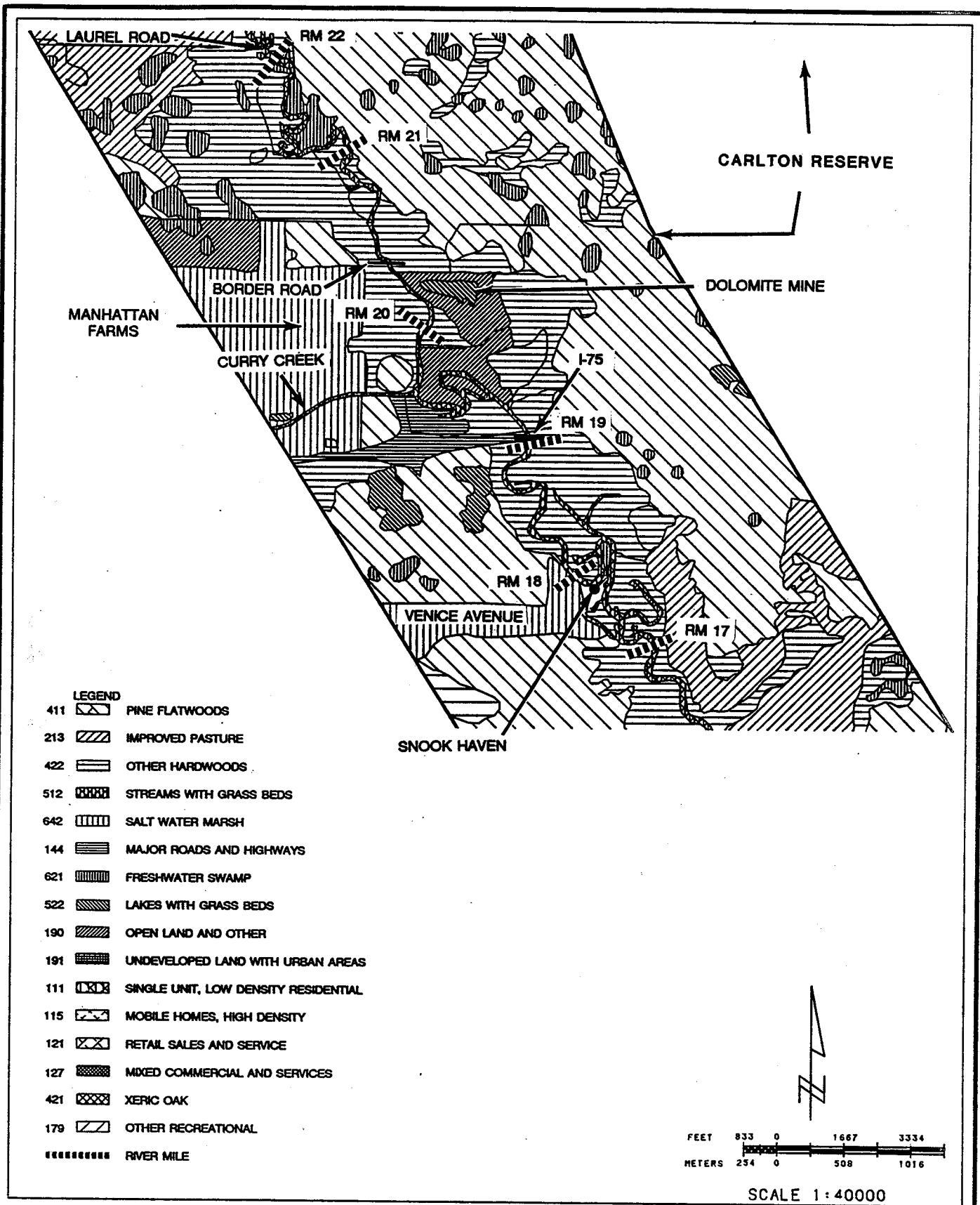
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Figure 2-7
EXISTING LAND COVER (4 OF 7)

SOURCE: SARASOTA COUNTY, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

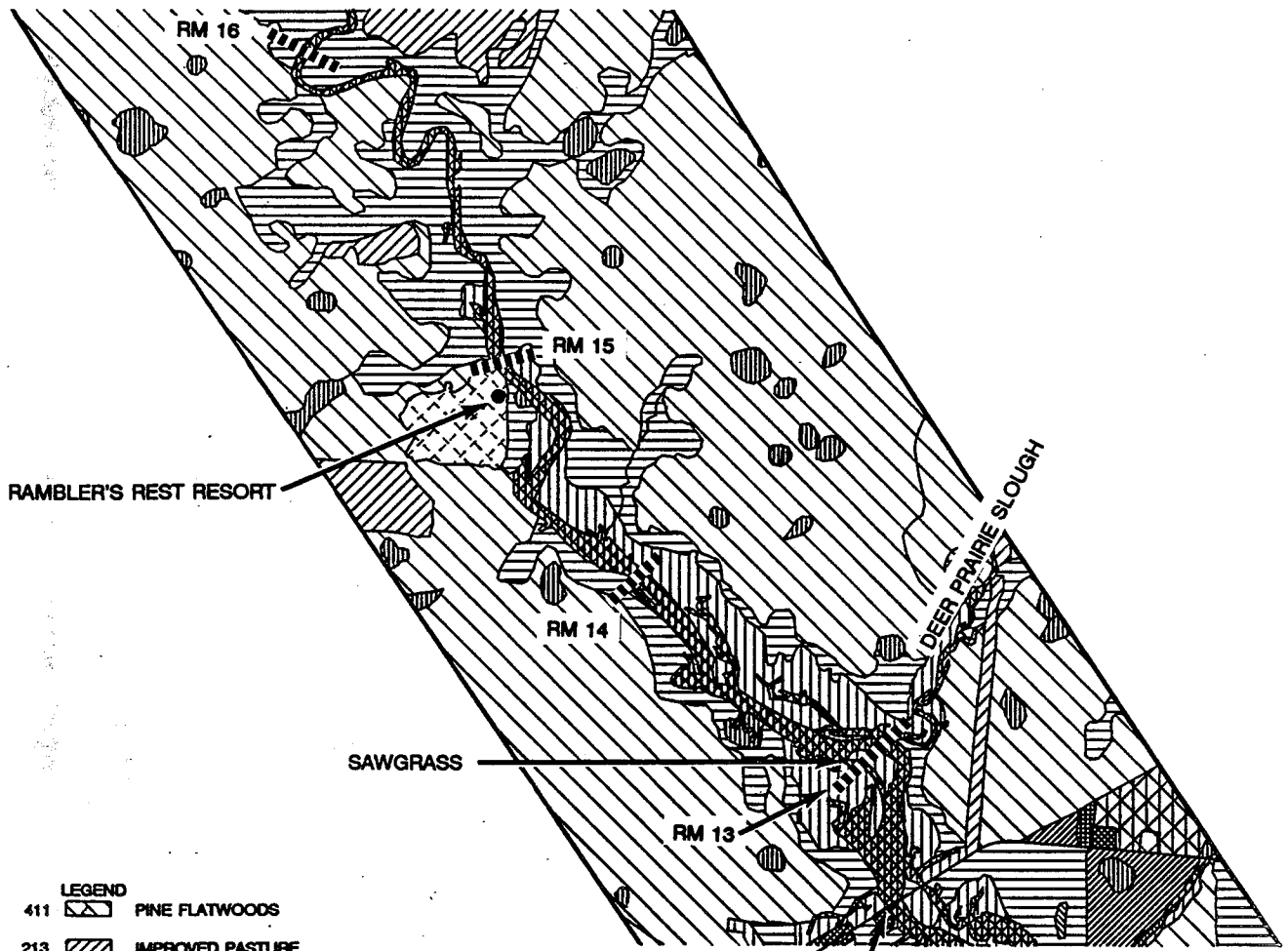


**Figure 2-7
EXISTING LAND COVER (5 OF 7)**

SOURCE: SARASOTA COUNTY, 1988.

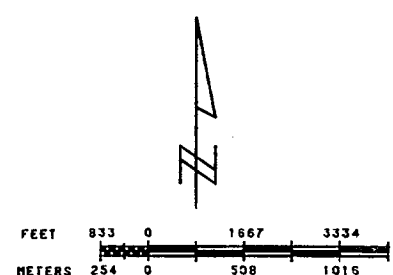
**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

FLORIDA DEPARTMENT OF NATURAL RESOURCES



- LEGEND**
- 411 PINE FLATWOODS
 - 213 IMPROVED PASTURE
 - 422 OTHER HARDWOODS
 - 512 STREAMS WITH GRASS BEDS
 - 642 SALT WATER MARSH
 - 144 MAJOR ROADS AND HIGHWAYS
 - 621 FRESHWATER SWAMP
 - 522 LAKES WITH GRASS BEDS
 - 190 OPEN LAND AND OTHER
 - 191 UNDEVELOPED LAND WITH URBAN AREAS
 - 111 SINGLE UNIT, LOW DENSITY RESIDENTIAL
 - 115 MOBILE HOMES, HIGH DENSITY
 - 121 RETAIL SALES AND SERVICE
 - 127 MIXED COMMERCIAL AND SERVICES
 - 421 XERIC OAK
 - 179 OTHER RECREATIONAL
 - RIVER MILE

U.S. 41



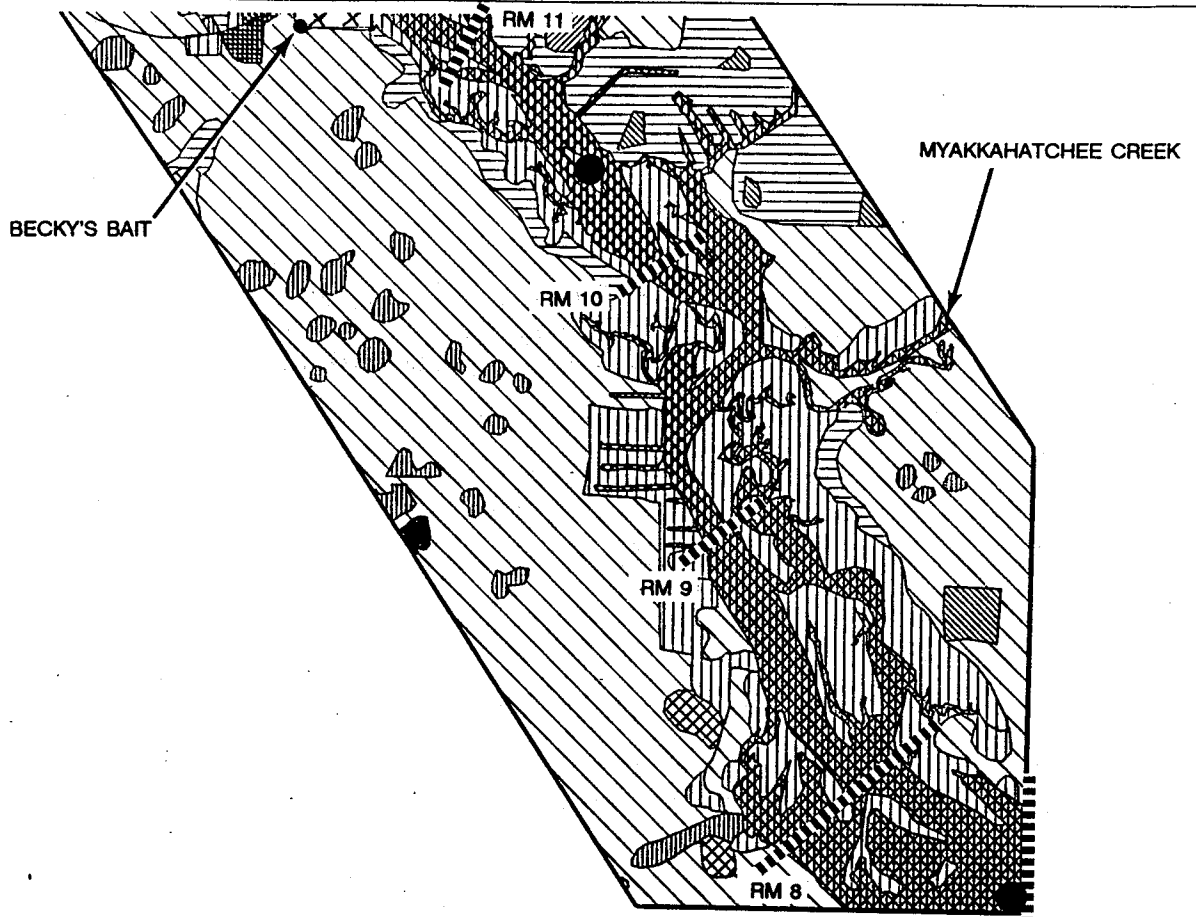
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**Figure 2-7
EXISTING LAND COVER (6 OF 7)**

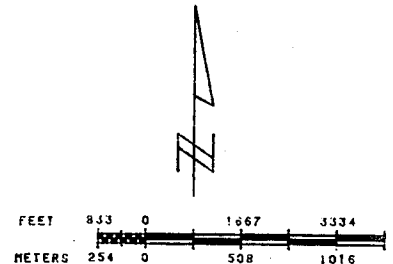
SOURCE: SARASOTA COUNTY, 1989.

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

FLORIDA DEPARTMENT OF NATURAL RESOURCES



- LEGEND**
- 411 PINE FLATWOODS
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 - 127 MIXED COMMERCIAL AND SERVICES
 - 421 XERIC OAK
 - 179 OTHER RECREATIONAL
 - WADING BIRD ROOKERY
 - RIVER MILE



SCALE 1:40000

**Figure 2-7
EXISTING LAND COVER (7 OF 7)**

SOURCE: SARASOTA COUNTY, 1989.

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

FLORIDA DEPARTMENT OF NATURAL RESOURCES

State Park. The program is administered through an interagency agreement between SWFWMD and DNR. DNR also has a separate program for the removal of exotic plant species within Myakka River State Park.

2.5.3 Listed Plant Species

The Endangered Species Act of 1973, as amended by Public law 97-304 in February 1983, provides for the protection and conservation of endangered and threatened species of plants and animals. Other federal and state laws also provide governmental agencies with the power to regulate endangered and threatened species and their habitats. Approximately 25 listed plant species occur, or have the potential to occur, along the Myakka River (Mote Marine Laboratory, 1985 and 1986; Huffman, 1989; Florida State University, 1989). None of the plant species which occur along the Myakka River are currently listed as federally threatened or endangered by the U.S. Fish and Wildlife Service (FWS) for the State of Florida. However, two of these listed plant species, Curtiss milkweed and Florida coontie are listed as threatened by the Florida Committee on Rare and Endangered Plants and Animals (FCREPA). The FCREPA list was created as a planning tool to protect endangered/threatened species and their habitats from being destroyed in Florida. However, there is no legal protection of these species unless they are listed on the state or federal lists. Florida coontie and Curtiss milkweed are rare species that grow within longleaf pine flatwoods/shell mounds or scrubby flatwoods, respectively.

The remainder of the listed plant species are orchids, lilies, bromeliads, and ferns. These species are listed by the Florida Department of Agriculture and Consumer Services (DACS) as threatened or commercially exploited. DACS has the authority through Chapter 581, Florida Statutes, to regulate the species on this list (regulated plant index). However, the chapter pertains to the plant industry and protects native flora from unlawful harvesting. It is unlawful to harvest or destroy an endangered plant on the regulated plant index without permission from the landowner and a DACS permit. If a plant is threatened or commercially exploited, then only permission from the landowner is needed. Exemptions to this regulation include:

1. The clearing or other disturbance of land for agricultural or silvicultural purposes, fire control measures, or required mining assessment work;
2. The clearing or removal of regulated plants from a canal, ditch, survey line, building site, or road or other right-of-way by the landowner or his or her agent; and
3. The clearing of land by a public agency or a publicly or privately owned utility when acting in the performance of its obligation to provide service to the public.

The most conspicuous of these listed species exists as epiphytes that festoon the oak branches and cabbage palm trunks which reach out over the water's surface along the Myakka River. Unfortunately, these epiphytes have been collected over the years by man for personal and/or commercial exploitation.

2.6 FISH AND WILDLIFE

Florida leads the continental United States in having the greatest number of endangered or threatened fish and wildlife species and the greatest number of described sub-species. The state extends from the temperate zone to the subtropics, and as a result supports species populations of both climatic zones, many of which are near the northern or southern limits of their ranges. A number of factors have led to the isolation and differentiation of Florida's biota including: fluctuations in sea level over geologic time; the long coastline coupled with conditions favoring the formation of barrier islands; the diversity of vegetation and soils, which has provided a broad variety of potential habitats, and the widespread destruction of habitat by man. More than 40 percent of the 104 species listed as endangered, threatened, or special concern are found in the Charlotte Harbor area (FGFWFC, 1980). Rules of the Florida Wildlife Code, Chapter 39-27.02, state, "No person shall hunt, shoot, wound, kill, capture, pursue, harass....any endangered species...." Similar language is included for threatened and special concern species.

2.6.1 Wildlife

The mosaic of habitat types situated throughout the Myakka River corridor assures the availability of food and cover for the life stages of numerous terrestrial and aquatic wildlife species. In addition, the size of the

corridor, including the river, provides access to various habitats and adjacent properties which is vital to those species with large home ranges or which require a variety of habitat types. Vegetative communities identified for the Myakka River corridor include mesic-hydric hammock, coastal hammock, xeric hammock, pine flatwoods/pine prairie, dry prairie, scrubby flatwoods/oak scrub, freshwater wetlands/aquatic habitat, mangrove swamp, brackish-saltwater marsh, and agricultural areas/developed lands. Aquatic habitats would include all of the contiguous open surface waters of the Myakka River. A list of vertebrate wildlife species expected to occur in each of these broad community types is included in Appendix C, Table C-1.

Mesic-hydric Hammock--Mesic-hydric hammock occurs along both sides of the Myakka River, providing a forested buffer or transitional zone between aquatic/wetland and upland habitats. The high diversity of these transitional zones is typical of edge habitats. These hammocks also provide access to water for terrestrial species inhabiting the uplands. Due to the rather pristine and uninterrupted condition of mesic-hydric hammock along the Myakka River, this system functions as a travel corridor for a diverse array of wildlife.

Hardwoods in these hammocks provide cover and/or mast for numerous mammal and bird species such as the gray squirrel, fox squirrel, cotton mouse, wood duck, eastern mole, raccoon, green treefrog, and red-eyed vireo. A myriad of warblers and songbirds are also dependent on hammocks during migration. Mesic-hydric hammocks also are utilized by domesticated or feral animals such as cattle and hogs.

Coastal Hammock--The moist-to-dry conditions and isolated nature of coastal hammocks restrict the diversity of fauna within these systems. Species occurring mainly in the river or on its banks may occasionally venture into coastal hammocks while dispersing to new territories or seeking cover. Typically, the permanent residents of this community type are not large and do not require extensive home ranges. Common vertebrate wildlife species, such as the squirrel treefrog, yellow rat snake, fish crow, common grackle, and solitary sandpiper find adequate cover in the understory vegetation in coastal

hammocks. However, rarer forms of wildlife such as eastern indigo snake and gopher tortoise occasionally may occur in coastal hammocks.

Xeric Hammock--Xeric hammocks provide an ecotonal habitat, with dry conditions necessary to xeric habitat species, as well as cover types used by species commonly found in hammocks. Examples of resident species may include glass lizards, skinks, corn snakes, dwarf salamanders, Eastern narrow-mouthed toad, spotted skunk, vultures, wild turkey, yellow-billed cuckoo, black-and-white warbler, and summer tanager.

Pine Flatwoods/Pine Prairie--The widespread distribution of pine flatwoods and pine prairie habitats within the Myakka River corridor supports considerable populations of wildlife species typical of these habitats. In addition, the occurrence of small wetland habitats within pinelands provides additional habitat. Both slash pine and longleaf pine stands provide habitat for a diverse range of vertebrate species. The proximity of open prairies and wetlands for hunting, to nesting trees in pine flatwoods provides good habitat conditions for raptors such as the osprey, bald eagle, hawks, and bats such as the eastern yellow bat and evening bat. Mammals such as the opossum, armadillo, bobcat, gray fox, raccoon, fox squirrel and white-tailed deer are likely to occur in flatwoods within the corridor. Other common residents of pinewoods habitats include the rufous-sided towhee, cotton rat, cotton mouse, brown-headed nuthatch, northern cardinal, box turtle, and pine warbler.

Dry Prairie--Dry prairies lack the overstory necessary to tree-dwelling vertebrates; however, the soils and vegetation of these systems support the activities of fossorial animals such as the gopher tortoise, gopher frog, and burrowing owl. The burrows of the gopher tortoise provide shelter from fires and desiccation for numerous commensals such as the Eastern diamondback rattlesnake, Eastern indigo snake, and gopher frog. Other species which forage and/or nest in dry prairies include the sandhill crane, black racer, burrowing owl, common nighthawk, and crested caracara.

Scrubby Flatwoods/Oak Scrub--The xeric character of the scrubby flatwoods/oak scrub habitat requires tolerance of harsh conditions by wildlife inhabitants. Habitat specialists potentially occurring within this habitat type in the

Myakka River corridor include the Florida scrub jay. The gopher tortoise and its burrow commensals are also endemic to this xeric habitat type.

Freshwater Wetlands/Aquatic Habitat--Freshwater wetlands include wooded habitat such as swamps and floodplain forests; herbaceous wetlands such as wet prairies and marshes; and aquatic habitats such as lakes, ponds, the Myakka River, and its associated waters. These systems support species completely dependent on standing water for at least their food base and/or reproductive stages, such as fish, toads and frogs, amphiumas, salamanders, alligators, aquatic turtles and snakes, West Indian manatee, and birds such as loons, grebes, ducks, pelicans, herons, egrets, ibises, and ospreys. These wetlands provide the most diverse systems within the Myakka River corridor, as they contribute to the survival of both characteristic wetland species as well as habitat generalists.

Mangrove Swamp--Since mangrove swamps play an important role as bird rookeries and nesting colonies, these relatively monotypic habitats are important to the ecology of other habitats within the region. Their importance to regional diversity is more extensive than is readily apparent. Mangrove swamps are also integral to the survival of strict habitat specialists such as the black-whiskered vireo, mangrove cuckoo, prairie warbler and mangrove watersnake. Two mangrove islands located within the Myakka River near the Sarasota/Charlotte County line support large rookeries of a variety of wading birds, including the endangered wood stork.

Brackish-Saltwater Marsh--Tidal marshes provide valuable foraging habitat for a variety of species such as gulls, terns, plovers, sandpipers, rails, marsh rabbits, raccoons, and alligators.

Agricultural Areas/Developed Lands--Agricultural areas may provide suboptimal habitat for species typical of habitats historically located on these properties. For example, pine plantations may support species common in pine flatwoods; however, the alteration of vegetative diversity and spatial relations and elimination of old-growth trees and snags will severely reduce animal species diversity and population levels within the system. In general, agricultural areas and developed lands favor species readily adaptable to

human presence and land alteration. Examples include the loggerhead shrike, raccoon, blue jay, European starling, cattle egret, muscovy duck, rock dove, house sparrow and northern mockingbird. Exotic wildlife species often displace native species in altered habitats. Therefore, fragmentation of natural habitats within the Myakka River corridor through, and alterative and development reduces the regional diversity of native fauna and flora.

2.6.2 Domesticated and Feral Animals

The two most destructive animal species to native habitat along the Myakka River are cattle and feral hogs. Cattle seek the cool shade of hammocks along the Myakka River and trample and forage on the understory vegetation. Cattle also move within the marshlands along the edges of the Myakka River during dry periods to forage on aquatic grasses and forbes. Hogs root within hammocks, marshes, and hardwood swamps. These feral pigs completely eradicate large areas of native herbs and often destroy native species of fossorial animals. Other non-native animals that inhabit the Myakka River area include cats, dogs, armadillos, horses, and muscovy ducks. Domesticated pets, such as dogs and cats, are undesirable in natural habitats. Domestic pets may compete with native wildlife species for food or hunt rare native fauna.

2.6.3 Listed Animal Species

The Myakka River corridor harbors numerous wildlife species listed by USFWS, the FGFWFC, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and FCREPA. A survey of species range maps, documented reports of species occurrences and field reviews revealed that up to 76 species listed by FCREPA and/or protected by FGFWFC, USFWS, and CITES may potentially utilize habitats along or directly adjacent to the corridor in the vicinity of the Charlotte Harbor estuary. The large corridor may simply provide a stopover point during migration for a number of these species. Appendix C, Table C-2, lists all protected amphibian, reptile, bird, and mammal species for this corridor as well as their status according to each agency.

Ten species of amphibians and reptiles may occur in the Myakka River and its estuary or on properties adjacent to the corridor. Five listed sea turtles, the Atlantic loggerhead, Atlantic green turtle, leatherback turtle, Atlantic

hawkbill, and Kemp's Atlantic Ridley, have been documented in the Charlotte Harbor area and may occasionally forage in more brackish areas of the river.

The American alligator occurs throughout the Myakka River and its tributaries, oxbows, and adjacent freshwater and brackish water wetlands. As a higher food chain carnivore, the alligator population is an indicator of the health and productivity of the system. At Myakka River State Park, where alligators are protected from hunters, these reptiles grow to a very large size. Large alligators create "gator holes," which are depressions in wetlands which often retain water even when other portions of the system have dried. Gator holes provide a microhabitat for fish, reptiles, and amphibians and a foraging area and water source for birds and mammals during the dry season.

The Eastern indigo snake is a habitat generalist and, as such, may utilize hammocks, wetlands, flatwoods, and prairies along the corridor. It is known to seek shelter in gopher tortoise burrows to survive in xeric habitats. This is the largest snake in North America, and individuals over 2.4 meters have been recorded. Due to the reduction of xeric habitats for development, it is important that the pine flatwoods/pine prairies, and scrubby flatwoods in the vicinity of Myakka River are preserved to ensure the availability of habitat within the region for this threatened snake.

Xeric habitats along the Myakka River provide high, well-drained soils necessary for burrowing by the gopher tortoise. These burrows, in turn, provide shelter from fire and desiccation for numerous commensals, such as the listed Eastern indigo snake and Florida gopher frog.

In addition to the potential occurrence of the Florida mouse, a state species of special concern, in xeric habitats, the Myakka River corridor may harbor eight other listed mammal species. Forests within the corridor may provide the dense understory required by the state threatened Florida black bear for cover. In particular, hammocks, swamps, and flatwoods can provide bear forage such as palmetto berries, acorns, and cabbage palms. The bobcat also requires dense cover to conceal itself, and it hunts numerous small animals inhabiting these forests.

The current known range of the endangered Florida panther in south Florida does not extend to Sarasota County, although the historic range of this species certainly must have included all forested areas of the Myakka River corridor. However, due to the secretive nature of this species, precise population status and range extensions cannot be verified. Therefore, the possibility that Florida panthers could occur along the Myakka River corridor cannot be discounted. Even if the area is not currently inhabited by the Florida panther, it should be considered as suitable habitat in any future restocking and recovery efforts. Such large, continuous corridors are absolutely essential to accommodate the large home ranges of panthers.

The big brown bat may nest and hibernate in buildings, bridges, and hollow trees along the Myakka River corridor. The river and associated wetlands may also provide a valuable foraging area for big brown bats seeking insects. The Charlotte Harbor area is at the extreme southern point of this species' range.

The Myakka River is a valuable resource for the river otter and West Indian manatee. The river otter travels throughout the Myakka River and may also venture onto land to reach oxbows and tributaries of the river. The river provides a rich food supply of fish, frogs, crayfish, mollusks and other aquatic invertebrates. Banks along the river provide ideal sites for denning.

The lower Myakka River is designated as critical West Indian manatee habitat from the southern boundary of Myakka River State Park to Charlotte Harbor. The West Indian manatee (*Trichechus manatus latirostris*) is listed as endangered by both FGFWFC and FWS. Manatees inhabit sluggish rivers, shallow estuaries, and saltwater bays. Populations tend to be concentrated in selected estuarine and riverine habitats including the Myakka River. Factors that appear to affect the choice of habitat include availability of vascular aquatic vegetation, proximity to channels of at least 2 meters depth, availability of warm water during winter cold snaps, and a source of fresh water. The principal threats to the survival of manatees are injuries caused by propellers of power boats, crushing by ship and barge traffic, harassment, poaching, and habitat degradation and destruction. The manatee ventures into Charlotte Harbor and up into Myakka River when temperatures in the Gulf of

Mexico drop during winter months. The river contains many species of aquatic plants included in the manatee diet, including the exotic water hyacinth.

Borders of slow-moving streams, tributaries and oxbows, and shallow emergent marshes along the corridor provide suitable habitat for the round-tailed muskrat. Round-tailed muskrats have been known to utilize the freshwater marshes in Myakka River State Park. However, due to its nocturnal, elusive nature, little is known of muskrat activity along the entire Myakka River corridor, although the area should be considered as potential foraging habitat for this species.

The Florida mink is thought to be restricted to coastal areas of north and central Florida. This species inhabits coastal salt marshes and estuaries of rivers where it feeds on fish, crustaceans, mollusks, round-tailed muskrats, and similar food items. Its existence at the Myakka River estuary is questionable, but the area may still be considered as suitable potential habitat.

Little is known of the life history or population ecology of the Florida (long-tailed) weasel. It has been collected in numerous habitat types, including pinelands, hardwood forests, swamps, hammocks, and scrub, all of which are included in the Myakka River corridor. It is possible that the corridor serves as weasel habitat and, as such, may help promote the continued survival of this species. In the future, more extensive surveys for Florida mink, Florida (long-tailed) weasel, and round-tailed muskrat may reveal more accurate information regarding the home ranges, biology, and population levels of these species within the region.

The diversity of the region including the Myakka River and its adjacent habitats assures that the habitat requirements of up to 56 listed bird species are met. As detailed in Appendix C, Tables C-2 and C-3, many of these species are resident year-round, while others overwinter in the area or pass through in the region on their way to overwintering areas.

The Myakka River is an invaluable resource for avian species as it supports many species preyed upon by birds and the vegetation necessary for cover and

nesting habitat. Up to 39 listed birds are directly dependent on its wetland habitats for survival. At least 14 mixed or single-species wading bird colonies have been established in the Myakka River corridor (FGFWFC, 1980).

Native wading birds including the great blue heron (including its white morph, the great white heron), little blue heron, tricolored heron, reddish egret, great egret, snowy egret, black-crowned night heron, yellow-crowned night heron, green-backed heron, eastern least bittern, white ibis, glossy ibis, wood stork, and roseate spoonbill are all listed due to the precipitous loss of wetland habitat in Florida. These species are locally abundant at Myakka River, which has the resources to support the mixed and single-species breeding colonies. These species may nest in riverside vegetation such as mangroves, willows, and buttonbushes in marshes, and even in pines near water (i.e., great blue heron). Similarly, wood storks frequent wetlands in the Myakka River corridor and have established nesting colonies in mangroves bordering the river and on isolated small islands. As water levels drop in marshes and oxbows, foraging conditions are improved for wood storks in the vicinity as fish become more concentrated and easier to catch. Limpkins, white ibises, glossy ibises, and roseate spoonbills forage in stands of emergent vegetation by the river and in swamps, marshes, and tidal flats along the river corridor. Vegetative cover in these habitats may also harbor the black rail and Florida clapper rail. Two red mangrove swamp islands located within the Myakka River contain rookeries for a variety of wading birds, including wood stork, white ibis, great egret, snowy egret, tri-colored heron, great blue heron, and yellow-crowned night heron (see Figure 2-7).

Mud flats near the estuary and other tidal flats in the corridor provide foraging areas for the American oystercatcher and American avocet. Plovers, including the threatened piping plover and southeastern snowy plover, also forage in these mud flats and beaches near the estuary. Since the Myakka River is so near the coast, it is also visited by gulls and terns, including the listed royal tern, sandwich tern, roseate tern, least tern, and Caspian tern, as well as the black skimmer, brown pelican, and magnificent frigatebird.

Along the Myakka River, mangrove habitats are also essential as nesting habitat for three occurring or potentially occurring bird species: the Florida prairie warbler, mangrove cuckoo, and black-whiskered vireo. Since these mangrove swamps are relatively undisturbed by Brazilian pepper, they may be important to the continued survival of these three habitat specialists as well as other water birds with more general habitat requirements.

The wooded swamps and marshes in the vicinity of the Myakka River provide potential nesting habitat for the Louisiana waterthrush and Florida sandhill crane, although these species also forage in drier habitats. The Upper Myakka Lake and Lower Myakka Lake margins are heavily utilized by sandhill cranes for foraging during the dry season.

Thirteen listed raptors, including the bald eagle, swallow-tailed kite, white-tailed kite, Everglades kite, burrowing owl, merlin, Arctic peregrine falcon, southeastern American kestrel, short-tailed hawk, Cooper's hawk, northern harrier, osprey, and crested caracara have all been observed in the region of the Myakka River or may potentially find suitable foraging and/or nesting habitat along the corridor. The mixture of wooded tracts with nest and perch trees and open spaces for hunting provides excellent conditions for the activities of resident and migrant raptor species. Several osprey nests are visible from the river in the vicinity of the Upper Myakka Lake and Lower Myakka Lake and below the U.S. Highway 41 bridge. Two eagle nests are also present along the river corridor, one near Upper Myakka Lake and the other near Lower Myakka Lake.

Pinelands associated with the Myakka River are suitable as woodpecker habitat, including the southern hairy woodpecker and red-cockaded woodpecker. Myakka River State Park contains large slash and longleaf pines, which may potentially serve as colony sites for the red-cockaded woodpecker.

Oak scrub habitats in Myakka River State Park support the Florida scrub jay. Scrub habitats and other xeric habitats in the region may provide habitat for the gopher tortoise and its commensals.

The Charlotte Harbor estuary falls within the limited range of the Florida prairie warbler, which is closely associated with mangroves, but may also utilize hammocks with live oaks. Therefore, this species may utilize habitats adjacent to or directly within the Myakka River corridor.

The American redstart, white-breasted nuthatch, worm-eating warbler, Kirtland's warbler, Arctic peregrine falcon, and Bachman's warbler fly over south Florida on the way to their wintering grounds. Although these species have narrow nesting habitat requirements within their nesting ranges, they will rest and forage in a wide variety of habitat types along their migration routes. It is possible that the Myakka River corridor is visited by these species for short periods of time.

Intensive field reviews of the entire Myakka River corridor will be necessary to accurately assess the extent of habitation by listed species. Much of the area has never been surveyed; therefore, effective management strategies that will protect all listed species occurring within the area have not yet been formulated.

2.6.4 Benthos and Fish

The Myakka River represents a continuum from fresh water to the estuarine Charlotte Harbor system and, as such, supports a number of different community types within the aquatic ecosystem. Classical distribution along this continuum is one of high species diversity within the permanently fresh waters, reduced diversity in the transitional zone between fresh and salt waters, followed by an increase in diversity in permanently salt waters. The Myakka River is no exception to this classical distribution.

The salinity structure of the river is determined by tidal stage on a daily basis and river discharge on a seasonal basis. As discharge increases and decreases with seasonal rains, the salinity zones of the river shift up and down river. The dynamics of the river's salinity structure, resulting from seasonal discharges, results in shifts of species composition, especially fish, of the lower river zones. Seasonal cycles of river discharge also affect the vertical stratification, or lack thereof, of the water column. During periods of high discharge, the lower river estuarine area may be

vertically stratified with significant differences in dissolved oxygen and salinity between the surface and bottom of the water column. During the dry season, the water column is generally unstratified. These periods of stratification and destratification also affect the composition and distribution of populations and communities of aquatic organisms. Perhaps most significant is the fact that the life histories of numerous species are correlated with the seasonal discharge of fresh water and the dynamics of shifting zones of salinity and stratification/destratification of the water column. The sustained productivity of aquatic vegetation, which forms important habitats for aquatic organisms, is also dependent upon seasonal cycles of river discharge.

The Myakka River is dynamic with respect to its salinity structure. During very low flow periods, relatively high salinity water may penetrate well upstream. Salinities as high as 15 parts per thousand (ppt) have been recorded at river mile 20 near Curry Creek, and salinities as high as 10 ppt have been recorded another approximately 2 miles upstream of this. Saline water (defined as >0.5 ppt) has been recorded as far upstream as river mile 28.5, and it probably was limited to further penetration by Downs' Dam. At river mile 26, USGS has measured a tidal oscillation 98-percent of the year (Hammett, 1989). During very high discharge, such as following hurricanes, fresh water may occur down to the river mouth.

Mote Marine Laboratory characterized the lower tidal portions of the Myakka River with respect to average salinity structure for both wet and dry seasons. In April, 1986 (dry season) the 1 ppt isohale extended to the general area of Ramblers Rest Resort, the 5 ppt isohale extended to just above Deer Prairie Creek, the 10 ppt isohale was approximately at Myakkahatchee Creek, the 15 ppt isohale was located near Rock Creek, and the 20 ppt isohale extended to just above El Jobean. During the wet season, these zones were shifted downstream with the 1 ppt isohale at approximately Myakkahatchee Creek and the 5 ppt isohale at near the Sarasota/Charlotte County line.

Benthos--Freshwater benthic invertebrate communities of the Myakka River are mainly comprised of species common to the majority of southwest Florida streams. Noticeably absent or existing in small populations are organisms

which are dependent upon permanently flowing water (Cantrell, 1978). Obvious components, to the unaided eye, of the benthic community are the mollusks. In the upper river below the lakes, one can see freshwater mussels and the exotic asiatic clam on the bottom of the stream. Downriver, in brackish areas, rangia clams and olive nerite snails (*Neritina reclinata*) are quite common. Blue crabs are commonly seen as far upriver as Downs' Dam.

On the Myakka River at State Road 70, qualitative benthic invertebrate sampling by DER in 1983-1984 resulted in a mean of 84 taxa and a Florida Biotic Index of 32.5 for four collection periods. Organisms from this station were strictly of freshwater origin. Collections at Border Road on the lower Myakka resulted in a mean number of taxa equal to 44 and a Florida Biotic Index of 13.5. This station consisted of organisms of predominantly freshwater origin. However, organisms of marine origin were also collected at this station. The reduced number of taxa at the Border Road station most likely represented the effects of fluctuations in salinity as well as reduced habitat diversity.

Results of the DER sampling indicated the Myakka River had good water quality. The Florida Biotic Index calculated for all areas sampled was highest at the upper Myakka River station, due to good water quality and high habitat diversity. Additionally, good representation of Florida Index organisms among the mayflies, dragonflies, damselflies, caddisflies, and midges indicated that overall water quality of the Myakka River was good.

Sampling of intertidal benthos at U.S. Highway 41 by Mote Marine Laboratory in 1980 revealed a brackish water/estuarine benthic community. The number of species equalled 23 and 32 for samples collected in September and May-June, respectively. Density of organisms equalled 8,277 (September) and 21,998 (May-June) per square meter. Number of species and densities declined during the summer (Estevez, 1986).

Additional studies of benthic communities in the Lower Myakka River by Mote Marine Laboratory (1986) generally indicated zonation of communities as a result of the salinity gradient. Densities and species richness increased, moving downstream to high salinity waters. As with DER data collected at

Border Road, Mote Marine Laboratory data indicated estuarine organisms up to the I-75 bridge. Based on benthic communities, which indicate average conditions, the lower river can be divided into faunal zones based on salinity. These zones roughly correspond to upstream areas that are less than 1 ppt salinity, an oligohaline-mesohaline zone, and a mesohaline-polyhaline zone in the Myakka Bay area.

Fish--Forty-nine species of freshwater fish have been recorded from the Myakka River. They are characterized by an abundance of sunfishes and top minnows. Four species of shiners have been recorded from the river. These fishes are generally associated with flowing clear high-quality water. The sailfin shiner (*Notropis hypselopterus*) apparently reaches the southern limits of its range within the Myakka River (Layne, 1978). The redbreast sunfish (*Lepomis auritus*) may also occur in the Myakka River, which is near the southern limit of its range (Champeau, 1989).

It is interesting to note that marine fishes occur within the Myakka Lakes. These include tarpon, snook (a Species of Special Concern), spotfin mojarra, striped mullet, and hogchoker. These fishes are well known to be euryhaline and to penetrate far up rivers into fresh waters. The catadromous American eel is also recorded for the state park.

Mote Marine Laboratory (1985, 1986) conducted studies during both wet and dry seasons to characterize the ecology of the lower Myakka River. The following description of the fishery resources are based on the Mote Marine Laboratory studies.

The lower tidal portions of the Myakka River serves as a nursery area for many recreationally and commercially important fish species. The nursery area of the river shifts seasonally with the cycle of dry and wet seasons. In general, the distribution of fishes in the lower river is related to the horizontal salinity structure of the river, and fish species richness tends to increase from upstream to downstream.

During the dry season, fish eggs have been collected only in the lower river from just above Myakkahatchee Creek. They increased in density in a

downstream direction. Bay anchovy eggs dominated, with scianid (drum/croaker) eggs comprising the majority of the remainder of collections. Initiation of spawning by spring and summer spawners began in March. Fish larval densities and richness increased in a downstream direction, and their distributions were related to salinity. Pipefishes, spotted seatrout, sand seatrout, and whiting larvae were only collected at salinities higher than 5 ppt. Mosquito fish, catfish, killifish, and hogchoker larvae were mainly collected at salinities less than or equal to 5 ppt. Bay anchovy and goby larvae occurred at all stations, and they were numerically dominant up to the I-75 bridge. Based on their fish larval collections, Mote Marine Laboratory identified two zones of larval recruitment within the Myakka River. One zone occurred where salinities were less than 5 ppt, and the second zone occurred where salinities were greater than 5 ppt. The dry season penetration of saline water upriver offers an expanded area of recruitment for spring spawning estuarine species.

Based on their collections of juvenile and adult fish, Mote Marine Laboratory identified three river zones. The upriver zone was situated between river miles 14 to 21.5. Habitat included an area of limestone or sand bottom, and shoreline vegetation changed from floodplain forest to brackish marsh. A mid-river zone extended between river miles 8 to 14 and included the Deer Prairie Creek and Myakkahatchee Creek tributaries. The lower river zone extended from the Myakka River mouth to river mile 8. In this area the river resembles a bay and contains fine muddy sands with seagrasses. Shoreline vegetation includes mangroves and marsh.

Species richness generally increased in a downstream direction. For the upriver zone, 10 species of fish were collected, four of which were freshwater species. In the mid river zone, 12 species were collected, and in the lower river zone 18 species were collected. Mote Marine Laboratory identified the area between Warm Mineral Springs and El Jobean as an important dry season nursery area for juvenile estuarine/marine species. Species included menhaden, sand seatrout, spot, croaker, pinfish, and silver perch. Wet season data showed the highest abundances of juvenile sand seatrout, whiting, and spot at the lower Myakka Bay station. The portion of the river in the vicinity of Tarpon Point appeared to be a transition zone for fish larvae

during the wet season. The data indicated that nursery areas for juvenile fishes moved up and down river in response to seasonal river discharge cycles.

Numerous sawfish (*Pristis* spp.) have been observed in the lower Myakka River (Estevez, 1989). Populations of these fish have apparently declined along the west coast of Florida. The sawfish is a K-selected species and as such, does not increase populations rapidly. The presence of sawfish in the lower Myakka River and the Charlotte Harbor area may indicate this area has remained particularly suited to this species. The sawfish may warrant consideration as a locally unique or specially protected species.

From the limited studies conducted on the aquatic ecology of the Myakka River, it appears that the estuarine zone, based on faunal collections, extends to somewhere between the I-75 bridge and Border Road. Based on emergent vegetation communities, the fresh water/brackish water interface lies between Snook Haven and Ramblers Rest Resort.

Virtually no data exist on the aquatic ecology of the Myakka River between Downs' Dam and Border Road. Sarasota County has recently initiated studies to define the aquatic communities in this river reach and to determine the interface between estuarine and freshwater fauna.

Within Upper Myakka Lake, the heavy growth of hydrilla has had a measurable effect on lake fish populations. In general, the extensive hydrilla and water hyacinth infestations have reduced the quality of the largemouth bass and black crappie fisheries. These plants have reduced open water areas, and this limits the production of planktivorous forage fishes, the preferred prey of largemouth bass and black crappie. Conversely, hydrilla increases the production of prey favored by bluegill and warmouth, which has resulted in high percentages of harvestable fish of these species.

2.7 ARCHAEOLOGICAL AND HISTORIC RESOURCES

The Florida Master Site File contains 62 archaeological/historic sites recorded for the Myakka River watershed (see Table 2-2 for archaeological site data). Because the majority of the watershed has not been subjected to a systematic cultural resource assessment survey, the known data base must be

viewed as skewed towards above-ground mounds or middens, historic structures, and other sites with readily identifiable surface components. The majority of the as yet unrecorded prehistoric sites in the watershed has subsurface components that cannot be assessed by superficial study.

The majority of the recorded sites is generally located within 2 miles of the present river. Archaeological evidence generated from a study of the Carlton Reserve suggests that the river itself has drifted westward during the last 5,000 years. The clustering of sites along the river is evidence of its economic importance to prehistoric and early historic peoples as a transportation route and resource catchment area.

The earliest documented evidence for human occupation in Florida, the Paleo-Indian, comes from two sites located in the Myakka watershed in Sarasota County. These important National Register sites, the Warm Mineral Springs site (8Sol9) and the Little Salt Springs site (8Sol8) have yielded radio-carbon dates of 10,000 B.C. A historic marker located at Warm Mineral Springs documents the site as follows:

Prehistoric Man Lived Here-Spring Was Once A Cave
Warm Mineral Springs, US 41, 13 miles south of Venice

Prehistoric Man Lived Here (Side 1)

More than 10,000 years ago prehistoric man, saber-tooth cats, giant sloths, mammoths and mastodons lived in this area of Florida which eons later became a part of Sarasota County. Warm Mineral Springs, here, and Little Salt Spring, which is approximately three miles away, have preserved scientifically accepted evidence of this. Carbon dating of human and animal skeletal remains, as well as wooden artifacts found in these springs since 1958 by underwater archaeologists and other divers has determined their antiquity. These explorations and scientific studies have resulted in much recognition being given to these springs.

Spring Was Once A Cave (Side 2)

Lieut. Col. William Royal, underwater explorer and author, while diving in Warm Mineral Springs in 1958 discovered stalactites and stalagmites well below the water line which provided evidence this spring was a dry cave over a very long period of years, possibly during the last ice age. Other dives resulted in the finding of ancient human skulls, bones and animal remains which gave indication of the presence of human and animal life in this part of Florida long before the beginning of written history. In 1977 the national significance of Warm Mineral Springs was recognized when it was placed on the National Register of Historic Places.

The prevailing view of Paleo-Indian existence is that of a nomadic society based on gathering and hunting which included the now extinct Pleistocene megafauna (mammoth, mastodons, bison etc.). The climate of the region during the late Pleistocene was cooler and drier than at present, and the sea was as much as 110 feet lower.

The Archaic stage of cultural development is believed to have begun around 6500 B.C. and was characterized by a shift in adaptive strategies stimulated by the onset of drier Holocene environmental conditions and the floral and faunal changes that resulted. Many Archaic-period occupations no doubt existed in the watershed, but they have not been located due to a relative lack of archaeological investigations. The best evidence for Archaic occupation in the watershed comes from the Little Salt Springs site (8So18) and the Vickers Head site (8So442).

The Archaic component at the Little Salt Springs site contains a wetland cemetery estimated to contain the remains of more than 1,000 individuals that were preserved along with items such as fiber matting and wooden artifacts making it of statewide importance. A large habitation area and midden are located on the adjacent upland. Radiocarbon dates indicate the site was inhabited from 4800 to 3200 B.C. The Vickers Head site is a campsite of the middle Archaic period.

The first of the post-Archaic cultures to be significantly represented in the watershed is the Manasota culture which dates from 500 B.C. to A.D. 800. Manasota peoples were primarily coastal dwellers with their material culture dominated by sand-tempered ceramics and shell and bone tools. During its later stages, the Manasota culture was influenced by the extensive Weedon Island socio-political complex which is best known in northern Florida. Mound burial customs, artifactual evidence of an extensive trade network, and the outstanding Weedon Island ceramics characterize this stage of the Manasota culture. Whereas many culture periods are represented at the important Myakkahatchee site (8So397), this site may contain the best evidence of Manasota utilization of the watershed. The site contains seven components including a lithic reduction area, an extensive midden, a burial area, a

Table 2-2. Myakka River Basin Archaeological Site Data Base

Site No.	Site Name	Site Type	Culture Period	Comments
8So18	Little Salt Springs	spring	prehistoric	preserve (NR)
8So19	Warm Mineral Springs	cave	prehistoric	preserve (NR)
8So21	Deep Hole	surface scatter	UNK	assessment survey
8So22	---	mound	UNK	assessment-EXLOCUNK
8So31	Brothers Site	shell midden	Glades I/II	preserve or test
8So32	Tarpon Point	clay outcrop	Pleistocene	assessment survey
8So70	Wilson Mound A	sand mound	UNK	preserve
8So77	Wilson Mound B	burial mound	Post contact	destroyed
8So80	Handcock Mound Complex	sand mound	UNK	destroyed
8So85	Cocoplum	midden	Glades	preserve
8So86	Bernhard	midden	Glades	assessment survey
8So87	Star	midden	Glades	assessment survey
8So88	Rhapsody	midden	Glades	assessment survey
8So389	Hi-Hat Ranch 1	---	Archaic	assessment survey
8So390	Mumford	---	Pleistocene	assessment survey
8So393	Lazy River Midden	midden	Glades	assessment survey
8So397	Myakkahatchee Site	midden/burial md.	Paleo-Ind./Archaic	preserve
8So447	Slat Creek Site	underwater	UNK	assessment survey
8So403	Blackburn Site	mound	S.Har/Englwd/Contact	assessment survey
8So422	Vicker's Head 1	artifact scatter	Archaic/Post-Arc/His	preserve
8So423	Vicker's Head 2	lithic scatter	UNK	assessment survey
8So424	Hot Shot Site	lithic scatter	Archaic	assessment survey
8So425	South Power Line	lithic scatter	Archaic	destroyed
8So426	Turpentine Camp 2	lith sc/hist refuse	UNK	preserve
8So427	Venice-Arcadia 1	lithic scatter	UNK	no further wk. recom.
8So428	Venice-Arcadia 2	single artifact	UNK	no further wk. recom.
8So429	Honey Bee Site	single artifact	UNK	in preservation area

Table 2-2. Myakka River Basin Archaeological Site Data Base (Continued Page 2 of 3)

Site No.	Site Name	Site Type	Culture Period	Comments
8So430	Lincer Site	historic refuse	1920s-1950s	in preservation area
8So431	cow Trail Site	single artifact	UNK	in preservation area
8So432	Alhambra Site	UNK	UNK	destroyed
8So596	Miakka School House	structure	built 1914	preserve (NR)
8So1293	Lincer 2	historic refuse	1930s-1960s	in preservation area
8So1294	Resin Collection	historic refuse	1900-1925	in preservation area
8So1295	Windy Sawgrass Camp	hist ref/structures	20th century	assessment survey
8So1296	Farmstead	historic refuse	UNK	in preservation area
8Ch60	---	UNK	UNK	assessment survey
8Ch70	Huckaby Creek Mound	mound	UNK	assessment survey
8Ch71	Muddy Cove 1	shell midden	UNK	assessment survey
8Ch72	Muddy Cove 2	shell midden	UNK	assessment survey
8Ch73	"No Name Creek Midden"	shell midden	Glades	further testing
8Ch74	West Coral Creek Site	lithic scatter	Paleo-Ind./Archaic	assessment survey
8Ch75	Wrecked Site	burial md, shell mid	Safety Har/Archaic	destroyed
8Ma57	---	burial mound	UNK	assessment survey
8Ma58	---	cemetery	UNK	assessment survey
8Ma59	---	2 sand mounds	UNK	assessment - EXLOCUNK
8Ma60	---	2 sand mounds	UNK	assessment survey
8Ma61	---	non-existent	UNK	no further testing
8Ma62	---	mound	UNK	destroyed
8Ma66	---	mound	UNK	destroyed
8Ma70	---	burial mound	UNK	destroyed
8Ma71	---	sand mound	UNK	assessment survey
8Ma73	---	non-existent	UNK	no further testing
8Ma127	Stanley Mound Site	burial mound	Weedon Island	further testing

Table 2-2. Myakka River Basin Archaeological Site Data Base (Continued Page 3 of 3)

Site No.	Site Name	Site Type	Culture Period	Comments
8Ma141	Sugarbow 1 Campsite	camp	intermittent	no further testing
8Ma142	Rainbow Ranch Homestead	homestead	historic	no further testing
8Ma146	Long Creek 1	hunting camp	late Archaic	assessment survey
8Ma180	---	structure	historic	no further testing

UNK - Unknown
(NR) - National Register
EXLOCUNK - exact location unknown

Sources: Florida Department of State, Division of Historical Resources, 1989.
Piper Archaeological Research, 1989.

curved earthwork, a sand mound, and a borrow area. The site demonstrates the considerable use made of the extensive wetlands located in the Myakka River watershed.

The final prehistoric cultural manifestation found in the watershed is the Safety Harbor culture which was geographically centered around Tampa Bay. This period, beginning about A.D. 800, is typified by ceremonial centers with truncated temple mounds and open village plazas surrounded by middens. The Wrecked site (8Ch75) located in Charlotte County consists of a Safety Harbor period burial mound and two linear shell middens. The burial mound was destroyed by vandals in the early 1980s; little but spoil remains. The shell middens are composed primarily of Carolina marsh clams and oysters. One of the middens extends 375 feet along the Myakka River.

The Timucuan Indians that were native to the Myakka River watershed during this period were decimated and dispersed by repeated conflicts with Europeans and exposure to European diseases. Remnants of this ethnic group may have joined the Cuban-Spanish fisherman who were active in the Tampa Bay and Charlotte Harbor area in the first half of the 18th century.

Whereas several European expeditions may have reached the Myakka River, including Juan Ponce de Leon in 1513 and Bernard Romans in 1771, the watershed was not occupied by new groups until the arrival of the Seminole Indians, originally members of the Creek nation, during the early 18th century. The Myakkahatchee site (8So397) shows evidence of Seminole Indian occupation, making it important because there is little evidence elsewhere of Seminole occupation in the watershed.

The Seminole Wars which occurred in the first half of the nineteenth century resulted from the attempt by the U.S. Government to remove the Seminole Indians from Florida. These conflicts had a negative impact on historic settlement in the watershed, as people were afraid to attempt homesteading in an area where safety could not be guaranteed. In 1842, the Armed Occupation Act was passed to encourage settlers to build homes and cultivate the land. Many of the settlers that first came to the Myakka watershed engaged in

farming, but the topography is so well suited to cattle ranching that it eclipsed farming as the predominant industry.

During the Civil War, when Union troops and naval blockade forces threatened Florida, Hillsborough County cattleman Jesse Knight sent herds south to the Myakka watershed for safety. His son-in-law, Shadrack Hancock, moved to the area which latter became the community of Miakka. The Miakka School House (8So596) is a late nineteenth century historic structure on the National Register of Historic Places, and of regional significance a historic marker in Miakka notes:

"Miakka" Near Miakka United Methodist Church and Cemetery Verna Road, Miakka Community

Miakka (Side 1)

Indians were still living in this area when the first settlers arrived. The deep pine forests were rich with game, the nearby Myakka River supplied them with fish. Pioneers felled the tall trees used in building their cabins and barns. Following the Civil War, the Homestead Act and burgeoning railroad industry opened up vast sections of the country including this area of Florida for more settlers. Evidence of the Pine Level Trail that led to the County Seat can still be seen at the nearby Crowley Nature Center. Here also is where John J. Crowley built the first blacksmith shop.

Miakka (Side 2)

One half mile south of this marker once stood a log structure where church services were held by circuit riding preachers. During the week the building was used as a school. William Rawls and A.M. "Gus" Wilson each donated land for what is now the church and cemetery. In 1886 the church was built and the graves of some of the early settlers dot the small cemetery. Gus Wilson served as State Senator from this area and played a prominent part in state and local government. One fourth mile NW of here, on Wilson Road is the site of the one room school built in 1926 now used as a community meeting house.

In addition to Miakka, cattle camps, such as the Windy Sawgrass camp (8So434), and the early homesteads represent important sites in the watershed.

In the first quarter of the 20th century, the forest industry began operations in the watershed. Florida slash pine was predominant in the river watershed and a good source of pulpwood and resin for turpentine. Several turpentine camp sites, run with convict labor for higher profit, are known to be located in the watershed, such as the Turpentine Camp #2 (8So426).

2.8 LAND USE PATTERNS AND REGULATIONS

2.8.1 Existing Land Use Within the Myakka River Watershed

Land uses in the watershed are predominantly rural, with the principal exception being portions of the City of North Port and several estate-type residential subdivisions (see Figure 2-8). Except for these areas, development has been basically limited to agricultural activities and drainage alterations designed to facilitate agriculture.

The watershed has historically developed through the establishment of small towns located along the primary highways and rail lines that cross the watershed. These towns include Myakka Head on State Road 64; Verna, Parmalee, Myakka City, and Edgeville along State Road 70; and North Port on U.S. Highway 41. Except for North Port, these communities provide limited services and are relatively stable or have declined in terms of population growth. Only North Port has experienced growth in a manner consistent with most urban coastal areas of southwest Florida. In 1987, North Port's permanent residential population was estimated at 8,828, an increase of 42.3 percent over the 1980 population of 6,205 [Bureau of Economic and Business Research (BEBR), 1988].

The main agricultural activity within the watershed is cattle grazing on rangeland, unimproved pasture, and improved pasture. These activities occur throughout the watershed on various sizes of ranches ranging from less than 100 acres to several thousand acres. Most of the cattle-grazing activity occurs in areas set back from the river; however, there are several ranches south of the state park between the Myakka Lake and I-75, and on the east side of the river south south of the Carlton Reserve where cattle grazing on improved pasture occurs. Row crop, field crop, and citrus activities are also located within the watershed. They are becoming more prominent and intense with respect to land management activities as urban and suburban development along U.S. Highway 41 and adjacent coastal areas forces agricultural activity eastward into the watershed. Engineering practices and economic feasibility of planting citrus groves in the watershed have also facilitated citrus movement.








Residential development has historically been limited to farmsteads associated with ranch operations and small subdivided lands in the communities previously described. More recently, estate-type residential subdivisions have been developed to facilitate the suburban homeowner who desires rural-type housing densities or desires to own horses or other farm animals. These ranchettes occur along the principal east-west highways and include Myakka Valley and Manhattan Farms.

Except for the areas that have been subdivided for residential or ranchette uses, most of the watershed is under large tract ownership. Ownership patterns vary and include phosphate mining interests (in the northern and eastern portions of the watershed), and agricultural interests elsewhere with the exception of publicly held lands within and in the vicinity of Myakka River State Park. Public lands in addition to the State Park include land owned by the City of Sarasota and Sarasota County, (the Walton Tract, and the Carlton Reserve). DNR and SWFWMD have also expressed interests in acquiring lands in the vicinity of the Myakka River.

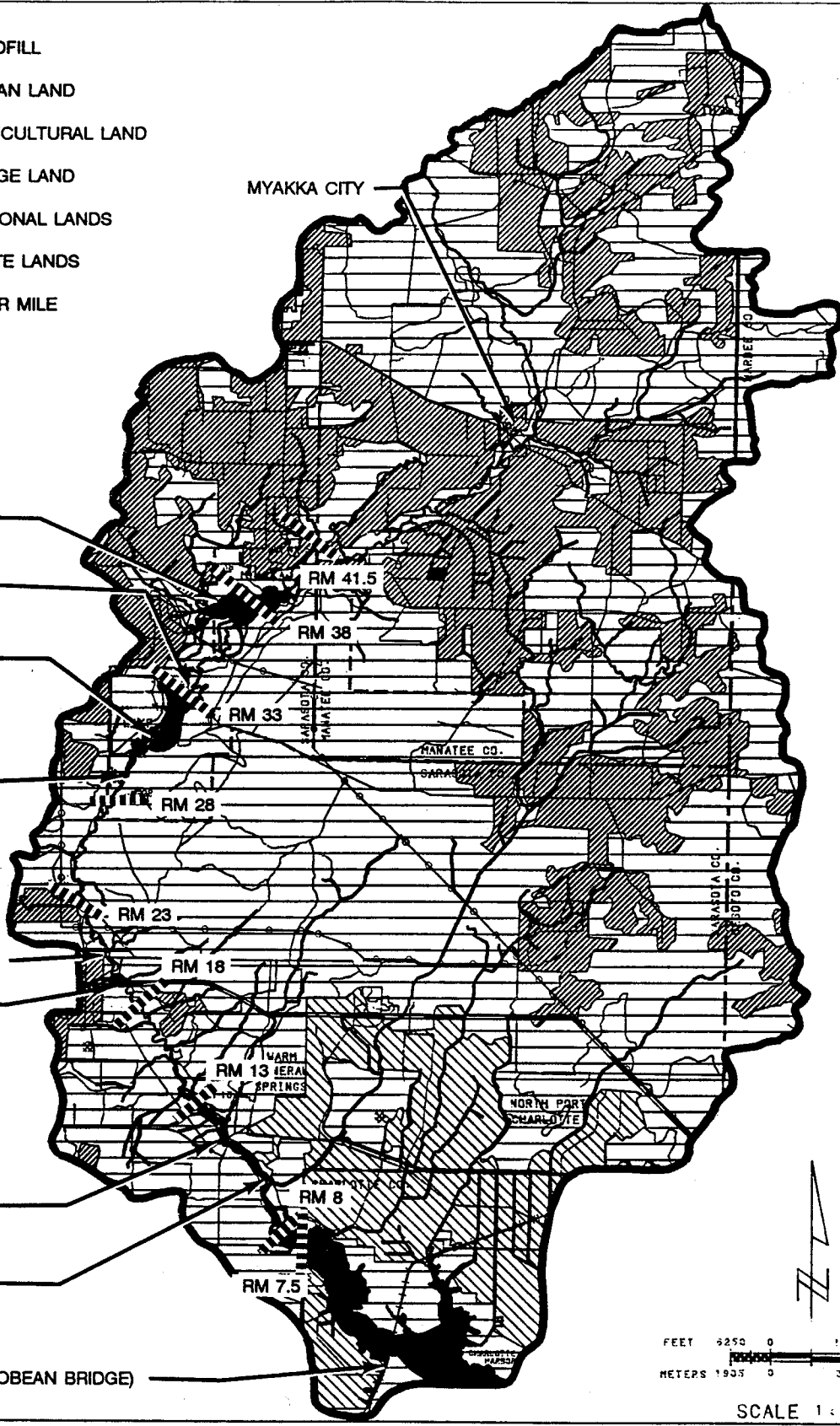
2.8.2 Existing Land Use Within the River Vicinity

Existing land use in the river vicinity is primarily composed of vacant land, consisting of either freshwater or saltwater marsh, hammocks, and pine flatwood communities. Ranchette-type residential development occurs north of Upper Myakka Lake (Hidden River), west of Vanderipe Slough (Myakka Valley), and subdivisions adjacent to and within the vicinity of Border Road, including Manhattan Farms, Myakka River Estates, and Royal Palms. Other land uses within the river vicinity include recreational and support facilities associated with Myakka River State Park and commercial enterprises including Snook Haven, Ramblers Rest Resort, and Becky's Bait. South of U.S. Highway 41, residential subdivisions occur on both sides of the river. Various types of infrastructure are also present and include highway bridges and approaches and electrical transmission and distribution lines. Several radio towers are also visible from the river, but these towers lie outside the immediate river vicinity. Figure 2-8 depicts the location of these types of land uses as well as land cover.

LEGEND

-  LANDFILL
-  URBAN LAND
-  AGRICULTURAL LAND
-  RANGE LAND
-  NATIONAL LANDS
-  STATE LANDS
-  RIVER MILE

- UPPER MYAKKA LAKE
- SR 72
- LOWER MYAKKA LAKE
- MYAKKA RIVER
- BORDER RD.
- I-75
- U.S. 41
- ROYAL PALMS
- CR 771 (EL JOBEAN BRIDGE)



SCALE 1:300000

**Figure 2-8
EXISTING LAND USE-WATERSHED**

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

SOURCES: SARASOTA COUNTY, 1989; USGS, 1989.

FLORIDA DEPARTMENT OF NATURAL RESOURCES

2.8.3 Future Land Use

The future land use elements of the various relevant comprehensive plans designate the area within the Myakka River watershed for varying land uses. The majority of the land within the watershed is planned for public resource lands and rural land uses. The central portion of the watershed is dominated by public resource lands. The Myakka River State Park, the Carlton Reserve, and the Walton Tract comprise the public resource lands. The designation of these areas as public resource lands precludes any residential and commercial development in these areas. Within the Manatee County portion of the watershed, land is designated AG/R (Agricultural/Rural), which allows agriculture, agricultural-related uses, varying numbers of dwelling units (net) per gross acre, and mining. RES-1 and RES-3 designations allow 1 and 3 dwelling units per gross acre, respectively, in areas confined to Myakka City. In addition, the R/OS designation (Major Recreation/Open Space) is found within the confines of Myakka River State Park.

The southern half of the watershed within Sarasota County is planned for rural and future urban (rural) land uses. The rural designation is located north and east of I-75 and along the Myakka River from West River Road to a point 1 mile east of West River Road. The designation allows a maximum of 1 dwelling per 5 acres. The future urban (rural) designation is located south of I-75 and allows for the same density as rural until such a time as those areas are designated urban.

The function of these rural areas according to APOXSEE is the protection of agriculture, maintenance of large expanses of open space, and the conservation of native habitats. Additionally, APOXSEE designates areas from I-75 south as preservation habitat areas to provide further protection.

Within the City of North Port, the future land use designation along the river is conservation restricted area. Recreation/open space areas or agricultural land use designations buffer the river. Most of the land within North Port and the watershed is designated for low density residential use, including Myakka Estates portions, which are to be developed at approximately 1 unit per acre.

2.8.4 Future Land Use Impacts

The coastline of Florida is one of the state's most attractive features and draws people to both vacation and live in Florida. The tourist industry of Florida is a major economic factor in the state. The tremendous population growth which Florida is experiencing has been well-publicized, and the Florida legislature as well as the state's regional agencies and local governments are addressing growth management issues. Accommodating increasing seasonal and resident populations will necessitate future residential and commercial land development along with the attendant infrastructure, development of public water supply, agricultural development, and the need for recreational space. The potential for development to accommodate increased populations within the Myakka watershed as described in Section 2.8.3 also has the potential to impact resource values of the Myakka River.

The State of Florida recognizes the increase of nutrients in the state's waters as one of the most pressing issues. The federal government also considers nonpoint source pollution a primary factor in degradation of surface waters. Future development may potentially result in increases of these sources of pollution. Development, both agricultural and nonagricultural, results in increased use of fertilizers, pesticides, and herbicides and an increased need for wastewater and solid waste disposal. Increased impervious surfaces, from roads and parking lots, results in increased stormwater runoff and loss of rainfall infiltration into the land surface to replenish ground water aquifers. Runoff may contain sediments, nutrients, chemicals, oil and grease, petroleum hydrocarbons, and litter. Development generally will also result in modification to the natural hydrologic regime of the land surface through increased impervious surface, clearing of vegetation, and drainage modifications. Effects of development may potentially be manifested in degraded water quality and alteration of freshwater flow to the Myakka River and downstream estuarine area.

Future land development will potentially result in the loss of fish and wildlife habitat and extirpation of threatened and endangered species. Important habitat may be lost through the development of both uplands and wetlands. However, much stricter controls are in place for development and

loss of wetlands than exist for upland habitat protection. Development may also result in habitat fragmentation and the disruption of wildlife corridors.

With increased population comes the need for additional outdoor recreational space. The increased use of recreational space may result in the degradation of the resources upon which the use is based.

Future development within the Myakka watershed may also include the development of new mines for phosphate and other resources such as dolomite. Phosphate mining disturbs large tracts of land for extended periods of time, and results in loss of habitat, discharges to surface waters, pumping of ground water, and alterations in surface land forms and flow patterns. Finally, wastewater treatment and disposal and brine disposal from both public and private desalinization water treatment systems are additional factors that may adversely affect water quality in the watershed.

2.8.5 Land Use Planning and Regulation

Figures 2-1 and 2-2 depict the political jurisdictions within the Myakka River watershed and the river area and vicinity, respectively. The majority of the watershed lies within unincorporated Sarasota County. A significant portion of the upper reaches of the river, including headwaters, lies within unincorporated Manatee County. The extreme eastern portions of the watershed lie in unincorporated portions of Hardee and DeSoto Counties. The mouth of the Myakka River as it enters Charlotte Harbor lies in unincorporated Charlotte County. Portions of the watershed near the river mouth are also located in the City of North Port.

The Florida Wild and Scenic River segment is confined to portions of unincorporated Sarasota County, with the exception of an area south of U.S. Highway 41, which is located in the City of North Port. Land use regulations are adopted and enforced by the respective county commissions in Sarasota, Manatee, Hardee, DeSoto and Charlotte Counties as well as the City of North Port City Commission.

Sarasota County Regulations--Sarasota County regulates land development through its comprehensive plan and through other codes and ordinances. The

Sarasota County Comprehensive Plan, APOXSEE, as adopted by the Board of County Commissioners in March 1989, identifies public resource lands, including the Carlton Reserve and the Walton Tract, as areas of special designation that are to be preserved. In addition to preservation of native habitat, a portion of the Walton Tract (also known as the Central County Complex) is intended for use as a county landfill. The plan also designates the majority of the watershed east of the river as a rural land use classification. This classification is part of Sarasota County's urban containment policy which consolidates growth. The rural land use classification provides for the protection of agriculture, the maintenance of large expanses of open space, and the conservation of native habitat.

APOXSEE's Chapter 2, Environment, also provides for the regulation of land development. The section entitled "Guiding Principles" provides guidelines which pertain to native habitats in Sarasota County. These guidelines are applied by the county in the evaluation of land development proposals. The guidelines, which are divided into two parts, list the major natural values and functions of the specific habitat and show how the values and functions listed in the first part can be maintained and/or conserved.

The Myakka River is listed as a specific habitat in that section. Specific management guidelines for the river are as follows:

1. Prohibit dredging and filling in the Myakka River.
2. Adopt a shoreline protection ordinance establishing a requirement for vegetation buffers for all new construction and prohibiting additional artificial shoreline stabilization and channelization of watercourses.
3. Strive to reduce pollution entering the Myakka River.
4. Closely monitor the effects of phosphate mining and other potentially detrimental land uses.
5. Establish a special conservation management area that includes the Myakka River and appropriate lands adjacent to the river to ensure the future conservation of the Myakka River and its watershed.

Additionally, freshwater wetlands with specific habitats (swamps, marshes, sloughs, wet prairies and heads) are listed in the Guiding Principles section.

There are several important management guidelines within that section which apply to the Myakka River watershed.

Swamps and bay heads, due to their high degree of environmental importance and their relative rarity in Sarasota County, shall be preserved and should be restored where practicable. Guidelines applying to marshes, sloughs, and wet prairies include: protection of vegetation in areas subject to seasonal water level fluctuations; protection from impediments to water flow in contiguous wetlands; provision for mitigation of lost wetlands; pretreatment of stormwater runoff; and buffers around wetlands. Additionally, these guidelines regulate buffers and the developable areas within mesic hammocks. The environment plan chapter of the comprehensive plan provides goals, objectives and policies through which the county may implement land development regulations. Goal 5 of the plan states endeavors to conserve, protect, maintain, and restore the natural resources of the county. Several policies have been created to reach this goal. Policies 5.2.2 and 5.2.4 enjoin the county to implement ordinances that will provide shoreline protection from encroaching development and protect the Myakka River. Policy 5.2.5 designates the watersheds of the Cow Pen Slough and the Myakka River as areas of special environmental significance and also prohibits mining activities in these areas. Policy 5.2.6 requires the county to continue to monitor and assess any variations in the hydroperiod of wetlands and impacts to aquifers, flora, and fauna located on the Carlton Reserve.

Other Codes and Ordinances--The county has also adopted policies that will affect the county's Land Development Regulations. Policy 5.4.1 states that the county shall adopt a site development review section within the Land Development Regulations. This review section shall include a comprehensive review of the natural environment for land development proposals.

Policy 5.5.8 states that the county shall establish guidelines in the Land Development Regulations, Zoning Ordinance, and/or other existing regulations that regulate development in environmentally significant/ sensitive areas.

Additionally, subdivision regulations and site and development plan regulations also provide measures to regulate land development. These

subdivision regulations require that all development be in conformance with the comprehensive plan and show that it is to be developed in an environmentally sound manner. The county may also require that an applicant meet certain performance criteria (such as standard setbacks in areas that are environmentally sensitive) as a condition of approval. This process, along with appropriate land use designations, directs land development activities out of sensitive areas in the watershed.

Current county regulations include County Ordinance 83-44, which affords some regulation on the clearing and trimming of mangroves in the county. However, a new mangrove protection ordinance may be adopted in the immediate future. Provisions of the Earthmoving Ordinance (No. 81-60, soon to be amended) and the Water and Navigation Control Authority Ordinance (No. 72-84, as amended) both regulate dredge and fill activities along the Myakka River. The location and use of pits, lakes, excavations and fills is controlled by Sarasota County Ordinance No. 81-60, to be amended by Ordinance 89-112.

I-75 Corridor Plan--Another policy which regulates development in the watershed is the Sarasota County I-75 Corridor Plan. The policies in the corridor plan are consistent with the environmental plan element of APOXSEE and, therefore, provide similar land use regulations for the I-75 corridor within the Myakka River watershed.

The corridor plan requires vegetative buffers of 200 feet to be developed along the Myakka River where the interstate crosses the river. Additionally, the plan calls for a special conservation management area for the Myakka River. This management area would require the mesic hammock habitat along the river to serve as the primary buffer area. The slough systems, located on both sides of River Road, would also be conserved to protect the environmental integrity of the river. Buffers would also be established along the tributaries of the Myakka River.

City of North Port Regulations--The City of North Port regulates future development by means of the Comprehensive Plan, Zoning Ordinance, Land Development Regulations, Subdivision Regulations and a site development review procedure. Although all of the above are essential to regulate future growth

in the City of North Port, the Comprehensive Plan is the guiding framework for the City's future development. The Future Land Use Element (Element 1) sets the tone for future development activities. This element's primary goal requires land development regulations that will manage the development through the preparation, adoption, implementation, and enforcement of land development regulations.

Within the conservation and coastal zone management element (Element 9), the following areas have been identified for continued conservation and enhancement due to their value as a significant natural resource, their natural beauty and aesthetic value, along with their immeasurable significance as recreational resources for the City's population:

- Those coastal marsh areas along the Myakkahatchee Creek and Myakka River that are within the confines of the City of North Port.
- The Outstanding Florida Water (OFW) and Wild-and-Scenic-designated portions of the Myakka River that flows through the City of North Port.

Objective 1.4 in Element 9 requires that a wetland ordinance be written and adopted by the year 1991. This ordinance will be designed to protect, conserve, or restore water resource systems and attendant biological functions within the city.

Manatee County Regulations--Manatee County submitted its Comprehensive Plan pursuant to Chapter 163, Florida Statutes, on November 16, 1988. The plan contains specific chapters on Future Land Use and Conservation Elements. The Future Land Use Element contains specific objectives for wetlands, rivers, lakes, streams, and watershed protection. The Conservation Element addresses water quality, water conservation, mineral resource extraction and wildlife protection.

The County also has a Comprehensive Zoning and Land Development Code (Ordinance 81-4, as amended). The Code regulates development by establishing zoning district regulations, special regulations pertaining to cluster development, and environmental and open space regulations. Requirements for subdivisions and site plans are specified. Manatee County has a mining

ordinance which requires state-of-the-art mining facilities to reduce environmental impacts and stringent mitigation requirements.

Hardee County Regulations--Currently, Hardee County regulates development by its comprehensive plan, land development code, and subdivision regulations. Environmentally sensitive areas are not specifically addressed in the regulations at this time; however, environmentally sensitive areas and developmental policies will be included in its updated Comprehensive Plan due to the Department of Community Affairs on September 1, 1990. Until the adoption of Hardee County's updated comprehensive plan, future development will be regulated by a site plan review conducted by the building and zoning board and the county commission special exception is required to develop a parcel of land.

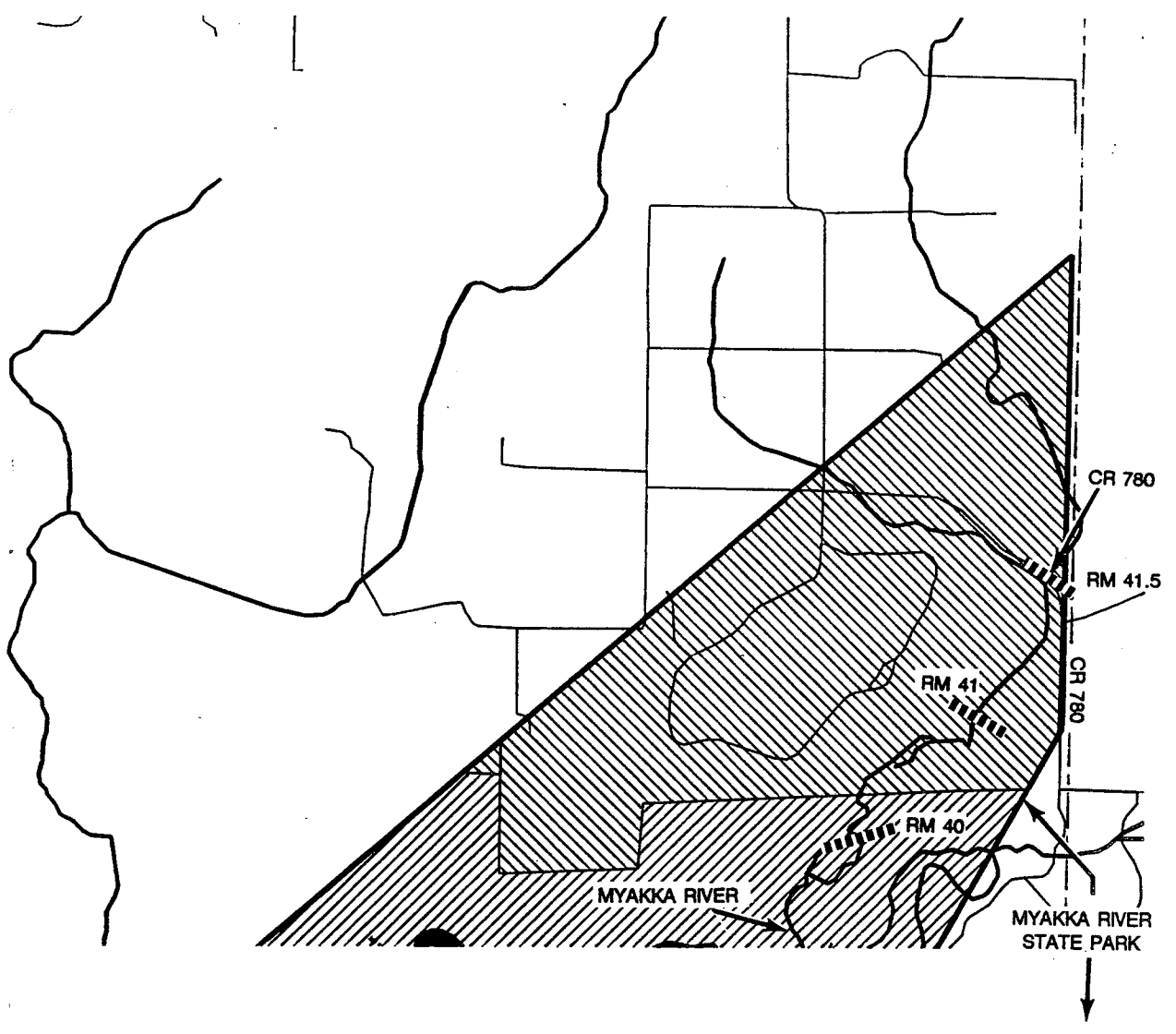
DeSoto County Regulations--DeSoto County controls development by the use of a countywide zoning code, comprehensive plan, subdivision regulations and a site plan review conducted by the zoning director and code enforcement officer. The county's updated comprehensive plan is due to the Department of Community Affairs by August 1, 1990. This new plan will set forth policies regulating development throughout the county and future land use designations in that portion of the county located within the Myakka watershed.





2.9 LAND OWNERSHIP

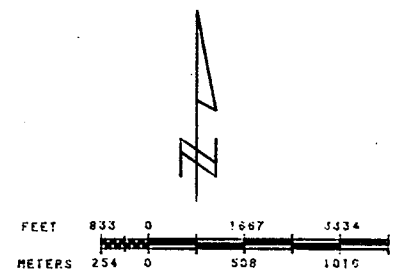
Land ownership in the vicinity of the river area consists of several categories: public land (state and county), privately owned large tracts, and privately owned small tracts (see Figure 2-9). Beginning at County Road 780 and traveling south, approximately 16 river miles are in public ownership. This public ownership includes large tracts of the Myakka River State Park, the Carlton Reserve, and the Walton Tract. Additionally, SWFWMD has recently proposed to purchase, through voluntary acquisition, an additional 2,400 acres along a portion of the Myakka River south of the Walton Tract. This acquisition would include six river miles and be conducted under the State of Florida's Save Our Rivers program, which may acquire land only on a willing-seller basis.

Downriver from the large publicly owned tracts, the ownership patterns change; tracts ranging from 5 to 50 acres occur along the river as well as several smaller lots around river mile 22. The eastern bank of the river is characterized by large privately owned tracts with generally less intensive uses except for land immediately south of Border Road, which has numerous small residential lots. In the vicinity of North Port, small tracts and lots are present on both sides of the river to the county line.

Land ownership patterns will likely change in two ways. Large tract ownership will likely be subdivided as suburban development spreads eastward from coastal areas. In addition, public ownership will likely increase, due to the Save Our Rivers program (Myakka River and Upper Myakka River Save Our Rivers projects) and DNR's interest in purchasing a portion of Tatum Sawgrass.



- LEGEND**
-  LARGE TRACT
 -  SMALL TRACT
 -  PUBLIC
 -  RIVER MILES



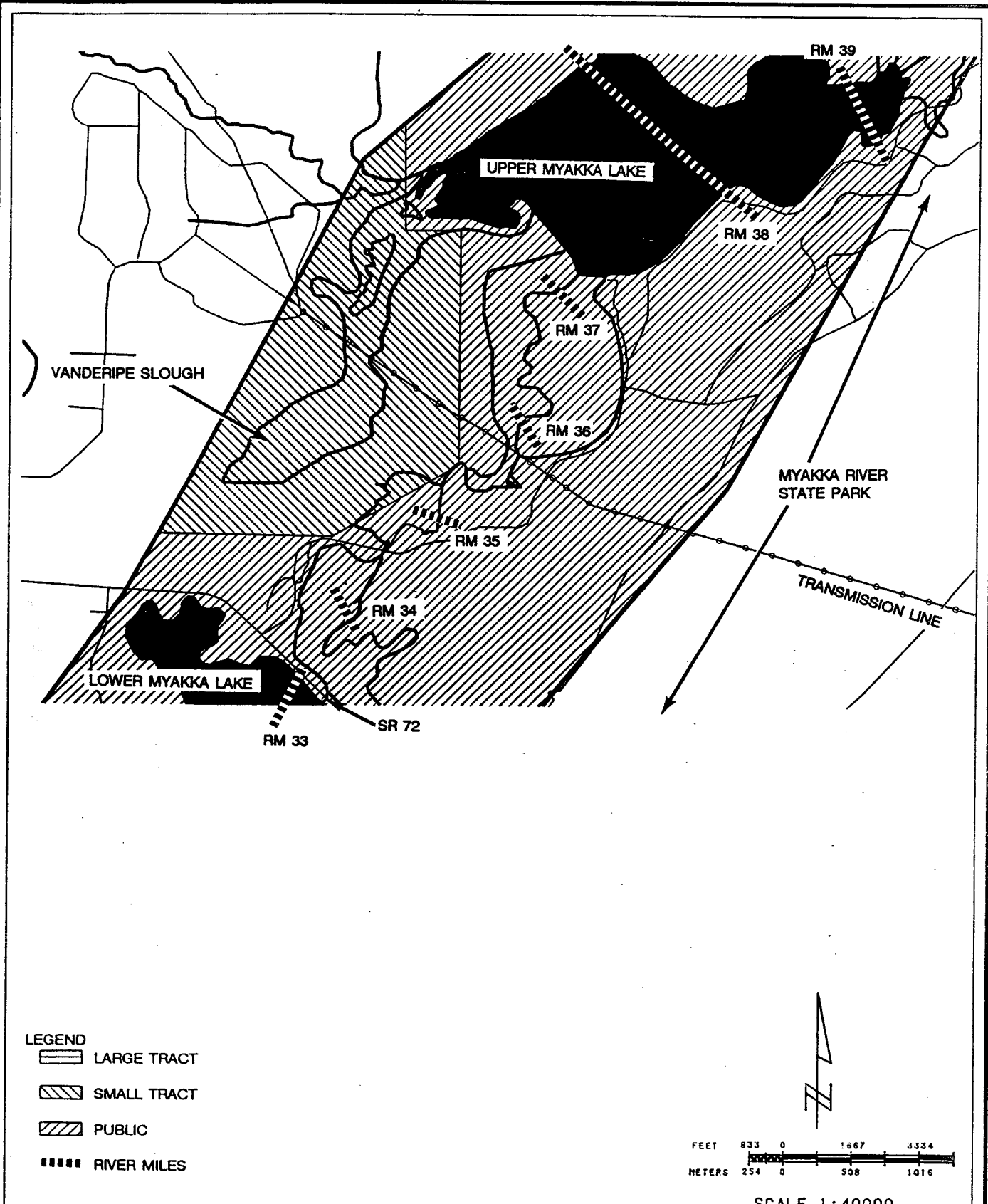
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



Figure 2-9
OWNERSHIP PATTERN (1 OF 7)

SOURCE: FLORIDA PLATS, 1989.

MYAKKA WILD AND SCENIC RIVER
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- LEGEND**
-  LARGE TRACT
 -  SMALL TRACT
 -  PUBLIC
 -  RIVER MILES

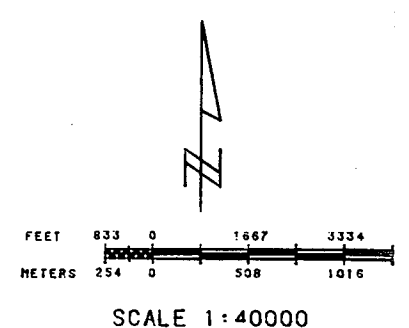
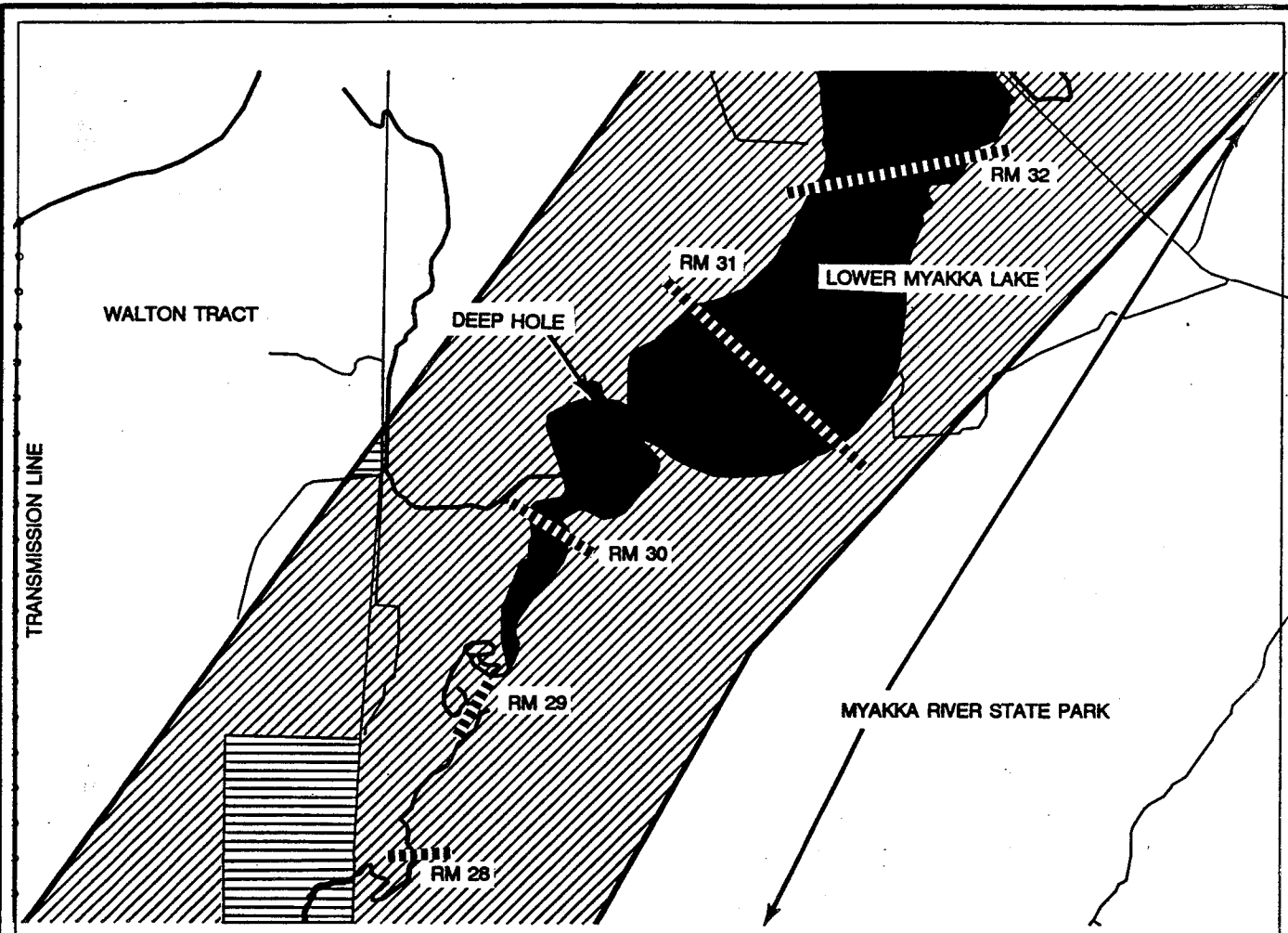






Figure 2-9
OWNERSHIP PATTERN (2 OF 7)

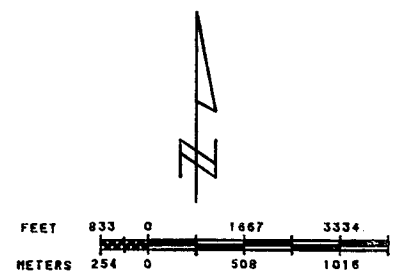
SOURCE: FLORIDA PLATS, 1989.

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- LEGEND**
-  LARGE TRACT
 -  SMALL TRACT
 -  PUBLIC
 -  RIVER MILES



SCALE 1 : 40000

Figure 2-9
OWNERSHIP PATTERN (3 OF 7)

SOURCE: FLORIDA PLATS, 1989.

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

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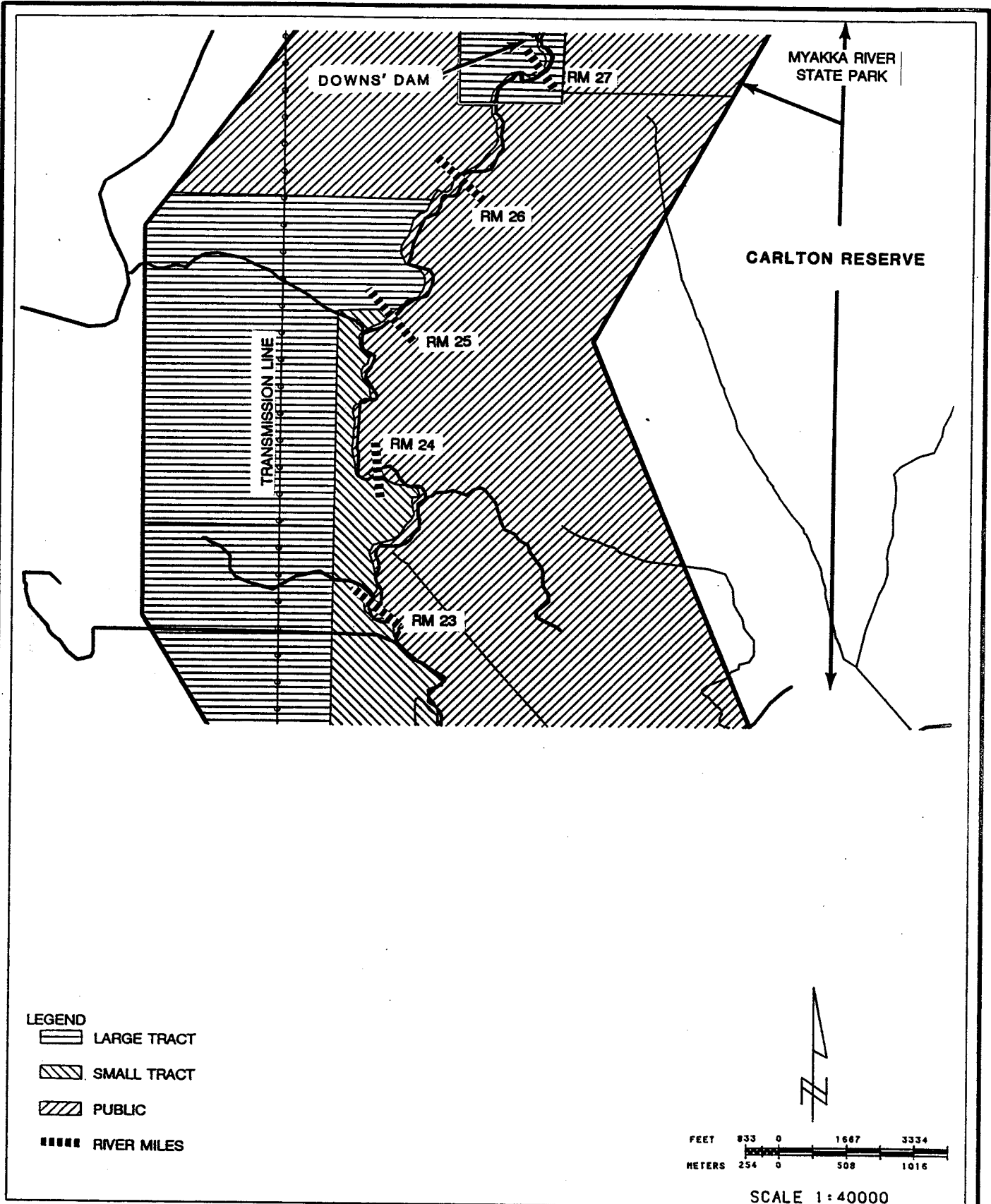


Figure 2-9
OWNERSHIP PATTERN (4 OF 7)

SOURCE: FLORIDA PLATS, 1966.

MYAKKA WILD AND SCENIC RIVER
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FLORIDA DEPARTMENT OF NATURAL RESOURCES

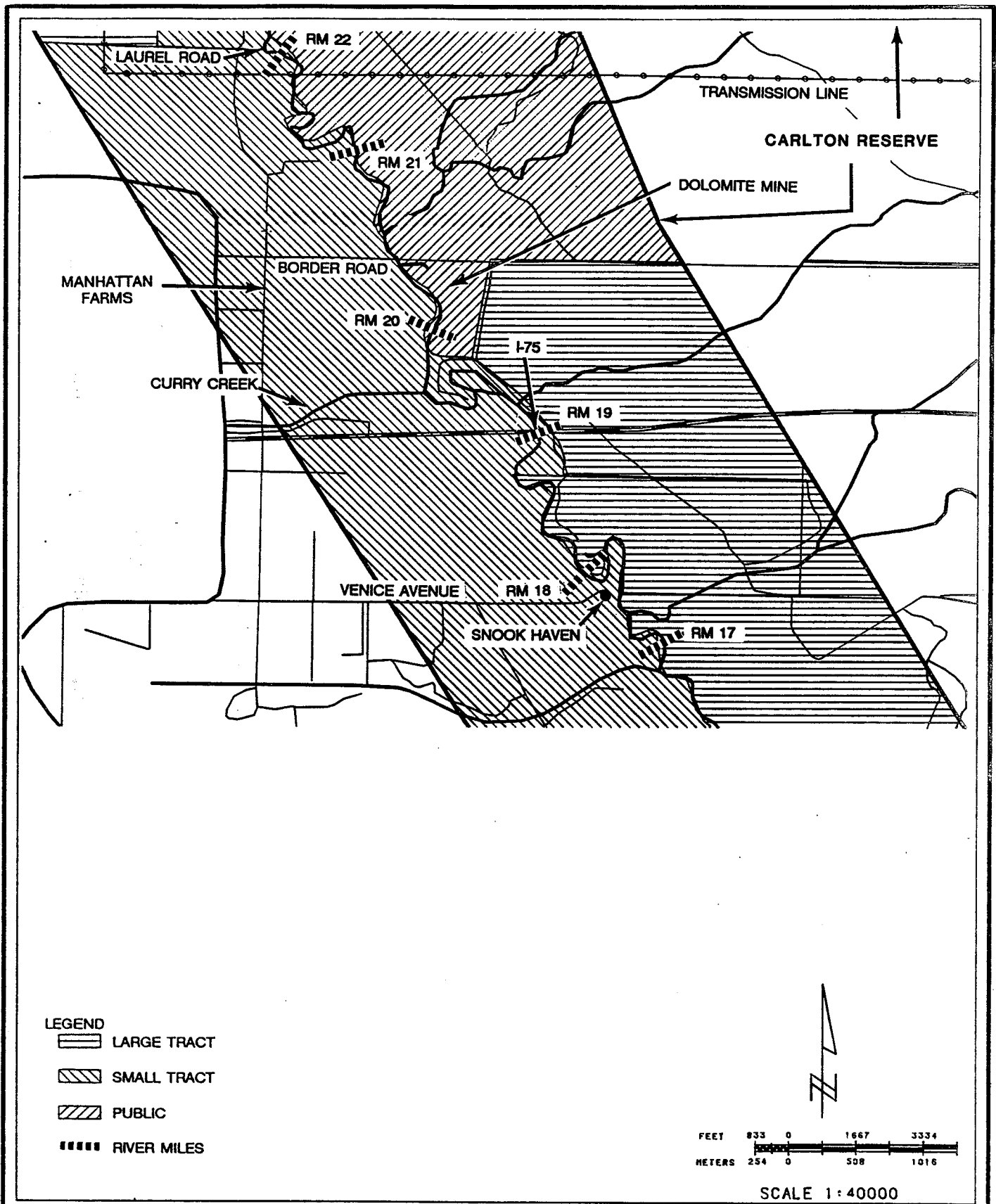
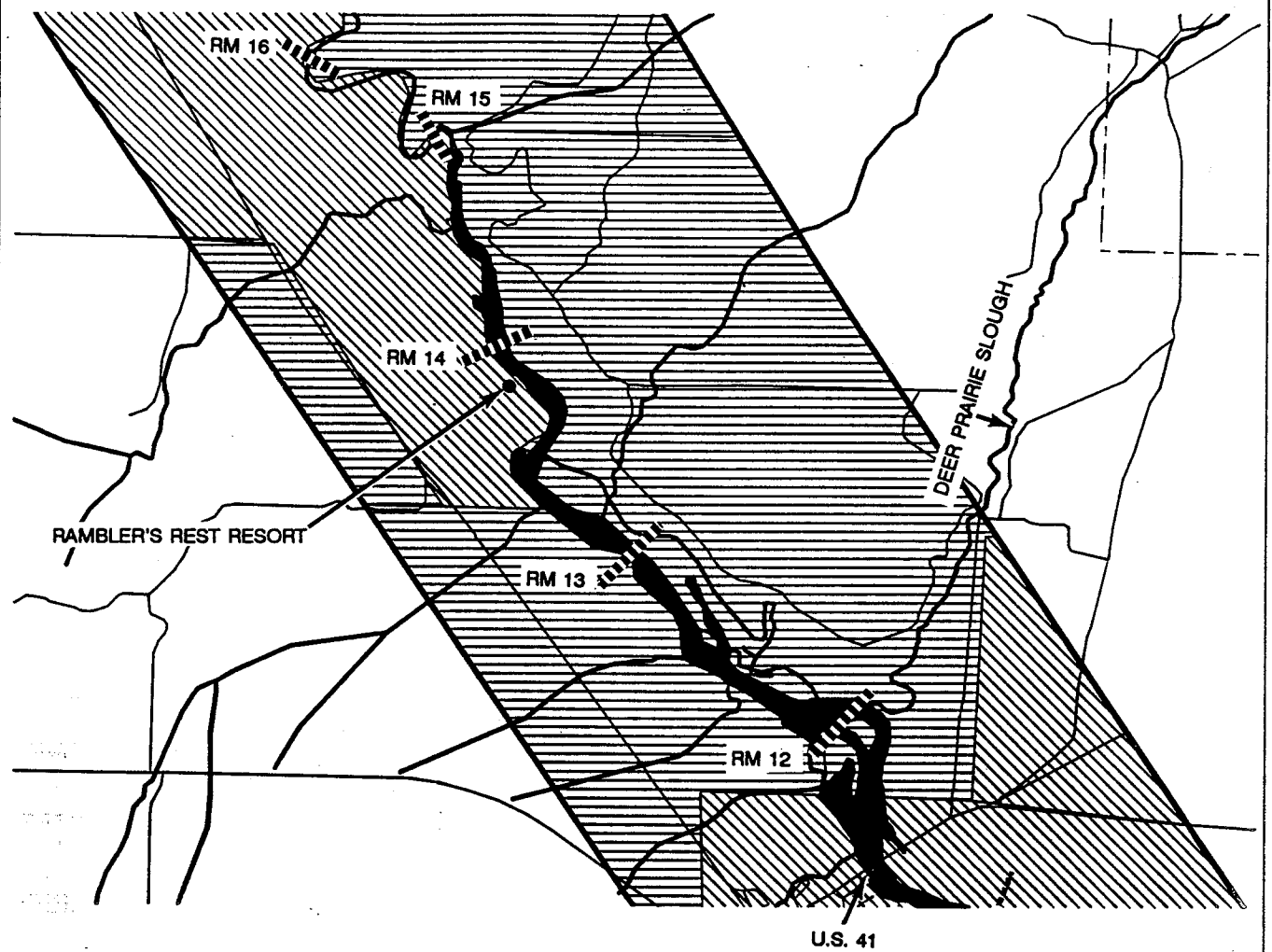






Figure 2-9
OWNERSHIP PATTERN (5 OF 7)

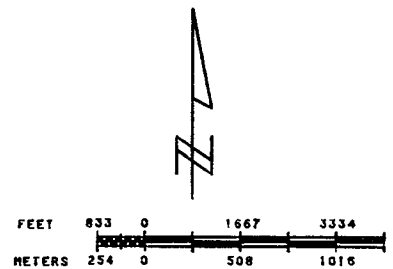
SOURCE: FLORIDA PLATS, 1989.

MYAKKA WILD AND SCENIC RIVER
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- LEGEND**
-  LARGE TRACT
 -  SMALL TRACT
 -  PUBLIC
 -  RIVER MILES



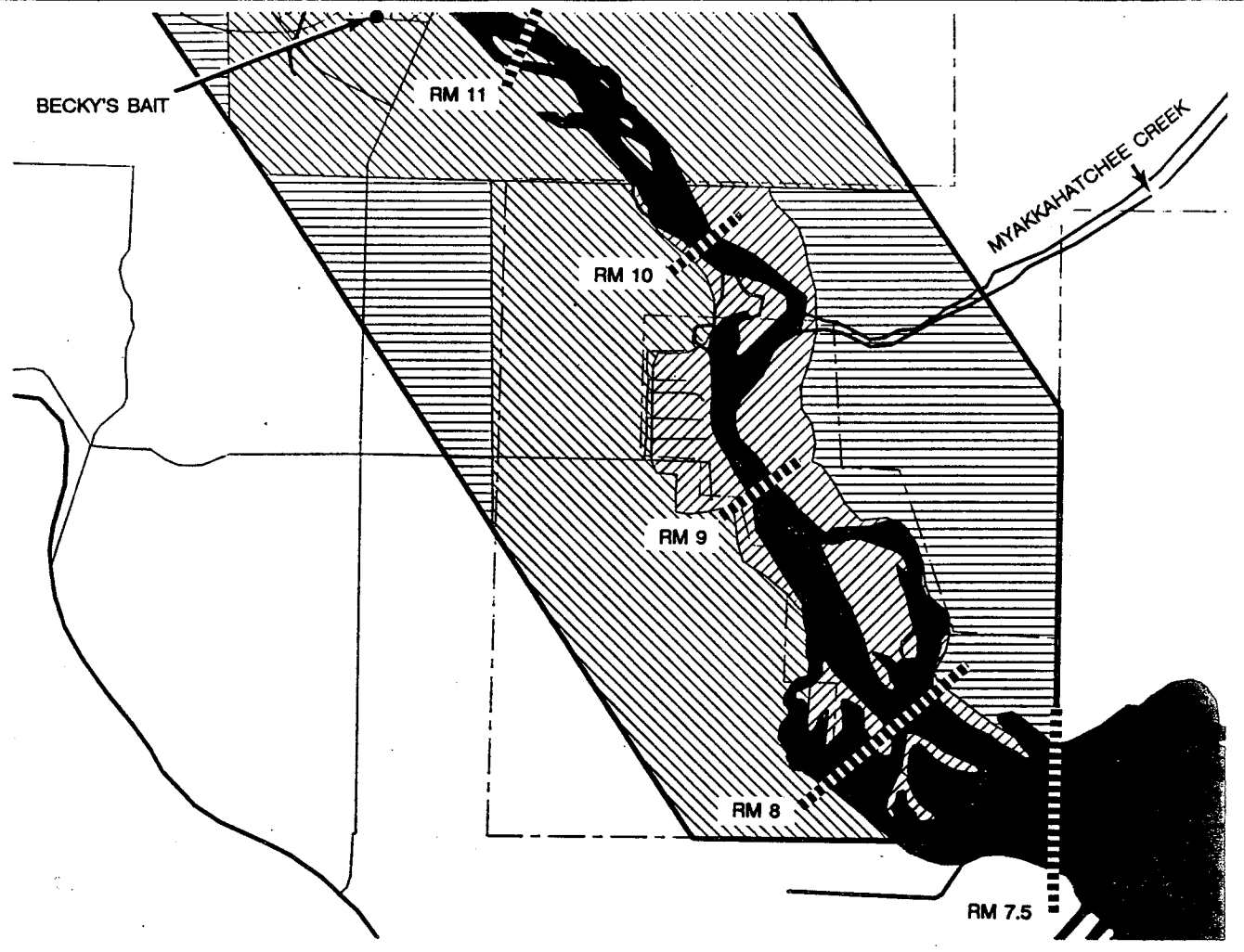
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



Figure 2-9
OWNERSHIP PATTERN (6 OF 7)

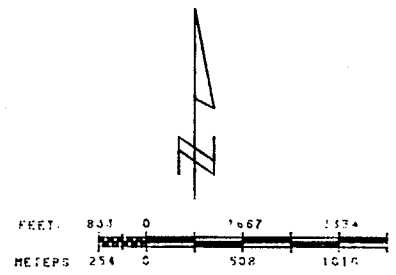
SOURCE: FLORIDA PLATS, 1989.

MYAKKA WILD AND SCENIC RIVER
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- LEGEND**
-  LARGE TRACT
 -  SMALL TRACT
 -  PUBLIC
 -  RIVER MILES



SCALE 1:40000

**Figure 2-9
OWNERSHIP PATTERN (7 OF 7)**

SOURCE: FLORIDA PLATS, 1989.

**MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN**

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3.0 PUBLIC ACCESS AND RECREATIONAL USE

The Myakka River, like many rivers in Florida, is a popular destination for outdoor recreation activities. Existing access and support facilities are clustered in two areas: the Upper Myakka Lake and Lower Myakka Lake areas of the Myakka River State Park and the southern portion of the river near U.S. Highway 41. This section describes the existing access and support facilities that exist within the river area and describes current use.

3.1 EXISTING ACCESS FACILITIES

The Myakka River State Park is the primary public access point to the Myakka River. The park, which covers almost 29,000 acres, is located in Manatee and Sarasota Counties approximately 12 miles east of Sarasota. Access to the park is via State Road 72 to the southern entrance and via State Road 70 and County Road 780 to the northern entrance.

The park offers scenic natural features and facilities for both active and passive recreational activities. The park contains Upper Myakka Lake; Lower Myakka Lake; and diverse natural communities including marshes, sloughs, and unique upland communities as some of the significant natural features. Visitors can enjoy viewing a virtually unchanged Florida landscape. Deer, alligators and many species of wading birds are abundant, as well as thousands of waterfowl in the winter months. In addition, ospreys, bald eagles, sandhill cranes, and other threatened and endangered species are commonly seen in the park. Approximately 7,500 acres of the park is designated as a wilderness preserve. The preserve resembles a Florida undisturbed by man's activities. Limited public access is permitted for such activities as hiking, fishing, sightseeing, canoeing, nature study, and research.

The park offers many environmental educational facilities, beginning with an interpretive center with exhibits of wildlife and plant communities and a video presentation. Park rangers provide guided walks and campfire programs seasonally and offer birdwatching education during the winter season. Concessionaire-run airboat and land tours are also available at the park. A 70-passenger airboat offers a tour of the Upper Myakka Lake. Conducted year around except during the month of September, the tour operates three times per day every day, seasonally four times daily, except on Tuesday. The tour

provides a panoramic view of the lake while narrators describe the ecology of the shoreline, streams, flora and fauna. A 50-passenger tour train offers a land tour of the park. The tour operates seasonally (winter and spring) two times per day and provides a view of remote areas of subtropical forests and marshlands while a guide explains the native habitat and history of the area.

The park also offers a wide range of recreational uses. Among the activities offered are hiking trails (39 miles), photography, fishing, shoreline access (3 miles), picnicking, canoeing, equestrian trails (15 miles), bicycling, camping (both full facility and primitive), and overnight cabins. The Myakka River State Park boat ramp is the main launching point for canoeing, fishing, and other river and lake-related activities for the north portion of the park. Several other public access points exist north of the park, including State Road 70, State Road 64, and Myakka City-Wauchula Road. However, these are highway/road crossings and only provide an opportunity to fish from the roadside or bridge.

The Carlton Reserve is an undeveloped 25,000-acre tract located east of the south portion of the state park and on the east side of the Myakka River. There are currently no public recreational facilities in the reserve. Sarasota County has plans to provide limited public access to the river in the vicinity of Border Road for such activities as canoeing and hiking. However, the reserve will have few structural facilities. The City of North Port's Butler Memorial Park is located adjacent to Price Boulevard and contains a canoe launch, hiking path, and other nonresource-based recreational facilities. The 40-acre park is located on Myakkahatchee Creek, several miles north of its confluence with the Myakka River. Crane Park, a small community park operated by Manatee County in Myakka City, borders the Myakka River. The park has limited facilities, including picnic tables and rest rooms, but no river access for boating.

There are three private recreational facilities for public use located along the southern portion of the Myakka River. These facilities include Snook Haven, Ramblers Rest Resort, and Becky's Bait. North Port Yacht Club and Harbor Cove Boat Basin are also located nearby on Myakkahatchee Creek.

3.2 CURRENT RECREATIONAL USE PATTERNS

The Myakka River's unique natural features and its proximity to the urban areas of West Central Florida make it a popular outdoor recreation area. The river supports many types of recreational activities. Some of the activities include fishing, canoeing, swimming, birding, nature study, photography, camping, hiking, motor boating, picnicking, and hunting. Motor boating is restricted by physical limitations in the portion of the river north of Upper Myakka Lake and from Lower Myakka Lake downstream to Downs' Dam, which is 0.5 mile south of the southern boundary of the state park. Activities such as hiking and camping are restricted to public use lands within the state park.

APOXSEE, Sarasota County's Comprehensive Plan, indicates that in terms of regional recreational facilities (i.e., Myakka River State Park) the area has sufficient facilities to accommodate the population it serves. With the anticipated opening of the Carlton Reserve for limited public-use facilities, public recreation lands will extend from the northern boundary of the Myakka River State Park at County Road 780 to the vicinity of Border Road.

To determine actual usage of the river, an informational survey was conducted on Saturday, March 18, 1989. Survey locations were the Myakka River State Park boat ramp, Snook Haven, and Becky's Bait. Observations of boat traffic and occasional surveys were also made at the Myakka River State Park bridge and the Border Road bridge. The surveying was conducted between 10:00 AM and 6:00 PM. Additionally, interviews were conducted with employees of the facilities at the survey locations.

The survey confirmed that the Myakka River is a major recreational resource of the region. On the day of the survey, 112 watercraft were observed on the river. These watercraft were at different locations along the river and varied in boat type and activity observed. Figure 3-1 provides a breakdown of the type and location of watercraft observed on the Myakka River.

On the day of the survey, boats utilized for fishing accounted for approximately 50 percent of all watercraft and were the most popular type of boat at every location. This is primarily due to the fact that the Myakka River, Upper Myakka Lake, and Lower Myakka Lake provide a majority of the freshwater fishing resources of the region. Shallow draft fishing boats and

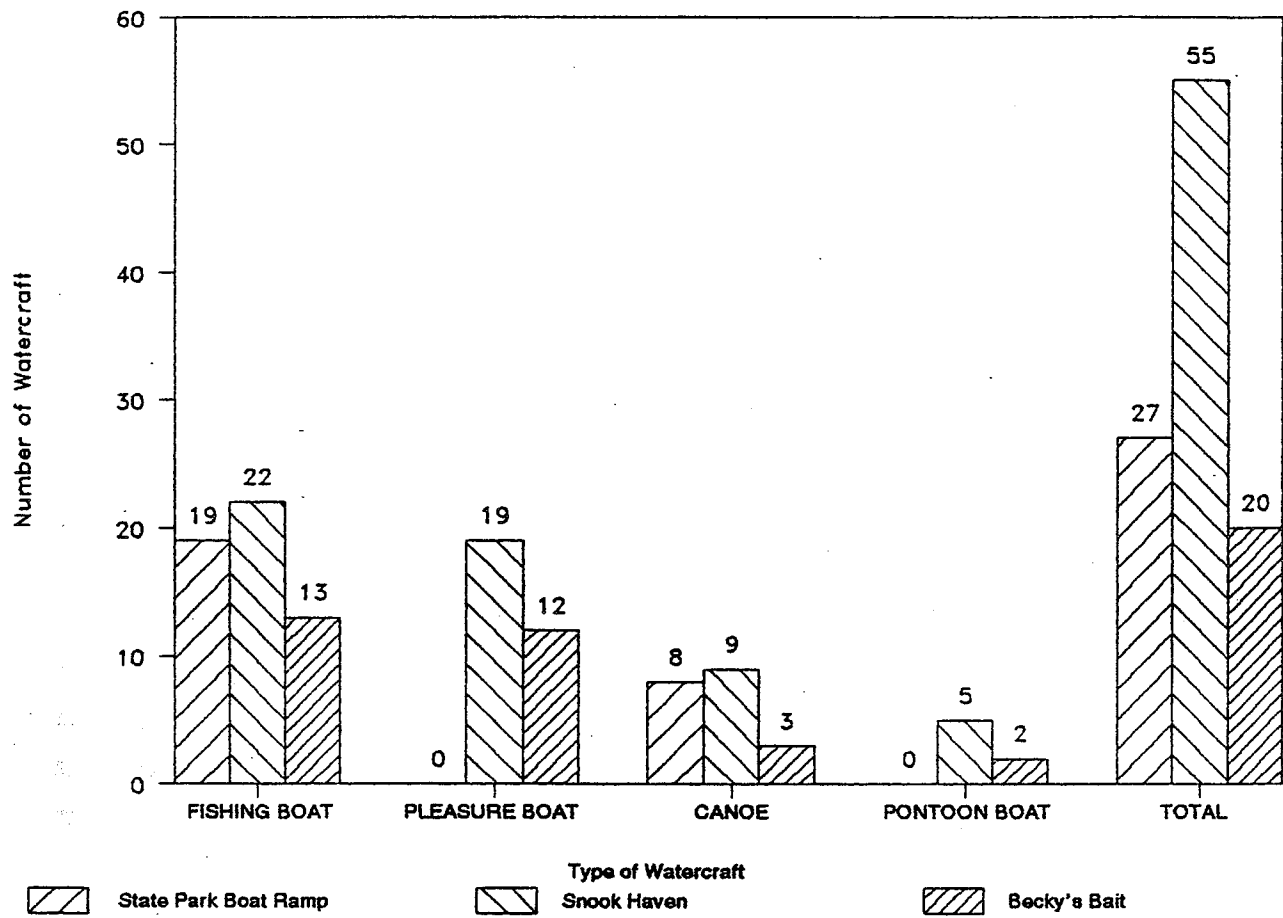


Figure 3-1
 TYPES AND LOCATIONS OF WATERCRAFT OBSERVED
 (MARCH 18, 1989) RECREATION INFORMATION SURVEY

SOURCE: HUNTER, 1989.

MYAKKA WILD AND SCENIC RIVER
 MANAGEMENT PLAN

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canoes accounted for all of the watercraft observed at the state park boat ramp primarily due to the natural features of the river and lake (i.e., generally shallow). Snook Haven had the most boating activity of the areas observed. This may be due to two reasons: the easy access from I-75 and U.S. Highway 41 and the existing facilities, including a restaurant and bar, make it a well known and popular spot for users of the river.

In lower areas of the river, the facilities at Snook Haven and Becky's Bait are utilized by pleasure craft; whereas, pleasure craft are generally unable to use the state park boat ramp or the lake is not a favored area for use by larger pleasure craft owners, in the northern portion of the river. The ability of larger boats to use the lower Myakka River is primarily due to the natural widening and deepening of the river as it approaches its confluence with Charlotte Harbor.

Those people surveyed were also asked which areas of the river they use during the year. Table 3-1 presents information on the areas of the river that those people surveyed frequent. The southern third of the river is the most frequently used. This area of the river is more heavily populated than any other section of the river and includes several communities including Myakka Shores, Charlotte Beach, North Port, Port Charlotte, and El Jobean, which are located near the southern end of the river. All have increasing populations and relatively easy access to the river. Additionally, this part of the river is sufficiently wide and deep to accommodate larger, more powerful watercraft.

Boats from the Charlotte Harbor communities of Punta Gorda, South Punta Gorda, and Port Charlotte are able to travel up the river to use the facilities such as those available at Snook Haven; however, people who frequently use the lower areas of the river do not usually use the upper areas of the river. Few people in any location frequently use the upper reaches (north of Upper Myakka Lake) of the river because of the lack of a readily distinguishable channel and related physical restrictions and navigation problems.

The survey's main objective was to provide information on the level of recreational activity on the river and the types and locations of these activities along the river. Table 3-2 provides a detailed breakdown of recreational activities by activity type and location that those surveyed participate in throughout the year.

Table 3-1. Boating Activity by Segment--March 18, 1989

River Segment	Number of Boats
Upper Reaches North of CR 780	5
Upper Myakka Lake Area	29
Lower Myakka Lake Area	16
Southern Boundary of Lower Myakka Lake to Snook Haven	28
Snook Haven to U.S. 41	40
U.S. 41 to Charlotte Harbor	35

Source: Hunter, 1989.

The two most popular activities of those surveyed were boat fishing and pleasure boating. Nearly three-fourths of those people surveyed river-wide boat fish on the river. More than 90 percent of those people surveyed at the state park boat ramp participate in boat fishing. Fifty percent of those surveyed pleasure boat on the river; however, this activity is more popular in the southern reaches of the river. Only one-third of those surveyed at the state park boat ramp pleasure boat on the river.

Since boat fishing and pleasure boating are the two most popular activities, it seems logical that boat ramp use would also be popular. Forty-eight percent of those surveyed use boat ramp facilities on the river. Over 80 percent of those surveyed at the state park boat ramp use such ramps. A lower amount of boat ramp use occurs in the southern areas of the river due to aforementioned reasons, such as the boater's use of other facilities farther south in Charlotte Harbor.

Nature watching, picnicking, and nonboat fishing are other popular activities. Approximately 43 percent of those people surveyed participate in each of these activities. These activities are undertaken by a majority of those surveyed at the state park boat ramp. Additionally, hiking, tent camping, and RV/trailer camping are much more popular activities of those surveyed at the state park boat ramp than at other locations since the state park also offers facilities for these activities. The state park offers an abundance of opportunities to participate in these activities since it is the only public area where participants do not need to be on or immediately adjacent to the river.

Information in addition to the recreational information survey was obtained from employees of the facilities at the survey locations. On the day of the survey, attendance at the state park was 1,191 people. Many of these people went on the guided airboat tour of the Upper Myakka Lake. Park employees indicated that recreational activity in the park on the day of the survey was typical of weekend usage during the busy season. Park personnel also indicated that weekend mornings from January to May are the most popular times for recreational activity in the park.

Table 3-2. Participation in Recreational Activities on the Myakka River by Type and Location (March 18, 1989 Recreation Information Survey Results)

Activity	State Park Boat Ramp (27 Surveys)		Spook Haven (41 Surveys)		Becky's Bait (34 Surveys)		Total (102 Surveys)	
	Number of Participants	Percent of Total Respondents	Number of Participants	Percent of Total Respondents	Number of Participants	Percent of Total Respondents	Number of Participants	Percent of Total Respondents
Swimming	4	14.8	10	24.4	5	14.7	19	18.6
Nonboat Fishing	14	51.2	17	41.5	13	38.2	44	43.1
Boat Fishing	25	92.6	26	63.4	23	67.7	74	72.5
Pleasure Boating	9	33.3	25	61.0	17	50.0	51	50.0
Boat Ramp Use	22	81.5	14	34.1	13	38.2	49	48.0
Canoeing	13	48.1	16	39.0	6	17.6	35	34.3
Picnicking	22	81.5	12	29.3	11	32.4	45	44.1
RV/Trailer Camping	7	25.9	5	12.2	2	5.9	14	13.7
Tent Camping	12	44.4	8	19.5	1	2.9	21	20.6
Hiking	15	55.5	5	12.2	2	5.9	22	21.6
Nature Watching/ Photography	23	85.2	14	34.1	7	20.6	44	43.1
Hunting	1	3.7	3	7.3	0	0.0	4	3.9
Other	0	0.0	0	0.0	1*	2.9	1	1.0

* Crabbing

Source: Hunter, 1989.

Interviews were also conducted with employees of the other two survey locations, Snook Haven and Becky's Bait. Employees at Snook Haven indicated that the period of most activity at their location generally occurs Saturday mornings from January to June. The ramp is closed on Sunday's during weekly barbeque events. Fishing and pleasure cruising are the major activities observed by employees at Snook Haven. Employees estimate about 10 boats per day use the boat ramp during the week and 20 to 30 boats during weekends. The rental canoes and fishing boats at Snook Haven are booked most weekends throughout the year.

Becky's Bait employees indicate that the period of most activity at their facility is Sundays from January to June. Approximately 25 to 30 boats use the fuel and ramp facilities on weekends in the winter and spring, but activity decreases to 10 to 20 boats in the summer and fall months. Fishing and pleasure boating are the major recreational activities at Becky's Bait.

Using the information gathered from the survey, observations, and interviews with private facility operators and those knowledgeable about the river, certain recreational patterns are apparent. The majority of people who frequently use the river tend to participate in various types of recreation. Although people may participate in one or two recreational activities more frequently, many take advantage of the other recreational activities that the river offers. Approximately 45 percent of those surveyed participate in at least four different recreational activities.

People who have smaller fishing boats and canoes tend to use the upper part of the Myakka River, while larger more powerful pleasure craft tend to stay in the downstream area of the river. The reasons for this seem to be due primarily to the natural features and resultant physical limitations of the river. As described in Section 2.0, the northern portion of the river is narrow and shallow with large marsh areas, except for Upper Myakka Lake and Lower Myakka Lake, which is wide but shallow with floating vegetation. The southern portion of the river tends to be wider and deeper with more open water.

The Myakka River State Park is the only public recreational area along the river that offers non-river-dependent recreational activities. People who participate in activities such as hiking, camping, and picnicking use the state park facilities. These same people also tend to participate in river-related recreational activities in the northern portions of the river.

To summarize the analysis of the informational survey, several important conclusions are apparent. The river has three distinct segments: the state park area of lakes, the midstream area, and the downstream southern area. The frequency of use and types of use vary significantly between segments. The segments have different facilities available and, accordingly, are used differently.

The northern segment of the river lacks the private river-related facilities that the southern segment has. This is due in large part to lack of access and natural restrictions to varied boating use. The southern segment has adequate private river-related facilities and considerable boat traffic, but does not have any public river- and non river-dependent facilities.

4.0 RESOURCE VALUES, ISSUES, AND PROBLEMS

The Myakka River Wild and Scenic Designation and Preservation Act defines resource value as "any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating Council". To ensure that resource values and associated features were fully described and all issues identified, the Council members were assigned to work groups to develop lists of resource values and issues. These activities, in addition to the resource descriptions, management authority and direction, and management principles, served as the foundation for developing specific management objectives and actions.

Three work groups were established to develop lists of resource values and issues. These work groups were based on major environmental disciplines and included aquatic ecology/water resources, terrestrial ecology, and cultural/land use.

The specific features defined in the Act were also reorganized to facilitate discussion on a discipline basis. Economic, scenic, recreational, and geologic features were identified as specific resource values. Historic and cultural features were combined into one specific resource value. Fish and wildlife and ecological features were redefined into aquatic ecology, terrestrial ecology, and water resources values.

The work groups defined resource values and issues as follows:

Aquatic Ecology/Water Resource Work Group

- Geologic resource,
- Aquatic ecology resource, and
- Water resources.

Terrestrial Ecology Work Group

- Terrestrial ecology resource.

Cultural/Land Use Work Group

- Economic resource,
- Scenic resource,

- Recreational resource, and
- Historic and cultural resource.

Each work group met three times independently and then together as the Council to discuss individual resource values, and features and issues which were prevalent in more than one work group or resource value. The resource value elements listed in Table 4-1 depicts a summary of results of the work group's efforts with additional input from the Division.

The following sections describe each resource values, issues, problems, and resultant priority concerns. The listing of resource values, issues, problems, and priority concerns in the following sections does not represent a designated ranking of importance.

4.1 ECONOMIC RESOURCE VALUE

4.1.1 Description

The economic resource value of the Myakka River watershed is significant and is growing in size and diversity as Sarasota County and west-central Florida expand their economic base. The most significant and extensive element of the resource value is agricultural activity. Other components include land development, transportation, and mining activity.

Agricultural activity is prevalent throughout many areas of the watershed, but is more concentrated northwest and southwest of Myakka River State Park, and east of the Carlton Reserve. Agricultural activities include field crops, row crops, citrus, sod farms, and plant nurseries. Currently, livestock grazing is the most significant economic resource element and includes improved and unimproved pasture and rangeland. Silvicultural activities are also prevalent within the watershed and will continue to occur. Generally, livestock grazing is the only agricultural activity physically located along the river.

The economic resource elements most closely related to the river itself are commercial fishing, sport fishing, and commercial boat touring. Commercial boat fishing activity is generally limited to the lower reaches of the Myakka River, primarily south of U.S. Highway 41. Sport fishing is a popular activity throughout the entire length of the river south of Upper Myakka Lake.

Table 4-1. Resource Values

Economic	Scenic	Recreational	Cultural and Historical	Geologic	Water Resources	Terrestrial Ecology	Aquatic Ecology
AGRICULTURE o Field Crops o Row Crops o Citrus o Sod Farms o Plant Nurseries	VISTAS o Forested Areas o Nonforested Areas o Open Water o Cultural Features o Towers/Navigational Aids o Artificial Light	FISHING SPOTS (PUBLIC AND PRIVATE, ON AND OFFSHORE) FISHING BOAT RAMES BOAT DOCKS YACHT CLUBS CAMPING RESORTS (TENT AND RV)	NATIONAL REGISTER SITES SIGNIFICANT ARCHAEOLOGIC/HISTORIC SITES OTHER ARCHAEOLOGIC/HISTORIC SITES HOMESTEADS/FARMSTREADS HISTORIC MARKERS WETLAND/UNDERWATER SITES HISTORIC DEVELOPMENT MARKERS o Forts o Benchmarks PATHWAYS RAILROADS	STRINGS o Little Salt Spring o Warm Mineral Spring SINKHOLES o Lower Myakka Lake's Deep Hole BLUFFS AQUIFERS o Surficial o Intermediate o Floridan ORBS/MEANDERS LIMESTONE/VOLCANITE/MARL OUTCROPPINGS FOSSILS SOILS SILTS	QUALITY o Outstanding Florida Water (Ecological Value) o Potable Water Supply (Class I) o Irrigation o Livestock o Headwater Areas o Tributaries and Sub-basins o Class II QUANTITY o Outstanding Florida Water (Ecological Value) o Potable Water Supply o Agricultural Irrigation o Livestock o Headwater Areas o Tributaries and Sub-basins o Water Control	PLANT COMMUNITIES/WILDLIFE HABITATS o Pine Flatwoods/Pine Prairies o Scrubby Flatwoods/Oak Scrub o Mesic-hydric Hammock o Xeric Hammock o Coastal Hammock o Dry Prairie o Freshwater Wooded Wetlands o Freshwater Herbaceous Wetlands o Brackish-Saltwater Marsh o Mangrove Swamp o Agricultural Areas o Developed Land LISTED SPECIES o Plants o Animals	FISHERIES o Freshwater (Large-mouth Bass, Pan-fish, Black Crappie, Catfish, Etc.) o Saltwater o -Recreational (Snook, Tarpon, Redfish, Trout, Mullet, Sheeps-head, Snook) o -Commercial (Crabbing, Mullet) o Nongame Fish o -American Eel o -Sawfish BENIHC COMMUNITIES o Freshwater o Marine/Estuarine o Clams, Oysters o others WETLANDS o Emergent
LIVESTOCK GRAZING o Improved Pasture o Unimproved Pasture/Rangeland	ARTIFICIAL LIGHT GEOLOGIC FEATURES o Bluffs/Soil Profiles o Springs o Sand Banks/Bottoms/Ford	PICNICKING HIKING BICYCLING CANOEING POWER BOATING					
SILVICULTURE COMMERCIAL FISHING COMMERCIAL BOAT TOURING	WILDERNESS CORRIDORS VIEWSHED WATER CLARITY SKYWATCHING/STARGAZING						
LAND DEVELOPMENT o Residential o Commercial o Tourism o Industrial o Recreational o Institutional							

Table 4-1. Resource Value (Continued, Page 2 of 3)

Economic	Scenic	Recreational	Cultural and Historical	Geologic	Water Resources	Terrestrial Ecology	Aquatic Ecology
<ul style="list-style-type: none"> o Infrastructure (landfills, water transmission, waste-water treatment and disposal facilities, disposal wells, electrical transmission and distribution) 		<p>WATER AND JET SKIING</p> <p>SAILING</p> <p>SWIMMING</p> <p>DIVING</p> <p>NATURE STUDY</p>	<p>WRITTEN DOCUMENTS</p>	<p>SEEPS</p>	<ul style="list-style-type: none"> o Wastewater Treatment/Recycling o Seasonal Low Flow/Zero Flow o Flood Stage and High Flow During Rainy Season o Floodplain o Ecological Value o Water Control o Recycling/Wastewater Treatment 	<p>HDC AND GAME ANIMALS</p> <ul style="list-style-type: none"> o Hog o Waterfowl o Dove and Quail o Deer and Gray Squirrel o Other Game and/or Hunted Animals (e.g., Frog, Alligator, Rattlesnake, Armadillo, Opposum) <p>REPTILES AND AMPHIBIANS</p> <p>AQUATIC HABITAT</p> <ul style="list-style-type: none"> o River o Lakes o Marshes 	<ul style="list-style-type: none"> o Submergent MAMMALS o Bottlenose Dolphin o West Indian Manatee (Endangered)
<p>TRANSPORTATION</p> <ul style="list-style-type: none"> o Highways o Bridges o Marked Channel o Airfield <p>MINING/MATERIALS</p> <ul style="list-style-type: none"> o Dolomite o Phosphate o Shell and Marl Pits o Sands o Fill 		<p>SHOOTING</p> <p>HUNTING</p> <p>HORSEBACK RIDING</p>				<p>SPECIAL ECOLOGICAL FEATURES</p> <ul style="list-style-type: none"> o Sawgrass o Longleaf Pine o Lack of Cypress o Double-Headed Cabbage Palm o Coastal Hammock <p>FISHERY NURSERY AREA</p> <p>SPECIES DIVERSITY/DENSITY</p>	<ul style="list-style-type: none"> -Freshwater -Tidal Freshwater -Estuarine/Marine
		<p>PUBLIC LANDS</p> <ul style="list-style-type: none"> o Myakka River State Park 				<p>CRITICAL WEST INDIAN MANATEE HABITAT</p>	

Table 4-1. Resource Values (Continued, Page 3 of 3)

Economic	Scenic	Recreational	Cultural and Historical	Geologic	Water Resources	Terrestrial Ecology	Aquatic Ecology
		<ul style="list-style-type: none"> o Carlton Reserve o Walton Tract 				<p>WILDLIFE CORRIDOR</p> <p>WATERFOWL FLXWAY</p> <p>NESTING/DEN SITES</p> <ul style="list-style-type: none"> o Wading Bird Rookeries o Eagle, Osprey and Owl Nests o Alligator Holes o Sandhill Crane Nesting Sites o River Otter Dens 	
		ACCESS POINTS				<p>REGIONALLY SIGNIFICANT RESOURCES</p> <ul style="list-style-type: none"> o Myakka River o Upper Myakka Lake o Lower Myakka Lake o Flatford Swamp o Vanderipe Slough o Warm Mineral Springs o Tabun Sawgrass 	

Sources: Myakka River, Management Coordinating Council, 1989.
FNR, 1989.
Hunter, 1989.

Popular fishing spots include both Upper Myakka Lake and Lower Myakka Lake, in the vicinity of Snook Haven, and where tributaries discharge into the Myakka River. Commercial boat touring is limited to tours provided by Myakka River State Park in Upper Myakka Lake and at Snook Haven.

Land development in the watershed for other-than-agricultural interests has historically been limited to very low residential estate-type development in areas such as Myakka Valley and Manhattan Farms. Suburban-type densities exist in Myakka City, located adjacent to the river on State Road 64 in Manatee County, and Warm Mineral Springs, an established community east of the river adjacent to U.S. Highway 41. The City of North Port is a relatively young community located east and south of Warm Mineral Springs and with relatively high residential densities. Growth of the coastal communities in southwest Florida has been significant and is anticipated to increase because of the recent completion of I-75. Development trends in Sarasota and Venice indicate an eastward expansion in the vicinity of I-75. This expansion has begun to impact the western fringe of the drainage watershed, particularly in the vicinity of Laurel Road, Jacaranda Boulevard, and River Road where significant urban-intensities of commercial and mixed-use developments are proposed. Significant residential development is also planned for North Port.

Infrastructure to support existing and proposed developments are also located in the watershed, including landfills (existing and proposed), water and wastewater treatment facilities, transmission and/or disposal facilities, and electrical power transmission and distribution lines. Transportation infrastructure is also prevalent, including highways, bridges, marked river channels, and an airfield. Highways and bridges, the marked river channel, and electric transmission and distribution facilities are specific facilities located within the river corridor. Sarasota County water transmission facilities are proposed to cross the Myakka River north of Border Road, and additional facilities are likely as urban and suburban expansion intrudes into the watershed.

Mining resources are also located within the watershed and corridor. These resources consist of dolomite, phosphate, shell, marl, sand, and fill. The most extensive mineral resource in the watershed is phosphate, which exists

throughout the Manatee County portion of the watershed, the extreme eastern Sarasota County part of the watershed, and the Hardee and DeSoto County portions of the watershed. Phosphate mining has historically occurred north of the Myakka River watershed; however, due to resource depletion in these areas and a relatively healthy market for phosphate products, phosphate mining activities are increasing in the watershed and expected to continue. The only mining activity which occurs within the river corridor is occasional dolomite mining which takes place east of the Myakka River in the area south of Border Road.

4.1.2 Issues and Problems

Agricultural and Fishing--Agricultural issues and problems are varied but are generally related to existing or potential adverse impacts to the natural resource values. Agricultural expansion into the watershed and river vicinity will result in increased use of fertilizers, pesticides, and herbicides that are likely to degrade water quality through nonpoint discharge of stormwater runoff into tributaries, wetlands, and the river itself. Water table fluctuations due to irrigation are also important with regard to water quantity effects on the river (see Section 4.6 for more detailed water resource issues and problems). Additional impacts occur to the natural resource values from conversion of wetlands to pasture and accelerated erosion of sediments into the river.

Consumption of natural communities for agricultural purposes may displace wildlife habitat and feeding and breeding grounds, although certain agricultural areas are recognized for providing these grounds.

With regard to the river, commercial and recreational netting was identified as a problem by several persons who responded to the recreational study conducted in April 1989, as well as by the work groups. Spear and bow fishing is also a concern with respect to depletion of fish populations in the river.

Land Development--The projected expansion of urban and suburban levels of land development in the watershed and particularly along the river corridor generates a number of issues and problems. The increase of impervious surface and resultant increases in stormwater runoff are important issues with respect

to flooding and water quality. An increase in development will bring an increase in traffic, which will result in increased contamination of stormwater by vehicular-generated hydrocarbons, as well as degradation of existing air quality. The practice of allowing septic tanks at high densities or in floodprone areas is a problem that will grow with development activity. The effectiveness of retention/detention ponds has also been questioned with regard to water quality treatment capability.

Other specific issues that have been raised are the presence or likelihood of underground storage tanks in the vicinity of the river, outdoor storage as it relates to flooding, and interaction of pets with wildlife. Issues that have been raised as potential solutions to adverse land development impacts include clustering of development and/or transfer of density and land use type and density restrictions. The maintenance of property rights of land owners, particularly adjacent to the river and within the river corridor, are also very important.

Transportation and Infrastructure--An increase in access to the Myakka River is an important issue in that access has the potential to open the river to levels of recreational use that burdens the river's resource values, as well as provides the opportunity for development in proximity to the river. Existing and future bridges can have significant impacts on the river's floodplain. Utility corridors not aligned with highways and bridge crossings also provide the opportunity for future highway development and can have adverse impacts on visual and water resource values. Other utility issues include the presence of sanitary landfills and wastewater treatment and disposal facilities in proximity to the river, and surface and ground water withdrawal.

Mining/Mineral Resources--Mining issues are based on dewatering and water quality and quantity impacts, and destruction of wildlife habitat. The anticipated increase in phosphate mining activity in the watershed will likely result in the impacts described above. Since mining is an intense activity, impacts can be substantial and mitigation difficult to achieve. Closer to the wild and scenic portion of the Myakka River, mining for other mineral resources will likely be on a much smaller scale. However, due to the

proximity of these activities to the river, the consequences of mining can be significant.

4.1.3 Priority Concerns

The highest priority concerns associated with the economic resource value consist of the following:

- The increase and intensity of agricultural activity including livestock grazing and associated stormwater runoff/water quality problems;
- The demand for irrigation for agricultural use as well as for land development activities (irrigation and potable consumption);
- Overfishing of the Myakka River by commercial and recreational interests;
- The types and intensity of future land use, particularly along the river corridor;
- Pollution impacts from land development, especially stormwater runoff; floodplain displacement; septic tank system and underground storage tank contamination; and sanitary landfill, wastewater treatment/disposals, corroded well casings, and filling contamination of ground water and surface water;
- Access to the river by highways or utility corridors;
- Mining and excavations activities and associated water resource impacts; and
- Property rights for land owners adjacent to the river and within the river corridor.

4.2 SCENIC RESOURCE VALUE

4.2.1 Description

The most prominent scenic resource value associated with the Myakka River is its vista as seen from the river and its bank. The river offers a wide variety of scenic views from the intimate closeness associated with hardwood forests situated along the narrow river reaches to the wide open spaces of the lakes and the broad lower river.

Portions of the river north of County Road 780 have limited access and navigability and vistas are confined to forested swamps. Forested areas adjacent to or near the river are also prominent from the outlet of Lower

Myakka Lake to the vicinity of Ramblers Rest Resort. Panoramic views are provided from the vicinity of County Road 780 to the outlet of Lower Myakka Lake. Visual components consist of open water and broad marshes set against an almost continuous forested horizon. The scenic resource features south of Ramblers Rest Resort are similar to the lakes area, with broad expanses of open water, marsh and mangrove swamp, and forested horizon features. The marsh component of these features is comprised of halophytic species and is quite distinct in comparison to the open views associated with the lakes segment of the river.

Additional scenic resource components consist of bluffs, sand banks and bars, and river bottom. Bluffs and associated soil profiles are an important feature to the river and unique in southwest Florida. These features exist intermittently from an area near Downs' Dam to Border Road. Sand banks and bars are prevalent from the vicinity of Downs' Dam to Ramblers Rest Resort, and bottom characteristics vary from rocky-bottom composition south of Lower Myakka Lake to sandy bottoms south of Ramblers Rest Resort.

Two additional features that provide unique scenic value to the Myakka River are its water quality and clarity, especially in the middle sections of the river, and air quality, which due to a lack of intense development north of North Port provides significant opportunity for skywatching during the day and stargazing at night.

These natural components of the scenic resource value exist despite cultural features in and adjacent to the river and within the river vicinity. These cultural features include bridges and highway approaches, electric power transmission and distribution towers and lines, fences, water control structures, boat ramps, and picnic areas within Myakka River State Park. From the vicinity of Border Road to the south, most of the features are also within view, as well as residential dwellings, docks and other yard improvements and several commercial businesses. Radio towers and navigational aids and light poles are also visible in certain areas because of their height above the tree line.

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 and improvements by man, and the maintenance of this characteristic is desirable. Wilderness characteristics are also desirable in protecting wildlife habitat. The fauna of the river corridor as well as migrating species are an important feature of the scenic river value.

Litter and Structural Features--Litter, primarily in the form of plastics, bottles, and aluminum cans, is often observed along the river. Outdoor storage and dilapidated or unmaintained structures are a problem along developed portions of the river from an aesthetic viewpoint. Geologic features are recognized as being dynamic scenic resources, and concern centers around impacts to these features by boats and land development activities.

Artificial Light--The issue of artificial light is a recent problem which will grow in importance as land development activity increases. The interchange lighting facilities at I-75 and West River Bend impact a significant portion of the river corridor both during the day when the towers are visible and during the night when highway light is diffused throughout the entire area.

4.2.3 Priority Concerns

The highest priority concerns associated with the scenic resource value consist of the following:

- Increased development within the viewshed, particularly in areas that are presently pristine;
- The quality of existing development and related improvements along the river;
- The intrusion of tall structures which impact substantial portions of the river corridor; and
- Artificial light as it relates to the disruption of stargazing, wilderness experiences, and plant and animal life.

4.3 RECREATIONAL RESOURCE VALUE

4.3.1 Description

The recreational resource value centers upon resource-based recreational activity and opportunity. Unlike economic and water resource values, which have significant implications throughout the watershed, the recreational features are concentrated for the most part along the river and its banks. Notable exceptions include certain activities associated with Myakka River State Park and several parks and recreational facilities along tributaries to the Myakka River in North Port. However, most of the recreational activity in the watershed is centered on the river.

Fishing, boating, and canoeing are the primary recreational activities on and adjacent to the Myakka River. Fishing occurs throughout the river, from Upper Myakka Lake south to the mouth of the river and at the County Road 780, State Road 70, and State Road 64 access points. Fishing occurs both on and offshore and includes commercial fishing, primarily south of U.S. Highway 41.

Recreational facilities to support fishing include boat docks located primarily from the vicinity of Border Road to Snook Haven and south of U.S. Highway 41. Several public and private boat ramps are located in these areas as well as in the state park and along tributaries to the Myakka River south of U.S. Highway 41. These facilities support powerboating and canoeing in Upper Myakka Lake and, to a lesser extent, Lower Myakka Lake; canoeing south of Lower Myakka Lake to north of Border Road; and a mixture of boating activity south of this area to approximately U.S. Highway 41, where powerboating becomes almost exclusive.

Picnicking, nature study, photography, birding, and sightseeing are additional activities associated with boating. These activities are also experienced by foot, bicycle, and vehicle at public access points and within the Myakka River State Park.

Additional recreational resource value elements include hiking, bicycling, horseback riding, camping, shooting, and hunting. With the exception of shooting and hunting, these additional activities occur primarily within the

state park and may also be occurring in the future on other public lands, especially Carlton Reserve.

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 water-control structures. Potential conflicts between boaters and the manatee are also a particular concern, due in part to inadequate signage in the natural channel.

Safety--As the popularity of the Myakka River for boating activity increases, the concern for safety on the river also increases. Water related accidents are becoming an increasing problem in Florida as well as the Myakka River. The river is patrolled by the Florida Marine Patrol (District 4), the Florida Game and Fresh Water Fish Commission, the Sarasota County Sheriff's Department and park rangers within Myakka River State Park. All four agencies have expressed concern regarding boating safety on the Myakka River.

The Florida Marine Patrol's primary responsibilities are the protection of marine resources and boating safety. The patrol indicated that the river was infrequently patrolled in 1988, but that boating safety was, in their opinion, becoming an increasing problem.

The Florida Game and Fresh Water Fish Commission's primary responsibility is the enforcement of the wildlife code of the state. However, the agency has been increasingly called to investigate complaints of excessive boat speeds and wakes. In the opinion of the agency, boating safety was becoming an increasing problem on the river.

The Sarasota County Sheriff's Department has a four-man team to patrol the rural and remote areas of the county including the Myakka River vicinity. In 1988 the following cases were reported between the southern boundary of the Myakka River State Park and U.S. Highway 41: 9 illegal deer harvests, 14 armed trespasses, 27 misdemeanor trespasses, 4 grand thefts, 2 burglaries, and 2 alcohol-related deaths. The department indicated that a steady decrease in safety seems to be occurring along the river as recreational activity has increased.

Park rangers are responsible for law enforcement within the state park and indicated that other than some wildlife poaching, safety problems have not increased significantly.

The agencies unofficially recommended that legislative or local restrictions of boat speeds (and/or maximum boat engine size) be established.

Access points and boat ramps and docks are issues that concern the need to provide additional opportunity for use of the river. In addition, the intrusion of boat docks into the river and the structural integrity of older docks and riverbank stabilization features are of particular concern.

Unauthorized use of private land for hunting, hiking, portaging, and camping has been a historical problem and is associated with vandalism, theft, noise, littering, poaching, and trespassing.

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.

4.4 CULTURAL AND HISTORICAL RESOURCE VALUES

4.4.1 Description

The significant cultural and historical sites of the Myakka River watershed are valuable because they provide the present and future residents and visitors tangible monuments to their distant and immediate predecessors and provide a sense of place by showing links to earlier peoples and groups. As educational or tourist destinations, these sites can emphasize the unique character of communities through preservation and restoration of historic structures. These sites also represent scarce, nonrenewable repositories of scientific information on the economic, biological, social, and ceremonial aspects of 12,000 years of human occupation in the watershed. In addition, research information about previous climatic conditions of the watershed and the response to these changing conditions made by humans, animals, and plants are an important resource. The sites within the watershed give scientists studying human remains at prehistoric cemeteries the opportunity to see the health consequences of various diets, lifestyles, and diseases. These prehistoric human interments are protected from vandalism and development by Chapter 872, Florida Statutes, the Human Unmarked Burial Law.

4.4.2 Issues and Problems

The primary issue concerning the cultural and historic aspects of the Myakka River watershed is the incomplete knowledge of the resource base. Because of the small amount of systematic field research, both the location and distribution of the cultural/historical sites of the watershed are severely limited. Even for those few sites that are recorded on the Florida Master Site File, in most cases, insufficient information is available to determine the site's potential significance or present condition.

Protection of prehistoric wetland, mound, or cemetery burials and historic cemeteries is necessary to enable qualified archaeologists to complete research of this area. Both prehistoric and unmarked early historic interments can easily be overlooked and impacted during construction or vandalized by artifact collectors. These burials should be protected under Chapter 872, Florida Statutes. Small historic cemeteries also need to be protected.

It is also important to protect significant cultural and historical sites from development, collection, erosion, vandalism, and mining. These resources are viewed as scarce, irreplaceable monuments to earlier inhabitants that add a unique distinction to the watershed. The cultural resources of the watershed are exposed to impacts through intentional and unintentional human factors and by natural erosional processes. Artifact collecting on the river bottom is also a problem.

There is also a need for recognition of, and education on, the contributions made by pioneer settlers in the watershed. Early homesteads, farmsteads, dams, fords, and trails provide tangible monuments to the determination and courage of the early settlers.

4.4.3 Priority Concerns

The highest priority concerns with respect to the cultural resource value consist of the following:

- The protection of important archaeological and historical sites from several major potential impacts including development, vandalism, artifact collecting, and erosion;
- Further cultural resource studies to better understand the real extent of the archaeological record in the watershed; and
- A need to better educate the public about American Indians and early pioneers to the Myakka River watershed and the early development of the area.

4.5 GEOLOGIC RESOURCE VALUES

4.5.1 Description

The Myakka River corridor contains two springs, Little Salt Spring and Warm Mineral Springs. Warm Mineral Springs is a second-order-magnitude spring and flows into the Myakka River through Warm Mineral Springs Creek at an average rate of about 10 cubic feet per second. Based on water quality parameters of this spring, the water is derived from the deep aquifer. Warm Mineral Springs has a constant temperature of about 90 degrees Fahrenheit, and as such is probably attractive to manatees and fish during cold weather. In addition to its potential ecologic value, Warm Mineral Springs has archaeological and

cultural/historic value as well. Little Salt Spring discharges at a rate of 0.89 to 1.53 cubic feet per second.

A sinkhole, known as Deep Hole, is present in the southwest corner of Lower Myakka Lake. Water flow from Deep Hole probably ceases when the stage of the Myakka River is exceptionally high and during low flow periods. However, flows as high as 1.5 cubic feet per second have been measured from Deep Hole. It may serve as habitat particularly when lake levels are low.

A conspicuous aspect of the Myakka River are the bluffs which form the river banks in a number of areas. These bluffs may be 10 to 15 feet high. When they occur on the outside of river bends, the bluffs show the effects of erosion from river flows. The inside of the bends generally show accretion in the form of sand bars. The bluffs are interesting and of scenic value in that they may show the different soil horizons of the near surface soils. They also tend to provide a feeling of isolation along the river inherent in the Wild and Scenic designation. Limestone outcroppings may occur with some of the bluffs, as well as along additional segments of the river.

In several places, layers of relic marine shells are also visible along the banks of the river. In certain segments of the river, particularly just downstream of Downs' Dam, at low water these relic marine shells can be viewed along the river bottom.

Additional geologic resources of the Myakka River corridor are the dolomite and marl deposits. A reserve of dolomite with intermediate potential for development is centered on the Myakka River within Sarasota County (DNR, 1979). A presently inactive dolomite mine exists just south of Border Road.

A sill is present near the confluence of the Myakka River and Deer Prairie Creek. This feature may serve to inhibit the upstream penetration of saline water into the river during periods of low flow.

A line of seeps exists in the upper river just downstream of Myakka City. These seeps are the result of a hardpan layer which cause surficial water to discharge to the river. The discharge of these seeps is minimal.

The primary geologic resource of the Myakka River is the subsurface geologic lithology and stratigraphy which results in the hydrogeologic framework of the Myakka River watershed. The subsurface geology results in the aquifers of the area: the surficial aquifer, intermediate aquifers, and the Floridan Aquifer. The surficial and intermediate aquifers are generally suitable as potable water, but often require treatment to reduce mineralization. The Floridan Aquifer provides the majority of water which is used as an irrigation source during the dry season.

4.5.2 Issues and Problems

Bluffs--Protection of the bluffs along the Myakka River is a primary concern. These bluffs provide a scenic quality to the river. Several are located along the outside bends of meanders, and as such are subject to long term erosion and migration and may be unsuitable for stream side development.

Aquifers--Aquifer water levels should be protected from potential drawdown. Significant drawdown could affect surficial water levels and water levels in wetlands and tributaries which contribute to surface flow of the Myakka River. Contamination of aquifers due to improperly constructed or deteriorating artesian wells is a problem, especially in Sarasota County. Uncontrolled wells can artificially recharge and contaminate the surficial aquifer with poor quality water. Poor quality water may also contaminate surface waters.

Mining--The river area should be protected from potential mining of resources such as dolomite, sand and gravel, and marl. Phosphate reserves are mainly in the upper watershed in Manatee County and not within the Wild and Scenic River segment. The only dolomite reserve of potential commercial significance in Sarasota County is centered on the Myakka River.

4.5.3 Priority Concerns

The primary concern with respect to the geologic resource value consists of the following:

- The protection of the ground water aquifers from significant drawdown which might potentially affect the surface water levels and result in a reduction of flow within the river;

- The protection of bluffs which occur along the river. Several of these bluffs are subject to long-term erosion and may be unsuitable for stream side development;
- The protection of the Myakka River from potential adverse effects of mining, excavations, and fill within the river area; and
- The contamination of aquifers due to improperly constructed or deteriorating artesian wells.

4.6 WATER RESOURCE VALUES

4.6.1 Description

The three key elements of the water resource value of the Myakka River are the quality of the water, the quantity of the freshwater discharge, and the time distribution of the discharge. The Myakka River is designated in Chapter 17-3, FAC, as Class I waters (potable water supplies) from the Manatee County line through the Upper Myakka Lake and Lower Myakka Lake to Manhattan Farms. The Florida Wild and Scenic River segment is an Outstanding Florida Water and the area from the western line of Section 35, Township 39S, Range 20E, south to the Charlotte Harbor is designated as Class II water (shellfish propagation or harvesting). From State Road 771 (El Jobean Bridge) to the Sarasota/Charlotte County line the lower Myakka River is an Outstanding Florida Water by virtue of the fact that this area is a designated Special Water, which are waters demonstrated to be of exceptional recreational or ecological value. Charlotte Harbor and associated aquatic preserves are Outstanding Florida Waters. Myakkahatchee Creek is Class I waters down to the dam at U.S. Highway 41. All other surface waters are designated Class III (recreation; propagation and management of fish and wildlife). The Outstanding Florida Water designation of the Wild and Scenic River segment and additional segments down through Charlotte Harbor provides these waters with the highest level of protection under Florida State law. That the State of Florida has designated the Sarasota County portion of the Myakka River as a Florida Wild And Scenic River and assigned the high level protection designations to additional waters of the river and Charlotte Harbor is testimony to the fact that these waters possess high values to the citizens of the area.

The high water quality of the Myakka River is important to maintain healthy fish and wildlife populations that inhabit the area and healthy vegetative communities along the river. Good water quality is dependent upon both the quantity of water discharge and the time distribution of the discharge. Biotic communities and the resultant ecosystem structure have evolved with and adapted to the seasonal cycles of the water resource. This is particularly true with respect to the functioning of the lower Myakka River as a fishery nursery area. The Myakka River is unusual in having periods of no flow within the river and tributaries. During these periods available space for nursery areas expands.

The Myakka River is also a potential source of potable water for public supply, and a large segment of the river, as well as Myakkahatchee Creek, are designated Class I waters. Critical to maintaining this value of the resource is the protection of the high water quality in sufficient quantities. The water resource to some extent is also utilized for irrigation and livestock watering.

The water resource of the Myakka River provides a valuable source of recreation. Recreational activities may be both consumptive or nonconsumptive, both of which are highly dependent upon the integrity of the water resource values of the river. Commercial uses are also dependent upon maintenance of the water resource.

The water quality, quantity, and time distribution of discharge are primarily dependent upon seasonal rainfall cycles. The characteristics of the Myakka River watershed largely control the water resource through filtration, storage, and discharge to the river system. Water is distributed to the river through runoff from the land surface and the contribution of the cumulative inputs from tributaries and associated subbasins which form headwater areas.

4.6.2 Issues and Problems

Myakka River Wild and Scenic River Boundaries--Protection of the Myakka River water resources including water quality, water quantity, and time distribution of discharge can only be accomplished through a holistic approach of watershed management. The Myakka River Wild and Scenic segment extends for 34 miles

within Sarasota County, and only includes the river corridor up to the landward extent of wetlands. However, there are a number of significant features of the river that are critical to the protection of the Myakka River water resource that do not fall within the designated Wild and Scenic River boundaries. The Wild and Scenic designation does not include tributaries and the majority of the floodplain. Floodplain protection is critical to management of the river's water resources. The floodplain serves as a storage detention and conveyance area for the river's waters and is a major governing factor in water quality, water quantity, and time distribution of discharge. Management of these features in addition to those within the designated boundaries are essential to implement the legislative intent of the Myakka River Wild and Scenic Designation and Preservation Act.

Nonpoint Source Pollution--The U.S. Environmental Protection Agency has identified nonpoint source pollution as the dominant factor of the nation's remaining water pollution problem. The EPA estimates that greater than 64 percent of the nonpoint source pollution in the nation's rivers is from agricultural operations within the rivers' watersheds. DER [Subsection 17-3.011(11), Florida Administrative Code] finds that excessive nutrients constitute one of the most severe water quality problems facing the state. Nonpoint loading of nutrients into waters of the state may result from runoff from agricultural lands, septic tanks, and general stormwater runoff. Nonpoint sources may also result in the loading of pesticides, herbicides, fungicides, sediments, bacterial contamination, oil and grease, metals, and petroleum hydrocarbons. Landfills are also a potential source of nonpoint pollution via discharge through underlying ground water.

Loss and Alteration of Wetlands--The loss of wetlands results in the loss of a critical buffer zone between uplands and open waters. With the loss of this buffer, pollutants contained in upland runoff may enter the water resource directly without being filtered by wetlands. The loss of shoreline wetlands may also result in an increase in shoreline erosion and introduction of sediments into the water and an increase of turbidity. The ditching and connection of isolated wetlands and the channelization of tributary creeks and sloughs within the river's floodplain and watershed may also cause a loss of the filtration and storage capacity of these wetlands resulting in the more

rapid discharge of pollutants to the riverine system. Clear-cutting to the water's edge as part of shoreline development, including construction of docks and bulkheads, results in the loss of the vegetative buffer and its associated water filtration functions and results in bank destabilization and an increase in erosion potential.

A large number of acres of land within the Myakka River watershed are under the control of phosphate mining companies. Many of these areas comprise the headwaters of the Myakka River. Recent newspaper articles indicate the economic climate has improved in the phosphate industry and that the future mining of phosphate will be expanded from the historic mining areas towards the south into Manatee County. Phosphate mining operations resumed in the Wingate Creek area in April 1989.

The diking of Tatum Sawgrass and Vanderipe Slough has resulted in a rerouting of water flow and the loss of their historic storage capacity. As a result, flooding potential has increased, and water discharge quantity and timing of discharge have been altered. The loss of storage and purification functions may partially contribute to water quality problems in the Upper Myakka Lake and Lower Myakka Lake.

Alterations in Hydrologic Characteristics--The natural hydrologic characteristics (i.e., water quantity and time distribution of discharge) of the river in large part determine the quality of the water resource. Biotic communities of the river and downstream areas have evolved with and are adapted to the river flow regime and are dependent upon the seasonal cycles of flow, including the optimum quantity of discharge delivered at the appropriate time.

A number of alterations have occurred in the Myakka River area which have served to alter the natural hydrologic characteristics of the river. These alterations may also affect water quality of the water resource. These alterations may be generally divided into two categories, although they are not mutually exclusive. These include water diversions and water control structures.

Water diversions include the Clay Gully diversion, Canal R-36, Blackburn Canal, dikes in Tatum Sawgrass and Vanderipe Slough, and channelizations of tributaries and wetlands for agriculture and stormwater conveyance. Also, fire control plow lines alter natural drainage patterns. Potential diversions for the development of public water supply are also being considered. Potential development within the river floodplain may also act to divert water through alterations in floodplain storage and conveyance. Water control structures include Downs' Dam, the structure at the outlet to Upper Myakka Lake, salinity barriers on Deer Prairie Creek and Myakkahatchee Creek, State Road 72, and elevated backcountry access roads.

Point Source Pollution--The Myakka River Wild and Scenic segment has few point sources which discharge to the river. Phosphate mining resumed in the upper river in April 1989. Permitted point sources are regulated through the NPDES program. The designations assigned the Myakka River waters generally protect the river from point source degradation. Potential phosphate mines in the upper Myakka River watershed may result in additional point sources to the river or its tributaries. An old dolomite mine just south of Border Road connects to the Myakka River, with discharge from the connecting drainage evident during ebb tide. No data exists to determine whether this negatively impacts water quality in this segment of the river.

Infestations by Exotic Aquatic Plants--The two principal aquatic nuisance plant species are hydrilla and water hyacinth. These plants affect water quality and also affect the flow of water through the system. Attempts at their control result in changes in water quality parameters and result in the introduction of herbicides into the environment.

4.6.3 Priority Concerns

The highest priority concerns associated with the water resource value consist of the following:

- Expansion of Myakka River Wild And Scenic River boundaries to include a river protection zone beyond the landward extent of wetlands and utilization of a holistic approach to watershed management;
- Development of a Myakka River watershed master plan;

- A need to protect good water quality and designated uses of the Myakka River and enhance areas where the Myakka River does not completely meet designated use through control of both nonpoint source and point source pollution;
- A need to preserve wetlands and restore damaged or lost wetlands and their functions relating to water quality purification and storage;
- A need to preserve and restore, to the extent feasible, the natural hydrologic regime of the river; and
- Protection of the Myakka River floodplain.

4.7 TERRESTRIAL ECOLOGY RESOURCE VALUE

4.7.1 Description

The terrestrial ecology resource value comprises all of the plants and animals associated with the uplands and wetlands of the Myakka River corridor. The terrestrial ecology resource value deals with these plants and animals at individual, species community and ecosystem levels. Table 4-1 identifies the 10 resource value elements and 36 corresponding subelements of terrestrial ecology. Under the resource value element of plant communities/wildlife habitats, 12 separate subelements or plant community/wildlife habitat types were identified. These upland and wetland plant community/wildlife habitats occur along the Myakka River corridor and are described in detail within Section 2.5, Plant Communities, Section 2.6, Fish and Wildlife, and Appendix B.

The next resource value element, listed species, includes all of the recorded or potentially occurring listed plant and animal species of the Myakka River corridor. A listed species can include any species of plant or animal that has been officially listed or is under review for listing by federal, state, or local government agencies and/or conservation groups as species that are threatened with extinction or extirpation. A discussion of the listed species that either inhabit or could potentially occur along the Myakka River corridor is provided in Sections 2.5.3, Listed Plant Species, and 2.6.3, Listed Animal Species. The list of listed animals is provided in Appendix C-2.

The resource value elements of hog and game animals and nongame animals include all vertebrate species that are either hunted or not hunted,

respectively. Animals that could be potentially hunted along the Myakka River include hog, waterfowl, dove and quail, deer and gray squirrel, and other vertebrates to a more limited degree, such as frog, alligator, rattlesnake, armadillo and opossum.

Special ecological features refer to any specific area, species or individual plants and/or animals along the Myakka River corridor that deserve some special recognition and/or protection. The lack of naturally growing cypress within the Myakka River corridor is a special ecological feature of scientific interest since local conditions are conducive to the growth of this aquatic conifer (i.e., cypress were planted and are growing vigorously within Myakka River State Park). Another special ecological feature is sawgrass, which apparently is only growing naturally in a limited area of the Wild and Scenic segment of the river in the vicinity of Deer Prairie Slough. Like cypress, it is rather odd that this fresh-to-brackish-water species is not growing throughout the Myakka River corridor. Another interesting species occurrence within the Myakka River corridor is longleaf pine. Longleaf pine in Sarasota and DeSoto counties is at its southernmost distribution in the State of Florida, except for extremely small disjunct colonies as far south as Hendry County. Thus, a special ecological feature is the small stands of longleaf pine that occurs in well-drained flatwoods near the Myakka River. In addition to particular species, certain plant communities or groupings of plant species can be considered to be of special ecological significance. The coastal hammock community is considered to be an important depository of rare and interesting plant species, which are at their most southern (e.g., southern red cedar) or northern (e.g., stoppers) limits. This special ecological plant community is typically small in size and isolated with larger associations along the Myakka River. The occurrence of individual biological oddities is also worthy of special consideration as an ecological feature of the Myakka River. For example, a rare two-headed cabbage palm occurs on the Myakka River bank near Ramblers Rest Resort.

Species diversity/density can be considered to be a resource value element and a measure of the value of other resources such as individual communities and/or community mosaics. High plant and animal species diversity is considered to be an important value of upland and wetland habitats.

Two other resource value elements, wildlife corridor and waterfowl flyway, are both considered to be important wildlife uses of the Myakka River. Large and small mammals, songbirds, raptors, snakes, turtles, and other animals use the contiguous upland and wetland habitats along the Myakka River for a number of functions important to their survival such as travel, shelter, resting, and feeding. As a waterfowl flyway, the surface waters and wetlands of the Myakka River are utilized by migratory ducks as an overwintering area.

The nesting/den sites resource value element refers to all the recorded or future sites along the Myakka River that wildlife uses to procreate and rear their young. This resource value element pertains more specifically to those nesting and den sites of species considered to be especially important such as listed or otherwise protected species. Examples of important nest sites include wading bird rookeries, eagle, osprey, and owl nests, alligator holes, sandhill crane nesting sites and river otter dens. Noteworthy nest sites along the Myakka River include two large wading bird rookeries located in proximity to the Sarasota/Charlotte County line in mangrove swamp islands within the Myakka River and two eagle nests located along the Lower Myakka Lake and Upper Myakka Lake in the Myakka River State Park.

The regionally significant resource value element was provided as an index of major environmentally sensitive land tracts of the Myakka River drainage watershed. Eight specifically named areas identified as regionally significant resources of the Myakka River watershed include the Myakka River, Upper Myakka Lake, Lower Myakka Lake, Flatford's Swamp, Vanderipe Slough, Warm Mineral Springs, Tatum Sawgrass, and Myakkahatchee Creek.

4.7.2 Issues and Problems

Conversion Practices--Destruction/alteration of natural upland and wetland habitats through conversion practices such as development, intensive agriculture, mining, rangeland, and forestry.

Prescribed Burning--A properly designed and implemented burning program is necessary to maintain a fire-dependent plant community in a subclimactic condition. Appropriate fire frequency must be maintained to permit healthy,

fire to dependent communities to exist. If fire is excluded for long periods of at least three years or more or used improperly, destructive hot or crown fires and/or undesirable changes in habitat diversity could result.

Exotic and Nuisance Species--Invasion by exotic or nuisance species can violate the integrity of plant communities by outcompeting the native flora for growth space and nutrients. Exotic plant species in uplands/wetlands include woody plants such as Brazilian pepper, Melaleuca and Australian pine. Exotic or nuisance plant species that are the most serious or potential threat to the aquatic habitats of the Myakka River include hydrilla, paragrass, parrotfeather, alligator weed, water hyacinth, and cattail. Farm or feral animals such as feral pigs and cattle also threaten native vegetation and wildlife.

Boat Traffic--Disturbance to the natural environment through uncontrolled boat traffic (e.g., boaters coming too close to rookeries frighten wading birds during breeding, erosion of shorelines via wakes, etc.).

Exploitation--Exploitation of natural resources (e.g., collection of rare plant species for personal or commercial gain, timber harvest, excavation of Indian mounds and/or middens within hammocks by "amateur archaeologists," etc.).

Habitat Fragmentation--Through various "improvement" activities, man can cause the loss of a particular habitat or habitats, or portions of habitats, within a geographic area and thereby restrict the wildlife use and species diversity/density of that region.

Edge Effect--When a portion of a natural area is altered, the altered area could potentially become habitat for opportunistic species. These opportunistic species can then affect the existence of native species that are still associated with the natural areas situated adjacent to the altered habitat. For example, a road could be built along a relatively pristine wetland area. After clearing and construction, an exotic species such as Melaleuca could become established along the road right-of-way. If not maintained in proper fashion, the Melaleuca could reach maturity and slowly

encroach upon the adjacent wetland. Thus, the invasion of *Melaleuca* to this previously undisturbed wetland from the road right-of-way is considered to be an edge effect.

Importance of a Habitat Mosaic--The existence of several habitat types within a specific geographic region typically connotes other resources of high value: high species diversity, high species density, a large number of threatened and endangered species populations, etc. Therefore, the disruption of this habitat mosaic through man's intervention, such as development, threatens the survival of Florida's rich and varied fauna and flora.

Off-the-Road Mechanized Traffic--Off-the-road vehicles such as all terrain vehicles (ATVs), four-wheel drive vehicles, and tractors damage natural areas and enhance the potential for invasion of opportunistic species.

Humans and Domesticated Animals--Introduction of humans and domesticated animals such as pets and farm animals into or adjacent to a relatively pristine area will lead to the deterioration of that environment.

Lack of Knowledge/Respect--Ignorance of the importance of natural resources can result in the unintentional or deliberate irreplaceable loss of these resources.

Water Quality--Excess nutrient loads from intensive agricultural and sewage treatment operations, together with other sources of pollution such as phosphate strip mining, dredge and fill operations, golf courses, and aquatic weed control and/or other biological controls (e.g., herbicides, pesticides, fungicides, etc.) can result in a deterioration of water quality within the Myakka River.

Hydrologic Alterations--Impoundment, dredge and fill operations, drainage canals, mosquito ditches, stream channelization, and ground water pumpage or other manmade manipulations of the river's hydroperiod/hydrology could result in detrimental impacts to the natural environmental. As an example, stream channelization provides faster, more silt-laden deliveries of freshwater into the downstream reaches of the Myakka River which could adversely affect the

growth and productivity of brackish-saltwater vegetation that in turn provides habitat to marine organisms, stabilizes shorelines, and functions in nutrient cycling.

Aesthetics--Any manmade or man-induced artifact that provides a visual impact to or impairment of the otherwise natural setting within the viewshed of the Myakka River is considered to be aesthetically offensive including seawalls and riprap, the trimming and cutting of woody vegetation (especially mangroves and oak trees) and the placement of structures in oak and pine trees (e.g., tree houses, unauthorized signs, and deerstands).

Other Wildlife Issues--This category includes all of the direct or indirect impacts to wildlife that have occurred as a result of man's intervention along the Myakka River, including the hinderance of wildlife travel due to fences, roads, ranchettes, transmission lines, etc.; the hunting of game and non-game animals; and the loss of wildlife habitat, wildlife species diversity/density, listed animal species, and wildlife use (e.g., feeding, nesting, travel corridor, shelter, resting, and staging) due primarily to intensive agricultural and development activities.

4.7.3 Priority Concerns

The highest priority concerns associated with the terrestrial ecology resource value consist of the following:

- A need to protect, enhance, and maintain the unique and irreplaceable values, functions, and benefits of the natural upland and wetland plant communities/wildlife habitats and associated resources along the Myakka River;
- A need to preserve the natural species diversity and density associated with the Myakka River through the control of exotic and nuisance species;
- A need to restrict and reverse the harmful effects of hydrologic alterations and water pollution to the Myakka River ecosystem;
- A need to maintain a suitable buffer area along the Myakka River to establish a corridor that can be properly managed to preserve the pristine condition of the river for present and future generations;

- A need to place large tracts of environmentally-sensitive land into public ownership and management within the Myakka River watershed;
- A need to protect listed plant and animal species along the Myakka River; and
- A need to implement a habitat management program to protect the natural resources of the Myakka River using proven, accepted techniques.

4.8 AQUATIC ECOLOGY RESOURCE VALUE

4.8.1 Description

Aquatic resources of the Myakka River provide ecological, recreational, and commercial values. These values are embodied in the biotic communities and aquatic habitats of the river.

The river encompasses fresh and saltwater fishery resources which are used both recreationally and commercially. Freshwater fisheries are primarily recreational and include species such as largemouth bass, bluegill, warmouth, black crappie, and catfish. Saltwater fisheries provide both recreational and commercial value. Species such as snook, tarpon, redfish, sea trout, whiting, mullet, black drum, and sheepshead are commonly pursued recreational fish. Blue crabs are fished both commercially and recreationally, as are mullet. Species such as tarpon, snook, mullet, and blue crabs also penetrate well into freshwater portions of the river and are known to occur into Lower Myakka Lake. Nongame species such as sawfish and the American eel also occur in the Myakka River.

Benthic communities of the Myakka River form a continuum from fresh to salt water. These communities provide food for organisms at higher trophic levels within the food web: invertebrates, such as blue crabs and shrimp; fish; birds; and mammals feed on benthic organisms. Benthic communities also function within the ecosystem through their interaction with the sediments in and on which they live. Through their activities, benthic organisms may stabilize or destabilize sediments, aid in the oxygenation of surface sediments, and affect the recycling of nutrients. Oyster bars create habitat that increases the diversity of the associated community.

Well developed oyster bars do not occur within the Wild and Scenic River segment of the Myakka River, but do occur in the lower river. Oyster bars are well known as areas which provide good fishing. The lower Myakka River is also a conditionally approved shellfish harvesting area.

The Myakka River is valuable as habitat to a variety of aquatic species. Aquatic habitat consists of the river, lakes, tributaries, swamps and marshes. Marshes of the Myakka River that encompass freshwater, tidal freshwater, and estuarine/marine marshes are particularly important in providing both emergent and submergent niches. The diversity of habitat types within the Myakka River corridor serves to provide a great diversity of fish and wildlife. These wetland communities/aquatic habitats serve to provide important fish and wildlife habitat, stabilize shorelines, and provide functions critical to the preservation of water quality, water quantity, and the time distribution of water discharge.

One of the greatest values of the Myakka River is its function as a fishery nursery area. The vast majority of recreationally and commercially important fish and shellfish species are dependent upon the estuarine zone at some point in their life cycle. The combination of the water resource and the available aquatic habitats serves to maintain this important function of the river.

The Myakka River is a designated critical habitat for the West Indian manatee. This marine mammal is considered endangered by both the FGFWFC and USFWS. Bottlenose dolphins also use the lower river.

The American alligator, a protected species, is common in the Myakka River. Alligators occur in great numbers within Lower Myakka Lake and Upper Myakka Lake. They can also be observed in the lower river down into brackish waters. Large numbers of turtles, primarily peninsular cooter, occur along the river and may be observed in great numbers as one travels down the river.

4.8.2 Issues and Problems

Loss of Fish and Wildlife Habitat--Loss of aquatic habitat is generally cited as one of the key factors resulting in declining species populations. A large majority of recreationally and commercially important fish species are

dependent upon the estuarine area at some point in their life cycle. The lower Myakka River serves as a nursery area for a number of these species. Important habitat consists of submerged grass beds, marshes, and mangroves. Protection of existing habitats and restoration of damaged habitats is of paramount importance for the protection of fish and wildlife populations. Loss of habitat occurs through shoreline development including dredging and filling of wetlands, bulkheading of shorelines, clearcutting to the water's edge, and construction of residential canals. Cutting of submerged grass beds by boat propellers and sedimentation from either in-stream or upland construction activities may result in the loss of these important habitats. Infestations of exotic plants may also result in the loss of fish and wildlife habitat. Invasions of marshes and mangroves by Brazilian pepper, if left unchecked, can completely alter the functions of these habitats by crowding out the natural vegetation. Invasion of the Upper and Lower Myakka Lakes by hydrilla has resulted in the alteration of lake fisheries populations through habitat changes affected by this nuisance plant.

Protection of Listed Species--Aquatic species occurring in the Myakka River which are listed include the West Indian manatee (endangered), American alligator (threatened due to similarity of appearance), and snook (species of special concern). The West Indian manatee population of Florida is estimated at 1,200 animals and is in danger of decreasing to levels unable to sustain the population. One of the greatest threats to manatees is collisions with boats. Nabor and Patton (1989) have reported that manatees occur in the Myakka River year around, and that the Myakka River may be a natural refuge utilized by a small number of manatees in December, January, and February. They also reported that manatee counts in the Myakka River are high throughout the summer, possibly coinciding with the peak of manatee exploratory activity. The snook is a highly prized sport fish, which has experienced population declines. Regulations govern the size of fish, the number of fish, and the season in which snook may be taken. Although listed as threatened due to the similarity of appearance with the American crocodile, the American alligator population in Florida has risen from once dangerously low levels. Recently, limited special permit hunting seasons have been instituted for alligators in selected waters of the state.

Protection of Nonlisted Species--Numerous nonlisted aquatic species occur within the Myakka River, many of which are of recreational and commercial importance. As previously mentioned, the lower Myakka River serves as a nursery area for many important fish species. Recently, the low levels of stocks of redfish within Florida have become a major concern, and regulations have been instituted by the Marine Fisheries Commission governing the taking of this species. The same concerns exist for a number of other species as well. Relatively rare occurrences of sawfish have been witnessed in the Myakka River by Mote Marine Laboratory personnel. The American eel is known to occur in the lakes and upper river. This fish migrates to the ocean to spawn, and as such requires free passage of the river to complete its life cycle.

Lack of a Database--A database on the aquatic communities of the lower Myakka River between the lakes and Border Road is essentially lacking. Informed management decisions regarding the river and its uses can be better made with more detailed data on which to base these decisions.

4.8.3 Priority Concerns

The highest priority concerns associated with aquatic ecology resource value consist of the following:

- Protection and restoration of the water resource upon which aquatic floral and faunal populations and communities are dependent for their continued healthy existence (i.e., water quality, water quantity, and the timing of flow);
- Preservation and restoration of aquatic habitat, particularly emergent and submergent aquatic habitat;
- Protection of the fishery nursery function of the lower Myakka River;
- Protection of listed species which may be experiencing population decline and/or which may be relatively rare to the Myakka River;
- Protection of nonlisted species which may be experiencing population decline and/or may be relatively unique to the Myakka River; and
- Development of an adequate database on river water quality and aquatic resources on which to better base decisions regarding uses of the river.

5.0 RIVER MANAGEMENT PROGRAM

Section 5.1 identifies the general management principles that will guide the management program. Section 5.2 describes the geographic areas that are the subject of the management program. Specific management objectives and actions are described in Section 5.3. Objectives are organized into two general thematic areas: natural resources, which include terrestrial and aquatic ecology and geologic and water resources; and human resources, which include economic, scenic, recreational, and cultural and historic resources. Finally, Section 5.4 describes factors affecting recreational carrying capacity along the Wild and Scenic River segment.

5.1 GENERAL MANAGEMENT PRINCIPLES

The recommendations for the day-to-day management of the river are based on principles derived from the management program's statutory and policy directives. For the purpose of this plan, principles are general statements that guide the development of specific management objectives and actions. The following principles, together with subsequent policy direction, legislation, and public input, will direct the river management program and the implementation of this plan.

- 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.
- The intensity of management may vary on different segments of the river area. Management activities will be developed for specific portions of the river area based on management needs in the immediate locale.
- Existing management authorities will not be curtailed or limited by any action of the management program. The management plan may recommend establishment of additional authorities or modification to existing authorities to accomplish the purposes of the management program.

- Land uses and developments on private lands within the river area, in existence on January 1, 1986, will continue.
- Management will be a continuing effort. Management actions will be evaluated and revised as necessary for best management results.
- Coordination and cooperation between local, regional, state, and federal agencies and the public is crucial to the success of the management program. The plan's management actions are intended to be implemented to the fullest extent possible under each management agency's statutory authority.
- Maintaining the cooperation and support of affected landowners and river users is essential to long-range understanding and support of the program.

5.2 OVERVIEW OF RIVER MANAGEMENT PROGRAM

The river management program is aimed at bringing existing governmental authorities to bear on protecting the river's resource values. In order to accomplish this, the multiplicity of management agencies and authorities must be coordinated. New authorities will be sought only as they are needed to correct management deficiencies identified in the planning process.

The program recommended in this plan for protecting the Myakka River's resource values will focus on three geographical areas: the river and adjoining wetlands ("river area"), a contiguous protective zone ("wild and scenic protection zone"), and the watershed ("watershed"). Each geographical area will require different levels of management by different combinations of agencies and authorities in order to accomplish the most effective overall management results.

The river area is identified in the Myakka River Wild and Scenic Designation and Preservation Act as consisting of the river and its adjoining wetlands. Of the three management areas, the river area is the zone of maximum protection. Section 258.501, Florida Statutes, authorizes DNR to adopt and enforce regulations addressing any activity that would adversely affect resource values in the river area. The boundaries of the river area will be delineated after approval of this plan and after adoption of subsequent management rules by the Governor and Cabinet.

A wild and scenic protection zone is proposed to be established as a corridor of uplands surrounding the river area. Such a zone is required to buffer the river area from manmade physical and visual intrusions. The wild and scenic protection zone is intended as an area of intermediate management protection. Management should be aimed at ensuring the compatibility of land development within the zone. Many uses and activities could be permitted in the protection zone consistent with maintaining the resource values of the river area. Establishment of the protection zone would require additional legislation.

The watershed is proposed as the zone of least intensive management. Watershed management is aimed primarily at minimizing hydrological impacts on the river from development activities in the watershed. Typical uses in the watershed that can have a direct or indirect adverse impact on the river include intensive agricultural, residential, and commercial development; mining; and construction of urban infrastructure facilities.

5.2.1 River Area

The river area is defined in Subsection 258.501(3)(g) as ". . . that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor extending from the center of the river to the maximum upland extent of wetlands vegetation." The river area is further defined in this plan as the upland extent of wetlands vegetation established by DER, pursuant to Chapter 403, Florida Statutes, and Chapters 17-3 and 17-312, Florida Administrative Code (see Appendix E for excerpts from these rules). The line is generally represented by the river and contiguous marshes and hardwood swamps which extend either to the river bank or to an adjacent tree line. In certain areas along the river, DER may also establish portions of mesic-hydric hammocks as waters of the state (see Appendix B for a description of the mesic-hydric hammock).

DNR will be the primary agency responsible for the management of the river area. The river area will be the zone of most intensive management and over which maximum protection will be achieved. Immediately after approval of the plan, DNR will promulgate rules to establish a process for reviewing

activities in the river area which have an adverse impact on the river's resource values. The rule will establish a permit program, including application procedures, forms, review and approval processes, and specific criteria for reviewing applications for proposed activities within the river area. This program will be administered by DNR in the local area if staff and funds are available for this purpose. The program will apply only to activities proposed to occur in the river area. No other geographic area will be affected by this program.

The rule will identify three specific types of activities in the river area: activities which are prohibited, activities which may be conducted after obtaining a permit, and activities which are allowed without a permit.

Activities that are recommended to be prohibited in the river area include the following:

- Point discharge of wastes or effluents;
- Sale, lease, or transfer of sovereignty submerged lands except where determined to be in the public interest;
- Dredge and fill except when determined to be clearly in the public interest;
- New road crossings in unimpacted areas;
- Relocation or setting of bulkhead lines waterward of mean high water except where determined to be in the public interest;
- Major new activities that would alter natural or historic hydrologic conditions unless determined to be beneficial for the protection, management, and preservation of the river area;
- Excavation of minerals except for dredging of dead oyster shells as approved by DNR;
- Structures not related to water-dependent activities;
- Use of lands for providing public or private road access and utilities to islands where such access did not previously exist;
- Disruption of native vegetation except for riparian ingress and egress;
- Airboat use north of U.S. 41 except for uses officially allowed by government agencies; and
- Construction of new marinas.

It is recommended that the following activities be allowed in the river area after permit review and a finding that such activities will not have an adverse impact on resource values in the river area:

- Creation or maintenance of shore protection structures;
- Maintenance of existing navigational channels and aids;
- Creation and maintenance of public and private landings, docks, decks, or piers;
- Maintenance or expansion of existing marinas;
- Maintenance, replacement, or expansion of existing facilities for utilities or roads;
- Relocation or setting of bulkhead lines waterward of mean high water where determined to be in the public interest;
- Disruption of native vegetation resulting from riparian ingress and egress only;
- Stormwater management facilities or other drainage discharges;
- New utility crossings;
- New road crossings in impacted areas;
- Other activities or structures, which are a public necessity or are necessary to enhance the quality or utility of the river area, that are consistent with the Act and rule; and
- Resource-based recreational facilities on publicly owned lands and waters consistent with applicable rules and regulations.

It is recommended that the following activities be allowed in the river area without requiring a permit:

- Resource-based recreational activities on publicly owned lands and waters consistent with applicable rules and regulations;
- Commercial fishing;
- Agricultural and forestry activities similar in nature to those in existence on January 1, 1986;
- Resource management practices for the protection, conservation, rehabilitation, or restoration of resource values;
- Continuation of existing drainage and water management practices, unless such existing practices adversely affect, degrade or diminish existing water quality; and

- New water resource management practices which will have no adverse impact on resource values in the river area.

5.2.2 Wild and Scenic Protection Zone

During the development of this plan, DNR and the Council determined that management of the river area, as defined in subsection 258.501(3)(g), alone would not be adequate for the permanent protection of the resource values that were identified by the Council in the management planning process. Therefore, to meet the legislative intent of providing "permanent protection and enhancement" of these resource values, adequate management and protection of an upland buffer adjacent to the river area is needed. The act, subsection 258.501 (5)(d), states that the management plan may also include such provisions as deemed necessary by the DNR to be necessary or advisable for the permanent protection of the river as a wild and scenic designated river. It is recommended that section 258.501, Florida Statutes, be amended to establish a "wild and scenic protection zone" surrounding the river area to buffer the river area and its resource values against impacts from adjoining land uses.

In establishing the protection zone along the river, three considerations should be paramount:

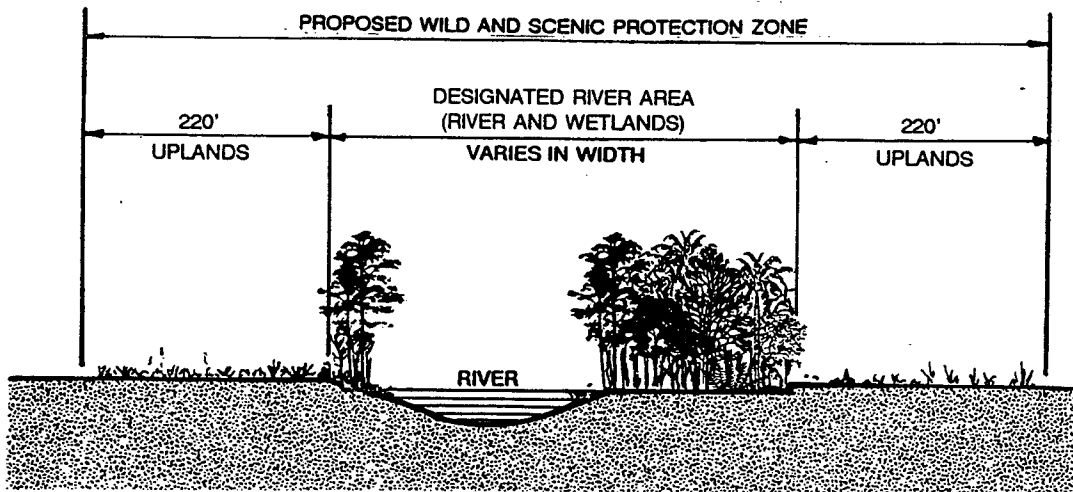
- 1) Ensure an adequate width along the river area to minimize potential adverse physical and visual impacts on resource values,
- 2) Provide a uniform boundary configuration to facilitate management, and
- 3) Minimize potential adverse impacts on private landowners.

Based upon the research conducted in the development of this plan, the river's visual corridor--the area along the river that is visible from the river--was estimated. This distance varies significantly based on season, time of day, river stage, successional stage, and other factors. Generally, the visual corridor ranges from as wide as 2,200 feet in nonforested communities, to as narrow as 150 feet in the denser hammock areas. These distances were determined as a result of onsite observations taken along the river. Observations were recorded for a range of different vegetative communities

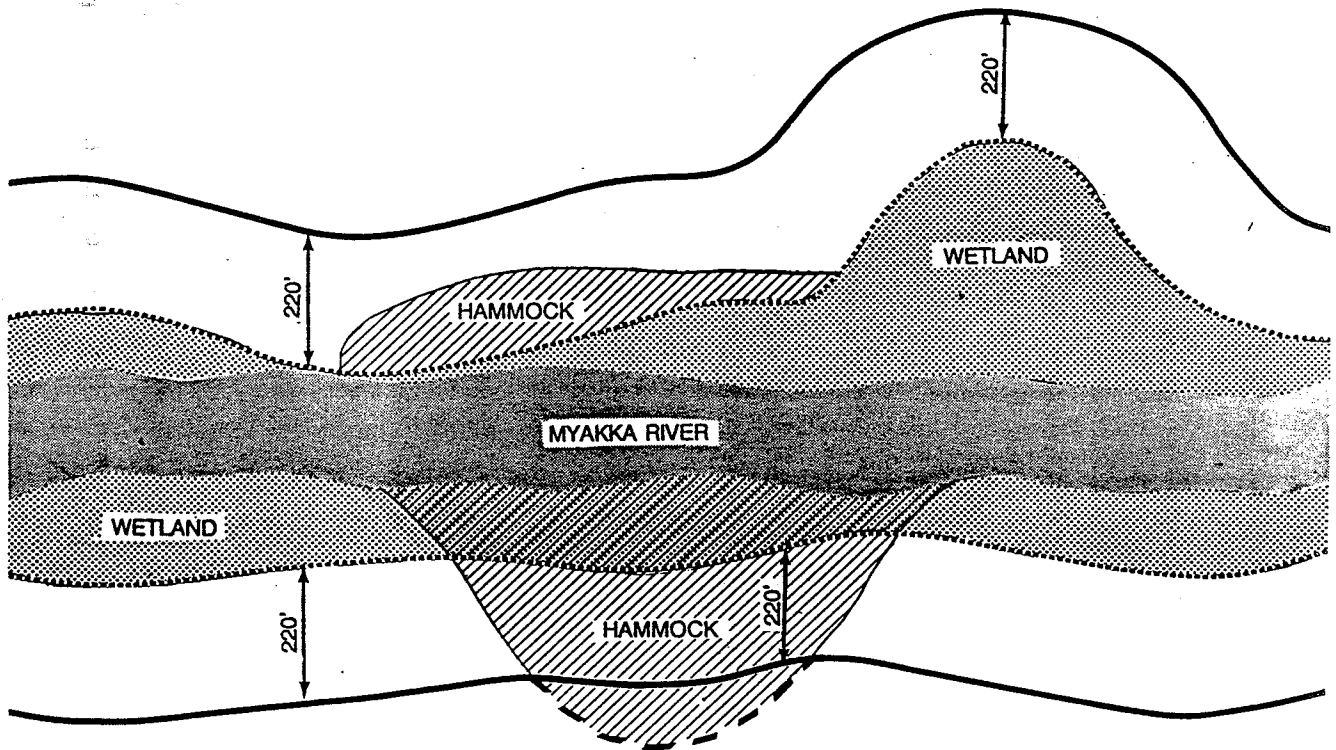
including oak hammock (35 observations), pine flatwoods (35 observations), palm hammock (15 observations), scrub (15 observations), and nonforested communities. Over the entire length of the wild and scenic segment of the river, the average width of the visual corridor was determined to be 220 feet landward from the edge of the river area. Based on these factors, it is recommended that a "wild and scenic protection zone" be created as a supplemental buffer area extending 220 feet on each side of the river, measured from the landward edge of the river area (see Figure 5-1 for a conceptual diagram).

Additional legislation would be required to create the wild and scenic protection zone. To this end, Section 258.501, Florida Statutes, should be amended to formally establish the zone and to provide policy direction for its management. DNR, with the Department of Community Affairs, should be directed to develop guidelines and performance standards for local governments to apply in managing the wild and scenic protection zone. Such guidelines and performance standards should be adopted in state-local agency agreements between DNR and the Department of Community Affairs and the local governments. Local governments should be directed to amend their comprehensive plans as may be necessary to be in conformance with, or more stringent than, the act, this plan and the management guidelines and performance standards. Local governments should also be required to adopt any necessary ordinances and regulations to carry out the purposes of the act, this plan and the guidelines and performance standards.

In developing management guidelines and performance standards for the wild and scenic protection zone, consideration should be given to the numerous single-family residences along the river. The intent of the wild and scenic protection zone is to provide for such residential use along the river while instituting appropriate safeguards to reduce the threat of adverse impacts to the resource values in the river area. To effectively manage the wild and scenic protection zone, consideration should be given to those activities which should be prohibited altogether, or must undergo review and either be denied, or permitted with or without conditions, so as to minimize potential adverse environmental and visual impacts to the resource values in the river area, and to minimize adverse impacts on private landowners' use of land for



CROSS SECTION



PLAN VIEW

- DESIGNATED RIVER AREA
- PROPOSED WILD AND SCENIC PROTECTION ZONE

N.T.S.

Figure 5-1
RIVER AREA AND WILD AND SCENIC
PROTECTION ZONE CONCEPT

MYAKKA WILD AND SCENIC RIVER
MANAGEMENT PLAN

FLORIDA DEPARTMENT OF NATURAL RESOURCES

SOURCE: HUNTER, 1989.

residential purposes. Activities that should be prohibited, except their appurtenant structures which may be permitted if they have no adverse visual or measureable adverse impacts to resource values in the river area, include, but are not limited to, the following:

- Landfills,
- Clear-cutting,
- Major new infrastructure facilities,
- Major activities that would alter historic water or flood flows,
- Multifamily residential construction,
- Commercial and industrial development, and
- Mining and major excavations.

5.2.3 Watershed

The permanent protection and enhancement of the wild and scenic segment of the Myakka River cannot be completely achieved without effective management of the river's watershed. Covering approximately 550 square miles in Sarasota, Manatee, Hardee, and DeSoto Counties, the watershed is managed by an array of federal, state, and local agencies; special districts; and private landowners. The main objective of managing the watershed, insofar as this plan is concerned, is to bring all existing management authorities to bear on preventing future adverse impacts on water quality, water quantity and timing of flow in the river.

Existing management and regulatory authorities are adequate for accomplishing this objective. No new authorities are required. In some cases, however, existing regulatory programs need to be strengthened or improved to increase the level of protection the river receives.

Specifically, Sarasota County should adopt strict performance standards for reviewing new subdivisions, developments, and changes in zoning densities in the basin to prevent adverse impacts on water quality, water quantity, and timing of flow in the river. The County should avoid placing new infrastructure facilities in a way that would encourage development east of the Myakka River. The County should examine the possibility of providing tax incentives to landowners in the watershed to maintain land in agricultural and other non-urban uses. Manatee County should also adopt these provisions, as

well as amend its mining and reclamation ordinance (No. 81-22) to minimize mining and mining impacts in the watershed.

The SWFWMD should adopt special basin water management rules for the Myakka watershed to strengthen criteria for reviewing applications for surface water management permits. The District should also adopt a goal of willing-seller purchasing as much of the river's headwaters as possible.

Better coordination between the many management and regulatory agencies in the watershed is urgently needed. Many land use and water management decisions are presently made without adequate coordination. As a result, potential impacts on the river's water resources are not always considered adequately in these decisions. Section 258.501 should be amended to require all state and local agencies to provide DNR with notification of requests for approval of activities which may adversely affect the river area.

5.3 SPECIFIC MANAGEMENT OBJECTIVES AND ACTIONS

Objectives are specific long- or short-term conditions toward which management actions are directed. Actions are the specific measures and procedures that are implemented by management agencies to protect and enhance the river's resource values and to resolve priority concerns.

DNR shall implement those actions for which it is primarily responsible, subject to the availability of staff and funds for those purposes. Other agencies are expected to implement the actions assigned to them, within their funding and staff capabilities. DNR and the Council shall coordinate and encourage each agency to implement specific actions to achieve the management objectives.

Table 5-1 summarizes each of the management program's objectives and corresponding actions. Each action contains a responsible agency, geographic area subject to management actions, estimates of funding requirements based on available information, and implementation/completion dates. The ability of agencies to perform many of the actions listed below and summarized in Table 5-1 is contingent upon the availability of funding.

OBJECTIVE 1

To protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefits of the natural resources along the Myakka River.

Action 1.1

DNR shall adopt a rule to establish standards for regulating activities in the river area.

Action 1.2

The Legislature should amend 258.501, Florida Statutes, to: 1) establish the wild and scenic protection zone, 2) require local governments to amend their comprehensive plans as may be necessary to be in conformance with or more stringent than the act, this plan and management guidelines and performance standards to be developed and adopted by State-local agreements involving DNR and DCA with Sarasota County and with the City of North Port, and 3) require local governments to adopt any necessary ordinances and regulations to carry out the purposes of the act, this plan, and the guidelines and performance standards.

Action 1.3

DNR, DCA, and other appropriate agencies should monitor and review Sarasota County's land use, zoning, and all pertinent regulatory activities to ensure that policies contained in APOXSEE are carried out consistently with the management plan guidelines and criteria.

Action 1.4

DER should determine the boundaries of the river area by delineating the landward extent of wetlands vegetation as provided in Chapter 403, Florida Statutes, and Chapters 17-3 and 17-312, Florida Administrative Code.

Action 1.5

DNR and FGFWFC should conduct a study to determine the use of the river area and wild and scenic protection zone by wildlife and to determine measures that may be necessary to better protect and manage wildlife in the river area and the wild and scenic protection zone.

Table 5-1 Myakka River Management Program Objectives and Actions.

	Program Focus				Estimated Funding Requirements	Implementation/Completion Date
	Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed		
OBJECTIVE 1						
To protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefits of the natural resources along the Myakka River.						
ACTIONS						
Action 1.1	DNR	X	--	--	\$30,000 (funded)	12-89/12-90
Adopt a rule to establish standards for regulating activities in the river area.						
Action 1.2	Legislature DNR Sarasota County North Port	X	X	--	--	4-90/12-90
The Legislature should amend 258.501, Florida Statutes to: 1) establish the wild and scenic protection zone, 2) require local governments to amend their comprehensive plans as may be necessary to be in conformance with or more stringent than the act, this plan and management guidelines and performance standards to be developed and adopted by state-local agreements involving DNR and DCA with Sarasota County and the City of North Port, and 3) require local governments to adopt any necessary ordinances and regulations to carry out the purposes of the act, this plan and the guidelines and performance standards.						
Action 1.3	DNR DCA	X	X	X	Staff Assignment	7-90/ongoing
Appropriate agencies should monitor and review Sarasota County's land use, zoning, and all pertinent regulatory activities to ensure that policies contained in APOXSEE are carried out consistently with the management plan guidelines and criteria.						
Action 1.4	DER	X	--	--	\$60,000	1-91/7-92
Determine the boundaries of in the river area by delineating the landward extent of wetlands vegetation as provided in Chapter 403, Florida Statutes and Chapters 17-3 and 17-312, Florida Administrative Code.						
Action 1.5	DNR FGF/MFC	X	X	--	\$30,000	1-91/12-91
Conduct a study to determine the use of the river area and wild and scenic protection zone by wildlife and to determine measures that may be necessary to better protect and manage wildlife in the river area and the wild and scenic protection zone.						

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 1							
To protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefits of the natural resources along the Myakka River.							
Action 1.6	Acquire through willing-seller purchase, donation, or exchange, headwater wetlands, tributaries, and land bordering the Myakka River.	Applicable Management and Acquisition Agencies	X	X	X	Variable	7-90/Ongoing
Action 1.7	Establish a local land trust to facilitate willing-seller/donor land and easement acquisition of environmentally sensitive lands in the Myakka River watershed.	Applicable Management and Acquisition Agencies	X	X	X	Staff Assignment	7-90/Ongoing
Action 1.8	Revise habitat-based regulatory programs to maximize protection of wetlands and hammock vegetation along the Myakka River.	Sarasota County	X	X	X	Staff Assignment	7-90/7-91
Action 1.9	Implement a prescribed burning and fuel reduction program involving landowners along the Myakka River.	DNR Division of Forestry Sarasota County	X	X	X	Staff Assignment	7-90/Ongoing
Action 1.10	Implement an integrated program of exotic and nuisance species management for the river area and the wild and scenic protection zone.	DNR FGFWFC Division of Forestry	X	X	--	Staff Assignment	1-91/Ongoing
Action 1.11	Develop and implement a plan to locate, catalog, and protect listed plant and animal species and species of local concern within the river area and the wild and scenic protection zone.	DNR FGFWFC	X	X	--	\$10,000	1-91/Ongoing
Action 1.12	Recommend legislative amendments which would make it unlawful to harvest or destroy any endangered or threatened plant species within the river area and the wild and scenic protection zone.	DNR DACS FGFWFC	X	X	--	Staff Assignment	1-91/7-91
Action 1.13	Compile an inventory of special ecological features along the Myakka River.	DNR Sarasota County FNAI Appropriate Management Agencies	X	X	--	Staff Assignment	1-91/1-92

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus				Estimated Funding Requirements	Implementation/Completion Date
Agency Responsibility	Wild and Scenic River Area	Zone	Watershed	Protection			
OBJECTIVE 1							
To protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefits of the natural resources along the Myakka River.							
Action 1.14	Inventory and monitor changes to animal and plant communities in the river area and wild and scenic protection zone.	DNR Sarasota County	X	X	--	\$30,000 biennial	1-91/Ongoing
Action 1.15	Develop an inventory program to monitor and prioritize the important nesting, roosting, and breeding sites along the Myakka River corridor in order to protect these sites from any actions that may disrupt cause their discontinued use.	DNR FGF/MFC Sarasota County	X	X	--	Staff Assignment	7-90/6-91
Action 1.16	Distribute warning signs around the two wading bird rookeries in the Myakka River near the Sarasota/Charlotte County line.	DNR FGF/MFC Sarasota County	X	--	--	Staff Assignment	7-90/12-90
Action 1.17	Develop and implement a habitat and restoration plan for the river area and wild and scenic river protection zone.	Applicable Management Agencies	X	X	--	Staff Assignment	1-91/Ongoing
Action 1.18	Develop guidelines for fence placement and educate landowners on how fences that border the Myakka River can be modified or newly constructed to facilitate easier crossing by wildlife.	DNR Sarasota County	X	X	--	Staff Assignment	1-91/Ongoing
OBJECTIVE 2							
To protect and/or enhance the surface and ground water resource values of the Myakka River, including protection and enhancement of water quality and designated uses, and protection and restoration of optimal quantity and timing of freshwater discharge.							
ACTIONS							
Action 2.1	Strictly enforce regulations relating to water resources.	Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 2							
To protect and/or enhance the surface and ground water resource values of the Myakka River, including protection and enhancement of water quality and designated uses, and protection and restoration of optimal quantity and timing of freshwater discharge.							
Action 2.2	Identify and seek funding sources to develop and institute programs for best management practices to control and reduce nonpoint source pollution within the Myakka River watershed.	Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing
Action 2.3	Revise Manatee County Ordinance No. 81-22, Mining and Reclamation, to include language similar to that for the Myakka River watershed.	Manatee County	--	--	X	Staff Assignment	7-90/7-91
Action 2.4	Evaluate existing water quality monitoring programs where needed to determine whether to continue and/or expand these programs to include: <ul style="list-style-type: none"> a. Better coordinated and more comprehensive monitoring efforts, b. Linkage to regulatory actions and programs, c. Landfill and borrow pit monitoring, and d. Monitoring of tributaries; for example, Howard Creek and Big Slough. 	Applicable Management Agencies	X	X	X	To be Determined	7-90/Ongoing
Action 2.5	Remove trash and debris within the river and along the river shoreline and sponsor a "Myakka River Cleanup Day" at least once per year.	DNR Sarasota County	X	--	--	Staff Assignment	7-90/Ongoing
Action 2.6	Conduct a hydrologic study that considers all existing and potential water control structures and diversions of river water.	SUFHMD Applicable Management Agencies	X	X	X	\$250,000	7-90/7-91
Action 2.7	Petition the Environmental Regulatory Commission to amend Chapter 17-3, FAC, to designate the entire Myakka River as an Outstanding Florida Water.	DER Management Agencies	X	--	--	Staff Assignment	7-90/12-91
Action 2.8	Seek an exemption from the exotic aquatic plant control program within Myakka River State Park to allow the limitation or prohibition of power boats on Upper Myakka Lake and Lower Myakka Lake.	DNR SUFHMD	X	--	--	Staff Assignment	7-90/1-91

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus				Estimated Funding Requirements	Implementation/Completion Date
Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed				
OBJECTIVE 2							
	To protect and/or enhance the surface and ground water resource values of the Myakka River, including protection and enhancement of water quality and designated uses, and protection and restoration of optimal quantity and timing of freshwater discharge.						
Action 2.9	Investigate alternatives to the chemical control of aquatic weeds, and effective and environmentally sound management and control practices for chemical, mechanical, biological, and/or physical weed control.	X	--	--	\$60,000	7-90/Ongoing	
		DNR SWMMD					
Action 2.10	Develop emergency action procedures to include timely monitoring response and remediation of spills of contaminants which could potentially affect the Myakka River.	X	X	X	Staff Assignment	1-91/1-92	
		DNR SWMMD TBRPC SWMRPC Sarasota County					
Action 2.11	Maintain and coordinate monitoring programs for the consumptive use of ground water within the Myakka River watershed. Particular emphasis should be placed on the maintenance of wetland hydroperiods.	X	X	X	Staff Assignment	1-91/Ongoing	
		SWMMD					
Action 2.12	Prohibit mining of resources in the river area. Establish recommended guidelines and design criteria for regulating mining discharges in the wild and scenic protection zone to ensure post mining runoff meets pre-mining runoff for water quality and quantity.	X	X	X	Staff Assignment	7-90/Ongoing	
		DNR Applicable Management Agencies					
Action 2.13	Conduct a master watershed study to allow for comprehensive stormwater master planning.	X	X	X	\$180,000	1-91/7-92	
		SWMMD Sarasota County North Port Venice DNR DER					

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 3							
To preserve, protect and restore natural aquatic habitat necessary for the continued healthy existence of aquatic populations and communities within the Myakka River.							
ACTIONS							
Action 3.1	Identify, prioritize and implement feasible aquatic habitat restoration projects upon completion of the hydrologic study.	DNR Applicable Management Agencies	X	X	X	Staff Assignment	1-92/Ongoing
Action 3.2	Continue monitoring programs and baseline studies with respect to major potential water withdrawals including consumptive use permits and potable water withdrawals from the Myakka River.	Sarasota County SFP/MD USGS	X	X	X	Staff Assignment	7-90/Ongoing
Action 3.3	Post significant submerged aquatic vegetation beds in the lower Myakka River to reduce the incidences of prop cuts caused by boat traffic in these shallow and sensitive areas.	DNR Sarasota County	X	--	--	Staff Assignment	7-90/12-90
Action 3.4	Periodically remove derelict crab traps and fishing gear from the river to enhance aquatic resources.	DNR	X	--	--	Staff Assignment	7-90/Ongoing
Action 3.5	Implement a manatee management plan that incorporates the appropriate findings and recommendations of the Mabor and Patton study (1989) and newly proposed boat speed limits.	DNR	X	--	--	Staff Assignment	7-90/Ongoing
OBJECTIVE 4							
To coordinate with local, regional, state, and federal agencies in the use and regulation of land management practices that protect the quality of the Myakka River and its tributaries.							
ACTIONS							
Action 4.1	Evaluate the function and composition of the Council as a management coordination body and implement any necessary modifications.	DNR Myakka River Management Coordinating Council North Port Sarasota County	X	X	X	Staff Assignment	7-90/Ongoing

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 4							
To coordinate with local, regional, state, and federal agencies in the use and regulation of land management practices that protect the quality of the Myakka River and its tributaries.							
Action 4.2	Designate officers who will be in charge of reviewing significant permits/development applications within the Myakka River watershed.	DNR Applicable Management Agencies	X	X	X		7-90/1-91
Action 4.3	Permitting agencies at the federal, state, regional, and local levels should notify DNR's designated permit review officer of all permits/development applications within the Myakka River watershed and enter into memorandums of understanding or similar agreements to facilitate coordination of review of such applications.	Applicable Management Agencies	X	X	X	Staff Assignment	7-90/1-92
Action 4.4	Encourage consistent land use planning and regulations in the watershed among all local governments and regional and state agencies.	Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing
Action 4.5	Monitor local codes and review and comment on proposed land development controls that regulate development within environmentally sensitive areas of the Myakka River watershed.	DNR DCA	X	X	X	Staff Assignment	7-90/Ongoing
Action 4.6	Develop and implement land use design standards for development within the river and wild and scenic protection zone.	DNR DCA	X	X	--	Staff Assignment	7-90/7-91
OBJECTIVE 5							
To minimize urban and suburban encroachment and resultant adverse impacts upon the river and allow appropriate land uses within the watershed.							
ACTIONS							
Action 5.1	Continue to ensure through comprehensive plans, land development regulations and/or appropriate ordinances, that urban and suburban land uses are minimized with the river area, wild and scenic protection zone, and the watershed.	Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing

Table 5-1 Myakka River Management Program Objectives and Actions.

	Program Focus					Implementation/ Completion Date
	Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	
OBJECTIVE 5						
To minimize urban and suburban encroachment and resultant adverse impacts upon the river and allow appropriate land uses within the watershed.						
Action 5.2	DNR Sarasota County North Port	X	X	--	Staff Assignment	7-90/Ongoing
River crossings shall be regulated by DNR. New infrastructure crossings shall be discouraged in undeveloped areas. Improvements should be made to existing facilities and new facilities should be collocated along existing facilities which cross the river to minimize the demand for new facilities that must cross the river. Regulatory agencies should ensure that adequate protection is given to wild and scenic values in all river crossing permits.						
Action 5.3	DCA DNR SFWMD TBRPC North Port Sarasota County Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing
Require that land development review and approval consider sea-level rise, subsequent landward migration of wetlands, and resultant need for an upland buffer.						
Action 5.4	FDOT	--	X	X	Staff Assignment	7-90/7-91
Modify existing lighting to significantly reduce the spill of light into the Myakka River from the I-75/West River Road Interchange.						
Action 5.5	FDOT	--	X	X	Staff Assignment	7-90/7-92
Relocate the rest area located at the I-75/West River Road Interchange.						

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 6							
To 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.							
ACTIONS							
Action 6.1	Limit uncontrolled public access to the Myakka River on the Carlton Reserve to the extent allowed by the rivers' carrying capacity, and include toilets, designated campfire areas, and refuse containers with a suitable vegetated buffer from the river area.	DNR Sarasota County	X	X	--	\$25,000	7-90/12-91
Action 6.2	Restrict additional public access on the Myakka River until a recreational carrying capacity is established and enforceable.	DNR Sarasota County	X	--	--	Staff Assignment	7-90/12-91
Action 6.3	Establish pedestrian-only nature trails on publicly-owned land in an area of the wild and scenic protection zone to promote nature study and research.	DNR Sarasota County	X	X	--	\$5,000	7-90/12-91
OBJECTIVE 7							
To minimize the disturbances to natural resources of the Myakka River from river-related recreational uses.							
ACTIONS							
Action 7.1	Conduct a comprehensive boat utilization study to quantify recreational carrying capacities by river segment and enforce recreational activity levels after carrying capacities are determined.	DNR	X	X	--	\$40,000	7-90/12-91
Action 7.2	Enact by rule a slow/minimum wake speed for the Myakka River from the Sarasota/Manatee County line to the Sarasota/Charlotte County line except in the main channel downstream of U.S. Highway 41 and except for the official government agency use of watercraft.	DNR	X	--	--	Staff Assignment	7-91/7-92

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 7							
To minimize the disturbances to natural resources of the Myakka River from river-related recreational uses.							
Action 7.3	Enact a nuisance noise ordinance, if warranted by the boat utilization study, to minimize noise impacts on the Myakka River.	DNR Sarasota County North Port	X	--	--	Staff Assignment	7-91/7-92
Action 7.4	Prohibit airboats except for official permitted use by agencies operating in the wild and scenic portion of the Myakka River.	DNR	X	--	--	Staff Assignment	7-90/Ongoing
Action 7.5	Establish idle speed/no-wake zones in the vicinity of marinas, boat ramps, structures near navigable channels and in other locations where the river is too narrow to safely accommodate two-way traffic.	DNR Sarasota County	X	--	--	Staff Assignment	7-91/7-92
Action 7.6	Assign additional law enforcement personnel to enforce existing and adopted regulations on and adjacent to the Myakka River.	Applicable Law Enforcement Agencies	X	X	--		7-90/Ongoing
Action 7.7	Educate the public through a sign placement program, at river access points which describes the resource values and regulations of the wild and scenic designated portion of the river.	DNR Sarasota County	X	X	--	\$8,000	7-90/Ongoing
Action 7.8	Signs indicating river miles should be placed at suitable intervals to establish common reference points for describing locations.	DNR	X	--	--	\$2,000	7-90/7-91
OBJECTIVE 8							
To protect archaeological/historical sites from adverse impacts associated with development, vandalism, and artifact collecting.							
ACTIONS							
Action 8.1	Support a policy on the preservation of archaeological/historical sites on public lands in the watershed.	DNR DHR Applicable Management Agencies	X	X	X	Staff Assignment	7-90/Ongoing

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus				Estimated Funding Requirements	Implementation/Completion Date
Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed				
OBJECTIVE 8							
To protect archaeological/historical sites from adverse impacts associated with development, vandalism, and artifact collecting.							
Action 8.2	Develop management guidelines to facilitate the preservation or conservation of cultural resources, including development review of project impacts on cultural resources in the watershed.	X	X	X	Staff Assignment	1-91/Ongoing	
		DHR SWFRPC Sarasota County North Port Applicable Management Agencies					
Action 8.3	Enforce existing laws and coordinate with state and local police authorities to protect archaeological/historical sites and educate law enforcement officials and the general public of these laws and regulations.	X	X	X	Staff Assignment	7-90/Ongoing	
		DHR Applicable Management and Law Enforcement Agencies					
OBJECTIVE 9							
To expand the knowledge and data base of the archaeological/historical resources in the Myakka River vicinity and in the watershed.							
ACTIONS							
Action 9.1	Commission a cultural resource assessment survey of the watershed and the wild and scenic protection zone to acquire a greater knowledge and understanding of the watershed's archaeological/historical resources. The surveyors shall consult existing sources of information retained by DHR and Sarasota County Division of Historical Resources.	X	X	X	\$40,000	1-91/1-92	
		DHR DHR Sarasota County					

Table 5-1 Myakka River Management Program Objectives and Actions.

		Program Focus					
		Agency Responsibility	River Area	Wild and Scenic Protection Zone	Watershed	Estimated Funding Requirements	Implementation/Completion Date
OBJECTIVE 9							
To expand the knowledge and data base of the archaeological/historical resources in the Myakka River vicinity and in the watershed.							
Action 9.2	Develop a cultural resource sensitivity map that would locate areas of relatively high probability of cultural resource distribution.	DNR DHR Sarasota County	X	X	X	\$15,000	1-91/1-92
Action 9.3	Designate a local museum in the Myakka River vicinity as an educational and curatorial facility to receive artifacts collected within the Myakka River watershed.	Applicable Management Agencies	--	--	X	Staff Assignment	1-91/1-92
Action 9.4	Develop a monitored public access site to an interpretive exhibit at one of the prehistoric Indian mounds/middens near the river in the Myakka River State Park or Carlton Reserve.	DNR DHR Sarasota County	--	--	X	\$10,000	1-91/1-92
Action 9.5	Sponsor an annual Myakka River Pioneer Festival at a restored homestead, farmstead or the Myakka School House with demonstration of pioneer crafts, music, storytelling, exhibits, and costumes.	DNR DHR Sarasota County	--	--	X	Staff Assignment	1-91/Ongoing
Action 9.6	Design markers to indicate historic features of the river area.	DNR DHR	X	--	--	Staff Assignment	1-91/1-92

- USCOE - U.S. Army Corps of Engineers
- DER - Department of Environmental Regulation
- SUFWMD - South West Florida Water Management District
- DNR - Department of Natural Resources
- FDOT - Florida Department of Transportation
- FGFWFC - Florida Game and Fresh Water Fish Commission
- USGS - United States Geological Survey
- DCA - Department of Community Affairs
- SUFRPC - Southwest Florida Regional Planning Council
- TBRPC - Tampa Bay Regional Planning Council
- DHR - Division of Historical Records
- Council - Myakka River Management Coordinating Council

Source: Hunter, 1989.

Action 1.6

The applicable management and acquisition authorities should acquire headwater wetlands, tributaries, and lands bordering the Myakka River through willing-seller purchase, donation, or exchange. Areas that should be considered include the following: the wild and scenic protection zone, lands adjacent to Myakka River State Park, the Walton Tract, the Carlton Reserve, Tatum Sawgrass, portions of Vanderipe Slough, Flatford's Swamp, and Myakkahatchee Creek. DNR shall coordinate with applicable management agencies to identify the proposed land area boundaries for acquisition. The applicable management agencies should attempt acquiring these areas through fee-simple purchase and through purchase of easements or development rights. The efforts of others, such as Sarasota County, Manatee County, the Nature Conservancy and the Trust for Public Land, will also be needed to accomplish these acquisitions.

Action 1.7

Applicable management and acquisition agencies should coordinate to establish a local land trust to facilitate willing-seller/donor land and easement acquisition of environmentally sensitive lands in the Myakka River watershed.

Action 1.8

Sarasota County should revise its habitat-based regulatory programs to include protection of wetlands and hammock vegetation specifically along the Myakka River. The county should revise language in APOXSEE to provide for regulation of existing upland vegetation at a minimum of 220 feet wide to be required around all wetlands/surface waters that are contiguous to the designated Myakka River area. APOXSEE should also be revised with language that provides for special protection to wetland-fringing hammocks that are contiguous to the wetlands and/or surface waters along the designated Myakka River area from river mile 7.5 to river mile 41.5.

Action 1.9

DNR shall coordinate with all landowners along the Myakka River to implement a prescribed burning and fuel reduction program. Ecological burning should be utilized where appropriate to control the encroachment of hardwood vegetation into the river marsh, restore and perpetuate pine flatwoods, reduce fuel levels, increase species diversity and reduce the threat of wildfire along the

Myakka River. A long-range program should be established to identify the timing, location, and extent of ecological burning needed to restore and enhance vegetation within the river area and the wild and scenic protection zone, where practicable. The burn plan should be implemented by a series of annual work programs to be conducted by the Division of Forestry and DNR, and should provide for periodic reviews of progress made toward implementing the program. The plan should also provide for restoration of fire breaks and plow lines. A program for controlling wildfire along the river should also be established.

Action 1.10

DNR shall implement an integrated program of exotic and nuisance species management for the river area and the wild and scenic protection zone to eradicate or control exotic and nuisance species of plants and animals. Procedures should be devised for locating exotic plant species and removing them to the maximum extent possible. Priority consideration will be given to the river area and to those portions of the wild and scenic protection zone which are in public ownership.

Action 1.11

DNR shall coordinate with the Game and Fresh Water Fish Commission (GFWFC) and develop and implement a plan to locate, catalog and protect listed plant and animal species and species of local concern within the river area and the wild and scenic protection zone. The study should include all native animals and plants that are of interest and worthy of protection. This listing of animals and plants will be proposed by GFWFC and then be reviewed by the Council.

Action 1.12

DNR shall coordinate with the Florida Department of Agriculture and Consumer Services (DACS) and the GFWFC to recommend legislative amendments which would make it unlawful to harvest or destroy any plant species within the river area and the wild and scenic protection zone that are listed under the state's regulated plant index (the Native Flora of Florida Act, Chapter 581, Florida Statutes) as endangered or threatened.

Action 1.13

DNR shall compile an inventory of special ecological features along the Myakka River. These features should be protected to the maximum extent possible by law or public ownership. A program for public education should be implemented to inform the public of the special attributes these features possess that should be protected.

Action 1.14

DNR shall inventory and monitor changes to animal populations and plant communities in the river area and the wild and scenic protection zone. DNR, in conjunction with appropriate state agencies and local governments should inventory and monitor changes to animals and plants in these areas to manage these resources properly.

Plants--A periodic inventory should be conducted through the use of long-term aerial photography to document the changes to the flora.

Animals--Research should be conducted by interested agencies on topics concerning local animal life for later use in wildlife management activities and public education programs. Animal populations will be cataloged and monitored thereafter on a regular basis to provide data on which detailed biological carrying capacities and management criteria can be evaluated. A particular emphasis of these activities should be to monitor the effects of public recreational use of the river. The development of this environmental database should be coordinated with other appropriate agencies to maximize utilization of the information collected (e.g., current studies being conducted by the Sarasota County Ecological Monitoring Division and cooperative United States Geological Survey programs).

Action 1.15

DNR shall develop an inventory program to monitor and prioritize the important nesting, roosting, and breeding sites along the Myakka River corridor in order to protect these sites from actions that may cause their discontinued use.

Action 1.16

DNR shall coordinate with the GFWFC and Sarasota County to distribute warning signs around the two wading bird rookeries in the Myakka River near the Sarasota/Charlotte County line. DNR shall nominate these two rookeries for designation as critical wildlife habitat areas by the GFWFC.

Action 1.17

DNR will coordinate with applicable management agencies and develop and implement a program of habitat restoration in the river area and wild and scenic protection zone. In conjunction with GFWFC, Sarasota County, the City of North Port, and other appropriate agencies, DNR will implement a voluntary program of habitat restoration. The program should provide for replanting and other restoration actions in areas that have been historically altered. Reforestation of areas on the upland fringes of the wild and scenic protection zone will be accomplished where past lumbering and agricultural land clearing have eliminated large areas of woody shrubs and trees, such as slash pine and oaks. Disturbed wetlands should also be restored where practical through manipulation of water levels, replanting native aquatic vegetation, and other management methods. The vegetation plan should determine priority habitat restoration needs within the wild and scenic protection zone and establish a schedule for meeting them.

Action 1.18

DNR shall develop guidelines for fence placement and educate landowners on how fences that border the Myakka River can be modified or newly constructed to facilitate easier crossing by wildlife.

OBJECTIVE 2

To protect and/or enhance the surface and ground water resource values of the Myakka River, including protection and enhancement of water quality and designated uses, and protection and restoration of optimal quantity and timing of freshwater discharge.

Action 2.1

Applicable management authorities should strictly enforce regulations relating to water resources.

Action 2.2

Applicable management authorities should identify and seek funding sources to develop, institute, and monitor programs for best management practices to control nonpoint source pollution within the Myakka watershed.

Action 2.3

Manatee County should revise Ordinance No. 81-22, Mining and Reclamation, to include language for the Myakka River watershed similar to that for the Manatee River watershed. This language requires best possible technology for mining in the watershed.

Action 2.4

Applicable management agencies should evaluate existing water quality monitoring programs to determine whether to continue and/or expand these programs to include:

- a. Better coordinated and more comprehensive monitoring efforts,
- b. Linkage to regulatory actions and programs,
- c. Landfill and borrow pit monitoring, and
- d. Monitoring of tributaries; for example, Howard Creek and Big Slough.

Action 2.5

DNR shall coordinate the removal of trash and debris within the river and along the river shoreline and sponsor a "Myakka River Cleanup Day" at least once per year.

Action 2.6

Applicable management agencies should conduct a hydrologic study that considers all existing and potential water control structures and diversions of river water. The study should evaluate all aspects of the water resource, including net benefits, as well as the living resources of the river, and develop guidelines for preserving, enhancing, and restoring the hydrologic regime of the river. The study should specifically include, but not be limited to:

1. Downs' Dam,

2. Blackburn Canal (Curry Creek),
3. The restoration of the Clay Gully diversion,
4. The restoration of Tatum Sawgrass,
5. The restoration of Vanderipe Slough,
6. The restoration of Deer Prairie Creek and Slough,
7. The water control structure at the lower end of Upper Myakka Lake,
8. The shoal area at Deer Prairie Creek,
9. The proposed Sarasota County potable water reservoir project, and
10. The existing dolomite mine discharge.

The study should assess potential effects of these areas and provide recommendations to mitigate negative impacts where indicated. The study should also be coordinated with Sarasota County's river modeling efforts and the results of the U.S. Geological Survey's (USGS) study. Efforts should be coordinated with agencies and organizations that are presently evaluating individual aspects or projects referenced above.

Action 2.7

DNR shall coordinate with applicable management agencies and petition the Environmental Regulatory Commission to amend Chapter 17-3, FAC, to designate the entire Myakka River as an Outstanding Florida Water.

Action 2.8

DNR should seek a U.S. Corps of Engineers exemption from the exotic aquatic plant control program within Myakka River State Park to allow the limitation or prohibition of recreationally used power boats on the Upper Myakka Lake and Lower Myakka Lake.

Action 2.9

DNR shall investigate possible alternatives to the chemical control of aquatic weeds and encourage effective and environmentally sound management and control practices for chemical, mechanical, biological, or physical weed control.

Action 2.10

Sarasota County, in conjunction with the applicable regional planning councils, should develop emergency action procedures to include timely monitoring, response and remediation of spills of contaminants which could potentially affect the Myakka River.

Action 2.11

SWFWMD should maintain and coordinate monitoring programs for the consumptive use of ground water within the Myakka River watershed. Particular emphasis should be placed on the maintenance of wetland hydroperiods.

Action 2.12

DNR shall prohibit mining of resources in the river area. DNR and applicable management agencies shall establish recommended guidelines and design criteria for prohibiting mining in the wild and scenic protection zone and regulate mining discharges to ensure post mining runoff meets premining runoff for water quality and quantity. Mining permitting should place particular emphasis on protection of the Myakka River and mine reclamation plans should enhance the ecological resources adjacent to the river protection zone.

Action 2.13

DNR shall petition applicable management agencies to conduct a master watershed study to allow for comprehensive stormwater master planning.

OBJECTIVE 3

To preserve, protect and restore natural aquatic habitat necessary for the continued healthy existence of aquatic populations and communities within the Myakka River.

Action 3.1

DNR shall identify, prioritize and implement feasible aquatic habitat restoration projects upon completion of the hydrologic study.

Action 3.2

Sarasota County, SWFWMD and USGS should continue monitoring programs and baseline studies with respect to major potential water withdrawals, including Consumptive Use Permit and potable water withdrawals from the Myakka River.

Action 3.3

DNR shall post significant submerged aquatic vegetation beds in the Lower Myakka River to reduce the incidence of prop cuts caused by boat traffic in these shallow and sensitive areas.

Action 3.4

DNR shall periodically remove derelict crab traps and fishing gear from the river to enhance aquatic resources.

Action 3.5

DNR shall implement a manatee management plan that incorporates the appropriate findings and recommendations of the Nabor and Patton study (1989) and newly proposed boat speed limits. The plan should include idle speed zones as well as no-wake zones upriver of the Interstate 75 bridge to Downs' Dam.

OBJECTIVE 4

To coordinate with local, regional, state, and federal agencies in the use and regulation of land management practices that protect the quality of the Myakka River and its tributaries.

Action 4.1

After adoption of this plan, DNR and the Council shall jointly evaluate the function and composition of the Council as a management coordination body and implement any necessary modifications.

Action 4.2

DNR shall designate an officer who will be in charge of reviewing significant permits/development applications within the Myakka River watershed, including but not limited to Department of Environmental Regulation (DER) and Army Corps of Engineers' (COE) dredge and fill permits; SWFWMD Consumptive Use Permits; SWFWMD Stormwater and Surface Water Management permits; Coast Guard Bridge Permits, Development of Regional Impact/Applications for Development Approval documents; and, Sarasota County, City of North Port, Manatee County, Hardee County, Charlotte County, and DeSoto County development applications. It will be the DNR officer's responsibility to determine whether any adverse effects

to the Myakka River's resources will result from the issuance of a permit/development approval and provide comment to the permitting/approval agency. On substantial issues, the Department's officer shall elicit the assistance of the Myakka River Management Coordinating Council in an advisory capacity. After adoption of this plan, the Department and Council will develop procedures for keeping the Council informed.

The DNR officer shall be located in a field office along the Myakka River. The field office should be established on public land adjacent to or within the Myakka River Wild and Scenic River segment. DNR shall seek funding for staff to operate the permit program and will establish reasonable fees to help defray the cost of processing applications.

In addition to the review of permits/development applications of the Myakka watershed, the onsite field officer shall be responsible for coordination of DNR permits necessary for activities within the river area. In accordance with Section 258.501(12), Florida Statutes, the DNR officer is also responsible for providing field reviews of the Myakka River area and enforcing the Act.

Action 4.3

Permitting agencies including the Department of Environmental Regulation, USCOE, SWFWMD, U.S. Coast Guard, each county's planning, natural resources, building and zoning, and transportation departments, and the City of North Port, should notify the DNR's designated permit review officer of all permits/development applications within the Myakka River watershed and enter into memorandums of understanding or similar agreements to facilitate coordination of review of such applications.

Action 4.4

DNR shall encourage consistent land use planning and regulations in the watershed among all local governments and regional and state agencies.

Action 4.5

DNR shall monitor local codes and review and comment on proposed land development controls that regulate development within environmentally sensitive areas of the Myakka River watershed.

Action 4.6

Sarasota County and the City of North Port should develop and implement land use design standards for development within the wild and scenic protection zone. These regulations should include setbacks behind bluffs and native landscaping and xeriscaping to provide for visual uniformity, a screen from the river and a habitat for wildlife. The regulations should provide for transfer of density, agricultural bonuses, or tax abatements to compensate landowners for wild and scenic protection zone buffer requirements. Landowners along the river should be encouraged to plant appropriate native trees and shrubs within and adjacent to the protection zone.

OBJECTIVE 5

To minimize urban and suburban encroachment and resultant adverse impacts upon the river and allow appropriate land uses within the watershed.

Action 5.1

DCA and local governments should continue to ensure through comprehensive plans, land development regulations and/or appropriate ordinances, that urban and suburban land uses are minimized within the river area, the wild and scenic protection zone and the watershed.

Action 5.2

DNR shall regulate river crossings. New infrastructure crossings shall be discouraged in undeveloped areas. Improvements should be made to existing facilities which cross the river to minimize the demand for new facilities that must cross the river. Regulatory agencies should ensure that adequate protection is given to wild and scenic values in all river crossing permits.

Action 5.3

DCA, DNR, the water management district, the applicable regional planning councils, and local governments should require that land development review and approval consider sea-level rise, subsequent landward migration of wetlands, and resultant need for an upland buffer.

Action 5.4

FDOT should modify existing lighting to significantly reduce the spill of light into the Myakka River from the Interstate 75/West River Road interchange.

Action 5.5

FDOT should relocate the rest area located at the Interstate 75/West River Road Interchange.

OBJECTIVE 6

To 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

DNR and Sarasota County should limit uncontrolled public access to the Myakka River on the Carlton Reserve to the extent allowed by the river's carrying capacity, and include toilets, designated campfire areas, and refuse containers with a suitable vegetated buffer from the river area.

Action 6.2

DNR shall restrict additional public access on the Myakka River until a recreational carrying capacity is established and enforced. Also, DNR shall monitor and regulate boat traffic in that portion of the Myakka River from State Road 72 to Border Road to study recreational/natural systems carrying capacity, as proposed for further research.

Action 6.3

DNR and Sarasota County should establish pedestrian-only nature trails on publicly owned land in an area of the wild and scenic protection zone to promote nature study and research.

OBJECTIVE 7

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

Action 7.1

DNR shall undertake a comprehensive boat utilization study to quantify recreational carrying capacity by river segment and enforce recreational activity levels after carrying capacity is determined.

Action 7.2

DNR shall enact by rule, a slow/minimum wake speed for the Myakka River from the Sarasota/Manatee County line to the Sarasota/Charlotte County line except in the main channel downstream of U.S. Highway 41 and except for the official government agency use of watercraft.

Action 7.3

Applicable management agencies should enact a nuisance noise ordinance, if warranted by the boat utilization study, to minimize noise impacts on the Myakka River.

Action 7.4

DNR shall prohibit the operation of airboats, except for official, permitted use by agencies in the designated area of the wild and scenic Myakka River.

Action 7.5

DNR shall establish idle speed/no-wake zones in the vicinity of marinas, boat ramps, structures near navigable channels and in other locations where the river is too narrow to safely accommodate two-way traffic.

Action 7.6

Applicable management agencies should assign additional law enforcement personnel to enforce existing and adopted regulations on and adjacent to the Myakka River. Personnel should be assigned from the Division of Recreation and Parks, Florida Marine Patrol, FGFWFC, Sarasota County, and City of North Port.

Action 7.7

DNR shall educate the public through a sign program at river access points briefly describing resources values and regulations in the designated river area.

Action 7.8

Signs indicating river miles should be placed at suitable intervals to establish common reference points for describing locations.

OBJECTIVE 8

To protect archaeological/historical sites from adverse impacts associated with development, vandalism, and artifact collecting.

Action 8.1

DNR shall support a policy for the preservation of archaeological/historical sites on public lands in the watershed.

Action 8.2

DNR shall coordinate with the Division of Historical Resources (DHR), Sarasota County, and the City of North Port to develop management guidelines to facilitate the preservation or conservation of cultural resources. A uniform process for the review and comment of project impacts on cultural resources should also be developed. Reviews will ascertain project impacts to cultural resources and recommend appropriate measures to minimize or mitigate adverse effects of such projects to significant cultural resources in the watershed.

Action 8.3

Applicable management agencies should enforce existing laws and coordinate with state and local police authorities to protect archaeological/historical

sites and educate law enforcement officials and the general public of these laws and regulations.

OBJECTIVE 9

To expand the knowledge and data base of the archaeological/historical resources in the Myakka River vicinity and in the watershed.

Action 9.1

DNR shall commission a cultural resource assessment survey of the watershed or the wild and scenic protection zone to acquire a greater knowledge and understanding of the watershed's archaeological/historical resources. The surveyor shall consult existing sources of information retained by DHR and Sarasota County Division of Historical Resources.

Action 9.2

DNR shall coordinate with DHR and Sarasota County Division of Historical Resources to develop a sensitivity map that would locate areas of relatively high probability of cultural resource distribution.

Action 9.3

Applicable management agencies should designate a local museum in the Myakka River vicinity as an educational and curatorial facility to receive artifacts collected within the Myakka River watershed. Such agencies should develop educational materials on the prehistoric and historic heritage of the watershed to describe the responsibility of all users to be stewards of such resources.

Action 9.4

DNR or Sarasota County should develop monitored public access to an interpretive exhibit at one of the prehistoric Indian mounds/middens located near the river in the Myakka River State Park or Carlton Reserve.

Action 9.5

DNR should sponsor an annual Myakka River Pioneer Festival at a restored homestead, farmstead or the Myakka School House with demonstrations of pioneer crafts, music, storytelling, exhibits, and costumes. The festival should involve or include the media, school, groups, and law makers.

Action 9.6

Design markers to indicate historic features of the river area.

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. Although the term "carrying capacity" of rivers is used frequently, there is no definitive methodology for estimating a river's recreational carrying capacity. There are many concepts and factors involved in assessing carrying capacity, and these factors and concepts can differ from river to river and also along different segments of the same river.

In determining the recreational carrying capacity of the Myakka River, an identification of the constraints on recreational use due to the physical characteristics of the river must first be made. The predominant physical constraints are width and depth of the river channel and the water control structures located south of Lower Myakka Lake and at the outfall to Upper Myakka Lake. These constraints limit the type of recreational use (i.e., canoeing or powerboating) and the actual areas where recreational use may occur. For purposes of determining carrying capacity of the Myakka River in this management program, the river should be considered in four segments. The first segment consists of the state park, including Upper Myakka Lake, and the Lower Myakka Lake. The second segment runs from the southern state park boundary to Border Road. The third and fourth segments run from Border Road to U.S. Highway 41 and U.S. Highway 41 to the Sarasota/Charlotte County line, respectively.

5.4.1 Considerations in Determining Recreational Carrying Capacity

After differentiating the river segments by physical constraints, the concept of carrying capacity can be addressed. The two perspectives from which to address carrying capacity are the capacity of natural features, and the demands of the human population. When considered with variables such as seasonal climatic fluctuations, geographic service area, and river water level fluctuations, these perspectives can be further differentiated into four

categories: physical capacity, ecological capacity, facility capacity, and social capacity.

Human recreational impacts on the river's resource are immensely important. Every recreational use of the river produces some level of impact on the river. The recreational use becomes significant when any adverse impacts created outweigh any recreational benefit gained.

The ultimate physical limit of capacity is the amount of space available for people and their defined recreational needs. In the case of the Myakka River, it might include the number of recreational uses that could physically occur on the river segments at any one time with enough spacing between them to allow for a minimum level of user safety. The ultimate carrying capacity under such conditions would be far more than the current use levels on the river.

Currently, there is no segment of the river on which the physical capacity has been attained. Ecological carrying capacity of the river is probably also above current use levels, although certain areas exhibit impacts from use. There are problems with the agitation of sediment, the destruction of grass beds, and the possibility of injuries to manatees by motorboat use.

To facilitate recreational use of the river, public access and facilities are required. The limited access to the northern segment of the Myakka River currently imposes a limited facility carrying capacity. When use of these facilities are maximized, the facility carrying capacity of these facilities has been attained. Access and facility capacity are probably the most flexible of the categories since they may exact the smallest initial cost and may be the most acceptable solutions in the general public view.

Facility capacity in the state park is partially measured in terms of the size of the parking area at the State Park boat ramp. This capacity is exceeded on many weekend days during the year, particularly in the spring. Facility capacity could be increased by the construction of additional parking areas. The southern segment of the river has many private facilities that can generally accommodate peak demands.

Probably the most subjective capacity perspective is social capacity. Social capacity involves the issue of visitation level in an area before the recreational experience is significantly degraded. Social carrying capacity is complex due to many different recreational uses available on the river. A single canoeist's impact on social carrying capacity is quite different from that of tourists on a 70-passenger tour boat.

The most significant variable affecting recreational carrying capacity on the Myakka River is probably social capacity. In establishing a recreational carrying capacity for the river, the management program recognizes that there is no widely shared preference regarding experience types by recreational users of the river. The management program should, therefore, accommodate a wide range of recreational uses and preferences without promoting overcrowding, safety problems or degradation of natural resources.

5.4.2 Derivation of Recreational Carrying Capacity

Two basic patterns of recreational use presently occur on the Myakka River. The first is recreational use which provides the solitude associated with the unique natural attributes of the river. The second is recreational use more socially oriented in nature. These patterns reflect preferences for two distinct types of recreational experiences. The first type is a wilderness experience, typified by quiet, slow movement affording the opportunity to appreciate the river's vegetation and wildlife. Types of activities associated with this type of use are small groups of canoeists, fishermen, and nature observers. Such activities generally occur on the northern river segment and selected areas of the southern segment of the river distant from development. The participants who prefer this type of experience may tolerate some visual or auditory contact with other people but only on a limited basis. Generally, the morning hours are preferred for such activities, since this is usually the time of least human activity and greatest wildlife activity on the river.

The second type of experience is less of a wilderness-oriented, resource-based activity than it is a people-oriented experience. Such activities include large groups of canoeists, pleasure boaters, and swimmers. Generally,

such uses occur on the southern segment of the river where access, adequate width and depth of the river, and private recreational facilities are available. An anomaly to these experiences is the tour boat operating on the Upper Myakka Lake which accommodates groups of people trying to obtain the first type of wilderness-oriented, resource-based experience in a social atmosphere.

Additional criteria have been used to derive the recreational carrying capacity for the Myakka River. These include interviews with facility operators along the river, an informational survey, guidelines for resource-based outdoor recreation activities, and the estimated 1990 outdoor recreation demand-supply ratios for Manatee and Sarasota Counties.

Based on information at hand, it has been determined that the segments of the river will have different recreational carrying capacities. Upper Myakka Lake will contain a recreational carrying capacity based on current recreational facilities available. Boat ingress should be limited to the boat ramp on the lake and access along the lakeshore should be discouraged. The segment which occurs from Upper Myakka Lake downstream to Border Road will have a carrying capacity based on wilderness-oriented, resource-based activity and experience. The majority of this area is within the boundaries of the Myakka River State Park or adjacent to the Carlton Reserve and based on activities originating at the park or from downstream private launch facilities.

Presently, the state park does not limit the number of users of the boat ramp. The actual number of parking spaces available at the boat ramp is 79; however, users frequently park in nondesignated areas around the ramp when the parking spaces are full. Parking, ingress, and egress at nondesignated access points along the park road and State Road 72 should be restricted.

A determination of the recreational carrying capacity for the segment of the river from Border Road to U.S. Highway 41 is also based on physical restrictions. The river is not appreciably wider than upstream segments and contains numerous meanders and bluffs that restrict visibility. Erosion is also a greater problem in this river segment due to the presence of steep river banks and meanders which cause greater wakes due to boat turning

movements. Currently, there is no public access located in this area. There are several private access facilities including Snook Haven, Ramblers Rest Resort, and Becky's Bait. These private facilities promote various recreational activities. The recreational carrying capacity of the Myakka River from Border Road to U.S. Highway 41 should be set by the existing private facilities which provide access to the river. In the extreme southern area of the river there are several residential communities and extensive private access to the river. Limiting the recreational carrying capacity for this area of the river should also be based on existing access for recreational use. Additional facilities for access to the Myakka River should be discouraged by the various river management agencies. The natural sill north of U.S. Highway 41 will act as a physical constraint for certain boats to access upper reaches of the Myakka River.

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 on at least 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.

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 the DNR's policy to deny public recreational use on the river, except as noted under certain actions in the plan.

6.0 PLAN IMPLEMENTATION

In preceding chapters, this plan has sought to identify the outstanding economic, scenic, recreational, geologic, fish and wildlife, historic, cultural or ecological features that combine to make the Myakka River an area of unique natural resource values. The plan has also sought to set forth a program of principles, objectives, and specific actions to be undertaken to ensure that these resource values are 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 local, regional, state and federal interests that require balancing and coordination of purpose. By working together, both public and private interests can be achieved through the implementation of the actions of this plan.

6.1 MANAGEMENT COORDINATION

Management of the Myakka Wild and Scenic River segment will be accomplished through the cooperative actions of many local, regional, state, and federal agencies having vested interests in the river. An important function of the river management program will be to coordinate the management activities of the various involved agencies.

The Council was established in part to ensure effective interagency and intergovernmental coordination of management for the river. The Council is represented by a broad spectrum of local, regional, and state agencies; agricultural interests; environmental organizations; public entities; and others recognized by the Legislature and Department as having an interest in matters that affect the administration and management of the river (see Appendix E). Historically, proper coordination, particularly between agencies and other members of the Council, has been lacking.

The purpose of the Council is to function as a collective organization. Council members are appointed because they represent larger interests and the public at large. During the critical period of initial plan implementation, the Council should strive to coordinate in the management of the river area in a collective fashion. The Council has the responsibility and authority to

review and make recommendations on all proposals for amendments or modifications to Section 258.501, Florida Statutes, and to this management plan, as well as on other matters that may be brought before the Council by DNR, any local government, or any member of the Council. The Council shall render its nonbinding advisory opinion to DNR, Southwest Florida Water Management District, Sarasota County, the City of North Port, and other affected agencies.

The Council will play a key role in ensuring that the objectives of the plan are realized by identifying and resolving coordination problems and enhancing communication between all interests in the river area. The Council may formally review problems associated with the plan and provide recommendations to the appropriate decisionmaking or management agencies. The Council may also review and may provide advisory recommendations on any permits required by Section 258.501, Florida Statutes. However, the Council's review may not impede the timely processing of those permits.

Monitoring the implementation of the plan is also an important activity. Due to the number of affected agencies and the size and complexity of the Council, issues and problems, and recommended actions, an independent review by the Council of implementation efforts is suggested to accurately monitor and determine implementation progress. This review should be conducted on an annual basis.

6.2 PLAN REVIEW AND AMENDMENT

The Myakka Wild and Scenic River Management Plan will be reviewed and, if necessary, revised periodically, at least at 5-year intervals, to ensure that the objectives and actions of the management program remain relevant to achieving the plan's preservation and enhancement principles. All regular (5-year) reviews of the plan will be conducted by DNR with the assistance of the Council.

Any revision or modification of the approved management plan will be accomplished through essentially the same process used to adopt the original plan. Amendments to the plan may be proposed at any time by DNR or the Council. The Council may, at its discretion, appoint a subcommittee or other

appropriate work group to further analyze the proposed revision before making its final recommendations. The analysis of the Council will identify or predict: 1) any potential adverse affect on any resource value of the river area which may result as a direct or indirect consequence of the proposed plan amendment; and 2) any other matters the Council finds desirable. The Council will meet to make its recommendations to DNR. All amendments to the plan must be approved by DNR.

6.3 AREAS FOR LEGISLATIVE CONSIDERATION

The final section of this plan summarizes the major actions that are recommended to be taken to implement the findings of the plan. Most of the actions are the responsibility of DNR. Many local, regional, state, and federal agencies, as well as private interests, however, will play vital roles in the overall execution of the management program (see Appendix D).

Specific actions for special consideration include the following:

- Adopt a rule to establish standards for regulating activities in the river area (Action 1.1)
- Amend Section 258.501, Florida Statutes, to: 1) establish the wild and scenic protection zone, 2) require local governments to amend their comprehensive plans as may be necessary to be in conformance with, or more stringent than, this plan and management guidelines and criteria promulgated by DNR with assistance from DCA, and 3) require local governments to adopt any necessary ordinances and regulations to carry out the purposes of this plan and DNR's guidelines and criteria (Action 1.2).
- Recommend legislative amendments of the Native Flora Of Florida Act, Chapter 581, Florida Statutes (Action 1.12).
- Revise Manatee County's Mining and Reclamation Ordinance No. 81-22 to include language similar to that of the Myakka River watershed for the Manatee River watershed (Action 2.3).
- Amend Chapter 17-3, FAC, to designate the entire Myakka River as an Outstanding Florida Water (Action 2.7).
- Prohibit mining of resources in the river area (Action 2.12).
- Petition applicable management agencies to conduct a master watershed study (Action 2.13).

- Implement a manatee management plan (Action 3.5).
- Develop and implement land use design standards for development within the wild and scenic protection zone (Action 4.6).
- Enact by rule a slow/minimum wake speed limit zone for the Myakka River from the Sarasota/Manatee County line to the Sarasota/Charlotte County line (Action 7.2).
- Enact a nuisance noise ordinance to minimize noise impacts on the Myakka River, if warranted (Action 7.3).
- Establish idle-speed/no-wake zones in designated areas of Myakka River (Action 7.5).

In addition, the legislature needs to provide adequate funding for the studies identified in Section 5.0, as well as for an increase in DNR staff to implement the various actions. It is projected that a minimum staffing to implement various actions of this plan will require two park officers for enforcement; two environmental specialists (I and II position levels) for permitting, coordination, and reviews; and a park ranger for resource management activities. Operating capital outlay and expenses will also be necessary for computer supplies, site development, utilities, fuel and lubricants, travel, a computer and printer, two boats and motors, miscellaneous law enforcement equipment, a modular home, two radios, and other expenses and outlays.

While the actions set forth in Section 5.0 represents the plan's major recommendations, it should not be viewed as a comprehensive listing of all the activities that will be taken to implement the plan. Rather, it should be viewed as indicative of the types of actions that will be needed to ensure that the river's special attributes are permanently preserved and enhanced. Some of the actions represent ongoing activities of the various agencies. Additional actions may be identified as implementation of the plan progresses. Where possible, estimates of funding required to complete these activities and a projected completion date for each has been included in the plan. The implementation of these actions is governed by applicable law and the availability of the funds. All agencies are expected to assume responsibility for implementing those recommended actions relevant to their functional areas of responsibility.

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GLOSSARY

Activity--Any project and such other human action within the river area which is regulated or permitted by the Department of Natural Resources.

Aesthetic Values--Scenic characteristics or amenities of the river in its essentially natural state or condition, and the maintenance thereof.

Benthic Communities--Any sovereignty submerged land where any of the following associations of indigenous interdependent plants and animals occur: grass beds, algal beds, sponge beds, octocoral patches or beds, hard coral patches or reefs, and tidal swamps, including mangroves, identified in any reports submitted pursuant to Section 18-21.004(2)(c), FAC. Communities is intended to reflect identifiable assemblages of organisms as opposed to scattered or single individuals.

Best Possible Technology--The most advanced technology which provides the maximum protection possible for the public health, safety, and welfare, and which minimizes to the greatest degree possible any adverse impacts of mining on the watershed. Best possible technology may include, but is not limited to: innovative reclamation techniques; augmentation of public water supplies that could be adversely affected by mining activities; construction of secondary containment structures or other measures to ensure against catastrophic failure of primary containment structures; below-grade slime ponds; elimination of mine site rock dryers; and zero point discharge; provided, however, such requirements shall not be required if the applicant demonstrates they are technologically infeasible. In ascertaining the best possible technology, economic disadvantages shall only be considered relevant when analyzed in relation to other applicants conducting mining activities in the watershed.

Channel--A trench, the bottom of which is normally covered entirely by water, with the upper edges of its sides normally below water.

Conservation--The wise use of native habitats other than those required to be preserved. Conservation areas often consist of native habitat that has been set aside to fulfill open space requirements.

Coordinating Council--The council created by Subsection 258.501(6), Florida Statutes, namely the Myakka River Management Coordinating Council.

Department--The Department of Natural Resources.

Discharge--To allow or cause water to flow. (Applicant's Handbook, Management and Storage of Surface Waters, SJRWMD, 1988.)

Division--The Division of Recreation and Parks of the Department of Natural Resources.

Dock--A fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels.

Dredge and Fill--Any construction activity that results in the excavation or fill of wetlands and surface waters.

Easement--A non-possessory interest in sovereignty lands created by a grant or agreement which confers upon the applicant the limited right, liberty, and privilege to use said lands for a specific purpose and for a specific time.

Enhancement--The restoration of an altered aquatic, upland, or wetland habitat to its original native condition.

Executive Board--The Governor and Cabinet sitting as the head of the Department of Natural Resources.

Exotic Species--Refers to any undesirable organism that is not native or indigenous in the area where it occurs (e.g., Brazilian pepper, Australian pine, hydrilla, water hyacinth, punk tree, muskovy duck, fire ants, and armadillo).

Hammock--Those broad-leafed forests that range from very dry (xeric) to seasonally flooded (mesic-hydric) conditions. Hammocks are probably the most confusing and variable of plant associations in Florida and are often confused with true forested wetlands or hardwood swamps. The two main differences between hammock and hardwood swamp are hydroperiod and dominant vegetation. Hammocks, as opposed to swamps, are sometimes inundated, but not of a sufficient duration to support a dominance of aquatic trees. Hammocks along the Myakka River are typically dominated by mesic trees, such as live oak, laurel oak, and cabbage palm.

Hardwood Swamp--Those wooded areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances do support a prevalence of aquatic trees and other life requiring saturated or seasonally saturated soil conditions for growth and reproduction. The most common hardwood swamp along the Myakka River is either single species or mixed associations of deciduous hardwood trees such as popash, red maple, black tupelo, water locust, and Florida elm.

K-selected Species--A term applied to describe certain characteristics of organisms' life cycles. In general, a K-selected species has slower development, delayed reproduction, larger body size, a lifespan greater than one year, lives in more constant and predictable environments, and has a fairly constant population size at or near the carrying capacity of the environment.

Landing--A place for the coming to shore or of the going or putting ashore.

Maintenance--Remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance [Section 373.403(8), Florida Statutes].

Major New Infrastructure Facility--Such facilities which would have the effect of stimulating or encouraging growth.

Mean High Water--The average height of the high tides over a 19-year period. For shorter periods of observation, "mean high water" means the average height

of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Native Habitats--Those areas of Sarasota County described in the Sarasota County Habitat Study, and/or generally located on the Sarasota County Habitat Map with the exceptions of the Intensive Agriculture and Developed Features Habitat.

Nuisance Species--Refers to any biologically undesirable organism that is native or naturalized in the area where it occurs (e.g., cattail).

Pier--A structure built extending over the water and supported by pillars or piles; used as a landing place.

Preservation--The perpetual maintenance of habitats in their existing (or restored) native condition.

Public Interest--Demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic costs of the proposed action. In determining the public interest in a request for use, sale, lease, or transfer of interest in sovereignty lands or severance of materials from sovereignty lands, the board shall consider the ultimate project and purpose to be served by said use, sale, lease, or transfer of lands or materials.

Public Necessity--Those services provided by persons regulated by the Public Service Commission, or which are provided by rural cooperatives, municipalities, or other governmental agencies, including electricity, telephone, public water and wastewater, and structures necessary for the provision of these services.

Public Utilities--Those services, provided by persons regulated by the Public Service Commission, or which are provided by rural cooperatives, municipalities, or other governmental agencies, including electricity,

telephone, public water and wastewater services, and structures necessary for the provision of these services.

Resource Value--Any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

Resource Management Agreement--A contractual agreement between the Board and one or more parties which does not create an interest in real property, but merely authorizes conduct of certain management activities on lands held by the Board.

Riparian Rights--The legal rights regarding a waterway which belong to one who owns land bordering upon it.

River Area--That corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor extending from the center of the river to the maximum upland extent of wetlands vegetation.

River Corridor--A broad, continuous linear connection of land and water that includes but may extend beyond the wetland extent of the designated river area. For the purpose of this plan, the river corridor roughly extends for one geographic section (5,000 feet) in width on each side of the Myakka River from river mile 7.5 to river mile 41.5.

River Mile--A distance of one-statutory mile along the river course beginning from the mouth of the river to the river's headwaters.

Shall--Often used to denote an obligation or direction to do some act. As used in statutes, contracts and the like, this word is generally imperative or mandatory.

Shore Protection Structures--A type of coastal construction designed to minimize the rate of erosion. Coastal construction includes any work or

activity which is likely to have a material physical effect on existing coastal conditions or natural shore processes.

Should--Ordinarily implying duty or obligation but with implications of uncertainty. In this plan, should is used as a suggestion to regulatory agencies or private interests to implement an action.

Spoil--Materials dredged from sovereignty lands which are redeposited or discarded by any means, onto either sovereignty lands or uplands.

Unimpacted Areas--Portions of the river area which have no road, transmission lines, utility, or other man-made intrusions crossing the river.

Water-dependent Activity--An activity which can only be conducted on, in, over, or adjacent to, water areas because the activity requires direct access to the water body or sovereignty lands for transportation, recreation, energy production or transmission, or source of water and where the use of the water, submerged or sovereignty lands is an integral part of the activity.

Watershed--The hydrological basin of the Myakka River that covers approximately 550 square miles in Sarasota, Manatee, Hardee and DeSoto Counties.

Wetland--Those lowland areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances do support a prevalence of aquatic vegetation and other life requiring saturated or seasonally saturated soil conditions for growth and reproduction.

Wild and Scenic Protection Zone--A proposed upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (i.e., from river mile 7.5 to river mile 41.5) measured from the landward edge of the river area.

Will--Often used to denote an obligation or direction to do some act. As used in statutes, contracts and the like, this word is generally imperative or mandatory.

APPENDIX A--MYAKKA RIVER WILD AND SCENIC DESIGNATION AND
PRESERVATION ACT

PART IV
WILD AND SCENIC RIVERS

258.501 Myakka River; wild and scenic segment.

258.501 Myakka River; wild and scenic segment.—
(1) **SHORT TITLE.**—This act may be cited as the "Myakka River Wild and Scenic Designation and Preservation Act."

(2) **LEGISLATIVE DECLARATION.**—The Legislature finds and declares that a certain segment of the Myakka River in Manatee, Sarasota, and Charlotte Counties 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. It is the intention of the Legislature to provide for the permanent preservation of the designated segment of the Myakka River by way of development of a plan for permanent administration by agencies of state and local government which will ensure the protection necessary but retain that degree of flexibility, responsiveness, and expertise which will accommodate all of the diverse interests involved in a manner best calculated to be in the public interest.

(3) **DEFINITIONS.**—As used in this act:

(a) "Activity" means the doing of any act or the failing to do any act, whether by a natural person or a corporation.

(b) "Coordinating council" means the council created by subsection (6).

(c) "Department" means the Department of Natural Resources.

(d) "Division" means the Division of Recreation and Parks of the Department of Natural Resources.

(e) "Executive board" means the Governor and Cabinet sitting as the head of the Department of Natural Resources.

(f) "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

(g) "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor extending from the center of the river to the maximum upland extent of wetlands vegetation.

(4) **DESIGNATION OF WILD AND SCENIC RIVER.**—The corridor of land surrounding and beneath the Myakka River between river mile 7.5 and river mile 41.5 is hereby designated as a Florida wild and scenic river for the purposes of this act and is subject to all of the provisions of this act. Such designated portion is more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line.

(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 act.

(b) The development of the proposed management plan shall be by public hearing and shall include participation by all appropriate state agencies and by all appropriate or interested local governments and private organizations.

(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, archaeological, 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.

7. Agricultural and forestry practices similar in nature to those presently in the river area on January 1, 1986.

8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of river area resource values.

9. Monitoring of existing water quality.

10. Continuance of existing drainage and water management practices, unless such existing practices will adversely affect, degrade or diminish existing water quality or existing resource values in the river area, and allowance of new water resource management practices which will not have an adverse impact on 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 act.

(d) To the extent not inconsistent with this act, the proposed management plan may also include any other provisions deemed by the department to be necessary or advisable for the permanent protection of the river as a component of the Florida Wild and Scenic Rivers System.

(6) **MANAGEMENT COORDINATING COUNCIL.**—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the Department of Environmental Regulation, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Archives, History and Records Management of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(b) The coordinating council shall review and make recommendations on all proposals for amendments or modifications to this act and to the permanent management plan, as well as on other matters which may be brought before the council by the department, any local government, or any member of the council, and shall render its nonbinding advisory opinion to the Southwest Florida Water Management District, the department, and affected local governments.

(c) The council may adopt bylaws to provide for election of such officers as it deems necessary, removal of officers for just cause, meetings, quorum, procedures, and other such matters as its members may deem advisable in the conduct of its business. Such bylaws shall be approved by the department.

(d) Such professional staff as the coordinating council may require shall be provided by the department.

(7) **PRESERVATION OF EXISTING GOVERNMENTAL AUTHORITY.**—Nothing contained in this act shall operate to divest any agency, water management district, municipality, county, or special district of any authority or jurisdiction in existence on January 1, 1986.

(8) **RULEMAKING AUTHORITY.**—

(a) The department is authorized to adopt rules to regulate activities within the river area which have adverse impact on resource values as adopted by the coordinating council within the river area, subject to ratification by the executive board.

(b) The department shall coordinate all activities related to rule adoption and enforcement with the regulatory and management programs of other agencies in order to avoid to the maximum extent possible any conflicts or duplication arising therefrom.

(9) **PERMITTING AUTHORITY.**—

(a) No person or entity shall conduct any activity within the river area which will or may have an adverse impact on any resource value in the river area without first having received a permit from the department.

(b) A permit may be granted only after a finding by the department that the activity for which a permit has been requested will not have an adverse impact on resource values in the river area.

(c) The department may adopt an application fee schedule providing for payment of reasonable fees to defray the cost of processing applications.

(10) **PERMITTED ACTIVITIES.**—Nothing in this act shall be construed to prohibit or regulate any activity taking place outside the river area for which necessary permits and licenses are obtained as required by other provisions of federal, state, or local law.

(11) **PROHIBITED ACTIVITY.**—Airboats are prohibited from operating in the river area north of U.S. Highway 41 (State Road 45).

(12) **ENFORCEMENT.**—Officers of the department shall have full authority to enforce any rule adopted by the department under this act with the same police powers given them by law to enforce the rules of state parks and the rules pertaining to saltwater areas under the jurisdiction of the Florida Marine Patrol.

(13) **PENALTIES.**—Violation of this act or of any rule adopted under this act constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Continuing violation after notice constitutes a separate violation for each day so continued.

History.—s. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, ch. 85-263
Vote.—Effective January 1, 1986

APPENDIX B--DESCRIPTION OF PLANT COMMUNITIES ALONG THE MYAKKA RIVER

UPLANDS

PINE FLATWOODS/PINE PRAIRIE (SOUTH FLORIDA FLATWOODS, MESIC FLATWOODS, PINE SAVANNAHS, PINE BARRENS)

Slash pine flatwoods occur throughout south and central Florida, with northern limits on a west-east line from Levy County to St. Johns County. Pine flatwoods covers more land area than any other in South Florida and is the predominant plant community found within Sarasota County.

Pine flatwoods are characterized by a nearly flat topography with relatively poorly-drained soils. Generally, an organic or clay hardpan is situated a few feet beneath the soil layer. During the rainy season, pine flatwoods may have water on or near the soil surface. Scattered slash pine in the canopy and a dense saw palmetto shrub layer characterize the pineland. Other shrubs within the saw palmetto layer include gallberry, gopher apple, wax myrtle, tarflower, dwarf huckleberry, shiny blueberry and fetterbush. Herbaceous plants that may be commonly found within the flatwoods include chalky bluesteam, false foxglove, indiagrass, dichanthelium grass, blackroot, blue-eyed grass, and wiregrass. Other minor types of pine flatwoods occur along the Myakka River which include woodlands with other tree species or combinations of other tree species with slash pine within the canopy (e.g., slash pine-oak woodlands, longleaf pine and slash pine-cabbage palm). The longleaf pine occurs within small stands scattered within the more well-drained flatwood sites. Longleaf pine is in the southernmost limit of its range within Sarasota County.

Next to man, fire and water are the most common contributing factors to the successional status of pine flatwoods. Pine flatwoods are a subclimax community that rely on fire to control the invasion of hardwoods and promote the natural regeneration of pines. However, if crown fires were to occur after a long period of fire exclusion, pine trees and seedlings could be destroyed and the flatwoods would then be converted to a dry prairie condition. Water can also cause shifts in plant species composition from a mesic to a hydric condition in a relatively short period of time. However, man has caused the greatest changes to this community through the suppression and misuse of fire, the alteration of drainage patterns, and agricultural conversion practices. Since flatwoods are good cellulose and forage producers, natural flatwoods have been logged for timber and converted to

rangeland and improved pasture for cattle, pine plantation for commercial wood production, vegetable and citrus groves, and urban development has also occurred in this community.

SCRUBBY FLATWOODS/OAK SCRUB (XERIC OAK, XERIC FLATWOODS, DRY FLATWOODS)

Scrubby flatwoods/oak scrub, a rather rare habitat type in Sarasota County, is a xeric community type that possesses an evergreen shrubby understory situated upon well-drained, deep white sandy soils on high ground. Scrubby flatwoods typically contain widely scattered slash or longleaf pine in the overstory. However, when characterized by an association of scrub oaks interspersed with areas of barren white sand without a pine canopy, the community is considered to be an oak scrub. Understory shrubs include sand live oak and myrtle oak, rusty lyonia, Chapman's oak, gopher apple and saw palmetto. Herbaceous plants and vines within the xeric association include wiregrass, goldenrod, deer moss, greenbriar, and pinweeds. Small areas of scrubby flatwoods and oak scrub occurs at only a few locations along the Myakka River. This xeric association occurs along the edges of pine flatwoods at slightly elevated terrain upon relict sandbars and dunes. The scrubby flatwoods and oak scrub, to maintain a scrub-like condition, require fire at widely-spaced intervals.

HAMMOCKS (SHADY HAMMOCKS)

In the State of Florida the term "hammock" refers to any hardwood or broad-leaved evergreen forest which is not inundated or saturated for a sufficient period of time during the year to support the dominant growth of aquatic vegetation. Hammocks occur on well-drained to wet, highly organic soils. Vegetation composition within hammocks varies depending upon the type of soils, hydroperiod and location. The primary hammock associations found along the Myakka River include xeric and mesic-hydric hammocks which border both sides of the Myakka River to form a natural, forested corridor. Coastal hammocks are smaller associations that occur sporadically as "islands" within wetlands and/or larger hammock areas of the Myakka River.

Xeric Hammock (Upland Hammock, Live Oak-Cabbage Palm Hammock)

Xeric hammocks are dry forests that occur on well-drained soils in slightly elevated areas, and contain saw palmetto within the understory and live oaks in the canopy layer. In addition to live oak, xeric hammock may also contain laurel oak and cabbage palm in the canopy. On occasion cabbage palm may become dominant on moister, highly organic soils. Depending upon the openness of the canopy layer, the shrub and herb strata may be dense to sparse. Additional common shrubs that occur in xeric hammocks include beautyberry and wax myrtle. Herbaceous plants and vines in xeric hammock include Caesar's weed, poison ivy, grape and yellow jessamine.

Mesic-Hydric Hammock (Wetland-Fringing Hammock, Wetland Hardwood Hammock, Prairie Hammock, Wet Hammock)

Mesic-hydric hammock occurs on rich, organic soils of intermediate moisture content to wet, poorly-drained soils contiguous to the surface waters or wetlands of the Myakka River. Due to the intergradation and subsequent difficult differentiation between hydric and mesic hammock along the Myakka River, the two associations were combined into one descriptor.

Mesic-hydric hammock typically contains laurel oak, cabbage palm, water oak, red maple, swampbay, sweetbay, and Florida elm within the upper and lower canopy layers. This hammock generally has a well-developed canopy layer and, therefore, the understory and ground layers are rather depauperate. Common herbaceous, vining and shrubby plants found within mesic-hydric hammock include wax myrtle, saw palmetto, lizard's tail, saw-toothed fern, wild coffee, greenbriar, poison ivy, Virginia creeper, pepper vine, and grape. The oak canopy blankets the lower strata and, thereby, regulates the microclimate of the system, keeping the interior moist, shady and cool. The natural air conditioning and aesthetics provided by spreading stately oaks of the hammock offered desirable homesites and were extensively used for this purpose by the early settlers. The limbs of the mature oaks and the boots of cabbage palms also provide a haven for epiphytic and parasitic vegetation. Epiphytes, such as resurrection fern, butterfly orchid, and air plants, are the most conspicuous floral components visible along the Myakka River.

The hydroperiod of mesic-hydric hammocks is typically 2 months out of the year. Due to saturated soils and a sparse herb layer, mesic-hydric hammocks rarely burn. However, if the hydrological regime is altered, the species composition of this hammock community could be affected.

Being situated between uplands and wetlands/surface waters, mesic-hydric hammock provides valuable functions including flood attenuation, filtration of stormwaters, and erosion control. This hammock type is becoming extremely rare in Sarasota County due to development.

Coastal Hammock Palm/Oak Hammock, Tropical Hammock, Prairie Hammock, Shell Middens, Shell Mounds, Indian Mounds)

These small hammocks typically occur as "islands" within wetlands or other larger hammocks of the Myakka River corridor. Coastal hammock is typically dominated by cabbage palm and live oak in the overstory. Other plant species associated with coastal hammock include stoppers, wax myrtle, wild coffee, water oak, marlberry, Florida coontie, poison ivy, orchids, and serpent fern. Coastal hammocks occur on slightly elevated areas and are often associated with indian shell mounds. Coastal hammock typically is dominated by cabbage palm and live oaks, but live oak is replaced by southern red cedar on the tidal reaches of the Myakka River near Deer Prairie Slough. Coastal hammock has a unique position as a botanical depository for rare tropical plants.

DRY PRAIRIE (PALM SAVANNAH, PALMETTO PRAIRIE, PALMETTO AND HERBACEOUS RANGELAND, GRASSY DRY PRAIRIE)

Dry prairie is characterized as treeless plains that generally resemble pine flatwood communities, except for the lack of pines in the overstory. Typically, dry prairie is dominated by a dense assemblage of mesophytic grasses (indian grass, love grass, broomsedge, wiregrass), herbs (blazing star, rabbit tobacco, marsh pink, goldenrod, milkwort), and low shrubs (saw palmetto, paw paw, fetterbush, gallberry, staggerbush, dwarf blueberry).

Dry prairie is often contiguous to wet prairie and pine flatwoods. Fire is important in the maintenance of the prairie condition. Large areas of this vegetation type have been converted to vegetable farms, citrus groves,

improved pasture, urban development, or conserved as natural rangeland with land management.

AGRICULTURAL AREAS/DEVELOPED LANDS

Agricultural areas and developed lands include all of the vegetated or landscaped areas of land along the Myakka River where the original vegetation has been significantly altered or disturbed. Intensive agricultural areas include improved pastures, cropland, citrus groves, and pine plantation. Nonintensive agricultural uses such as cattle rangeland, where the vegetation is maintained in a somewhat natural state through proper fire management, are included in the upland category as pine flatwoods/pine prairie, scrubby flatwoods/oak scrub and dry prairie.

Intensive agriculture and developments eliminate, or significantly alter, the natural upland and wetland plant communities along the Myakka River. These activities are the major sources of poor water quality within the Myakka River through erosion of sediments and contributions of excess nutrients and other pollutants.

WETLANDS

FRESHWATER WETLANDS

Freshwater wetlands filter and improve storm waters, provide flood storage, and control the erosion of shorelines. Freshwater wetlands are low-lying, wet associations that are vegetated with either aquatic trees (swamp) or herbs (marsh). Both wooded and herbaceous wetlands occur along the Myakka River from river mile 7.5 to the vicinity of Snook Haven.

Freshwater Wooded Wetlands

A freshwater wooded wetland can be characterized as any low-lying system that has water above or just below the ground surface for a sufficient period of time during the year to support the dominant growth of aquatic woody vegetation. This category of freshwater wetlands includes several major wooded swamp types. The differences that separate the swamp community types includes species composition, variance in seasonal and/or permanent inundation, hydrologic connection (contiguous or isolated) and ecology. The freshwater wooded wetlands along the Myakka River consist of mixed hardwood swamps, swamp thickets and bay swamp. It is of interest to note that there

are no natural cypress swamps within the Myakka River. Although there are some cypress stands within Myakka River State Park, these associations were artificially created through the planting of cypress trees within existing freshwater marshes.

Mixed Hardwood Swamp (Mixed Swamp, Basin Swamp, Freshwater Swamp, Hardwood Swamp)

--Mixed hardwood swamp occurs within the Myakka River and along the associated floodplain reaches. Dominant trees that comprise fresh-water swamp include, blackgum, popash, water locust, red maple and sweetbay. Buttonbush, wax myrtle, Virginia willow, dahoon holly, and willow are common in the understory. Typical herbaceous components of the mixed hardwood swamp include lizard's tail, smartweed, royal fern, and false nettle. The degree of canopy closure and seasonal water levels typically dictate the species cover and density at the understory and ground levels. The periodic water level fluctuations associated within the Myakka River are important to the integrity of the mixed hardwood swamp. Mixed hardwood swamps are valuable by filtering and improving water quality and providing flood storage and recharge.

Swamp Thickets (Heads, Shrub Swamp)--Swamp thickets are dense stands of aquatic shrubs or small trees that occupy standing water or periodically flooded sites. Swamp thickets that may be found along the Myakka River are dominated by almost pure monocultures of the following three aquatic woody species: popash, willow and buttonbush. These associations occur within the open areas of the Lower and Upper Myakka Lakes and along transitional zones between wetlands and uplands. Typically, these thickets represent a secondary successional seral stage of marshes or wet prairie that have not been burned or experienced a reduction in water levels.

Bay Swamp (Gum Swamp, Bay, Bay Gall, Bayhead, Bay Swamp)--Bay swamp occurs on acidic, highly organic soils which are often seasonally flooded. Typically, bay swamp has shallower standing water and shorter periods of inundation than the other swamp systems. A linear area of bay swamp occurs just above the northwest edge of the Upper Myakka Lake. Bay swamp is dominated by loblolly bay, swamp bay, and sweet bay. The understory layers of bay swamp are typically open and commonly contain sphagnum moss, dahoon holly, fetterbush, Virginia willow, bamboo-briar, poison ivy, cinnamon fern, chain fern, grape, net-vein chain fern and lizard's tail.

Freshwater Herbaceous Wetlands (Depression Marsh, Wet Weather Pond, Flatwoods Pond, Ephemeral Pond, Grass Pond, Wet Prairie, Pineland Depression, Swale, Slough, Prairie Pond)

A freshwater herbaceous wetland can be characterized as any low-lying system that has water above or just below the ground surface for a sufficient period of time during the year to support the dominant growth of aquatic emergent, floating-leaved and free floating vegetation.

Based upon a number of factors such as size, location, drainage characteristics and species composition, this category of freshwater wetlands includes several wetland types (both contiguous and isolated). However, in an effort to provide a concise account of freshwater herbaceous wetlands along the Myakka River, only two types are recognized: freshwater marsh and wet prairie.

Freshwater Marsh--Freshwater marsh can be characterized as seasonally inundated shallow, round or elliptical depressions within terrestrial habitats (typically pine flatwoods) to more elongate, broad irregular-shaped formations that occur along the shoreline of (i.e., littoral zones) or as sloughs to the Myakka River. The inland marshes are further characterized by concentric zones of emergent vegetation with floating-leaved and/or floating plants at the center. The center may contain permanent to semi-permanent standing water and depending upon the size of the system may be devoid of vegetation and resemble a pond or small lake. These marshes commonly support the following species: St. John's wort, pickerelweed, arrowhead, sedges, maidencane, and net-vein chain fern. The large marshes along the shallow, littoral shoreline

reaches or as sloughs (drainageways) of the Myakka River tend to be mixed assemblages of species including maidencane, smartweed, water paspalum, cattail, bulrush, and pickerelweed. Shortened hydroperiods within freshwater marshes will permit the invasion of mesic and exotic vegetation, while longer hydroperiods will transform marsh into surface waters. Fire is a necessary component of freshwater marsh maintenance; however, an uncontrolled fire during a long period of drought could violate the underlying muck layers.

Wet Prairie--Large to small wetland associations of shallow water areas primarily within pine flatwoods and dry prairie that are dominated by grasses and St. John's wort are called wet prairie. Wet prairies differ from freshwater marsh by the occurrence of sandy soils with thin organic layers rather than the deep mucks/peats and plants associated with "true" marshes. Wet prairies provide similar functions and values as freshwater marshes.

BRACKISH-SALTWATER WETLANDS (ESTUARINE EDGES)

Tidal wetlands are brackish to salt water wetlands that occur along low energy coastlines and estuaries. Tidal wetlands along the Myakka River begin just south of Snook Haven in the form of tidal marshes and continue as mangrove islands and tidal marshes past the Sarasota/Charlotte County line.

Brackish-Saltwater Marsh (Black Needlerush Marsh)

Brackish-saltwater marsh is the dominant plant community of the tidal portion of the river. Brackish-saltwater marsh along the Myakka River is characterized as small littoral zones along the incised tidal reaches to large expanses of open wetlands situated along the broad lower tidal floodplain. The dominant species of the tidal marsh is black needlerush although other minor species do occur such as cattail, bulrush, and leather ferns. Sawgrass also occurs within tidal marsh along the Myakka River. Although this species is typically common in fresh to brackish water marshes, it only occurs within a small area of the Myakka River in the vicinity of Deer Prairie Slough. The detrital production and contribution of tidal marsh to the marine food web is substantial. Development along the shoreline edges of the Myakka River and drainage alterations through the construction of seawalls, rip rap, and ditches may adversely affect this valuable wetland system.

Mangrove Swamp (Mangrove Islands, Mangles, Mangroves)

Mangrove swamps or islands are found at the lower reaches of the Myakka River, starting at a point just above Deer Prairie Creek. Red mangrove was the dominant mangrove species on the shorelines of the islands, while black and white mangroves occupied higher elevations.

Mangrove swamps provide many ecological benefits to man, including buffering storm tides and winds, shoreline stabilization, and vegetative filtration and assimilation of pollutants or nutrients within stormwater runoff.

Mangrove swamps also provide an extremely valuable function in the production of detritus to the estuarine food web and as habitat for a variety of species. Destruction of mangroves via filling, dredging and ditching has contributed to the deterioration of South Florida's aquatic resources.

SUBMERGED AQUATIC VEGETATION

Submerged aquatic vegetation (SAV) in the upper river is largely dominated by the exotic, hydrilla (*Hydrilla verticillata*). This submerged plant is considered a nuisance and has spread throughout Florida. It has created a large problem within Upper and Lower Myakka Lakes, and attempts at its control include the application of herbicides. Hydrilla infestation is evident in the Myakka River to below Downs Dam. The growth of hydrilla gradually decreases downriver from the dam. SAV within the lower river in general is not common although it is locally abundant along shallow water edges and shoals. The distribution of SAV is potentially determined by salinity, currents, light penetration and sediment type. Species of SAV which have been observed in the lower Myakka River include Cuban shoal grass (*Halodule wrightii*), widgeon grass (*Ruppia maritima*), tape grass (*Vallisneria neotropicalis*), dwarf arrowhead (*Sagittaria subulata*), *Nitella* sp., coontail (*Ceratophyllum demersum*), and spike rush (*Eleocharis baldwinii*). Cuban shoal grass and widgeon grass occur in the widest range of salinities (<1 ppt to 25 ppt).

Tape grass is found from less than 1 ppt to about 3 ppt, and the remaining species are generally found at salinities of less than 1 ppt. The SAV of the Myakka River are most commonly found on shoal areas (Mote Marine Laboratory, 1986).

APPENDIX C--LISTS OF WILDLIFE SPECIES KNOWN TO OCCUR
AND WHICH MAY OCCUR ALONG THE MYAKKA RIVER

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹																						
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL											
Snakes (Order Squamata)																								
Green Water Snake	<u>Nerodia cyclopiion floridana</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Florida Water Snake	<u>Nerodia fasciata pictiventris</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Striped Crayfish Snake	<u>Liodytes regina alleni</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Black Crayfish Snake	<u>Seminatrix pygaea</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Garter Snake	<u>Thamnophis sirtalis sirtalis</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Peninsula Ribbon Snake	<u>Thamnophis sauritus sackeni</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Southern Hognose Snake	<u>Heterodon simus</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Hognose Snake	<u>Heterodon platyrhinos</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Southern Ringneck Snake	<u>Diadophis punctatus punctatus</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Pinewoods Snake	<u>Rhadinaea flavilata</u>	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Mud Snake	<u>Farancia abacura</u>	X	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X	X	X	X	X	X	X
Southern Black Racer	<u>Coluber constrictor priapus</u>	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Coachwhip	<u>Masticophis flagellum flagellum</u>	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Rough Green Snake	<u>Ophiodrys aestivus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Indigo Snake	<u>Drymarchon corais couperi</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Corn Snake	<u>Elaphe guttata guttata</u>	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Yellow Rat Snake	<u>Elaphe obsoleta</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Kingsnake	<u>Lampropeltis getulus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Scarlet Kingsnake	<u>Lampropeltis triangulum</u> <u>ekaosiuades</u>	-	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Scarlet Snake	<u>Cemophora coccinea</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Florida Cottonmouth	<u>Agkistrodon piscivorus conanti</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Dusky Pygmy Rattlesnake	<u>Sistrurus miliarius barbouri</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Eastern Diamondback	<u>Crotalus adamanteus</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Rattlesnake																								
Eastern Coral Snake	<u>Micrurus fulvius fulvius</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Florida Brown Snake	<u>Storeria dekayi victa</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Brown Water Snake	<u>Nerodia taxispilota</u>	X	X	X	X	-	-	-	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Florida Pine Snake	<u>Pituophis melanoleucus mugitus</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-
Peninsula Crowned Snake	<u>Tantilla relicta relicta</u>	-	-	-	-	X	X	X	X	X	X	X	X	X	X	-	-	-	-	-	-	-	-	-

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹										
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA
REPTILES												
<u>Crocodylians (Order Crocodylia)</u>												
American Alligator	<u>Alligator mississippiensis</u>	X	X						X	X		
<u>Turtles (Order Testudines)</u>												
Snapping Turtle	<u>Chelydra serpentina</u>	X							X	X		
Florida Mud Turtle	<u>Kinosternon subrubrum</u>	X							X	X		
Florida Box Turtle	<u>Terrapene carolina bauri</u>		X	X				X			X	
Chicken Turtle	<u>Deirocheilus reticularia</u>	X	X						X	X		
Gopher Tortoise	<u>Gopherus polyphemus</u>				X				X			
Florida Softshell	<u>Trionyx ferox</u>	X							X	X		
Striped Mud Turtle	<u>Kinosternon bauri palmarum</u>	X							X	X		
Peninsula Cooter	<u>Chrysemys floridana peninsularis</u>	X							X	X		
Florida Redbelly Turtle	<u>Chrysemys nelsoni</u>	X							X	X		
Atlantic Loggerhead	<u>Caretta caretta caretta</u>	X										
Atlantic Green Turtle	<u>Chelonia mydas mydas</u>	X										
Atlantic Hawksbill	<u>Eretmochelys imbricata</u>	X										
Atlantic Ridley	<u>Lepidochelys kempii</u>	X										
Atlantic Leatherback	<u>Dermochelys coriacea coriacea</u>	X										
Diamondback Terrapin	<u>Malaclemys terrapin</u>	X										
<u>Lizards (Order Squamata)</u>												
Green Anole	<u>Anolis carolinensis carolinensis</u>		X	X	X				X			X
Brown Anole	<u>Anolis sagrei</u>		X	X	X				X			X
Six-lined Racerunner	<u>Cnemidophorus sexlineatus sexlineatus</u>		X	X	X				X			X
Ground Skink	<u>Scincella lateralis</u>		X	X	X				X			X
Southeastern Five-lined Skink	<u>Eumeces inexpectatus</u>		X	X	X				X			X
Eastern Glass Lizard	<u>Ophisaurus ventralis</u>		X	X	X				X			X
Slender Glass Lizard	<u>Ophisaurus attenuatus</u>			X	X				X			
Island Glass Lizard	<u>Ophisaurus compressus</u>			X	X				X			
Peninsula Mole Skink	<u>Eumeces egregius onocrepis</u>				X				X			

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹										
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA
Salamanders (Order Caudata)												
Two-toed Amphiuma	<u>Amphiuma means</u>	X	-	-	-	-	-	-	X	X	-	-
Greater Siren	<u>Siren lacertina</u>	X	-	-	-	-	-	-	X	X	-	-
Everglades Dwarf Siren	<u>Pseudobranchius striatus</u>	X	-	-	-	-	-	-	X	X	-	-
Peninsula Newt	<u>Notophthalmus viridescens</u> <u>piaropicola</u>	X	-	-	-	-	-	-	X	X	-	-
Dwarf Salamander	<u>Eurycea quadridigitata</u>	X	X	X	-	-	-	-	X	X	-	-
Slimy Salamander	<u>Plethodon glutinosus glutinosus</u>	X	X	X	-	-	-	-	X	X	-	-
Narrow-striped Dwarf Siren	<u>Pseudobranchius striatus axanthus</u>	X	-	-	-	-	-	-	X	X	-	-
Eastern Lesser Siren	<u>Siren intermedia intermedia</u>	X	-	-	-	-	-	-	X	X	-	-
Toads and Frogs (Order Anura)												
Southern Toad	<u>Bufo terrestris</u>	-	X	X	X	X	X	X	X	-	-	-
Oak Toad	<u>Bufo quercicus</u>	-	X	X	-	-	-	-	X	X	-	-
Florida Cricket Frog	<u>Acris gryllus dorsalis</u>	X	-	-	-	-	-	-	-	X	X	-
Green Treefrog	<u>Hyla cinerea</u>	-	X	X	-	-	-	-	-	X	X	-
Barking Treefrog	<u>Hyla gratiola</u>	-	X	X	-	-	-	-	-	X	X	-
Pinewoods Treefrog	<u>Hyla femoralis</u>	-	X	X	X	X	X	X	X	-	-	-
Squirrel Treefrog	<u>Hyla squirella</u>	-	X	X	X	X	X	X	X	-	-	-
Little Grass Frog	<u>Limnaeus ocularis</u>	-	X	X	X	X	X	X	X	-	-	-
Florida Chorus Frog	<u>Pseudacris nigrata verrucosa</u>	-	X	X	-	-	-	-	X	X	-	-
Eastern Narrow Mouth Toad	<u>Gastrophryne carolinensis</u>	-	X	X	-	-	-	-	-	-	-	-
Pig Frog	<u>Rana grylio</u>	X	-	-	-	-	-	-	X	X	-	-
Eastern Spadefoot	<u>Scaphiopus holbrookii</u>	-	X	X	X	X	X	X	X	-	X	X
Southern Leopard Frog	<u>Rana utricularia</u>	X	X	X	-	-	-	-	X	X	-	-
Florida Gopher Frog	<u>Rana areolata aesopos</u>	-	-	-	X	X	X	X	-	-	X	-
Bull Frog	<u>Rana catesbeiana</u>	X	X	X	-	-	-	-	X	X	-	-
Mammals (Class Mammalia)												
Virginia Opossum	<u>Didelphis virginia</u>	X	X	X	X	X	X	X	X	X	X	X
Evening Bat	<u>Nycticeius humeralis</u>	-	X	X	X	X	X	X	-	-	-	-
Marsh Rabbit	<u>Sylvilagus palustris</u>	X	X	X	X	X	X	X	X	X	X	X
Gray Squirrel	<u>Sciurus carolinensis</u>	X	X	X	X	X	X	X	X	X	X	X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹												
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL	
Southern Flying Squirrel	<u>Glaucomys volans</u>	X	X	X	X	X	-	X	X	-	-	-	-	
Eastern Harvest Mouse	<u>Reithrodontomys humulis</u>	X	-	-	-	-	X	-	X	-	X	X	X	
Cotton Rat	<u>Sigmodon hispidus</u>	X	-	-	-	-	X	-	X	-	X	X	X	
Raccoon	<u>Procyon lotor</u>	X	X	X	X	X	-	X	X	X	X	X	X	
Florida Water Rat	<u>Neofiber alleni</u>	X	-	-	-	-	X	-	X	X	X	-	-	
Eastern Spotted Skunk	<u>Spilogale putorius</u>	X	X	X	X	X	-	X	X	X	X	X	X	
River Otter	<u>Lutra canadensis</u>	X	X	X	X	X	-	-	-	-	-	-	-	
Bobcat	<u>Lynx rufus</u>	X	X	X	X	X	-	-	-	-	-	-	-	
White-tailed Deer	<u>Odocoileus virginianus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Eastern Mole	<u>Scalopus aquaticus</u>	-	-	-	-	-	X	X	X	-	-	X	X	
Nine-banded Armadillo	<u>Dasypus novemcinctus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Eastern Cottontail	<u>Sylvilagus floridanus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Fox Squirrel	<u>Sciurus niger</u>	X	X	X	X	X	-	X	X	-	-	-	-	
Rice Rat	<u>Oryzomys palustris</u>	X	-	-	-	-	-	-	X	X	X	X	X	
Cotton Mouse	<u>Peromyscus gossypinus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Gray Fox	<u>Urocyon cinereoargenteus</u>	X	X	X	X	X	X	X	X	X	-	-	-	
House Mouse	<u>Mus musculus</u>	X	-	-	-	-	X	-	X	-	-	X	X	
Long-tailed Weasel	<u>Mustela frenata</u>	X	X	X	X	X	-	-	X	-	X	-	-	
Striped Skunk	<u>Mephitis mephitis</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Florida Panther	<u>Felis concolor coryi</u>	X	X	X	X	X	-	-	X	-	-	-	-	
Feral Hog	<u>Sus scrofa</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Southeastern Shrew	<u>Sorex longirostris</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Red Fox	<u>Vulpes fulva</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Least Shrew	<u>Cryptotis parva</u>	-	-	-	-	-	X	X	X	X	X	X	X	
Shorttail Shrew	<u>Blarina brevicauda</u>	-	-	-	-	-	X	X	X	X	X	X	X	
Big Brown Bat	<u>Eptesicus fuscus</u>	-	-	-	-	-	-	-	-	-	-	-	-	
Seminole Bat	<u>Lasiurus seminolus</u>	-	-	-	-	-	-	-	-	-	-	-	-	
Eastern Yellow Bat	<u>Lasiurus intermedius</u>	-	-	-	-	-	-	-	-	-	-	-	-	
Eastern Big-eared Bat	<u>Plecotus rafinesquei</u>	-	-	-	-	-	-	-	-	-	-	-	-	
Mexican Freetail Bat	<u>Tadarida brasiliensis</u>	-	-	-	-	-	-	-	-	-	-	-	-	
Florida Black Bear	<u>Ursus americanus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Mink	<u>Mustela vison</u>	X	X	X	X	X	-	-	-	-	-	-	-	
Southeastern Pocket Gopher	<u>Geomys pinetis</u>	-	-	-	-	-	X	-	-	-	-	-	-	

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹											TM	AA	DL		
		MR	Mh	CH	XH	PP	DP	SF	FW	MS							
Eastern Woodrat	<u>Neotoma floridana</u>	X	X	X	-	-	-	-	X	X	-	-	-	-	-	-	-
Eastern Cottontail	<u>Sylvilagus floridanus</u>	X	X	X	X	X	X	X	X	X	-	-	-	-	-	X	X
Manatee	<u>Trichechus manatus</u>	X	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
BIRDS																	
Loons (Family Gaviidae)																	
Common Loon	<u>Gavia immer</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Grebes (Family Podicipedidae)																	
Horned Grebe	<u>Podiceps auritus</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Pied-billed Grebe	<u>Podilymbus podiceps</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Pelicans (Family Pelecanidae)																	
American White Pelican	<u>Pelecanus erythrorhynchos</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Brown Pelican	<u>Pelecanus occidentalis</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Cormorant (Family Phalacrocoracidae)																	
Double-crested Cormorant	<u>Phalacrocorax auritus</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Darters (Family Anhingidae)																	
Anhinga	<u>Anhinga anhinga</u>	X	-	-	-	-	-	-	-	-	X	X	-	-	X	-	-
Frigatebird (Family Fregatidae)																	
Magnificent Frigatebird	<u>Fregata magnificens</u>	X	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-
Hérons and Bitterns (Family Ardeidae)																	
Great Blue Heron	<u>Ardea herodias</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-
(White Morph)																	
Great Blue Heron	<u>Ardea herodias</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-
Green-backed Heron	<u>Butorides striatus</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-
Little Blue Heron	<u>Egretta caerulea</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-
Cattle Egret	<u>Bubulcus ibis</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-
Reddish Egret	<u>Egretta rufescens</u>	X	X	X	-	-	-	-	-	-	X	X	-	-	X	-	-

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹											TM	AA	DL	
		MR	Mh	CH	XH	PP	DP	SF	FW	MS						
Great Egret	<u>Casmerodius albus</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Snowy Egret	<u>Egretta thula</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Tri-colored Heron	<u>Egretta tricolor</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Black-Crowned Night Heron	<u>Nycticorax nycticorax</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Yellow-Crowned Night Heron	<u>Nycticorax violaceus</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Least Bittern	<u>Ixobrychus exilis</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
American Bittern	<u>Botaurus lentiginosus</u>	X	X	X	-	-	-	-	X	X	X	X	X	-	-	-
Vultures (Family Cathartidae)																
Turkey Vulture	<u>Cathartes aura</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Black Vulture	<u>Coragyps atratus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Hawks, Eagles and Kites (Family Accipitridae)																
Snail Kite	<u>Rostrhamus sociabilis</u>	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-
Sharp-shinned Hawk	<u>Accipiter striatus</u>	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Cooper's Hawk	<u>Accipiter cooperii</u>	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Red-tailed Hawk	<u>Buteo jamaicensis</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Red-shouldered Hawk	<u>Buteo lineatus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Broad-winged Hawk	<u>Buteo platyterus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Short-tailed Hawk	<u>Buteo brachyurus</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Golden Eagle	<u>Aquila chrysaetos</u>	X	-	-	-	-	-	-	X	X	X	X	X	-	-	-
Bald Eagle	<u>Haliaeetus leucocephalus</u>	X	-	-	-	-	-	-	X	X	X	X	X	-	-	-
Northern Harrier	<u>Circus cyaneus</u>	X	-	-	-	-	-	-	-	-	-	-	X	-	-	-
Swallow-tailed Kite	<u>Elanoides forficatus</u>	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Turkeys (Family Meleagrididae)																
Wild Turkey	<u>Meleagris gallopavo</u>	X	X	X	X	X	X	X	X	X	X	X	X	-	-	-
Limpkin (Family Aramididae)																
Limpkin	<u>Aramus quarana</u>	X	X	X	-	-	-	-	-	-	-	-	X	-	-	-
Cranes (Family Gruidae)																
Sandhill Crane	<u>Grus canadensis</u>	X	-	-	-	-	-	-	X	X	X	X	X	-	-	X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹											
		MR	Mh	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL
<u>Plovers (Family Charadriidae)</u>													
Semipalmated Plover	<u>Charadrius semipalmatus</u>	X	-	-	-	-	-	-	X	-	X	-	-
Killdeer	<u>Charadrius vociferus</u>	X	-	-	-	-	-	-	X	-	X	X	X
Black-bellied Plover	<u>Pluvialis squatarola</u>	X	-	-	-	-	-	-	X	-	X	-	-
Ruddy Turnstone	<u>Arenaria interpres</u>	X	-	-	-	-	-	-	-	X	X	-	-
Piping Plover	<u>Charadrius melodus</u>	X	-	-	-	-	-	-	-	X	X	-	-
Snowy Plover	<u>Charadrius alexandrinus</u>	X	-	-	-	-	-	-	-	X	X	-	-
Wilson's Plover	<u>Charadrius wilsonia</u>	X	-	-	-	-	-	-	-	-	X	-	-
<u>Snipes and Sandpipers (Family Scolopacidae)</u>													
American Woodcock	<u>Scolopax minor</u>	X	X	-	-	-	-	-	X	-	-	X	-
Common Snipe	<u>Gallinago gallinago</u>	X	-	-	-	-	-	-	X	-	X	-	-
Upland Sandpiper	<u>Bartramia longicauda</u>	-	-	-	-	-	X	-	-	-	X	X	X
Spotted Sandpiper	<u>Actitis macularia</u>	X	-	-	-	-	-	-	X	-	X	-	-
Solitary Sandpiper	<u>Tringa solitaria</u>	X	X	-	-	-	-	-	X	X	X	-	-
Willet	<u>Catoptrophorus semipalmatus</u>	X	-	-	-	-	-	-	-	X	X	-	-
Greater Yellowlegs	<u>Tringa melanoleuca</u>	X	X	-	-	-	-	-	-	X	X	-	-
Lesser Yellowlegs	<u>Tringa flavipes</u>	X	X	-	-	-	-	-	-	X	X	-	-
White-rumped Sandpiper	<u>Calidris fuscicollis</u>	X	-	-	-	-	-	-	X	-	X	-	-
Least Sandpiper	<u>Calidris minutilla</u>	X	-	-	-	-	-	-	X	-	X	-	-
Dunlin	<u>Calidris alpina</u>	X	-	-	-	-	-	-	-	-	X	-	-
Short-billed Dowitcher	<u>Limnodromus griseus</u>	X	-	-	-	-	-	-	-	X	X	-	-
Stilt Sandpiper	<u>Calidris himantopus</u>	X	-	-	-	-	-	-	-	X	X	-	-
Semipalmated Sandpiper	<u>Calidris pusilla</u>	X	-	-	-	-	-	-	-	X	X	-	-
Western Sandpiper	<u>Calidris mauri</u>	X	-	-	-	-	-	-	-	X	X	-	-
Red Knot	<u>Calidris canutus</u>	X	-	-	-	-	-	-	-	-	X	X	-
Marbled Godwit	<u>Limosa fedoa</u>	X	-	-	-	-	-	-	X	-	X	X	-
Long-billed Curlew	<u>Numenius americanus</u>	X	-	-	-	-	-	-	X	X	X	X	X
Whimbrel	<u>Numenius phaeopus</u>	X	-	-	-	-	-	-	X	X	X	X	-
Sanderling	<u>Calidris alba</u>	X	-	-	-	-	-	-	-	-	-	X	-
<u>Storks (Family Ciconiidae)</u>													
Woodstork	<u>Mycteria americana</u>	X	-	-	-	-	-	-	-	-	-	X	-

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹											
		MR	Mh	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL
Ibises and Spoonbills (Family Threskiornithidae)													
Glossy Ibis	<u>Plegadis falcinellus</u>	X	-	X	-	-	-	-	X	X	X	-	-
White Ibis	<u>Eudocimus albus</u>	X	-	X	-	-	-	-	X	X	X	-	-
Scarlet Ibis	<u>Eudocimus ruber</u>	X	-	X	-	-	-	-	X	X	X	-	-
Roseate Spoonbill	<u>Ajaia ajaja</u>	X	-	X	-	-	-	-	X	X	X	-	-
Ducks and Geese (Family Anatidae)													
Canada Goose	<u>Branta canadensis</u>	X	-	-	-	-	-	-	X	-	-	-	-
Snow Goose	<u>Chen caerulescens</u>	X	-	-	-	-	-	-	X	-	-	-	-
White fronted Goose	<u>Anser albifrons</u>	X	-	-	-	-	-	-	X	-	-	-	-
Fulvous Whistling Duck	<u>Dendrocygna bicolor</u>	X	-	-	-	-	-	-	X	-	-	-	-
Mallard	<u>Anas platyrhynchos</u>	X	X	X	-	-	-	-	X	X	X	X	X
American Black Duck	<u>Anas rubripes</u>	X	-	-	-	-	-	-	X	X	X	-	-
Mottled Duck	<u>Anas fulvigula</u>	X	-	-	-	-	-	-	X	X	X	-	-
Gadwall	<u>Anas strepera</u>	X	-	-	-	-	-	-	X	X	X	-	-
Eurasian Wigeon	<u>Anas penelope</u>	X	-	-	-	-	-	-	X	X	X	-	-
American Wigeon	<u>Anas americana</u>	X	-	-	-	-	-	-	X	X	X	-	-
Pintail	<u>Anas acuta</u>	X	-	-	-	-	-	-	X	X	X	-	-
Eurasian Green-Winged Teal	<u>Anas crecca</u>	X	-	-	-	-	-	-	X	X	X	-	-
American Green-Winged Teal	<u>Anas crecca</u>	X	-	-	-	-	-	-	X	X	X	-	-
Bluewinged Teal	<u>Anas discors</u>	X	-	-	-	-	-	-	X	X	X	-	-
Cinnamon Teal	<u>Anas cyanoptera</u>	X	-	-	-	-	-	-	X	X	X	-	-
Northern Shoveler	<u>Anas clypeata</u>	X	-	-	-	-	-	-	X	X	X	-	-
Wood Duck	<u>Aix sponsa</u>	X	X	X	-	-	-	-	X	X	X	-	-
Redhead	<u>Aythya americana</u>	X	-	-	-	-	-	-	X	X	X	-	-
Ring-necked Duck	<u>Aythya collaris</u>	X	-	-	-	-	-	-	X	X	X	-	-
Canvasback	<u>Aythya valisineria</u>	X	-	-	-	-	-	-	X	X	X	-	-
Lesser Scaup	<u>Aythya affinis</u>	X	-	-	-	-	-	-	X	X	X	-	-
Bufflehead	<u>Bucephala albeola</u>	X	-	-	-	-	-	-	X	X	X	-	-
Ruddy Duck	<u>Oxyura jamaicensis</u>	X	-	-	-	-	-	-	X	X	X	-	-
Hooded Merganser	<u>Lophodytes cucullatus</u>	X	-	-	-	-	-	-	X	X	X	-	-
Common Merganser	<u>Mergus merganser</u>	X	-	-	-	-	-	-	X	X	X	-	-
Red-Breasted Merganser	<u>Mergus serrator</u>	X	-	-	-	-	-	-	X	X	X	-	-

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Common Name	Scientific Name	Vegetative Communities ¹											
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL
Muscovy Duck	<u>Cairina moschata</u>	X	-	-	-	-	-	-	X	X	X	-	X
<u>Osprey</u> (Family Pandionidae)	<u>Pandion haliaetus</u>	X	X	X	-	-	-	-	X	X	X	-	-
Caracaras and Falcons (Family Falconidae)													
Crested Caracara	<u>Polyborus plancus</u>	X	-	-	-	X	-	-	-	-	-	X	X
Peregrine Falcon	<u>Falco peregrinus</u>	X	-	-	-	X	-	X	-	-	X	X	X
Merlin	<u>Falco columbarius</u>	X	X	X	X	X	X	X	-	-	X	X	X
American Kestrel	<u>Falco sparverius</u>	X	X	X	X	X	X	X	-	-	X	X	X
<u>Quails</u> (Family Phasianidae)													
Northern Bobwhite	<u>Colinus virginianus</u>	X	X	-	X	X	X	-	-	-	-	X	X
<u>Rails, Gallinules and Coots</u> (Family Rallidae)													
American Coot	<u>Fulica americana</u>	X	-	-	-	-	-	-	X	X	X	-	-
King Rail	<u>Rallus elegans</u>	-	-	-	-	-	-	-	X	X	X	-	-
Virginia Rail	<u>Rallus limicola</u>	-	-	-	-	-	-	-	X	X	X	-	-
Sora	<u>Porzana carolina</u>	-	-	-	-	-	-	-	X	X	X	-	-
Purple Gallinule	<u>Porphyryula martinica</u>	X	-	-	-	-	-	-	X	X	X	-	-
Common Moorhen	<u>Gallinula chloropus</u>	X	-	-	-	-	-	-	X	X	X	-	-
Clapper Rail	<u>Rallus longirostris</u>	X	-	-	-	-	-	-	-	X	X	-	-
Yellow Rail	<u>Coturnicops noveboracensis</u>	X	-	-	-	-	-	-	X	X	X	-	-
<u>Doves</u> (Family Columbidae)													
Mourning Dove	<u>Zenaida macroura</u>	X	X	X	X	X	X	X	X	X	-	X	X
Rock Dove	<u>Columba livia</u>	X	X	X	X	X	X	X	X	X	-	X	X
Common Ground Dove	<u>Columbina passerina</u>	X	X	X	X	X	X	X	X	X	-	X	X
<u>Cuckoos and Anis</u> (Family Cuculidae)													
Yellow-billed Cuckoo	<u>Coccyzus americanus</u>	X	X	X	X	X	X	X	X	X	-	X	X
Black-billed Cuckoo	<u>Coccyzus erythrophthalmus</u>	X	X	X	X	X	X	X	X	X	-	X	X
Smooth-billed Ani	<u>Crotophaga ani</u>	X	X	X	X	X	X	X	X	X	-	X	X
Mangrove Cuckoo	<u>Coccyzus minor</u>	X	X	X	X	X	X	X	X	X	-	X	X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹												
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL	
<u>Oystercatchers (Family Haematopodidae)</u>														
American Oystercatcher		X	-	-	-	-	-	-	-	X	-	-	-	
<u>Avocets and Stilts (Family Recurvirostridae)</u>														
American Avocet	<u>Recurvirostra americana</u>	X	-	-	-	-	-	-	-	X	X	-	-	
Black-necked Stilt	<u>Himantopus mexicanus</u>	X	-	-	-	-	-	-	-	X	X	-	-	
<u>Gulls and Terns (Family Laridae)</u>														
Herring Gull	<u>Larus argentatus</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Ring-billed gull	<u>Larus delawarensis</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Laughing Gull	<u>Larus atricilla</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Bonaparte's Gull	<u>Larus philadelphia</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Black Skimmer	<u>Rynchops niger</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Gull-billed Tern	<u>Sterna nilotica</u>	X	-	-	-	-	-	-	-	X	X	X	X	
Sandwich Tern	<u>Sterna sandricensis</u>	X	-	-	-	-	-	-	-	-	-	-	-	
Royal Tern	<u>Sterna maxima</u>	X	-	-	-	-	-	-	-	-	-	-	-	
Caspian Tern	<u>Sterna caspia</u>	X	-	-	-	-	-	-	-	-	-	-	-	
Little Tern	<u>Sterna albifrons</u>	X	-	-	-	-	-	-	-	-	-	-	-	
Common Tern	<u>Sterna hirundo</u>	X	-	-	-	-	-	-	-	-	-	-	-	
Forster's Tern	<u>Sterna forsteri</u>	X	-	-	-	-	-	-	-	X	-	-	-	
Black Tern	<u>Chlidonias niger</u>	X	-	-	-	-	-	-	-	X	-	-	-	
<u>Kingfishers (Family Alcedinidae)</u>														
Belted Kingfisher	<u>Megasceryle alcyon</u>	X	X	-	-	-	-	-	-	X	X	-	-	
<u>Flycatchers (Family Tyrannidae)</u>														
Eastern Kingbird	<u>Tyrannus tyrannus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Great Crested Flycatcher	<u>Myiarchus crinitus</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Gray Kingbird	<u>Tyrannus dominicensis</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Eastern Phoebe	<u>Sayornis phoebe</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Acadian Flycatcher	<u>Empidonax virescens</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Eastern Wood Pewee	<u>Contopus virens</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Olive-Sided Flycatcher	<u>Contopus borealis</u>	X	X	X	X	X	X	X	X	X	X	X	X	
Western Kingbird	<u>Tyrannus verticalis</u>	X	X	X	X	X	X	X	X	X	X	X	X	

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹											
		MR	Mh	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL
<u>Jays and Crows (Family Corvidae)</u>													
Blue Jay	<u>Cyanocitta cristata</u>	X	X	X	X	X	X	X	X	-	-	X	X
Scrub Jay	<u>Apelocoma coerulescens</u>	-	-	-	-	-	-	-	-	-	-	-	-
American Crow	<u>Corvus brachyrhynchos</u>	X	X	X	X	X	X	X	X	-	-	X	X
Fish Crow	<u>Corvus ossifragus</u>	X	X	X	X	X	X	X	X	-	-	X	X
<u>Titmice (Family Paridae)</u>													
Tufted Titmouse	<u>Parus bicolor</u>	X	X	X	X	X	X	X	X	-	-	X	X
<u>Wrens (Family Troglodytidae)</u>													
House Wren	<u>Troglodytes aedon</u>	X	X	X	X	X	X	X	X	-	-	X	X
Winter Wren	<u>Troglodytes troglodytes</u>	X	X	X	X	X	X	X	X	-	-	-	-
Carolina Wren	<u>Thryothorus ludovicianus</u>	X	X	X	X	X	X	X	X	-	-	X	X
Marsh Wren	<u>Gistothorus palustris</u>	X	X	X	X	-	-	-	X	-	-	-	-
Sedge Wren	<u>Gistothorus platensis</u>	X	-	-	-	-	-	-	X	-	-	-	X
<u>Owls (Family Tytonidae)</u>													
Screech Owl	<u>Otus asio</u>	X	X	X	X	X	X	X	X	-	-	X	X
Great Horned Owl	<u>Bubo virginianus</u>	X	X	X	X	X	X	X	X	-	-	X	X
Burrowing Owl	<u>Athene cunicularia</u>	-	-	-	-	-	-	-	-	-	-	-	-
Barred Owl	<u>Strix varia</u>	X	X	X	X	X	X	X	X	-	-	-	-
Short-Eared Owl	<u>Asio flammeus</u>	X	-	-	-	-	-	-	X	-	-	X	-
Common Barn Owl	<u>Tyto alba</u>	X	X	X	X	X	X	X	X	-	-	X	X
<u>Goatsuckers (Family Caprimulgidae)</u>													
Chuck-will's-widow	<u>Caprimulgus carolinensis</u>	X	X	X	X	X	X	X	X	-	-	X	X
Whip-poor-will	<u>Caprimulgus vociferus</u>	X	X	X	X	X	X	X	X	-	-	-	-
Common Nighthawk	<u>Chordeiles minor</u>	X	-	-	-	-	-	-	X	-	-	-	-
<u>Swift (Family Apodidae)</u>													
Chimney Swift	<u>Chaetura pelagica</u>	X	X	X	X	X	X	X	X	-	-	X	X
<u>Hummingbird (Family Trochilidae)</u>													
Ruby-throated Hummingbird	<u>Archilochus colubris</u>	X	X	X	X	X	X	X	X	-	-	-	X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹										
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA
<u>Woodpeckers (Family Picidae)</u>												
Northern Flicker	<u>Colaptes auratus</u>	X	X	X	X	X	X	X	-	-	X	X
Pileated Woodpecker	<u>Dryocopus pileatus</u>	X	X	X	X	X	-	-	-	-	-	X
Red-bellied Woodpecker	<u>Melanerpes carolinus</u>	X	X	X	X	X	-	-	-	-	-	X
Red-headed Woodpecker	<u>Melanerpes erythrocephalus</u>	X	X	X	X	X	-	-	-	-	-	X
Yellow-bellied Sapsucker	<u>Sphyrapicus varius</u>	X	X	X	X	X	-	-	-	-	-	X
Hairy Woodpecker	<u>Picoides villosus</u>	X	X	X	X	X	-	-	-	-	-	X
Downy Woodpecker	<u>Picoides pubescens</u>	X	X	X	X	X	-	-	-	-	-	X
Red-cockaded Woodpecker	<u>Picoides borealis</u>	X	-	-	-	X	-	-	-	-	-	-
<u>Swallows (Family Hirundinidae)</u>												
Tree Swallow	<u>Tachycineta bicolor</u>	X	X	X	-	-	-	-	X	X	X	X
Bank Swallow	<u>Riparia riparia</u>	X	X	X	-	-	-	-	X	X	X	X
Northern Rough-winged Swallow	<u>Stelgidopteryx serripennis</u>	X	X	X	-	-	-	-	X	X	X	X
Barn Swallow	<u>Hirundo rustica</u>	X	X	X	-	-	-	-	X	X	X	X
Purple Martin	<u>Progne subis</u>	X	X	X	-	-	-	-	X	X	X	X
<u>Nuthatches (Family Sittidae)</u>												
White-breasted Nuthatch	<u>Sitta carolinensis</u>	X	X	X	X	X	-	-	X	-	-	X
Brown-headed Nuthatch	<u>Sitta pusilla</u>	-	-	-	-	X	-	-	-	-	-	-
<u>Thrashers (Family Mimidae)</u>												
Northern Mockingbird	<u>Mimus polyglottos</u>	X	X	X	X	X	X	X	X	-	-	X
Gray Catbird	<u>Dumetella carolinensis</u>	X	X	X	X	X	X	X	X	-	-	X
Brown Thrasher	<u>Toxostoma rufum</u>	X	X	X	X	X	X	X	X	-	-	X
<u>Thrushes (Family Turdidae)</u>												
Gray-cheeked Thrush	<u>Catharus minimus</u>	X	X	X	X	X	-	-	X	X	-	X
American Robin	<u>Turdus migratorius</u>	X	X	X	X	X	X	X	X	-	-	X
Hermit Thrush	<u>Catharus guttatus</u>	X	X	X	X	X	-	-	X	X	-	X
Swainson's Thrush	<u>Catharus ustulatus</u>	X	X	X	X	X	-	-	X	X	-	X
Veery	<u>Catharus fuscescens</u>	X	X	X	X	X	-	-	X	X	-	X
Eastern Bluebird	<u>Sialia sialis</u>	X	X	X	X	X	-	-	X	X	-	X

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Common Name	Scientific Name	Vegetative Communities ¹															
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL				
<u>Kinglets and Gnatcatchers</u> (Family Sylviidae)																	
Blue-gray Gnatcatcher	<u>Polioptila caerulescens</u>	X	X	X	X	X		X	X			X	X		X	X	
Ruby-crowned Kinglet	<u>Regulus calendula</u>	X	X	X	X	X		X	X			X	X		X	X	
<u>Pipits</u> (Family Motacillidae)																	
Water Pipit	<u>Anthus spinoletta</u>	X	X	X				X							X		X
<u>Waxwings</u> (Family Bombycillidae)																	
Cedar Waxwing	<u>Bombycilla cedrorum</u>	X	X	X	X	X						X			X		X
<u>Shrikes</u> (Family Laniidae)																	
Loggerhead Shrike	<u>Lanius ludovicianus</u>	X	X	X	X	X		X	X			X	X		X		X
<u>Starlings</u> (Family Sturnidae)																	
European Starling	<u>Sturnus vulgaris</u>	-	-	-	-	-		-	-			-	-		X		X
<u>Vireos</u> (Family Vireonidae)																	
White-eyed Vireo	<u>Vireo griseus</u>	X	X	X	X	X		X	X			X	X		X		X
Yellow-throated Vireo	<u>Vireo flavifrons</u>	X	X	X	X	X		-	-			X	X		-		X
Solitary Vireo	<u>Vireo solitarius</u>	X	X	X	X	X		-	-			X	X		-		X
Red-eyed Vireo	<u>Vireo olivaceus</u>	X	X	X	X	X		-	-			X	X		-		X
Black-whiskered Vireo	<u>Vireo altiloquus</u>	X	X	X	X	X		-	-			-	-		X		-
<u>Wood Warblers</u> (Family Parulidae)																	
Black-and-white Warbler	<u>Mniotilta varia</u>	X	X	X	X	X		X	X			-	-		X		X
Prothonotary Warbler	<u>Protonotaria citrea</u>	X	X	X	X	X		-	-			-	-		-		-
Worm-eating Warbler	<u>Helmitheros vermivorus</u>	X	X	X	X	X		X	X			-	-		X		X
Tennessee Warbler	<u>Vermivora peregrina</u>	X	X	X	X	X		-	-			-	-		X		X
Orange-crowned Warbler	<u>Vermivora celata</u>	X	X	X	X	X		X	X			X	X		X		X
Northern Parula	<u>Parula americana</u>	X	X	X	X	X		-	-			-	-		-		X
Yellow Warbler	<u>Dendroica oetechia</u>	X	X	X	X	X		-	-			-	-		-		X
Magnolia Warbler	<u>Dendroica magnolia</u>	-	-	-	-	-		X	X			-	-		-		X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹												
		MR	MnH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL	
Cape May Warbler	<u>Dendroica tigrina</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Black-throated Blue Warbler	<u>Dendroica caerulescens</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Yellow-rumped Warbler	<u>Dendroica coronata</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Black-throated Green Warbler	<u>Dendroica virens</u>	-	-	-	-	X	-	-	-	-	-	-	X	X
Blackburnian Warbler	<u>Dendroica fusca</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Kirtland's Warbler	<u>Dendroica kirtlandii</u>	X	X	X	X	X	X	X	X	-	-	-	X	X
Orange-crowned Warbler	<u>Vermivora celata</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Yellow-throated Warbler	<u>Dendroica dominica</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Bay-breasted Warbler	<u>Dendroica castanea</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Blackpoll Warbler	<u>Dendroica striata</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Pine Warbler	<u>Dendroica pinus</u>	-	-	-	-	X	-	-	-	-	-	-	X	X
Prairie Warbler	<u>Dendroica discolor</u>	-	-	-	-	X	X	X	X	-	-	-	X	X
Palm Warbler	<u>Dendroica palmarum</u>	X	X	X	X	X	X	X	X	-	-	-	X	X
Ovenbird	<u>Seiurus aurocapillus</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Northern Waterthrush	<u>Seiurus noveboracensis</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Louisiana Waterthrush	<u>Seiurus motacilla</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Kentucky Warbler	<u>Oporornis formosus</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Common Yellowthroat	<u>Geothlypis trichas</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Connecticut Warbler	<u>Oporornis agilis</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Hooded Warbler	<u>Wilsonia citrina</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
American Redstart	<u>Setophaga ruticilla</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
<u>Grosbeaks, Sparrows, Buntings</u>														
(Family Fringillidae)														
Northern Cardinal	<u>Cardinalis cardinalis</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Rose-breasted Grosbeak	<u>Pheucticus ludovicianus</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Indigo Bunting	<u>Passerina cyanea</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Painted Bunting	<u>Passerina ciris</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Dickcissel	<u>Spiza americana</u>	-	-	-	-	X	-	-	-	-	-	-	X	X
American Goldfinch	<u>Carduelis tristis</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Rufous-sided Towhee	<u>Pipilo erythrophthalmus</u>	X	X	X	X	X	-	-	X	-	-	-	X	X
Grasshopper Sparrow	<u>Ammodramus savannarum</u>	-	-	-	-	X	-	-	X	-	-	-	X	X

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Common Name	Scientific Name	Vegetative Communities ¹													
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL		
Vesper Sparrow	<u>Poocetes gramineus</u>	-	-	-	-	-	X	-	-	-	-	-	-	X	X
Lark Sparrow	<u>Chondestes grammacus</u>	X	X	X	X	X	X	X	X	-	-	-	-	X	X
Bachman's Sparrow	<u>Aimophila aestivalis</u>	X	X	X	X	X	-	X	X	-	-	-	-	X	X
Chipping Sparrow	<u>Spizella passerina</u>	X	X	X	X	X	-	X	X	-	-	-	-	X	X
Fox Sparrow	<u>Passerella iliaca</u>	X	X	X	X	X	-	X	X	-	-	-	-	X	X
Lincoln's Sparrow	<u>Melospiza lincolni</u>	-	-	-	-	-	X	-	-	-	-	-	-	X	X
Swamp Sparrow	<u>Melospiza georgiana</u>	X	X	X	X	X	-	X	X	-	-	-	-	-	-
Song Sparrow	<u>Melospiza melodia</u>	-	-	-	-	-	X	-	X	-	-	-	-	X	X
Purple Finch	<u>Carpodacus purpureus</u>	X	X	X	X	X	-	X	X	-	-	-	-	X	X
Northern Junco	<u>Junco hyemalis</u>	X	X	X	X	X	X	X	X	-	-	-	-	X	X
White-throated Sparrow	<u>Zonotrichia albicollis</u>	X	X	X	X	X	X	X	X	-	-	-	-	X	X
Savannah Sparrow	<u>Passerculus sandwichensis</u>	X	-	-	-	-	X	X	X	-	-	-	-	X	X
Sharp-tailed Sparrow	<u>Ammospiza caudacuta</u>	X	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Weaver Finches (Family Ploceidae)</u>		-	-	-	-	-	-	-	-	-	-	-	-	-	-
House Sparrow	<u>Passer domesticus</u>	-	-	-	-	-	-	-	-	-	-	-	-	X	X
<u>Meadowlarks, Blackbirds, Orioles</u> (Family Icteridae)		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Bobolink	<u>Dolichonyx oryzivorus</u>	-	-	-	-	X	X	-	X	X	-	-	-	X	X
Eastern Meadowlark	<u>Sturnella magna</u>	-	-	-	-	-	X	-	-	-	-	-	-	X	X
Red-winged Blackbird	<u>Agelaius phoeniceus</u>	X	X	X	-	-	-	-	X	X	-	-	-	-	-
Northern Oriole	<u>Icterus galbula</u>	X	X	X	X	-	-	-	X	X	-	-	-	X	X
Rusty Blackbird	<u>Euphagus carolinus</u>	X	X	X	X	-	-	-	X	X	-	-	-	-	-
Boat-tailed Grackle	<u>Quiscalus major</u>	X	X	X	X	-	-	-	-	-	-	-	-	X	-
Common Grackle	<u>Quiscalus quiscula</u>	X	X	X	X	-	-	-	-	-	-	-	-	X	-
Brown Headed Cowbird	<u>Molothrus ater</u>	X	X	X	X	-	-	-	-	-	-	-	-	-	X

Table C-1. Vertebrate Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Vegetative Communities ¹																
		MR	MhH	CH	XH	PP	DP	SF	FW	MS	TM	AA	DL					
Tanagers (Family Thraupidae)																		
Summer Tanager	<u>Piranga rubra</u>	X	X	X	X	X	-	-	-	-	X	-	-	-	-	-	-	X

NOTES:

1 - MR = Myakka River; MhH = Mesic-hydric Hammock; CH = Coastal Hammock; XH = Xeric Hammock; PF/PP = Pine Flatwoods/Pine Prairies; DP = Dry Prairies; SF = Scrubby Flatwoods/Oak Scrub; FW = Freshwater Wetlands; MS = Mangrove Swamps; TM = Brackish-Saltwater Tidal Marsh; AA = Agricultural Areas; DL = Developed Lands

Source: Hunter Services, Inc. 1989

Table C-2. Listed Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor

Common Name	Scientific Name	Designated Status ¹				
		FGFWFC ²	USFWS ³	CITES ⁴	FCREPA ⁵	
<u>Amphibians and Reptiles</u>						
American Alligator	<u>Alligator mississippiensis</u>	SSC	T(S/A)	II	SSC	
Atlantic Loggerhead Turtle	<u>Caretta caretta caretta</u>	T	T	I	T	
Atlantic Green Turtle	<u>Chelonia mydas mydas</u>	E	E	I	E	
Leatherback Turtle	<u>Dermochelys coriacea</u>	E	E	I	R	
Eastern Indigo Snake	<u>Drymarchon corais couperi</u>	T	T	---	SSC	
Atlantic Hawksbill Turtle	<u>Eretmochelys imbricata imbricata</u>	E	E	I	E	
Gopher Tortoise	<u>Gopherus polyphemus</u>	SSC	UR2	---	T	
Florida Pine Snake	<u>Pituophis melanoleucus mugitus</u>	SSC	UR2	---	---	
Florida Gopher Frog	<u>Rana areolata aesopus</u>	SSC	UR2	---	T	
Kemp's Atlantic Ridley	<u>Lepidochelys kempii</u>	E	E	I	E	
<u>Mammals</u>						
Big Brown Bat	<u>Eptesicus fuscus</u>	---	---	---	R	
Florida Panther	<u>Felis concolor coryi</u>	E	E	I	E	
River Otter	<u>Lutra canadensis</u>	---	---	II	---	
Bobcat	<u>Lynx rufus</u>	---	---	II	---	
Florida Long-tailed Weasel	<u>Mustela frenata peninsulæ</u>	---	UR2	---	R	
Round-tailed Muskrat	<u>Neofiber alleni</u>	---	UR2	---	SSC	
Florida Mouse	<u>Peromyscus floridanus</u>	SSC	UR2	---	T	
West Indian Manatee	<u>Trichechus manatus latirostris</u>	E	E	I	T	
Florida Black Bear	<u>Ursus americanus floridanus</u>	T	UR2	---	T	
Florida Mink	<u>Mustela vison lutensis</u>	---	UR2	---	---	

Table C-2. Listed Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor
(Continued, Page 2 of 4)

Common Name	Scientific Name	Designated Status ¹				
		FGFWFC ²	USFWS ³	CITES ⁴	FCREPA ⁵	
<u>Birds</u>						
Bachman's Sparrow	<u>Aimophila aestivalis</u>	---	UR2	---	---	---
Roseate Spoonbill	<u>Ajaia ajaja</u>	SSC	---	---	R	R
Florida Scrub Jay	<u>Apelocoma coerulescens coerulescens</u>	T	T	---	T	T
Limpkin	<u>Aramus guarana</u>	SSC	---	---	SSC	SSC
Golden Eagle	<u>Aquila chrysaetos</u>	---	---	II	---	---
Florida Burrowing Owl	<u>Athene cunicularia floridana</u>	SSC	---	---	SSC	SSC
Southeastern Piping Plover	<u>Charadrius melodus</u>	T	T	---	SSC	SSC
Snowy Plover	<u>Charadrius alexandrinus tenuirostris</u>	T	UR2	---	E	E
Northern Harrier	<u>Circus cyaneus</u>	---	---	II	---	---
Mangrove Cuckoo	<u>Coccyzus minor</u>	---	---	---	R	R
Kirtland's Warbler	<u>Dendroica kirtlandii</u>	E	E	---	E	E
Little Blue Heron	<u>Egretta caerulea</u>	SSC	---	---	SSC	SSC
Reddish Egret	<u>Egretta rufescens</u>	SSC	UR2	---	R	R
Snowy Egret	<u>Egretta thula</u>	SSC	---	---	SSC	SSC
Tricolored Heron	<u>Egretta tricolor</u>	SSC	---	---	SSC	SSC
Louisiana Waterthrush	<u>Seiurus motacilla</u>	---	---	---	R	R
American Redstart	<u>Setophaga ruticilla</u>	---	---	---	R	R
Florida Great White Heron	<u>Ardea herodias occidentalis</u>	---	---	---	SSC	SSC
Great Egret	<u>Casmerodius albus</u>	---	---	---	SSC	SSC
Black-crowned Night Heron	<u>Nycticorax nycticorax</u>	---	---	---	SSC	SSC
Yellow-crowned Night Heron	<u>Nyctanassa violacea</u>	---	---	---	SSC	SSC
Eastern Least Bittern	<u>Ixobrychus exilis exilis</u>	---	---	---	SSC	SSC
Glossy Ibis	<u>Plegadis falcinellus</u>	---	---	---	SSC	SSC
White Ibis	<u>Eudocimus Albus</u>	---	---	---	SSC	SSC
Cooper's Hawk	<u>Accipiter cooperii</u>	---	---	---	SSC	SSC
American Avocet	<u>Recurvirostra americana</u>	---	---	---	SSC	SSC

Table C-2. Listed Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor
(Continued, Page 3 of 4)

Common Name	Scientific Name	Designated Status ¹				
		FGFWFC ²	USFWS ³	CITES ⁴	FCREPA ⁵	
Royal Tern	<u>Sterna maxima</u>	---	---	---	---	SSC
Sandwich Tern	<u>Sterna sandricensis</u>	---	---	---	---	SSC
Caspian Tern	<u>Sterna caspia</u>	---	---	---	---	SSC
Blade Skimmer	<u>Rynchops niger</u>	---	---	---	---	SSC
Southern Hairy Woodpecker	<u>Picoides villosus auduboni</u>	---	---	---	---	SSC
White-breasted Nuthatch	<u>Sitta carolinensis</u>	---	---	---	---	SSC
Worm-eating Warbler	<u>Helmitheros vermivorus</u>	---	---	---	---	SSC
Florida Prairie Warbler	<u>Dendroica discolor paludicola</u>	---	---	---	---	SSC
Everglades Kite	<u>Rostrhamus sociabilis plumbeus</u>	E	E	---	---	E
Swallow-tailed Kite	<u>Elanoides forficatus</u>	---	UR2	---	---	E
Merlin	<u>Falco columbarius</u>	---	---	II	---	SU
Arctic Peregrine Falcon	<u>Falco peregrinus tundrius</u>	E	T	I	---	---
Southeastern American Kestrel	<u>Falco sparverius paulus</u>	T	UR2	II	---	T
Florida Sandhill Crane	<u>Grus canadensis pratensis</u>	T	---	II	---	T
American Oystercatcher	<u>Haematopus palliatus</u>	SSC	---	---	---	T
Southern Bald Eagle	<u>Haliaeetus leucocephalus</u>	T	E	I	---	T
Wood Stork	<u>Mycteria americana</u>	E	E	---	---	E
Osprey	<u>Pandion haliaetus</u>	---	---	II	---	T
Eastern Brown Pelican	<u>Pelecanus occidentalis carolinensis</u>	---	---	---	---	T
Red-cockaded Woodpecker	<u>Picoides borealis</u>	SSC	---	---	---	T
Audubon's Crested Caracara	<u>Polyborus plancus auduboni</u>	T	E	---	---	E
Least Tern	<u>Sterna antillarum</u>	T	T	---	---	T
Roseate Tern	<u>Sterna dougallii dougallii</u>	T	T	---	---	T
Bachman's Warbler	<u>Vermivora bachmani</u>	E	E	---	---	E
Rothchild's Magnificent Frigate-Bird	<u>Fregata magnificens rothschildi</u>	---	---	---	---	T

Table C-2. Listed Wildlife Species Known to or Which Potentially Occur in the Myakka River Corridor
(Continued, Page 4 of 4)

Common Name	Scientific Name	Designated Status ¹				
		FCFWFC ²	USFWS ³	CITES ⁴	FCREPA ⁵	
White-tailed Kite	<u>Elanus caeruleus majusculus</u>					R
Short-tailed Hawk	<u>Buteo brachyurus</u>					R
Black-whiskered Vireo	<u>Vireo altiloquus</u>					R
Florida Clapper Rail	<u>Rallus longirostris scottii</u>					SU
Black Rail	<u>Laterallus jamaicensis</u>					SU

NOTES:

- 1: E = Endangered
T = Threatened
T(S/A) = Threatened Due to Similarity of Appearance
SSC = Species of Special Concern
I = Appendix I Species
II = Appendix II Species
UR2 = Under Review for Listing, but Substantial Evidence of biological vulnerability and/or threat is lacking
- 2: Florida Game and Fresh Water Fish Commission (list published in Section 39-27.003-005, FAC)
- 3: United States Fish and Wildlife Service (list published in List of Endangered and Threatened Wildlife and Plants, 50 CFR 17.11-12)
- 4: Convention on International Trade in Endangered Species of Wild Fauna and Floras
- 5: Florida Committee on Rare and Endangered Plants and Animals

Sources: Hunter Services, Inc. 1989; FGFWFC, 1988;
FCREPA, 1978

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Loons (Gaviidae)	<i>Gavia immer</i>	10-5+	R-U	-	-
Grebes (Podicipedidae)					
Horned Grebe	<i>Podiceps auritus</i>	10-6	R-FC	-	-
Pied-billed Grebe	<i>Podilymbus podiceps</i>	R	U-A	3-12	E, P, L
Pelicans (Pelecanidae)					
American White Pelican	<i>Pelecanus erythrorhynchos</i>	ALL	O-A	-	-
Brown Pelican	<i>Pelecanus occidentalis</i>	R	O-A	1-12	O, M
Cormorant (Phalacrocoracidae)					
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	R	C-A	1-12	O, M, L
Boaters (Anhingidae)					
Anhinga	<i>Anhinga anhinga</i>	R	U-A	12-8	O, E, L, S
Frigatebird (Fregatidae)					
Magnificent Frigatebird	<i>Fregata magnificens</i>	R	O-A	3-8	M
Hérons and Bitterns (Ardeidae)					
Great Blue Heron (White Morph)	<i>Ardea herodias</i>	R	U-A	12-8	O, M, E, L, S
Great Blue Heron	<i>Ardea herodias</i>	R	U-A	12-8	O, M, E, L, S
Green-backed Heron	<i>Butorides striatus</i>	R	FC-C	3-7	O, M, E, L, S

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Hyakke River Corridor (Continued, Page 2 of 16)

Common Name (Family)	Scientific Name	Months Present	Abundance ²	Breeding Season	Nesting Habitat ³
Little Blue Heron	<u>Egretta caerulea</u>	R	FC-A	3-8	O, M, E, L, S
Cattle Egret	<u>Ardeotis ibis</u>	R	A	3-8	O, M, E, L, S
Reddish Egret	<u>Egretta rufescens</u>	R	O-FC	3-8	O, M
Great Egret	<u>Casmerodius albus</u>	R	FC-A	1-6	O, M, E, L, S
Snowy Egret	<u>Egretta thula</u>	R	FC-A	3-8	O, M, E, L, S
Tri-colored Heron	<u>Egretta tricolor</u>	R	U-A	3-8	O, M, E, L, S
Black-crowned Night Heron	<u>Nycticorax nycticorax</u>	R	O-C	12-7	O, M, E, L, S
Yellow-crowned Night Heron	<u>Nycticorax violaceus</u>	R	O-C	3-7	O, M, E, L, S
Least Bittern	<u>Ixobrychus exilis</u>	R	O-FC	3-8	E, L
American Bittern	<u>Botaurus lentiginosus</u>	8-5+	O-R	4-7	E, L
<u>Vultures (Cathartidae)</u>					
Turkey Vulture	<u>Cathartes aura</u>	R	C-A	3-7	P, U, H, P, I
Black Vulture	<u>Coragyps atratus</u>	R	O-C	3-7	P, U, H, P, I
<u>Hawks, Eagles and Kites (Accipitridae)</u>					
Snail Kite	<u>Rostrihamus sociabilis</u>	R	O-R	11-6	E, L
Sharp-shinned Hawk	<u>Accipiter striatus</u>	9-5+	R-C	?	U
Cooper's Hawk	<u>Accipiter cooperii</u>	9-5+	O-R	4-7	U, H, PL, S, s
Red-tailed Hawk	<u>Buteo jamaicensis</u>	R	O-FC	2-6	U, H, PL
Red-shouldered Hawk	<u>Buteo lineatus</u>	R	U-C	1-5	TH, E, P, L, S, H, PL
Broad-winged Hawk	<u>Buteo platypterus</u>	9-5+	O-C	3-6	S, U, H
Short-tailed Hawk	<u>Buteo brachyurus</u>	R	O-R	3-6	M, TH, U, H, S

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 3 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Golden Eagle	<u>Aquila chrysaetos</u>	11-3	0	-	-
Bald Eagle	<u>Haliaeetus leucoccephalus</u>	R	0-U	11-6	O, H, U, PL
Northern Harrier	<u>Circus cyaneus</u>	8-5+	R-FC	4-7	E, P, L
Swallow-tailed Kite	<u>Elanoides forficatus</u>	2-9	0-FC	3-7	M, TH, S, U, H, PL, C
Turkeys (Meleagrididae)					
Wild Turkey	<u>Meleagris gallopavo</u>	R	0-FC	2-6	P, U, H, PL
Limpkin (Aramididae)					
Limpkin	<u>Aramus querana</u>	R	0-FC	12-6	E, L, S
Cranes (Gruidae)					
Sandhill Crane	<u>Grus canadensis</u>	R	R-FC	1-6	E, P, F
Plovers (Charadriidae)					
Semipalmated Plover	<u>Charadrius semipalmatus</u>	7-6	R-A	-	-
Killdeer	<u>Charadrius vociferus</u>	R	R-C	3-7	E, P, L, F, C, T
Black-bellied Plover	<u>Pluvialis squatarola</u>	R	U-A	-	-
Ruddy Turnstone	<u>Arenaria interpres</u>	7-5	0-U	-	-
Piping Plover	<u>Charadrius melodus</u>	7-5	0-U	-	-
Snowy Plover	<u>Charadrius alexandrinus</u>	R	R-U	3-7	0
Wilson's Plover	<u>Charadrius wilsonia</u>	R	R-C	4-7	0-T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 4 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Snipes and Sandpipers (Scolopacidae)					
American Woodcock	<i>Scolopax minor</i>	10-3+	O-R	2-6	S, H
Common Snipe	<i>Gallinago gallinago</i>	9-5+	O-C	-	-
Upland Sandpiper	<i>Bartramia longicauda</i>	3-5, 7-10	O-U	-	-
Spotted Sandpiper	<i>Actitis macularia</i>	7-6	U-FC	-	-
Solitary Sandpiper	<i>Tringa solitaria</i>	3-5+, 7-11+	O-U	-	-
Willet	<i>Catoptrophorus semipalmatus</i>	R	O-A	4-7	O, S, m
Greater Yellowlegs	<i>Tringa melanoleuca</i>	7-6	U-FC	-	-
Lesser Yellowlegs	<i>Tringa flavipes</i>	7-5+	U-A	-	-
White-rumped Sandpiper	<i>Calidris fuscicollis</i>	4-6, 8-11	R-U	-	-
Least Sandpiper	<i>Calidris minutilla</i>	7-5+	O-A	-	-
Dunlin	<i>Calidris alpina</i>	8-6+	R-A	-	-
Short-billed Dowitcher	<i>Limodromus griseus</i>	R	U-A	-	-
Stilt Sandpiper	<i>Calidris himantopus</i>	7-5+	O-A	-	-
Semipalmated Sandpiper	<i>Calidris pusilla</i>	4-6, 7-10+	U-A	-	-
Western Sandpiper	<i>Calidris mauri</i>	R?	U-A	-	-
Red Knot	<i>Calidris canutus</i>	R	FC-C	-	-
Marbled Godwit	<i>Limosa fedoa</i>	7-5	O-C	-	-
Long-billed Curlew	<i>Numenius americanus</i>	7-6	O-R	-	-
Whimbrel	<i>Numenius phaeopus</i>	7-5	O-U	-	-
Sanderling	<i>Calidris alba</i>	R	FC-C	-	-
Storks (Ciconiidae)					
Woodstork	<i>Mycteria americana</i>	R	O-A	12-7	O, M, L, S

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Wyakka River Corridor (Continued, Page 5 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
<u>Ibises and Spoonbills</u> (Threskiornithidae)					
Glossy Ibis	<u>Plegadis falcinellus</u>	R	O-A	3-8	E, L
White Ibis	<u>Eudocimus albus</u>	R	FC-A	3-8	O, M, E, L, S
Scarlet Ibis	<u>Eudocimus ruber</u>	R	O	-	-
Roseate Spoonbill	<u>Ajaia ajaja</u>	R	O-C	12-7	O, M
<u>Ducks and Geese (Anatidae)</u>					
Canada Goose	<u>Branta canadensis</u>	10-4+	O	4-7	L
Snow Goose	<u>Chen caerulescens</u>	11-4	O	-	-
White Fronted Goose	<u>Anser albifrons</u>	10-3	O	-	-
Fulvous Whistling Duck	<u>Dendrocygna bicolor</u>	R	O-A	5-9	E, L
Mallard	<u>Anas platyrhynchos</u>	10-4	O-U	3-6	L, T
American Black Duck	<u>Anas rubripes</u>	11-4	O-U	-	-
Mottled Duck	<u>Anas fulvigula</u>	R	R-C	2-9	Sm, E, P, L
Gadwall	<u>Anas strepera</u>	10-3	O-U	-	-
Eurasian Wigeon	<u>Anas penelope</u>	12-3	O	-	-
American Wigeon	<u>Anas americana</u>	9-6	U-A	-	-
Pintail	<u>Anas acuta</u>	9-5	O-A	-	-
Eurasian Green-winged Teal	<u>Anas crecca</u>	10-4	O-A	-	-
American Green-winged Teal	<u>Anas crecca</u>	10-4	O-A	-	-
Blue-winged Teal	<u>Anas discors</u>	8-6+	U-A	3-6	E, L
Cinnamon Teal	<u>Anas cyanoptera</u>	10-4	O	-	-
Northern Shoveler	<u>Anas clypeata</u>	9-6+	O-FC	-	-
Wood Duck	<u>Aix sponsa</u>	R	O-U	2-6	E, L, S, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 6 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Redhead	<i>Aythya americana</i>	11-4	O-U	-	-
Ring-necked Duck	<i>Aythya collaris</i>	10-5+	O-A	5-7	L
Canvasback	<i>Aythya valisineria</i>	11-5	O-C	-	-
Lesser Scaup	<i>Aythya affinis</i>	10-5+	R-A	5-7	L
Bufflehead	<i>Bucephala albeola</i>	11-4	O-R	-	-
Ruddy Duck	<i>Oxyura jamaicensis</i>	ALL	O-C	5-7	L
Hooded Merganser	<i>Lophodytes cucullatus</i>	10-4	O-U	-	L
Common Merganser	<i>Mergus merganser</i>	1-3	O	-	-
Red-breasted Merganser	<i>Mergus serrator</i>	10-6	R-A	-	-
Muscovy Duck	<i>Cairina moschata</i>	ALL	C	1-12	L, T
Osprey (Pandionidae)					
Osprey	<i>Pandion haliaetus</i>	R	R-FC	1-12	O, L
Caracaras and falcons (Falconidae)					
Crested Caracara	<i>Polyborus plancus</i>	R	O-U	12-6	P, H, F
Peregrine falcon	<i>Falco peregrinus</i>	9-5	O-U	-	-
Merlin	<i>Falco columbarius</i>	9-5	R-U	-	-
American Kestrel	<i>Falco sparverius</i>	R	U-FC	3-6	P, U, H, PL, T
Quails (Phasianidae)					
Northern Bobwhite	<i>Colinus virginianus</i>	R	R-A	2-7	P, U, H, W, PL
Rails, Gallinules and Coots (Rallidae)					
American Coot	<i>Fulica americana</i>	R	FC-A	3-8	E, L
King Rail	<i>Rallus elegans</i>	R	O-U	2-7	Sm, E, L

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Hyakka River Corridor (Continued, Page 7 of 16)

Common Name . (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Virginia Rail	<i>Rallus limicola</i>	10-4	0	-	-
Sora	<i>Porzana carolina</i>	8-5+	0-U	-	-
Purple Gallinule	<i>Porphyrio martinica</i>	R	0-FC	4-8	E, L
Common Moorhen	<i>Gallinula chloropus</i>	R	0-A	3-7	E, L
Clapper Rail	<i>Rallus longirostris</i>	R	R-FC	3-7	M, SH
Yellow Rail	<i>Coturnicops noveboracensis</i>	11-5	0	-	-
Doves (Columbidae)					
Mourning Dove	<i>Zenaidura macroura</i>	R	R-A	1-12	V, H, PL, M, F, C, T
Rock Dove	<i>Columba livia</i>	R	0-A	1-12	C, T
Common Ground Dove	<i>Columbiga passerina</i>	R	FC-A	2-10	V, M, PL, Ss, F, C, T
Cuckoos and Anis (Cuculidae)					
Yellow-billed Cuckoo	<i>Coccyzus americanus</i>	3-11+	U-FC	5-8	TH, S, U, H
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	4-5+, 8-11	0	-	-
Smooth-billed Ani	<i>Crotophaga ani</i>	R	0-C	3-9	E, L, M, F, C, T
Mangrove Cuckoo	<i>Coccyzus minor</i>	R	0-U	4-8	M, TH
Oystercatchers (Haematopodidae)					
American Oystercatcher	<i>Haematopus palliatus</i>	R	0-U	3-7	0

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 8 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat
Avocets and Stilts (Recurvirostridae)					
American Avocet	<u>Recurvirostra americana</u>	7-6	U-C	-	-
Black-necked Stilt	<u>Himantopus mexicanus</u>	3-11+	R-A	-	-
Gulls and Terns (Laridae)					
Herring Gull	<u>Larus argentatus</u>	R	O-A	-	-
Ring-billed gull	<u>Larus delawarensis</u>	R	U-A	-	-
Laughing Gull	<u>Larus atricilla</u>	R	O-A	5-8	O, Sm
Bonaparte's Gull	<u>Larus philadelphia</u>	10-4+	O-FC	-	-
Black Skimmer	<u>Rynchops niger</u>	R	R-A	5-9	O, L, T
Gull-billed Tern	<u>Sterna nitotica</u>	3-10+	O-FC	5-8	O, Sm, E, L
Sandwich Tern	<u>Sterna sandricensis</u>	R	O-C	5-8	O
Royal Tern	<u>Sterna maxima</u>	R	FC-A	4-8	O, T
Caspian Tern	<u>Sterna caspia</u>	R	O-FC	4-8	O
Little Tern	<u>Sterna albifrons</u>	3-10+	O-A	4-8	O, T
Common Tern	<u>Sterna hirundo</u>	4-10+	O-U	5-8	O
Forster's Tern	<u>Sterna forsteri</u>	7-5+	R-FC	-	-
Black Tern	<u>Chlidonias niger</u>	4-10+	O-A	-	-
Kingfisher (Alcedinidae)					
Belted Kingfisher	<u>Meagascyle alcyon</u>	R	FC-C	-	-
Flycatchers (Tyrannidae)					
Eastern Kingbird	<u>Tyrannus tyrannus</u>	3-10+	FC-A	5-8	P, PL, T
Great Crested Flycatcher	<u>Myiarchus crinitus</u>	R	U-FC	4-8	TH, S, U, H, M, PL, SS, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 9 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Gray Kingbird	<i>Tyrannus dominicensis</i>	3-11+	0-A	5-8	M, TH, H, T
Eastern Phoebe	<i>Sayornis phoebe</i>	9-4+	0-FC	-	-
Acadian Flycatcher	<i>Empidonax virescens</i>	8-10+	0-R	5-8	S, U, H, W
Eastern Wood Pewee	<i>Contopus virens</i>	3-5, 8-11+	0-U	4-7	U, W, PL
Olive-sided Flycatcher	<i>Contopus borealis</i>	3-5, 9-10	0	-	-
Western Kingbird	<i>Tyrannus verticalis</i>	9-5+	0-U	-	-
Jays and Crows (Corvidae)					
Blue Jay	<i>Cyanocitta cristata</i>	R	0-A	3-8	S, U, H, PL, C, T
Scrub Jay	<i>Aphelocoma coerulescens</i>	R (LOCAL)	0-C	3-6	Ss
American Crow	<i>Corvus brachyrhynchos</i>	R	0-C	1-5	P, S, U, H, PL, C, T
Fish Crow	<i>Corvus ossifragus</i>	R	0-A	3-6	O, H, P, L, U, H, PL, C, T
Titmice (Paridae)					
Tufted Titmouse	<i>Parus bicolor</i>	R	0-FC	3-7	S, U, H, PL, Ss, T
Wrens (Troglodytidae)					
House Wren	<i>Troglodytes aedon</i>	9-5+	0-FC	-	-
Winter Wren	<i>Troglodytes troglodytes</i>	10-3	0	-	-
Carolina Wren	<i>Troglodytes ludovicianus</i>	R	U-C	3-8	TH, S, U, H, M, PL, Ss-C., T
Marsh Wren	<i>Cistothorus palustris</i>	10-5	0-A	4-7	Sm
Sedge Wren	<i>Cistothorus platensis</i>	10-5+	0-R	-	-

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 10 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Owls (Tytonidae)					
Screech Owl	<u>Otus asio</u>	R	O-FC	3-6	TH, S, U, H, W, PL, T
Great Horned Owl	<u>Bubo virginianus</u>	R	O-R	11-4	U, H, PL, T
Burrowing Owl	<u>Athene cucularia</u>	R	O-U	3-6	P, F, C, T
Barred Owl	<u>Strix varia</u>	R	O-U	12-4	TH, S, H
Short-eared Owl	<u>Asio flammeus</u>	11-3+	O	-	-
Common Barn Owl	<u>Ixio alba</u>	R	O-U	1-12	P, H, F, C, T
Goatsuckers (Caprimulgidae)					
Chuck-will's-widow	<u>Caprimulgus carolinensis</u>	R	R-U	3-7	TH, P, U, H, PL
Whip-poor-will	<u>Caprimulgus vociferus</u>	9-4+	00R	-	-
Common Nighthawk	<u>Chordeiles minor</u>	3-11+	FC-A	4-8	P, PL, F, C, T
Swift (Apodidae)					
Chimney Swift	<u>Chaetura pelagica</u>	3-11	O-FC	4-7	S, U, PL, T
Hummingbird (Trochilidae)					
Ruby-throated Hummingbird	<u>Archilochus colubris</u>	R	O-U	4-7	U, W, C, T
Woodpeckers (Picidae)					
Northern Flicker	<u>Colaptes auratus</u>	R	U-FC	3-7	S, U, H, W, PL, F, C, T
Pileated Woodpecker	<u>Dryocopus pileatus</u>	R	O-FC	2-7	S, U, H, W, PL, T
Red-bellied Woodpecker	<u>Melanerpes carolinus</u>	R	FC-C	3-7	TH, S, U, H, W, PL, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 11 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Red-headed Woodpecker	<u>Melanerpes erythrocephalus</u>	R	O-FC	4-9	U, H, PL, T
Yellow-bellied Sapsucker	<u>Sphyrapicus varius</u>	10-5	R-U	-	---
Hairy Woodpecker	<u>Picoides villosus</u>	R	O-R	3-7	S, U, H, PL
Downy Woodpecker	<u>Picoides pubescens</u>	R	R-U	4-7	S, U, H, U, PL, T
Red-cockaded Woodpecker	<u>Picoides borealis</u>	R	U-R	4-7	PL
Swallow (Hirundinidae)					
Tree Swallow	<u>Iachycineta bicolor</u>	7-6	U-A	---	---
Bank Swallow	<u>Riparia riparia</u>	3-6,7-9+	R-C	---	---
Northern Rough-winged Swallow	<u>Stelgidopteryx serripennis</u>	3-11+	O-A	5-8	L, T
Barn Swallow	<u>Hirundo rustica</u>	3-6,7-11+	C-A	5-8	L
Purple Martin	<u>Progne subis</u>	1-11+	U-C	5-8	PL, C, T
Nuthatches (Sittidae)					
White-breasted Nuthatch	<u>Sitta carolinensis</u>	X	-	3-7	U, PL
Brown-headed Nuthatch	<u>Sitta pusilla</u>	R	O-U	2-7	PL
Thrashers (Turdidae)					
Northern Mockingbird	<u>Mimus polyglottos</u>	R	C-A	3-8	TH, P, U, H, V, PL, Ss, F, C, T
Gray Catbird	<u>Dumetella carolinensis</u>	9-5+	U-C	4-7	U, W, T
Brown Thrasher	<u>Toxostoma rufum</u>	R	R-FC	3-7	U, H, V, C, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 12 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
<u>Thrushes (Turdidae)</u>					
Gray-cheeked Thrush	<u>Catharus minimus</u>	4-5+	0-FC	---	---
American Robin	<u>Iurdus migratorius</u>	10-5+	R-A	4-8	U, T
Hermit Thrush	<u>Catharus guttatus</u>	10-4	0-R	---	---
Swainson's Thrush	<u>Catharus ustulatus</u>	4-5, 9-11+	0-FC	---	---
Veery	<u>Catharus fuscescens</u>	4-5, 9-10	0-FC	---	---
Eastern Bluebird	<u>Sialia sialis</u>	R	R-FC	3-6	W, PL, Ss, F
<u>Kinglets and Gnatcatchers (Sylviidae)</u>					
Blue-gray Gnatcatcher	<u>Polioptila caerulea</u>	R	0-FC	3-8	S, Y, H, W, PL
Ruby-crowned Kinglet	<u>Regulus calendula</u>	9-4	0-FC	---	---
<u>Pipits (Motacillidae)</u>					
Water Pipit	<u>Anthus spinoletta</u>	10-5	0-FC	---	---
<u>Waxwings (Bombycillidae)</u>					
Cedar Waxwing	<u>Bombycilla cedrorum</u>	10-6+	0-FC	---	---
<u>Shrikes (Laniidae)</u>					
Loggerhead Shrike	<u>Lanius ludovicianus</u>	R	FC-A	2-6	P, U, W, PL, Ss, F, C, T
<u>Starlings (Sturnidae)</u>					
European Starling	<u>Sturnus vulgaris</u>	R	U-C	1-12	F, C, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 13 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
<u>Vireos (Vireonidae)</u>					
White-eyed Vireo	<u>Vireo griseus</u>	R	FC-C	3-7	M, TH, S, U, H, M, PL, SS, C, T
Yellow-throated Vireo	<u>Vireo flavifrons</u>	8-5	O-R	4-7	S, U, PL, SS
Solitary Vireo	<u>Vireo solitarius</u>	10-4+	O-U	---	---
Red-eyed Vireo	<u>Vireo olivaceus</u>	3-11	R-FC	4-7	S, U, H, T
Black-whiskered Vireo	<u>Vireo altiloquus</u>	3-10	R-A	4-7	M, TH, T
<u>Wood Warblers (Parulidae)</u>					
Black-and-white Warbler	<u>Mniotilta varia</u>	7-5+	U-FC	---	---
Prothonotary Warbler	<u>Protonotaria citrea</u>	3-5+, 7-10+	O-U	---	---
Worm-eating Warbler	<u>Helminthophila vermivorus</u>	3-5, 8-10+	O-R	---	---
Tennessee Warbler	<u>Vermivora peregrina</u>	3-5+, 9-11+	R-FC	---	---
Orange-crowned Warbler	<u>Vermivora celata</u>	9-5+	O-U	---	---
Northern Parula	<u>Parula americana</u>	R	FC-C	---	---
Yellow Warbler	<u>Dendroica aestiva</u>	3-11+	R-U	---	---
<u>Grosbeaks, Sparrows, Buntings (Fringillidae)</u>					
Northern Cardinal	<u>Cardinalis cardinalis</u>	R	C-A	3-8	TH, S, U, H, M, PL, SS, F, C, T
Rose-breasted Grosbeak	<u>Phoebastria ludovicianus</u>	3-5+	O-FC	---	---
Indigo Bunting	<u>Passerina cyanea</u>	9-5+	U-C	5-8	W, F, C
Painted Bunting	<u>Passerina ciris</u>	9-5+	O-FC	5-8	H, V, F, C
Dickcissel	<u>Spiza americana</u>	10-5+	O-R	---	---
American Goldfinch	<u>Carduelis tristis</u>	10-4	FC-C	---	---

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 14 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat ³
Rufous-sided Towhee	<u>Pipilo erythrophthalmus</u>	R	C-A	3-9	U, H, M, PL, Ss, F, C, T
Grasshopper Sparrow	<u>Ammodramus saviannarum</u>	10-5+	0-R	4-7	P, F
Vesper Sparrow	<u>Pooecetes gramineus</u>	11-3	0-R	---	---
Lark Sparrow	<u>Chondestes grammacus</u>	8-4	0	---	---
Bachman's Sparrow	<u>Amphispiza bilineata</u>	R	U-FC	4-8	PL
Chipping Sparrow	<u>Spizella passerina</u>	10-5+	0-U	4-7	PL
Fox Sparrow	<u>Passerella iliaca</u>	12-2	0	---	---
Lincoln's Sparrow	<u>Melospiza lincolni</u>	10-5	0	---	---
Swamp Sparrow	<u>Melospiza georgiana</u>	10-5	0-U	---	---
Song Sparrow	<u>Melospiza melodia</u>	11-4	0-R	---	---
Purple Finch	<u>Carpodacus purpureus</u>	12-1	0	---	---
Northern Junco	<u>Junco hyemalis</u>	10-4	0-U	---	---
White-throated Sparrow	<u>Zonotrichia albicollis</u>	10-4+	0	---	---
Savannah Sparrow	<u>Passerculus sandwichensis</u>	10-5	U-FC	---	---
Sharp-tailed Sparrow	<u>Ammodramus caudacuta</u>	10-5	0-U	---	---
Weaver Finches (Ploceidae)	<u>Passer domesticus</u>	R	FC-A	1-12	C, T
House Sparrow					
Wood Warblers (Parulidae)					
Magnolia Warbler	<u>Dendroica magnolia</u>	4-5+, 9-11+	0-FC	---	---
Cape May Warbler	<u>Dendroica tigrina</u>	8-6+	0-C	---	---
Black-throated Blue Warbler	<u>Dendroica caerulescens</u>	8-5+	U-C	---	---
Yellow-rumped Warbler	<u>Dendroica coronata</u>	10-5+	U-A	---	---

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 15 of 16)

Common Name (Family)	Scientific Name	Months Present	Abundance ²	Breeding Season	Nesting Habitat ³
Black-throated Green Warbler	<i>Dendroica virens</i>	9-5	C-R	---	---
Blackburnian Warbler	<i>Dendroica fusca</i>	3-5, 9-11+	O-U	---	---
Kirtland's Warbler	<i>Dendroica kirtlandii</i>	4, 8-11	0	---	---
Orange-crowned Warbler	<i>Vermivora celata</i>	9-5+	O-U	---	---
Yellow-throated Warbler	<i>Dendroica dominica</i>	7-5+	FCC	3-7	S, U, H, PL, T
Bay-breasted Warbler	<i>Dendroica castanea</i>	4-5+, 9-11+	O-U	---	---
Blackpoll Warbler	<i>Dendroica striata</i>	4-6, 9-11	FCC	---	---
Pine Warbler	<i>Dendroica pinus</i>	R	R-C	3-7	PL, T
Prairie Warbler	<i>Dendroica discolor</i>	R	FC-C	3-7	H, TH, U
Palm Warbler	<i>Dendroica palmarum</i>	9-5+	C-A	---	---
Ovenbird	<i>Seiurus aurocapillus</i>	8-6	U-FC	---	---
Northern Waterthrush	<i>Seiurus noveboracensis</i>	7-6	R	---	---
Louisiana Waterthrush	<i>Seiurus motacilla</i>	2-5, 7-9+	O-U	3-7	L, S
Kentucky Warbler	<i>Oporornis formosus</i>	3-5, 8-10+	O-R	3-7	L, S, W
Common Yellowthroat	<i>Geothlypis trichas</i>	R	FC-A	3-7	E, P, L, U, H, PL, F, C
Connecticut Warbler	<i>Oporornis agilis</i>	4-5, 9-10	O-U	---	---
Hooded Warbler	<i>Wilsonia citrina</i>	3-5, 7-11+	O-FC	---	---
American Redstart	<i>Setophaga ruticilla</i>	7-6	FC-A	---	---
Meadowlarks, Blackbirds, Orioles (Icteridae)					
Bobolink	<i>Dolichonyx oryzivorus</i>	4-6+, 8-11+	C-A	---	---
Eastern Meadowlark	<i>Sturnella magna</i>	R	C-A	3-7	E, P, F, C
Red-winged Blackbird	<i>Agelaius phoeniceus</i>	R	A	3-7	M, Sm, E, P, L, F, C, T

Table C-3. Breeding Status of Bird Species Potentially Inhabiting the Myakka River Corridor (Continued, Page 16 of 16)

Common Name (Family)	Scientific Name	Months Present ¹	Abundance ²	Breeding Season	Nesting Habitat
Northern Oriole	<u>Icterus galbula</u>	9-5+	R-U	---	---
Rusty Blackbird	<u>Euphagus carolinus</u>	10-3	O-U	---	---
Boat-tailed Grackle	<u>Quiscalus major</u>	R	C-A	11-8	O, Sm, E, P, L, C, T
Common Grackle	<u>Quiscalus quiscula</u>	R	C-A	3-7	TH, P, L, S, U, H, PL, F, C, T
Brown Headed Cowbird	<u>Molothrus ater</u>	10-4+	O-A	4-7	W, PL, F, C, T
Tanagers (Thraupidae)					
Summer Tanager	<u>Piranga rubra</u>	3-10+	R-FC	---	---

NOTES:

1: 1-12 = January - December, R = Resident Year-round, + = some records have occurred outside these extremes

2: A = abundant
C = common
FC = fairly common

3: O = Ocean Beaches, Bays, and Estuaries
M = Mangroves
TH = Tropical Hardwoods
SM = Salt Marshes
E = Everglades and Freshwater Marshes
P = Prairies

U = uncommon
R = rare
O = occasional, very rare or accidental

L = Lakes, Ponds, Rockpits, Mines,
Impoundments, and Canals
S = Swamps
U = Upland Forests
W = Woodland Edges & Thickets

SS = Sand Scrub
F = Fields and Pastures
C = Cultivated Lands
T = Towns

Source: Hunter Services, Inc., 1989; Florida Breeding Bird Atlas, 1986; Checklist of Florida's Birds, 1985

APPENDIX D--MANAGEMENT AUTHORITIES AND DIRECTION

APPENDIX D

MANAGEMENT AUTHORITY AND DIRECTION

The number and variety of local, regional, state and federal agencies and non-governmental entities involved with the Myakka River reflect the broad scope of this management plan. The discussion of authorizing statutes, rules, and policies is organized according to the governmental bodies in which authority is vested, beginning with DNR, Sarasota County, and the City of North Port as the primary management agencies.

PRIMARY MANAGEMENT AGENCIES

The Department of Natural Resources is the lead agency responsible for implementing the management plan for the Myakka Wild and Scenic River. Sarasota County and the City of North Port also have a primary role in the management of land uses surrounding the Myakka River.

Department of Natural Resources

Executive authority for administration and management of the Myakka Wild and Scenic River ultimately lies with the Governor and Cabinet, serving as the Executive Board of the Department of Natural Resources. The DNR's basic authority for planning and implementing a plan for managing the Myakka River's resources is found in Section 258.501, Florida Statutes. This statute authorizes DNR (in conjunction with the Myakka River Management Coordinating Council) to develop and periodically amend a management plan, conduct necessary resource management activities, establish a carrying capacity for recreational use on the river, and adopt rules to regulate activities in the portion of the river designated wild and scenic.

Chapter 258, Florida Statutes, authorizes DNR's Division of Recreation and Parks (Division) to manage State-owned parks and recreation areas and to adopt rules for managing these areas. Section 258.037; Florida Statutes, declares that the policy of the Division is to acquire typical portions of the State's original environment (domain) for access by the general public, and to manage these areas so as to conserve the natural values which derive from them. In implementing this policy, the Division is authorized to cooperate with county governments in park and recreation matters (Section 258.041, Florida

Statutes), and to negotiate interagency agreements with water management districts to manage district lands reserved for recreational purposes (Section 258.004, Florida Statutes). Chapter 253, Florida Statutes, establishes the proprietary overview role of the Board of Trustees of the Internal Improvement Trust Fund in the management of sovereignty submerged lands.

Sarasota County

Chapters 125, 162, and 163, Florida Statutes, vest the County with authority to regulate use and development of private property within its jurisdiction, including property within and adjacent to the Myakka Wild and Scenic River. Specifically, Chapter 125 authorizes the County to adopt and enforce a comprehensive plan, zoning ordinances, and technical codes to regulate development for the public's health, safety and welfare. Chapter 162 authorizes the County to establish a code enforcement board to administer the zoning, subdivision, floodplain and other technical regulatory codes to control development and use of private property. Chapter 163 further clarifies and elaborates on the County's authority in the areas of comprehensive planning, zoning, technical codes and related matters.

Through the development of the county's comprehensive plan, APOXSEE, Sarasota County has already developed management guidelines for land surrounding the Myakka River.

City of North Port

Similar to Sarasota County, the City of North Port is authorized by applicable state laws to regulate the use and development of private lands for the public health, safety and welfare. A portion of the City of North Port is located within the southern portion of the Wild and Scenic segment of the Myakka River.

OTHER MANAGEMENT AGENCIES

The Southwest Florida Management District and the Game and Fresh Water Fish Commission are other agencies at the regional and state levels that will function in the direct management of the Wild and Scenic segment of the Myakka River.

Southwest Florida Water Management District

SWFWMD boundaries include most of West Central Florida in general, and specifically include the Myakka watershed in Sarasota, Manatee, Charlotte, Hardee and DeSoto Counties. The Florida Water Resources Act of 1972 (Chapter 373, Florida Statutes), is the basic source of SWFWMD's authority to acquire land and to regulate surface water and ground water management and water consumption. Specific authority for these activities is contained in Section 373, Parts II, III and IV. Section 373.59 creates the Water Management Lands Trust Fund, which is the source of funding for the Save Our Rivers Program, and authorizes SWFWMD to acquire through voluntary purchases property for a variety of management purposes, including the conservation and protection of water resources. SWFWMD is also responsible for aquatic weed control within Myakka River State Park.

Game and Fresh Water Fish Commission

Article IV, Section 9 of the Florida Constitution as well as Chapter 372, Florida Statutes, vest the FGFWFC with administrative, management and enforcement authority with respect to the State's freshwater fish and wildlife. Specific statutory sections which authorize FGFWFC activities in the river include Subsection 372.02(2), Florida Statutes, (enforcement of freshwater fishing laws); Subsection 372.072(4)(a)(1), Florida Statutes, (research and management of freshwater/upland species); and Section 372.77, Florida Statutes, (implementation of wildlife restoration projects).

OTHER AGENCIES

Federal, state, regional and local agencies, as well as non-governmental entities will play an important role in the protection and management of the Myakka River area through regulation or monitoring of activities in the drainage basin.

Federal Agencies

Seven federal agencies are involved in activities affecting the management of the river. Authority for federal involvement is based on federal codes and statutes.

U.S. Fish and Wildlife Service--33 U.S. Code (USC) 134, Clean Water Act, authorizes FWS to participate in the review of U.S. Army Corps of Engineers' (COE) dredge and fill permit applications. The FWS's participation in this activity is based on its vested interest in the conservation of wetlands as wildlife habitat for federally protected species. In addition, the FWS is authorized to administer the Endangered Species Act of 1973 (16 USC 1531, as amended). This Act seeks to ensure the continued existence of endangered species by requiring federal agencies to consult with the FWS whenever an agency's actions may be detrimental to an identified species or its habitat.

U.S. Army Corps of Engineers--Section 10 of the Rivers and Harbors Act of 1899, (33 USC 403), authorizes COE to regulate dredging of obstructions and review proposals for channel construction and improvements in navigable waterways including the Myakka River. This Act, together with Section 404 of the Clean Waters Act of 1972 (33 USC 1344, as amended), addresses COE regulatory authority in the dredge and fill permitting process. COE's joint involvement with DER in the regulation of wetlands, allows COE to indirectly participate in the State's management of the Wild and Scenic River.

U.S. Geological Survey--The USGS was established by act on March 3, 1879 (43 USC 31). The USGS, under the Department of the Interior, has the responsibility to perform surveys, investigations, and research pertaining to topography, geology, and the mineral and water resources of the United States. USGS also publishes and disseminates data relative to these activities. In the past, USGS has conducted several studies on various resources in the Charlotte Harbor region. USGS is currently involved in a study of the Peace, Myakka and Caloosahatchee watersheds and Charlotte Harbor Estuarine System. Over the life of the project, this study is expected to supply much needed data on the existing conditions and evaluate the potential impact of future

development on the water resources of the Charlotte Harbor watershed. The study will include the chemical, biological, and water quality characteristics in these basins plus flow and circulation descriptions for the Charlotte Harbor area.

U.S. Soil Conservation Service--The Soil Conservation Service (SCS) was established under the authority of the Soil Conservation Act of 1935 (16 USC 590A-F) to carry out nationwide soil and water conservation, execute watershed protection and flood protection projects in coordination with other agencies, help local sponsors develop multicounty resource conservation efforts, conduct the nationwide soil survey, provide technical assistance to farmers and ranchers and other land users, and fulfill other related functions. The SCS operates as an agency within the U.S. Department of Agriculture. The SCS operates at the local level through conservation districts legally responsible under State law for soil and water conservation with district boundaries which are usually contiguous to county boundaries. SCS services include soil and land capability mapping of the conservation district, dissemination of information concerning soil usefulness for supporting certain crops or other agricultural applications (grazing), providing recommendations on conservation measures, providing technical assistance in the design and construction of water control structures, providing information on plant variety selections and seeding methods, and providing assistance on other technical problems that may arise in agricultural resource management, such as erosion prevention.

U.S. Environmental Protection Agency--Under the National Environmental Protection Act of 1969, the U.S. Environmental Protection Agency (EPA), in cooperation with State and local governments is the federal agency responsible for the control and abatement of environmental pollution. The six areas of pollution which the EPA regulates are air, water, solid waste, noise, radiation and toxic substances. DER is the state agency responsible for handling most of these programs on a state level in lieu of the federal program. Under Section 404, EPA also reviews COE dredge and fill permit applications in the regulation of migratory birds and endangered species under the Commerce Clause.

U.S. Coast Guard--The U.S. Coast Guard is the federal agency involved in boating safety, including search and rescue when necessary. The Coast Guard is also charged with the permitting of structures which affect navigation and boating safety. These structures include bridges, causeways, aerial utilities and other structures which may be in conflict with navigational uses. DNR will also review projects which the Coast Guard may be evaluating for permits.

National Marine Fisheries Services--The National Marine Fisheries Service (NMFS), under the U.S. Department of Commerce, is active in the Charlotte Harbor area in recording commercial fish landings. The NMFS also has enforcement officers in the Charlotte Harbor area checking for illegal fishery activities.

State Agencies

In addition to the DNR and GFWFC, seven other state agencies affect the river in less direct, but nonetheless important capacities. Authority for these agencies involvement is based on various chapters of the Florida Statutes.

Department of Environmental Regulation--Chapter 403, Florida Statutes, provides for the maintenance and enhancement of water quality and wetlands protection through programs administered by DER. Section 403.061, Florida Statutes, authorizes DER to perform a variety of functions with regard to Waters of the State. As far as protection of the Wild and Scenic River is concerned, the most important Departmental responsibilities involve the establishment of ambient water quality standards, water quality sampling, regulation of known sources of pollution, dredge and fill activities, and enforcement of rules pertaining to Outstanding Florida Waters. DER's administrative rules concerning ambient water quality standards and Outstanding Florida Waters are contained in Chapter 17-3 and 17-4, FAC, respectively. Chapter 84-79, Laws of Florida, the Warren S. Henderson Wetlands Protection Act of 1984, authorizes DER to establish rules concerning water quality criteria for wetlands to enable the State to more effectively regulate use of wetlands under DER jurisdiction.

Department of Community Affairs--The Department of Community Affairs' (DCA) requirements to ensure consideration of unique natural resources, such as the Myakka River in local and regional planning, are authorized by Chapters 380 and 163, Florida Statutes. Sections 380.045, 380.05, and 380.06, Florida Statutes, respectively authorize the DCA to establish resource planning and management committees, coordinate designation of Areas of Critical State Concern, and administer the review of Developments of Regional Impact (DRI). Section 163.3184, Florida Statutes, authorizes the DCA to review and approve local government comprehensive plans. DRI's are major developments that have impacts on a scale which is greater than a county level and requires a regional review from neighboring local governments and State agencies.

Department of State--Chapter 267, Florida Statutes, vests the Division of Historical Resources (DHR) with title to historical and archaeological resources and artifacts on State-owned lands. The statute provides the DHR with the authority to locate and arrange for the protection, preservation and restoration of historical and archaeological property of other governmental agencies.

Department of Agriculture and Consumer Services-Division of Forestry--Section 589.04, Florida Statutes, authorizes the Division of Forestry to assist governmental agencies in gathering information concerning forest management and in combating forest fires on government lands. Section 589.275, Florida Statutes, provides the Division with authority to assist State agencies "...to partially restore the original domain of Florida by planting native trees on state lands...".

Department of Transportation--Section 335.16, Florida Statutes, authorizes the Department of Transportation (DOT) to control access from State roads to public waters within highway rights-of-way. As provided by Chapter 14-41, FAC, it is the policy of the DOT to cooperate fully with other public agencies regarding maintenance of fishing and boating facilities at State Road system bridges.

Marine Fisheries Commission--The Marine Fisheries Commission (MFC) was established as a rulemaking authority pursuant to Section 370.027, Florida

Statutes. The seven members are appointed by the Governor and are delegated full rulemaking authority over issues relating to marine life (subject to approval by the Governor and Cabinet), with the exception of regulation of endangered species. Rulemaking may address the following areas: a) gear specifications, b) prohibited gear, c) bag limits, d) size limits, e) species that may not be sold, f) protected species, g) closed areas, h) quality control codes, i) season, and j) special considerations related to eggbearing females and oyster and clam relaying. The MFC is also instructed to make annual recommendations to the Governor and Cabinet regarding marine fisheries research priorities.

Health and Rehabilitative Services--Health and Rehabilitative Services (HRS) was created by Section 20.19, Florida Statutes. HRS is responsible for the development and enforcement programs of septic tank regulation and mosquito control. HRS also conducts water quality sampling within the Myakka River watershed.

Regional Agencies

In addition to SWFWMD, other regional agencies are also involved in various activities that may affect the Myakka River. Authority for regional agency involvement is based on State Statute.

Regional Planning Councils--Authority for activities of the Tampa Bay Regional Planning Council (TBRPC), the Central Florida Regional Planning Council (CFRPC), and SWFRPC as they relate to the river management plan is based on Sections 380.06 and 163.3164, Florida Statutes. The former provides for the regional planning councils to coordinate the review of DRI applications with affected governmental agencies. The latter mandates the councils to review and comment on the content of local comprehensive plans prior to their adoption by local governments. Subsection 258.501(6)(a), Florida Statutes, identifies the composition of the Myakka River Management Coordination Council, which includes TBRPC and SWFRPC.

Local Agencies

The North Port Water Control District exercises control over surface waters within a portion of the Myakka Wild and Scenic River segment. Other local

governments that regulate land development within the Myakka watershed include Manatee, Hardee, DeSoto and Charlotte Counties. These governments regulate land development activities that could potentially impact the river's resource values.

North Port Water Control District--The North Port Water Control District (NPWCD) is an independent public agency duly established in 1974 pursuant to the provisions of Chapter 298, Florida Statutes. This law provides for the creation of water control districts to provide drainage to lands owned by multiple owners. Water control districts are authorized to levy special taxes and to provide surface water management and control in areas not served by municipal or county agencies. The districts are also authorized to construct, maintain and operate canals, ditches, levees, dikes, pumping plants and other works and improvements. The activities of the drainage districts are subject to State regulation by DER and SWFWMD under authority of Section 403.061 and Chapter 373, Part IV, Florida Statutes. The NPWCD has approximately 35,000 acres of land within its regulatory boundaries, including portions of the Myakka River and watershed area. The NPWCD's objective is to construct, operate and maintain an integrated system of water control which will provide adequate drainage for developed areas, protect against flooding and conserve water for domestic supply and wildlife enhancement.

Nongovernmental Entities

This section identifies the numerous entities that have an interest in the Myakka River but are nongovernmental. They include, but are not limited to, environmental interest groups (e.g., Charlotte County Conservation Council, ECOSWF, Manasota 88, Audubon Society, Sierra Club), scientific organizations (e.g., Environmental Quality Laboratory, Mote Marine Laboratory), fishing and sports interest groups (e.g., Florida League of Anglers, Organized Fishermen of Florida, Florida Conservation Association), special interest groups (i.e., Manatee County Cattleman's Association, League of Women Voters), universities that may have research activities in the Myakka River (i.e., University of South Florida-New College, Florida State University, University of Florida), and other interest groups and individuals. The relationship of these entities to the Myakka Wild and Scenic River segment may include the coordination of activities, such as scientific research, environmental education, management

of rookeries or other natural areas, or numerous other possible activities. A river management process will depend on the continued support and help of these interest groups. The Myakka River Management Coordinating Council and DNR need to be active in communicating the river management process and activities to the various groups and consulting with them for their help in their areas of expertise.

**APPENDIX E--EXCERPTS FROM CHAPTER 403, FLORIDA STATUTES AND
CHAPTERS 17-3 AND 17-312 ON THE DETERMINATIONS OF THE LANDWARD
EXTENT OF SURFACE WATERS OF THE STATE AND JURISDICTIONS FOR
DREDGE AND FILL ACTIVITIES**

(9)(a) The Legislature finds and declares that it is essential to preserve and maintain authorized water depth in the existing navigation channels, port harbors, turning basins, and harbor berths of this state in order to provide for the continued safe navigation of deepwater shipping commerce. The department shall recognize that maintenance of authorized channel depths is an ongoing, continuous, beneficial, and necessary activity; and it shall develop a regulatory process which shall enable the ports of this state to conduct such activities in an environmentally sound, expeditious, and efficient manner.

(b) The provisions of paragraph (a) apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, and Pensacola.

(10) It is the policy of the state to ensure that the existing and potential drinking water resources of the state remain free from harmful quantities of contaminants. The department, as the state water quality protection agency, shall compile, correlate, and disseminate available information on any contaminant which endangers or may endanger existing or potential drinking water resources. It shall also coordinate its regulatory program with the regulatory programs of other agencies to assure adequate protection of the drinking water resources of the state.

History.—s. 3, ch. 87-438; s. 1, ch. 78-96; ss. 1, 5, ch. 81-222; s. 4, ch. 84-79; s. 46, ch. 84-338; s. 11, ch. 85-289; s. 1, ch. 85-277.

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(1) "Contaminant" is any substance which is harmful to plant, animal, or human life.

(2) "Department" is the Department of Environmental Regulation.

(3) "Effluent limitations" means any restriction established by the department on quantities, rates, or concentrations of chemical, physical, biological, or other constituents which are discharged from sources into waters of the state.

(4) "Installation" is any structure, equipment, or facility, or appurtenances thereto, or operation which may emit air or water contaminants in quantities prohibited by rules of the department.

(5) "Person" means the state or any agency or institution thereof or any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

(6) "Plant" is any unit operation, complex, area, or multiple of unit operations that produce, process, or cause to be processed any materials, the processing of which can, or may, cause air or water pollution.

(7) "Pollution" is the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological in-

tegrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(8) "Sewerage system" means pipelines or conduits, pumping stations, and force mains and all other structures, devices, appurtenances, and facilities used for collecting or conducting wastes to an ultimate point for treatment or disposal.

(9) "Source" is any and all points of origin of the item defined in subsection (1), whether privately or publicly owned or operated.

(10) "Treatment works" and "disposal systems" mean any plant or other works used for the purpose of treating, stabilizing, or holding wastes.

(11) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any waters of the state.

(12) "Waters" include, but are not limited to, rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water, including fresh, brackish, saline, tidal, surface, or underground waters. Waters owned entirely by one person other than the state are included only in regard to possible discharge on other property or water. Underground waters include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural. Solely for purposes of this chapter, waters of the state also include the area bounded by the following:

(a) Commence at the intersection of State Road (SRD) 5 (U.S. 1) and the county line dividing Dade and Monroe Counties, said point also being the mean high-water line of Florida Bay, located in section 4, township 60 south, range 39 east of the Tallahassee Meridian for the point of beginning. From said point of beginning, thence run northwesterly along said SRD 5 to an intersection with the north line of section 18, township 58 south, range 39 east; thence run westerly to a point marking the southeast corner of section 12, township 58 south, range 37 east, said point also lying on the east boundary of the Everglades National Park; thence run north along the east boundary of the aforementioned Everglades National Park to a point marking the northeast corner of section 1, township 58 south, range 37 east; thence run west along said park to a point marking the northwest corner of said section 1; thence run northerly along said park to a point marking the northwest corner of section 24, township 57 south, range 37 east; thence run westerly along the south lines of sections 14, 15, and 16 to the southwest corner of section 16; thence leaving the Everglades National Park boundary run northerly along the west line of section 16 to the northwest corner of section 16; thence east along the northerly line of section 16 to a point at the intersection of the east one-half and west one-half of section 9; thence northerly along the line separating the east one-half and the west one-half of sections 9, 4, 33, and 28; thence run easterly along the north line of section 28 to the northeast corner of section 28; thence run northerly along the west line of section 22 to the northwest corner of section 22;

thence easterly along the north line of section 22 to a point at the intersection of the east one-half and west one-half of section 15; thence run northerly along said line to the point of intersection with the north line of section 15; thence easterly along the north line of section 15 to the northeast corner of section 15; thence run northerly along the west lines of sections 11 and 2 to the northwest corner of section 2; thence run easterly along the north lines of sections 2 and 1 to the northeast corner of section 1, township 56 south, range 37 east; thence run north along the east line of section 36, township 55 south, range 37 east to the northeast corner of section 36; thence run west along the north line of section 36 to the northwest corner of section 36; thence run north along the west line of section 25 to the northwest corner of section 25; thence run west along the north line of section 26 to the northwest corner of section 26; thence run north along the west line of section 23 to the northwest corner of section 23; thence run easterly along the north line of section 23 to the northeast corner of section 23; thence run north along the west line of section 13 to the northwest corner of section 13; thence run east along the north line of section 13 to a point of intersection with the west line of the southeast one-quarter of section 12; thence run north along the west line of the southeast one-quarter of section 12 to the northwest corner of the southeast one-quarter of section 12; thence run east along the north line of the southeast one-quarter of section 12 to the point of intersection with the east line of section 12; thence run east along the south line of the northwest one-quarter of section 7 to the southeast corner of the northwest one-quarter of section 7; thence run north along the east line of the northwest one-quarter of section 7 to the point of intersection with the north line of section 7; thence run northerly along the west line of the southeast one-quarter of section 6 to the northwest corner of the southeast one-quarter of section 6; thence run east along the north lines of the southeast one-quarter of section 6 and the southwest one-quarter of section 5 to the northeast corner of the southwest one-quarter of section 5; thence run northerly along the east line of the northwest one-quarter of section 5 to the point of intersection with the north line of section 5; thence run northerly along the line dividing the east one-half and the west one-half of Lot 5 to a point intersecting the north line of Lot 5; thence run east along the north line of Lot 5 to the northeast corner of Lot 5, township 54½ south, range 38 east; thence run north along the west line of section 33, township 54 south, range 38 east to a point intersecting the northwest corner of the southwest one-quarter of section 33; thence run easterly along the north line of the southwest one-quarter of section 33 to the northeast corner of the southwest one-quarter of section 33; thence run north along the west line of the northeast one-quarter of section 33 to a point intersecting the north line of section 33; thence run easterly along the north line of section 33 to the northeast corner of section 33; thence run northerly along the west line of section 27 to a point intersecting the northwest corner of the southwest one-quarter of section 27; thence run easterly to the northeast corner of the southwest one-quarter of section 27; thence run northerly along the west line of the northeast

one-quarter of section 27 to a point intersecting the north line of section 27; thence run west along the north line of section 27 to the northwest corner of section 27; thence run north along the west lines of sections 22 and 15 to the northwest corner of section 15; thence run easterly along the north lines of sections 15 and 14 to the point of intersection with the L-31N Levee, said intersection located near the southeast corner of section 11, township 54 south, range 38 east; thence run northerly along Levee L-31N crossing SRD 90 (U.S. 41 Tamiami Trail) to an intersection common to Levees L-31N, L-29, and L-30, said intersection located near the southeast corner of section 2, township 54 south, range 38 east; thence run northeasterly, northerly, and northeasterly along Levee L-30 to a point of intersection with the Dade/Broward Levee, said intersection located near the northeast corner of section 17, township 52 south, range 39 east; thence run due east to a point of intersection with SRD 27 (Krome Ave.); thence run northeasterly along SRD 27 to an intersection with SRD 25 (U.S. 27), said intersection located in section 3, township 52 south, range 39 east; thence run northerly along said SRD 25, entering into Broward County, to an intersection with SRD 84 at Andytown; thence run southeasterly along the aforementioned SRD 84 to an intersection with the southwesterly prolongation of Levee L-35A, said intersection being located in the northeast one-quarter of section 5, township 50 south, range 40 east; thence run northeasterly along Levee L-35A to an intersection of Levee L-36, said intersection located near the southeast corner of section 12, township 49 south, range 40 east; thence run northerly along Levee L-36, entering into Palm Beach County, to an intersection common to said Levees L-36, L-39, and L-40, said intersection located near the west quarter corner of section 19, township 47 south, range 41 east; thence run northeasterly, easterly, and northerly along Levee L-40, said Levee L-40 being the easterly boundary of the Loxahatchee National Wildlife Refuge, to an intersection with SRD 80 (U.S. 441), said intersection located near the southeast corner of section 32, township 43 south, range 40 east; thence run westerly along the aforementioned SRD 80 to a point marking the intersection of said road and the northeasterly prolongation of Levee L-7, said Levee L-7 being the westerly boundary of the Loxahatchee National Wildlife Refuge; thence run southwesterly and southerly along said Levee L-7 to an intersection common to Levees L-7, L-15 (Hillsborough Canal), and L-6; thence run southwesterly along Levee L-6 to an intersection common to Levee L-6, SRD 25 (U.S. 27), and Levee L-5, said intersection being located near the northwest corner of section 27, township 47 south, range 38 east; thence run westerly along the aforementioned Levee L-5 to a point intersecting the east line of range 36 east; thence run northerly along the range line to a point marking the northeast corner of section 1, township 47 south, range 36 east; thence run westerly along the north line of township 47 south, to an intersection with Levee L-23/24 (Miami Canal); thence run northwesterly along the Miami Canal Levee to a point intersecting the north line of section 22, township 46 south, range 35 east; thence run westerly to a point marking the northwest corner of section 21, township 46 south, range 35 east; thence run

southerly to the southwest corner of said section 21; thence run westerly to a point marking the northwest corner of section 30, township 46 south, range 35 east, said point also being on the line dividing Palm Beach and Hendry Counties; from said point, thence run southerly along said county line to a point marking the intersection of Broward, Hendry, and Collier Counties, said point also being the northeast corner of section 1, township 49 south, range 34 east; thence run westerly along the line dividing Hendry and Collier Counties and continuing along the prolongation thereof to a point marking the southwest corner of section 36, township 48 south, range 29 east; thence run southerly to a point marking the southwest corner of section 12, township 49 south, range 29 east; thence run westerly to a point marking the southwest corner of section 10, township 49 south, range 29 east; thence run southerly to a point marking the southwest corner of section 15, township 49 south, range 29 east; thence run westerly to a point marking the northwest corner of section 24, township 49 south, range 28 east, said point lying on the west boundary of the Big Cypress Area of Critical State Concern as described in Rule 27F-3, Florida Administrative Code; thence run southerly along said boundary crossing SRD 84 (Alligator Alley) to a point marking the southwest corner of section 24, township 50 south, range 28 east; thence leaving the aforementioned west boundary of the Big Cypress Area of Critical State Concern run easterly to a point marking the northeast corner of section 25, township 50 south, range 28 east; thence run southerly along the east line of range 28 east to a point lying approximately 0.15 miles south of the northeast corner of section 1, township 52 south, range 28 east; thence run southwesterly 2.4 miles more or less to an intersection with SRD 90 (U.S. 41 Tamiami Trail), said intersection lying 1.1 miles more or less west of the east line of range 28 east; thence run northwesterly and westerly along SRD 90 to an intersection with the west line of section 10, township 52 south, range 28 east; thence leaving SRD 90 run southerly to a point marking the southwest corner of section 15, township 52 south, range 28 east; thence run westerly crossing the Faka Union Canal 0.6 miles more or less to a point; thence run southerly and parallel to the Faka Union Canal to a point located on the mean high-water line of Faka Union Bay; thence run southeasterly along the mean high-water line of the various bays, rivers, inlets, and streams to the point of beginning.

(b) The area bounded by the line described in paragraph (a) generally includes those waters to be known as waters of the state. The landward extent of these waters shall be determined as provided in s. 403.817. Any waters which are outside the general boundary line described in paragraph (a) but which are contiguous thereto by virtue of the presence of a watercourse or as determined pursuant to s. 17-4.022, Florida Administrative Code, shall be a part of this water body. Any areas within the line described in paragraph (a) which are not within the jurisdiction of the department as determined pursuant to s. 17-4.022, Florida Administrative Code, shall be excluded therefrom. If the Florida Environmental Regulation Commission designates the waters within the boundaries an Outstanding Florida Water, waters out-

side the boundaries shall not be included as part of such designation unless a hearing is held pursuant to notice in each appropriate county and the boundaries of such lands are specifically considered and described for such designation.

History.—s. 4, ch. 87-436, ss. 26, 35, ch. 89-106; s. 1, ch. 71-36, s. 2, ch. 71-137, s. 153, ch. 71-377; s. 1, ch. 73-48; s. 112, ch. 73-333; ss. 1, 2, ch. 74-133, s. 1, ch. 77-174; s. 72, ch. 79-65; s. 13, ch. 84-79.

403.051 Meetings; hearings and procedure.—

(1) The department shall cause a transcript of the proceedings at all meetings to be made.

(2)(a) Any department planning, design, construction, modification, or operating standards, criteria, and requirements for treatment works, disposal systems, and sewerage systems for wastes from any source shall be promulgated as a rule or regulation.

(b) The department shall not withhold the issuance of a permit to consider matters not addressed by the permit application or to consider standards, criteria, and requirements not adopted as required by paragraph (a).

History.—s. 6, ch. 87-436; ss. 26, 35, ch. 89-106; s. 1, ch. 70-84; s. 2, ch. 71-137; s. 1, ch. 71-138; s. 154, ch. 71-377; s. 1, ch. 72-223; s. 1, ch. 74-308; s. 14, ch. 78-95; s. 58, ch. 83-218.

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(1) Approve and promulgate current and long-range plans developed to provide for air and water quality control and pollution abatement.

(2) Hire only such employees as may be necessary to effectuate the responsibilities of the department.

(3) Utilize the facilities and personnel of other state agencies, including the Department of Health and Rehabilitative Services, and delegate to any such agency any duties and functions as the department may deem necessary to carry out the purposes of this act.

(4) Secure necessary scientific, technical, research, administrative, and operational services by interagency agreement, by contract, or otherwise. All state agencies, upon direction of the department, shall make these services and facilities available.

(5) Accept state appropriations and loans and grants from the Federal Government and from other sources, public or private, which loans and grants shall not be expended for other than the purposes of this act.

(6) Exercise general supervision of the administration and enforcement of the laws, rules, and regulations pertaining to air and water pollution.

(7) Adopt, modify, and repeal rules and regulations to carry out the intent and purposes of this act. Any rule or regulation adopted pursuant to this act shall be consistent with the provisions of federal law, if any, relating to control of emissions from motor vehicles, effluent limitations, pretreatment requirements, or standards of performance. Rules adopted pursuant to this act shall not require dischargers of waste into waters of the state to improve natural background conditions. Discharges from steam electric generating plants existing or licensed under this chapter on July 1, 1984, shall not be required to be treated to a greater extent than may be necessary to assure that the quality of nonthermal com-

ponents of discharges from nonrecirculated cooling water systems is as high as the quality of the makeup waters; that the quality of nonthermal components of discharges from recirculated cooling water systems is no lower than is allowed for blowdown from such systems; or that the quality of noncooling system discharges which receive makeup water from a receiving body of water which does not meet applicable department water quality standards is as high as the quality of the receiving body of water. The department may not adopt standards more stringent than federal regulations, except as provided in s. 403.804.

(8) Issue such orders as are necessary to effectuate the control of air and water pollution and enforce the same by all appropriate administrative and judicial proceedings.

(9) Adopt a comprehensive program for the prevention, control, and abatement of pollution of the air and waters of the state, and from time to time review and modify such program as necessary.

(10) Develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state. In order to effect this purpose, a grouping of the waters into classes may be made in accordance with the present and future most beneficial uses. Such classifications may from time to time be altered or modified. However, before any such classification is made, or any modification made thereto, public hearings shall be held by the department.

(11) Establish ambient air quality and water quality standards for the state as a whole or for any part thereof, and also standards for the abatement of excessive and unnecessary noise. The department is authorized to establish reasonable zones of mixing for discharges into waters.

(a) When a receiving body of water fails to meet a water quality standard for pollutants set forth in department rules, a steam-electric generating plant discharge of pollutants that is existing or licensed under this chapter on July 1, 1984, may nevertheless be granted a mixing zone, provided that:

1. The standard would not be met in the water body in the absence of the discharge;
2. The discharge is in compliance with all applicable technology-based effluent limitations;
3. The discharge does not cause a measurable increase in the degree of noncompliance with the standard at the boundary of the mixing zone; and
4. The discharge otherwise complies with the mixing zone provisions specified in department rules.

(b) No mixing zone for point source discharges shall be permitted in Outstanding Florida Waters except for:

1. Sources which have received permits from the department prior to April 1, 1982, or the date of designation, whichever is later;
2. Blowdown from new power plants certified pursuant to the Florida Electrical Power Plant Siting Act; and
3. Discharges of water necessary for water management purposes which have been approved by the governing board of a water management district and, if required by law, by the secretary.

Nothing in this act shall be construed to invalidate any existing department rule relating to mixing zones. The department shall cooperate with the Department of Highway Safety and Motor Vehicles in the development of regulations required by s. 316.272(1).

(12)(a) Cause field studies to be made and samples to be taken out of the air and from the waters of the state periodically and in a logical geographic manner so as to determine the levels of air quality of the air and water quality of the waters of the state.

(b) Determine the source of the pollution whenever a study is made or a sample collected which proves to be below the air or water quality standard set for air or water.

(13) Require persons engaged in operations which may result in pollution to file reports which may contain information relating to locations, size of outlet, height of outlet, rate and period of emission, and composition and concentration of effluent and such other information as the department shall prescribe to be filed relative to pollution.

(14) Establish a permit system whereby a permit may be required for the operation, construction, or expansion of any installation that may be a source of air or water pollution and provide for the issuance and revocation of such permits and for the posting of an appropriate bond to operate.

(a) Notwithstanding any other provision of this chapter, the Department of Environmental Regulation may authorize, by rule, the Department of Transportation to perform any activity requiring a permit from the Department of Environmental Regulation covered by this chapter, upon certification by the Department of Transportation that it will meet all requirements imposed by statute, rule, or standard for environmental control and protection as such statute, rule, or standard applies to a governmental program. To this end, the Department of Environmental Regulation may accept such certification of compliance for programs of the Department of Transportation, may conduct investigations for compliance, and, if a violation is found to exist, may take all necessary enforcement action pertaining thereto, including, but not limited to, the revocation of certification. The authorization shall be by rule of the Department of Environmental Regulation, shall be limited to the maintenance, repair, or replacement of existing structures, and shall be conditioned upon compliance by the Department of Transportation with specific guidelines or requirements which are set forth in the formal acceptance and deemed necessary by the Department of Environmental Regulation to assure future compliance with this chapter and applicable department rules. The failure of the Department of Transportation to comply with any provision of the written acceptance shall constitute grounds for its revocation by the Department of Environmental Regulation.

(b) The provisions of chapter 120 shall be accorded any person when substantial interests will be affected by an activity proposed to be conducted by the Department of Transportation pursuant to its certification and the acceptance of the Department of Environmental Regulation. If a proceeding is conducted pursuant to s. 120.57, the Department of Environmental Regulation may intervene as a party. Should a hearing officer of the

of projects, which have, either singly or cumulatively, a minimal adverse environmental effect. Such rules shall specify design or performance criteria which, if applied, would result in compliance with appropriate standards adopted by the commission. Except as provided for in subsection (2), any person complying with the requirements of a general permit may use the permit 30 days after giving notice to the department without any agency action by the department.

(2) The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a general permit. If published, such public notice of application shall be published within 14 days after the applicant notifies the department; and, within 21 days after publication of notice, any person whose substantial interests are affected may request a hearing in accordance with s. 120.57. The failure to request a hearing within 21 days after publication of notice constitutes a waiver of any right to a hearing under s. 120.57. If notice is published, no person shall begin work pursuant to a general permit until after the time for requesting a hearing has passed or until after a hearing is held and a decision is rendered.

(3) The department is authorized to delegate any of its general permit authority to the district offices of the department or to water management districts.

(4) Notwithstanding the procedures set forth in subsections (1) and (2), the department may specify by rule alternative notice procedures for certain activities which are of a routine and repetitive nature and which are an integral part of agricultural activities or silvicultural activities or are activities of another state agency.

History.—s. 9, ch. 80-66; s. 12, ch. 82-27; s. 7, ch. 84-79.

403.815 Public notice; waiver of hearings.—The department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of application for a permit submitted under this chapter or chapter 253. The notice of application shall be published within 14 days after the application is filed with the department. Notwithstanding any provision of s. 120.60, the department may publish or by rule require the applicant to publish, or the applicant may elect to publish, in a newspaper of general circulation in the area affected, notice of proposed agency action on any permit application submitted under this chapter or chapter 253. The department shall require the applicant for a permit to construct or expand a solid waste facility to publish such notice. The notice of proposed agency action shall be published at least 14 days prior to final agency action. The 90-day time period specified in s. 120.60(2) shall be tolled by the request of the department for publication of notice of proposed agency action and shall resume 14 days after receipt by the department of proof of publication. However, if a petition is filed for a proceeding pursuant to s. 120.57, the time periods and tolling provisions of s. 120.60 shall apply. The cost of publication of notice under this section shall be paid by the applicant. The secretary may, by rule, specify the format and size of such notice. Within 14 days after publication of notice of proposed agency action, any person

whose substantial interests are affected may request a hearing in accordance with s. 120.57. The failure to request a hearing within 14 days after publication of notice of proposed agency action constitutes a waiver of any right to a hearing on the application under s. 120.57.

History.—s. 10, ch. 80-66; s. 13, ch. 82-27; s. 44, ch. 84-338

Note.—The words "a permit to" were substituted by the editors for the word "the."

403.816 Permits for maintenance dredging of deepwater ports.—

(1) The department shall establish a permit system under this chapter and chapter 253 which provides for the performance, for up to 25 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, and harbor berths. No charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority except as provided in s. 403.813(1)(f).

(2) The provisions of s. 253.77 do not apply to a permit for maintenance dredging and spoil site approval when there is no change in the size or location of the spoil disposal site and when the applicant provides documentation to the department that the appropriate lease, easement, or consent of use for the project site issued pursuant to chapter 253 is recorded in the county where the project is located.

(3) The provisions of this section apply only to the port waters, spoil disposal sites, port harbors, navigation channels, turning basins, and harbor berths used for deepwater commercial navigation in the ports of Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg, Port Bartow, Florida Power Corporation's Crystal River Canal, Boca Grande, Green Cove Springs, and Pensacola.

History.—ss. 3, 5, ch. 81-228; s. 8, ch. 84-79; s. 2, ch. 85-296.

403.8163 Sites for disposal of spoil from maintenance dredge operations; selection.—It is the intent of the Legislature that lands created by spoil or used as dredge spoil sites be given priority consideration as sites for disposal of spoil in maintenance dredge operations.

History.—s. 48, ch. 84-338.

403.817 Legislative intent; determination of the natural landward extent of waters for regulatory purposes.—

(1) It is recognized that the levels of the waters of the state naturally rise and fall, depending upon tides and other hydrological, meteorological, and geological circumstances and features. The natural rise and fall of the waters is essential to good water quality, but often makes it difficult to determine the natural landward extent of the waters. Therefore, it is the intent of the Legislature that the Department of Environmental Regulation establish a method of making such determinations, based upon ecological factors which represent these fluctuations in water levels.

(2) In order to accomplish the legislative intent expressed in subsection (1), the department is authorized to establish by rule, pursuant to chapter 120, the method for determining the landward extent of the waters of

the state for regulatory purposes. Such extent shall be defined by species of plants or soils which are characteristic of those areas subject to regular and periodic inundation by the waters of the state. The application of plant indicators to any areas shall be by dominant species. However, no landowner shall suffer any property loss or gain because of vegetation changes due to mosquito control activities conducted upon his property, provided these activities are or have been undertaken as part of a governmental mosquito control program. To the extent that certain lands have come within department jurisdiction pursuant to this section or chapter 253 solely due to insect control activities, these lands shall not be subject to permitting requirements for the discharge of dredge or fill material.

(3) Amendments adopted after April 5, 1977, to the rules of the department adopted before April 5, 1977, relating to dredging and filling and which involve additions or deletions of the vegetation or soil indices or the addition or deletion of exemptions shall be submitted in bill form to the Speaker of the House of Representatives and to the President of the Senate for their consideration and referral to the appropriate committees. Such rule amendments shall become effective only upon approval by act of the Legislature. However, whenever the Legislature amends any exemption relating to dredging and filling, the department may amend its rules to make them consistent with changes made by the Legislature.

(4) To the extent that any plant or soil indicators are enacted into law by the Legislature for the purpose of defining the landward extent of the waters of the state for regulatory purposes, the plant or soil indicators adopted by the department regarding areas covered by legislation shall be consistent with said legislation.

(5) The landward extent of waters as determined by the rules authorized by this section shall be for regulatory purposes only and shall have no significance with respect to sovereign ownership.

History.—cs. 1, 2, ch. 77-170; s. 5, ch. 78-08; s. 5, ch. 85-289; s. 2, ch. 85-334.
Note.—Pursuant to s. 3, ch. 85-334, the Legislature ratified rules 17-4.04(9)(f), (h), and (i), Florida Administrative Code, as amended by the Environmental Regulation Commission on October 16, 1984.

403.8171 Ratification of Rule 17-4.022, Florida Administrative Code, with additions and deletions to the vegetation and soil indices and with limitations on the determination of landward extent of waters.—Pursuant to s. 403.817, the Legislature ratifies the rule adopted on January 25, 1984, by the Environmental Regulation Commission with the following changes:

(1)(a) In Rule 17-4.022(2), Florida Administrative Code, the following shall be removed: *Blechnum serrulatum*; *Carex leptalea*; *Carex stipata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cymodocea filiformis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris ludoviciana*; *Gleditsia aquatica*; *Gratiola ramosa*; *H. J. lebeaudei*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera* in all counties south of Taylor, Lafayette, Suwannee, Columbia, Baker, and Duval; *Lycopodium rubellus*; *Myrica inodora*; *Osmunda* spp.; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except *R. alifanus*, *R. lutea*, *R. mariana*, *R. petiolata*, and *R. virginica*; *Sabatia bartramii*; *Sarracenia* spp.; *Sch-*

izachyrium rhizomatum; *Sesuvium maritimum*; *Sesuvium portulacastrum*; *Spartina* spp.; *Thalassia testudinum*; and *Woodwardia* spp.

(b) In Rule 17-4.022(2), Florida Administrative Code, the following shall be added: *Muhlenbergia capillaris*; *Muhlenbergia schreberi*; *Osmunda regalis*; *Rhexia parviflora*; *Rhexia salicifolia*; and *Spartina*, all species except *S. bakerii*.

(2)(a) In Rule 17-4.022(3), Florida Administrative Code, the following shall be removed: *Acer* spp.; *Baccharis halimifolia*; *Carya glabra* in all counties west of Dixie, Gilchrist, and Columbia; *Cliftonia monophylla*; *Cyrilla racemiflora*; *Liriodendron tulipifera* in all counties north and west of and including Taylor, Lafayette, Suwannee, Columbia, Baker, and Duval; *Melaleuca quinquenervia*; *Muhlenbergia* spp.; *Rhexia alifanus*; *Rhexia lutea*; *Rhexia mariana*; *Rhexia petiolata*; *Rhexia virginica*; *Sabal palmetto*; *Schinus terebinthifolius*; and *Ulmus* spp.

(b) In Rule 17-4.022(3), Florida Administrative Code, the following shall be added: *Acer rubrum*; *Acer saccharinum*; *Acer negundo*; *Blechnum serrulatum*; *Carex leptalea*; *Carex stipata*; *Carya aquatica*; *Conocarpus erectus*; *Crataegus viridis*; *Cyperus odoratus*; *Dichromena* spp.; *Dryopteris ludoviciana*; *Gleditsia aquatica*; *Gratiola ramosa*; *Hypericum fasciculatum*; *Illicium floridanum*; *Liriodendron tulipifera*; *Lycopodium rubellus*; *Myrica inodora*; *Osmunda cinnamomea*; *Panicum repens*; *Panicum virgatum*; *Pluchea* spp.; *Polygala cymosa*; *Populus deltoides*; *Rhexia*, all species except *R. parviflora* and *R. salicifolia*; *Sabatia bartramii*; *Sarracenia* spp.; *Schizachyrium rhizomatum*; *Sesuvium maritimum*; *Sesuvium portulacastrum*; *Spartina bakerii*; *Ulmus*, all species except *U. rubra*; and *Woodwardia* spp.

(3) In Rule 17-4.022(1)(d), Florida Administrative Code, the following sentences shall be added: "If both parties agree to use more than one stratum, the following methods for a combination of strata shall be used in a manner to ensure that sufficient representative data will be generated. The methods described in subparagraphs (c)1., 2., and 3. shall be used for the appropriate strata. The percentages obtained shall be added and the sum divided by the number of strata examined. The number generated by this procedure shall be substituted for areal extent in paragraph (a) or paragraph (b) above. When a combination of strata is used, the following shall be added to Rule 17-4.022(2), Florida Administrative Code: *Blechnum serrulatum*, *Carex leptalea*, *Carex stipata*, *Crataegus viridis*, *Osmunda* spp., *Pluchea* spp., and *Woodwardia* spp. Concurrently the following shall be added to Rule 17-4.022(3), Florida Administrative Code: *Axonopus furcatus*, *Flaveria* spp., *Metopium toxiferum*, *Myrica cerifera*, *Sabal minor*, and *Symplocos tinctoria*."

(4) *Cliftonia monophylla*, *Cyrilla racemiflora*, *Melaleuca quinquenervia*, *Sabal palmetto*, and *Schinus terebinthifolius* shall not be considered submerged, transitional, or upland species. In areas vegetated by any of these five species, the department shall determine the landward extent of waters using the remaining plant species or other indicators of regular and periodic inundation as provided in Rule 17-4.022(1), Florida Administrative Code.

(5) In all areas of the state, the landward extent of waters shall be demarcated by Rule 17-4.022, Florida Administrative Code; however, in no case shall the landward extent of such waters extend above the elevation of the 1-in-10-year recurring flood event or the area of land with standing or flowing water for more than 30 consecutive days per year calculated on an average annual basis, whichever is more landward. The extent of the flood line shall be developed by appropriate engineering techniques, and a description of the surveyed line shall be prepared and certified by a professional land surveyor or registered in this state. The burden for determining the surveyed flood line shall be with the party wishing to use this alternative. Notwithstanding the above, for waters which are saline or brackish, or for rivers the major sources of flow of which are from springs, the landward extent of waters shall be demarcated solely by Rule 17-4.022, Florida Administrative Code. The provisions of this subsection shall not operate to reduce the landward extent of the jurisdiction of the department as such jurisdiction existed prior to January 24, 1984.

History.—s. 9, ch. 84-79.

PART VI

DRINKING WATER

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403.850 Short title.—This act may be cited as the "Florida Safe Drinking Water Act."

History.—s. 1, ch. 77-337.

403.851 Declaration of policy; intent.—It is the policy of the state that the citizens of Florida shall be assured of the availability of safe drinking water. Recognizing that this policy encompasses both environmental and public health aspects, it is the intent of the Legislature to provide a water supply program operated jointly by the Department of Environmental Regulation, in a lead-agency role of primary responsibility for the pro-

gram, and by the Department of Health and Rehabilitative Services and its units, including county health departments, in a supportive role with specific duties and responsibilities of its own. Without any relinquishment of Florida's sovereign powers and responsibilities to provide for the public health, public safety, and public welfare of the people of Florida, the Legislature intends:

(1) To give effect to Pub. L. No. 93-523 promulgated under the commerce clause of the United States Constitution, to the extent that interstate commerce is directly affected.

(2) To encourage cooperation between federal, state, and local agencies, not only in their enforcement role, but also in their service and assistance roles to city and county elected bodies.

(3) To provide for safe drinking water at all times throughout the state, with due regard for economic factors and efficiency in government.

History.—s. 2, ch. 77-337; s. 162, ch. 79-400.

403.852 Definitions.—As used in ss. 403.850-403.864:

(1) "Department" means the Department of Environmental Regulation, which is charged with the primary responsibility for the administration and implementation of the Florida Safe Drinking Water Act.

(2) "Public water system" means a community or noncommunity system for the provision to the public of piped water for human consumption, provided that such system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. The term includes:

(a) Any collection, treatment, storage, and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.

(b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system.

(3) "Community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(4) "Noncommunity water system" means a public water system for provision to the public of piped water for human consumption, which serves at least 25 individuals daily at least 60 days out of the year, but which is not a community water system; except that a water system for a wilderness educational camp is a noncommunity water system.

(5) "Person" means an individual, public or private corporation, company, association, partnership, municipality, agency of the state, district, federal agency, or any other legal entity, or its legal representative, agent, or assigns.

(6) "Municipality" means a city, town, or other public body created by or pursuant to state law or an Indian tribal organization authorized by law.

(7) "Federal agency" means any department, agency, or instrumentality of the United States Government.

(8) "Supplier of water" means any person who owns or operates a public water system.

(9) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(10) "Administrator" means the Administrator of the United States Environmental Protection Agency.

(11) "Federal act" means the Safe Drinking Water Act, Pub. L. No. 93-523.

(12) "Primary drinking water regulation" means a rule which:

- (a) Applies to public water systems;
- (b) Specifies contaminants which, in the judgment of the department, after consultation with the Department of Health and Rehabilitative Services, may have an adverse effect on the health of the public;
- (c) Specifies for each such contaminant either:

1. A maximum contaminant level if, in the judgment of the department, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems; or

2. Each treatment technique known to the department which leads to a reduction in the level of the contaminant sufficient to satisfy the requirements of s. 403.853 if, in the judgment of the department, it is not economically or technologically feasible to ascertain the level of such contaminant; and

(d) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control and testing procedures to assure compliance with such levels and to ensure proper operation and maintenance of the system, and which contains requirements as to:

1. The minimum quality of water which may be taken into the system; and

2. Siting for new facilities for public water systems.

(13) "Secondary drinking water regulation" means a rule which:

- (a) Applies to public water systems; and
- (b) Specifies the maximum contaminant levels which, in the judgment of the department after public hearings, are requisite to protect the public welfare. Such regulation may apply to any contaminant in drinking water:

1. Which may adversely affect the odor or appearance of such water and consequently may cause a substantial number of the persons served by the public water system providing such water to discontinue its use; or

2. Which may otherwise adversely affect the public welfare.

Such regulations may vary according to geographic and other circumstances.

(14) "National primary drinking water regulations" means primary drinking water regulations promulgated by the administrator pursuant to the federal act.

(15) "National secondary drinking water regulations" means secondary drinking water regulations promulgated by the administrator pursuant to the federal act.

(16) "Sanitary survey" means an onsite review of the water source, facilities, equipment, operation, and maintenance of a public water system for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and

distributing safe drinking water.

History.—s. 3, ch. 77-337; s. 1, ch. 82-80.

403.853 Drinking water standards.—

(1) The department shall adopt and enforce:

(a)1. State primary drinking water regulations that shall be no less stringent at any given time than the complete interim or revised national primary drinking water regulations in effect at such time; and

2. State secondary drinking water regulations patterned after the national secondary drinking water regulations.

(b) Primary and secondary drinking water regulations for noncommunity water systems, which shall be no more stringent than the corresponding national primary or secondary drinking water regulations in effect at such time.

(2) Subject to the exceptions authorized pursuant to s. 403.854, state primary drinking water regulations apply to each public water system in the state, except that such regulations do not apply to any public water system which meets all of the following criteria; namely, that the system:

(a) Consists of distribution and storage facilities only and does not have any collection or treatment facilities;

(b) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(c) Does not sell water to any person; and

(d) Is not a carrier which conveys passengers in interstate commerce.

(3) The department shall adopt and implement adequate rules specifying procedures for the enforcement of state primary and secondary drinking water regulations, including monitoring and inspection procedures, that comply with regulations established by the administrator pursuant to the federal act.

(4) The department shall keep such records and make such reports, with respect to its activities under subsections (1) and (3), as may be required by regulations established by the administrator pursuant to the federal act. Such records and reports shall be available for public inspection.

(5) No state primary drinking water regulation may require the addition of any substance for preventive health care purposes unrelated to the contamination of drinking water.

(6) Upon the request of the owner or operator of a noncommunity water system serving businesses, other than restaurants or other public food service establishments, and using ground water as a source of supply, the department, or a local county health unit designated by the department, shall perform a sanitary survey of the facility. Upon receipt of satisfactory survey results according to department criteria, the department shall reduce the requirements of such owner or operator from monitoring and reporting on a quarterly basis to performing these functions on an annual basis. Any revised monitoring and reporting schedule approved by the department under this subsection shall apply until such time as a violation of applicable state or federal primary drinking water standards is determined by the system owner or operator, by the department, or by an agency

- 403.935 Restoration of unlawfully altered mangroves.
 403.936 Enforcement of provisions relating to mangroves.
 403.938 Variance relief.

403.91 Short title.—Sections 403.91-403.929 shall be known and may be cited as the "Warren S. Henson Wetlands Protection Act of 1984."

History.—s. 1, ch. 84-79.

403.911 Definitions of terms used in ss. 403.91-403.929.—As used in ss. 403.91-403.929:

(1) The term "department" means the Department of Environmental Regulation.

(2) The term "dredging" means excavation, by any means, in waters. It also means the excavation, or creation, of a water body which is, or is to be, connected to waters, directly or via an excavated water body or series of excavated water bodies.

(3) The term "estuary" means a semienclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(4) The term "filling" means the deposition, by any means, of materials in waters.

(5) The term "lagoon" means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

(6) The term "seawall" means a manmade wall or encroachment, except riprap, which is made to break the force of waves and to protect the shore from erosion.

(7) For purposes of dredge and fill permitting activities by the department, "wetlands" are defined as those areas within the jurisdiction of the department pursuant to s. 403.817.

History.—s. 1, ch. 84-79; s. 69, ch. 84-338.

403.912 Powers and duties of department in permitting of activities in wetlands.—

(1) Consistent with the powers, jurisdiction, and duties listed in s. 403.061, the department is authorized to adopt rules to carry out the provisions of ss. 403.91-403.929, including appropriate regulatory provisions governing activities in waters to their landward extent pursuant to s. 403.817. Such rules may include stricter permitting and enforcement provisions within Outstanding Florida Waters, aquatic preserves, areas of critical state concern, and areas subject to chapter 380 resource management plans adopted by rule by the Administration Commission, when the plans for an area include waters that are particularly identified as needing additional protection, which provisions are not inconsistent with the applicable rules adopted for the management of such areas by the department and the Governor and Cabinet.

(2) The department shall periodically review and re-evaluate its application forms for permits for activities regulated by ss. 403.91-403.929 to ensure that such forms efficiently and effectively meet the needs of the department and of applicants for permits.

History.—s. 1, ch. 84-79.

403.913 Determination of jurisdiction over surface waters; criteria; when permits required.—

(1) No person shall dredge or fill in, on, or over surface waters without a permit from the department, unless exempted by statute or department rule.

(2) The landward extent of waters shall be determined as provided in s. 403.817, except that the department may exert its jurisdiction to the ordinary or mean high-water line of waters whenever the landward extent, if determined in accordance with Rule 17-4.022, Florida Administrative Code, occurs waterward of the ordinary or mean high-water line. The determinations made pursuant to this subsection shall be to establish the regulatory jurisdiction of the department and are not intended to be a delineation of the boundaries of lands for purposes of title.

(3) When the department determines its jurisdiction based on dominant vegetation, the permit applicant or person requesting the jurisdictional determination, at his option, may request that the department, in cooperation with the United States Department of Agriculture Soil Conservation Service, determine whether hydric soils at the site corroborate the finding of jurisdiction based on vegetation. A request by an applicant that a soils assessment be made pursuant to this section shall toll the 90-day time period provided in s. 403.0876 to approve or deny the permit; that time shall begin to run again upon receipt by the department of the information provided by the Soil Conservation Service. When the soils assessment indicates the presence of hydric soils in conjunction with dominant vegetation, the department shall be presumed to have jurisdiction. When the soils assessment indicates the absence of hydric soils, the department shall be presumed not to have jurisdiction.

(4) Within those areas of the state where a water management district has been delegated stormwater permitting by the department, no dredge or fill permit is required for the construction of, and dredging and filling in, irrigation or drainage ditches constructed in the uplands, including those connecting otherwise isolated areas owned entirely by one person and dominated by the plant indicator species adopted pursuant to s. 403.817. This exemption only applies to a ditch for which the point of connection to other waters of the state is no more than 35 square feet in total cross-sectional area and which normally has a water depth of no more than 3 feet. The total cross-sectional area at the point of connection to other waters of the state shall be maintained by the landowner so as not to exceed the design limitations of this exemption. This exemption does not authorize dredging in waters of the state other than in ditches as described in this subsection. All applicable permits except dredge and fill permits are required for discharges to these ditches or connected areas. This exemption does not apply to ditches in or connected to the waters described in s. 403.031(12)(a) and (b), Outstanding Florida Waters, Class I waters, or Class II waters.

(5) For the purposes of dredge and fill permitting, surface waters do not include intermittent streams or intermittent tributaries, unless there is a continuation of jurisdiction as determined pursuant to Rule 17-4.022, Florida Administrative Code. Standard hydrological methods shall be used to determine which streams constitute in-

intermittent streams and intermittent tributaries. An intermittent stream or intermittent tributary means a stream that flows only at certain times of the year, flows in direct response to rainfall, and is normally an influent stream except when the groundwater table rises above the normal wet season level. Those portions of a stream or tributary which are intermittent and are located upstream of all nonintermittent portions of the stream or tributary are not subject to dredge and fill permitting.

(6) The expanded dredge and fill jurisdiction and permitting criteria granted to the department under ss. 403.91-403.929 do not apply to any development in which 30 percent or more of the lots in a subdivision approved for sale as homesites subsequent to January 1, 1970, pursuant to chapter 498 have been sold; to any residential development for which a development order pursuant to s. 380.06 has been issued or which is exempt pursuant to s. 498.025(2)(a) and (4)(a); or to any activity for which a dredge and fill permit has been issued by the department prior to October 1, 1984. A development or activity which meets any of these conditions shall continue to be regulated pursuant to the dredge and fill jurisdiction of the department as such jurisdiction existed prior to January 24, 1984. Dredge and fill permit applications relating to such developments and activities which meet the conditions previously described shall be reviewed by the department using the permit criteria which existed prior to January 24, 1984, for 12 months after the department adopts a rule implementing ss. 403.91-403.929. Dredge and fill permit applications filed 12 months after the department adopts its rules implementing ss. 403.91-403.929 are subject to the permit criteria established by this chapter. The developer of a development or a permit holder for an activity which meets any of the conditions previously described and who asserts that the development or activity is qualified under this provision shall notify the department of such assertion within 180 days of the publication of a notice by the department of the existence of this provision. The failure to timely notify the department serves as a waiver of the benefits conferred by this provision.

(7) As to other developments the lands of which were approved for sale pursuant to chapter 498 prior to October 1, 1984, the department shall give special consideration to an application for a dredge and fill permit when the lands subject to the permit application constitute a part of the contractual obligations of the applicant incurred pursuant to land sales contracts and when there has been a continuing, bona fide effort since the date of recording of the plat to fulfill the plan of development set forth in the plat and ¹required to be undertaken by the terms of such contractual obligations. The department must be notified of any development or activity as to which it is asserted that it is qualified for the special consideration within 30 days of the publication of a notice by the department of the existence of this provision. The failure to timely notify the department serves as a waiver of the benefits conferred by this provision.

(8) The expanded dredge and fill jurisdiction granted to the department under ss. 403.91-403.929 does not apply to any sand, limerock, or limestone mining activity which is currently operating in compliance with department rules or for which the department has previously

determined that it has no jurisdiction in areas east of the Dade-Broward Levee or which holds a department permit on October 1, 1984. Such sand, limerock, or limestone mining activity shall continue to be regulated pursuant to the dredge and fill jurisdiction of the department as such jurisdiction existed prior to January 24, 1984, for a period of 10 years from October 1, 1984, provided such activity is continuous and carried out on land contiguous to mining operations which were in existence on or before October 1, 1984. Any lands acquired or leased subsequent to June 1, 1984, for such mining activity are not subject to the provisions of this subsection. Dredge and fill permit applications related to such activities shall be reviewed by the department using the existing permit criteria set forth in Rule 17-4, Florida Administrative Code, as of January 24, 1984, for 12 months after the department adopts a rule implementing ss. 403.91-403.929, at which time subsequently filed permit applications will be subject to the permit criteria of ss. 403.91-403.929. The department must be notified of any such mining activity as to which it is asserted that it is qualified under this provision within 180 days after the publication of a notice by the department of the existence of this provision. The failure to timely notify the department serves as a waiver of the benefits conferred by this provision. All such sand, limerock, or limestone mining activities are subject to jurisdiction under ss. 403.91-403.929 for any activities carried out after 10 years from October 1, 1984.

(9) The provisions of ss. 403.91-403.929 do not apply to any application which was complete prior to October 1, 1984, unless the applicant chooses to come under ss. 403.91-403.929.

¹History.—s. 1, ch. 84-79.

²Note.—The words "which streams constitute" were inserted by the editors.

³Note.—The words "required to be" were inserted by the editors.

403.914 Jurisdictional declaratory statements.—

(1) Before applying for a permit to dredge or fill, a property owner, an entity which has the power of eminent domain, or another person with a legal or equitable interest in property may petition the department for a declaratory statement of the dredge and fill jurisdiction of the department. The department shall, by rule, specify information which must be provided and may require authorization to enter upon the property. The department may require a fee of at least \$250 and not more than \$10,000 to cover the direct costs of acting upon the petition. The fee shall be based, by rule, upon the size and environmental complexity of the site for which the jurisdictional declaratory statement is sought.

(a) Within 30 days of the receipt of a petition for a jurisdictional declaratory statement, the department shall notify the applicant of any additional information which may be necessary. The department shall complete the assessment and issue notice of the proposed agency action within 60 days of receipt of a complete petition. The notice shall be published by the petitioner in the Florida Administrative Weekly. The provisions of ss. 120.57 and 120.59 are applicable to declaratory statements under this section. Any person whose substantial interests will be affected may petition for a hearing within 14 days of the publication of notice. If no peti-

tion for a hearing is filed, the department shall issue the jurisdictional declaratory statement within 10 days.

(b) Such jurisdictional declaratory statement is binding for a period of 24 months, so long as physical conditions on the site do not change so as to alter jurisdiction during this time period.

(c) A petitioner who disputes the proposed agency action may withdraw the petition without prejudice at any point prior to final agency action.

(d) The department may revoke a jurisdictional declaratory statement if it finds that the petitioner has submitted inaccurate information in the petition.

(2) The department also may issue informal preapplication jurisdictional determinations or otherwise institute jurisdictional determinations on its own initiative as provided by law.

(3) A jurisdictional declaratory statement obtained pursuant to this section is final agency action and is in lieu of a declaratory statement of jurisdiction obtainable pursuant to s. 120.565.

History.—s. 1, ch. 84-79.

403.916 Local participation in permitting process.

(1) Within 10 days after the receipt of an application for a permit pursuant to ss. 403.91-403.929, the department shall transmit a copy of the application by certified mail to the chief executive officer of each county and each municipality which has jurisdiction over the area for which the permit is requested.

(2) The county and municipality shall have the opportunity to file objections to a short-form dredge and fill permit application within 14 days after receipt of the application from the department, but shall have up to 60 days to file objections to any other dredge and fill permit application. The county and municipality shall have the opportunity to participate as a party to the proceeding and may request a hearing pursuant to s. 120.57 within 14 days after a notice of intent to issue a permit has been sent to the county and municipality by the department.

(3) Nothing in ss. 403.91-403.929 alters or modifies the powers of local government or precludes a local government from adopting a dredge and fill regulatory program, provided the local governmental program is first approved by the department pursuant to s. 403.182.

History.—s. 1, ch. 84-79.

403.918 Criteria for granting or denying permits.—

(1) A permit may not be issued under ss. 403.91-403.929 unless the applicant provides the department with reasonable assurance that water quality standards will not be violated. The department, by rule, shall establish water quality criteria for wetlands within its jurisdiction, which criteria give appropriate recognition to the water quality of such wetlands in their natural state.

(2) A permit may not be issued under ss. 403.91-403.929 unless the applicant provides the department with reasonable assurance that the project is not contrary to the public interest. However, for a project which significantly degrades or is within an Outstanding Florida Water, as provided by department rule, the applicant must provide reasonable assurance that the project will be clearly in the public interest.

(a) In determining whether a project is not contrary to the public interest, or is clearly in the public interest, the department shall consider and balance the following criteria:

1. Whether the project will adversely affect the public health, safety, or welfare or the property of others;

2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;

5. Whether the project will be of a temporary or permanent nature;

6. Whether the project will adversely affect or will enhance significant historical and archaeological resources under the provisions of s. 267.061; and

7. The current condition and relative value of functions being performed by areas affected by the proposed activity.

(b) If the applicant is unable to otherwise meet the criteria set forth in this subsection, the department, in deciding to grant or deny a permit, shall consider measures proposed by or acceptable to the applicant to mitigate adverse effects which may be caused by the project. If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the department shall consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards. Reclamation and restoration programs conducted pursuant to s. 211.32 may be considered as mitigation to the extent that they restore or improve the water quality and the type, nature, and function of biological systems present at the site prior to the commencement of mining activities.

(3) It is the intent of the Legislature to provide for the use of certain waters as a natural means of stormwater management and to incorporate these waters into comprehensive stormwater management systems when such use is compatible with the ecological characteristics of such waters and with sound resource management. To accomplish this, within 6 months following October 1, 1984, the department shall, by rule, establish performance standards for the issuance of stormwater permits for the use of certain waters for stormwater management. The compliance with such standards creates a presumption in favor of the issuance of the stormwater management permit. Performance standards shall be adopted for waters which are dominated by those plant species listed pursuant to s. 403.817 and:

(a) Which are connected to other watercourses by artificial watercourse, or

(b) Which are connected to other waters solely by an intermittent watercourse.

(4) It is the intent of the Legislature to provide for the use of certain waters that are dominated by those plant species that are listed pursuant to s. 403.817 to receive and treat domestic wastewater that at a minimum has

been treated to secondary standards. No later than December 31, 1985, the department shall, by rule, establish criteria for this activity, which criteria protect the type, nature, and function of the wetlands receiving the wastewater.

(5)(a) It is the intent of the Legislature to protect estuaries and lagoons from the damage created by construction of vertical seawalls and to encourage construction of environmentally desirable shore protection systems, such as riprap and gently sloping shorelines which are planted with suitable aquatic and wetland vegetation.

(b) No permit for dredging or filling or other construction to create a vertical seawall may be issued by the department unless one of the following conditions exists:

1. The proposed construction is located within a port as defined in s. 315.02 or s. 403.021;

2. The proposed construction is necessary for the creation of a marina, the vertical seawalls are necessary to provide access to watercraft, or the proposed construction is necessary for public facilities;

3. The proposed construction is located within an existing manmade canal and the shoreline of such canal is currently occupied in whole or in part by vertical seawalls; or

4. The proposed construction is to be conducted by a public utility when such utility is acting in the performance of its obligation to provide service to the public.

(c) When considering an application for a permit to repair or replace an existing vertical seawall, the department shall generally require such seawall to be faced with riprap material, or to be replaced entirely with riprap material unless a condition specified in subparagraph 1., subparagraph 2., subparagraph 3., or subparagraph 4. of paragraph (b) exists.

(d) This subsection shall in no way hinder any activity previously exempt or permitted or those activities permitted pursuant to chapter 161.

History.—s. 1, ch. 84-78; ss. 70, 71, ch. 84-338; s. 8, ch. 85-288; s. 4, ch. 85-334.

403.919 Considerations in granting or denying permit for activity that will affect waters.—The department, in deciding whether to grant or deny a permit for an activity which will affect waters, shall consider:

(1) The impact of the project for which the permit is sought.

(2) The impact of projects which are existing or under construction or for which permits or jurisdictional determinations have been sought.

(3) The impact of projects which are under review, approved, or vested pursuant to s. 380.06, or other projects which may reasonably be expected to be located within the jurisdictional extent of waters, based upon land use restrictions and regulations.

History.—s. 1, ch. 84-79.

403.92 Notice of intent to deny a permit or notice of denial of a permit; contents.—In the event that the department issues a notice of intent to deny a permit or denies a permit required pursuant to ss. 403.91-403.929, such notice or denial shall contain an explanation by the department of the reasons for denial and an explanation, in general terms, of what changes, if any, in the permit

application are necessary in order for the department to approve the proposed project.

History.—s. 1, ch. 84-79.

403.921 Permits; duration; fees.—

(1)(a) A permit issued under ss. 403.91-403.929 shall be valid for a period not to exceed 10 years. However, the department may issue a permit for a period not to exceed 25 years if the applicant provides the department with reasonable assurances that:

1. The activity for which the permit is granted cannot reasonably be expected to be completed within 10 years after commencement of construction; or

2. The activity for which the permit is granted will cover an area of such size that it would not allow the department to accurately assess the total impact of the project and the potential for mitigation or restoration, if permitted by separate permits;

and the applicant supplies the department with sufficient information to allow the department to accurately assess the impact of the project for the permitted period.

(b) Notwithstanding the provisions of chapter 120, the department shall adopt by rule a timetable for processing permits which will be granted for periods of more than 10 years. In no event shall the timetable exceed 135 days after receipt of a complete application.

(c) Every permit issued for a period of time in excess of 5 years shall be reviewed at the expiration of the first 5-year period and every 5 years thereafter:

1. To ensure that the conditions of the permit are being met by the applicant, and

2. To automatically include as permit conditions all applicable rules adopted during the prior 5-year period. If the permit applicant has acted in reliance upon a permit which was issued for a period of 10 years or more, this subparagraph will not apply until the expiration of the initial 10-year period.

(d) This subsection does not apply to any permit issued pursuant to s. 403.813(1)(f) or s. 403.816.

(2) The department is authorized to establish a sliding scale of appropriate fees for projects which seek permits for a period of time which exceeds 5 years, based on the duration of the permit, with a minimum fee of \$1,250 and a maximum fee of \$25,000. Such funds shall be deposited in the Florida Permit Fee Trust Fund created by s. 403.0871.

History.—s. 1, ch. 84-79.

403.922 Applications for activities on state sovereignty lands or other state lands.—If sovereignty lands or other lands owned by the state are the subject of a proposed activity, the issuance of a permit by the department shall be conditioned upon the receipt by the applicant of all necessary approvals and authorizations from the Board of Trustees of the Internal Improvement Trust Fund prior to the undertaking of such activity. The department shall issue its permit conditioned upon the securing of the necessary consent or approvals from the Board of Trustees of the Internal Improvement Trust Fund by the applicant. If the approval or authorization of the board is required, the applicant may not commence any excavation, construction, or other activity until such

approval or authorization has been issued.

History.—s. 1, ch. 84-79.

403.923 Effect of issuance of permit on need to obtain other permits under this chapter.—The issuance of a permit under ss. 403.91-403.929 does not relieve the applicant from the requirement of obtaining any other permit which may be required under the other provisions of this chapter.

History.—s. 1, ch. 84-79.

403.924 Enforcement of ss. 403.91-403.929.—

(1) A violation of the requirements of ss. 403.91-403.929 or a rule, permit, or order issued hereunder by the department or of an approved local program is punishable by a civil penalty as provided in s. 403.141 or a criminal penalty as provided in s. 403.161.

(2) The department or any approved local program may seek to enjoin the violation of or to enforce compliance with the provisions of ss. 403.91-403.929, or any rule, permit, or order issued hereunder, as provided in ss. 403.121, 403.131, 403.141, and 403.161.

(3) A permit issued under ss. 403.91-403.929 may be revoked upon the same grounds as are provided in s. 403.087.

(4) The department or the Board of Trustees of the Internal Improvement Trust Fund has the authority to direct an abutting upland owner to remove from submerged sovereignty lands or state-owned lands any fill created in violation of ss. 403.91-403.929, except that the department or the board may consider the time at which the submerged land was filled, the length of upland ownership by the current owner, and any other equitable consideration. In the event that the abutting upland owner does not remove such fill as directed, the department or board may remove it at its own expense, and the costs of removal will become a lien upon the property of such abutting upland owner. However, the department and board may, if they choose, allow such fill to remain as state-owned land and may employ a surveyor to determine the boundary between such state land and that of the abutting upland owner. The amount of the cost of such survey will become a lien on the property of the abutting upland owner. Nothing herein may be construed to grant the department or the board authority to direct an upland owner to adjust, alter, or remove silt, fill, or other solid material which has accumulated or has been deposited seaward of his property, through no fault of the owner.

History.—s. 1, ch. 84-79.

403.925 Review of departmental action.—Final actions of the department under ss. 403.91-403.929 shall be reviewed pursuant to chapter 120.

History.—s. 1, ch. 84-79.

403.927 Use of water in farming and forestry activities.—

(1) The Legislature recognizes the great value of farming and forestry to this state and that continued agricultural activity is compatible with wetlands protection. In order to avoid unnecessary expense and delay from duplicative programs, it is the intent of the Legislature to provide for the construction and operation of agricul-

tural water management systems under authority granted to water management districts and to control, by the department or by delegation of authority to water management districts, the ultimate discharge from agricultural water management systems.

(2) Agricultural activities and agricultural water management systems are authorized by this section and are not subject to the provisions of s. 403.087 or ss. 403.91-403.929, nor shall the department enforce water quality standards within an agricultural water management system. The department may require a stormwater permit or appropriate discharge permit at the ultimate point of discharge from an agricultural water management system or a group of connected agricultural water management systems. Impacts of agricultural activities and agricultural water management systems on groundwater quality shall be regulated by water management districts.

(3) If land served by a water management system is converted to a use other than an agricultural use, the water management system, or the portion of the system which serves that land, will be subject to the provisions of this chapter.

(4) As used in this section, the term:

(a) "Agricultural activities" includes all necessary farming and forestry operations which are normal and customary for the area, such as site preparation, clearing, fencing, contouring to prevent soil erosion, soil preparation, plowing, planting, harvesting, construction of access roads, and placement of bridges and culverts, provided such operations do not impede or divert the flow of surface waters.

(b) "Agricultural water management systems" means farming and forestry water management or irrigation systems and farm ponds which are permitted pursuant to chapter 373 or which are exempt from the permitting provisions of that chapter.

History.—s. 1, ch. 84-79.

403.929 Wetlands monitoring system.—

(1) The department, in cooperation with the water management districts and other state agencies, shall establish a central wetlands monitoring system that will:

(a) Determine the general location and acreages of wetland areas in the state.

(b) Identify impacts to and losses of wetlands due to permits issued by either the department or the water management districts and identify known losses of wetlands from unregulated or exempted activities or from changes in natural conditions.

(c) Compile and maintain a statistical record of all action taken on permits, including the number granted, denied, or withdrawn; the area permitted to be disturbed; and, where applicable, the acreage preserved or restored as a result of mitigation or permit conditions.

(2) It is the intent of the Legislature that the department utilize existing, available information to the greatest extent practicable in developing this inventory of wetlands, including Landsat digital data, federal agency data, and data currently in the possession of the department, the water management districts, and other state, regional, or local agencies. The department shall annually prepare a report reflecting the information requested

in paragraphs (1)(b) and (c), to be delivered to the Legislature on or before February 1 of each year. The information contained in this report shall not be used for regulatory purposes.

History.—s. 1, ch. 84-79; s. 57, ch. 85-81.

403.93 Definitions of terms used in ss. 403.93-403.938.—For the purposes of ss. 403.93-403.938, the term:

(1) "Alter" means to cut, remove, defoliate, or otherwise destroy but does not mean selective trimming which does not eliminate the biological integrity of the individual plant.

(2) "Mangrove" means any specimen of the species *Laguncularia racemosa* (white mangrove), *Rhizophora mangle* (red mangrove), or *Avicennia germinans* (black mangrove).

History.—s. 50, ch. 84-338.

403.931 Alteration of mangroves; permit procedure.—

(1) No person may alter or cause to be altered any mangrove in waters where a permit is required for dredging or filling except pursuant to a permit issued by the department or as otherwise provided by ss. 403.93-403.938. Any violation of this section shall be presumed to have occurred with the knowledge and consent of any owner, trustee, or other person who directly or indirectly has charge, control, or management, either exclusively or with others, of the property upon which such violation occurs. However, this presumption may be rebutted by competent, substantial evidence that the violation was not authorized by the owner, trustee, or other person.

(2) No separate application is required for an alteration permit if the alteration is addressed in an application for a dredge or fill permit or certification or application for boat dock or walkway under this chapter; the procedures for dredge or fill permitting will control in such instances.

(3) The department shall adopt a general permit in accordance with s. 403.814, which permit authorizes the alteration of mangroves in accordance with procedures designed to protect the integrity of mangrove trees.

(4) The provisions of ss. 403.93-403.938 do not apply to any alteration that was addressed in a dredge and fill application which was complete prior to July 1, 1984, unless the applicant chooses to come under this act.

(5) Notwithstanding the provisions in subsection (3), a landowner has the right to selectively trim individual mangrove plants in order to better enjoy the coastal water vistas and other aesthetic qualities associated with the ownership of riparian lands.

History.—s. 51, ch. 84-338.

403.932 Exceptions and authorized alterations of mangroves.—The provisions of this act do not apply to:

(1) The alteration of mangrove trees by a duly constituted communication, water, sewerage, electrical, or other utility company or a federal, state, or county agency, or engineers or surveyors working under a contract with such utility company or agency, when such alteration is done as a governmental function of such agency.

(2) The alteration of mangrove trees by a duly constituted communication, water, sewerage, electrical, or other utility company in or adjacent to a public or private easement or right-of-way, provided such alteration is limited to those areas where it is necessary for the maintenance of existing lines or facilities or for the construction of new lines or facilities in furtherance of providing utility service to its customers and provided such alteration is conducted so as to avoid any unnecessary alteration of mangrove trees.

(3) The alteration of mangrove trees by a duly constituted communication, water, sewer, or electrical utility company on the grounds of a water treatment plant, sewage treatment plant, or electric power plant or substation in furtherance of providing utility service to its customers, provided such alteration is conducted so as to avoid any unnecessary alteration of mangrove trees.

(4) The alteration of a mangrove tree by a state-licensed land surveyor in the performance of his duties provided such alteration is to individual trees. The alteration of mangrove trees by a surveyor, which alteration requires trimming a swath greater than 3 feet in width requires approval by the department prior to such alteration.

History.—s. 56, ch. 84-338.

403.933 Alteration of mangroves; criteria.—By June 1, 1985, the department shall adopt a rule which specifies criteria for altering mangroves and a procedure for issuing permits to do so. Such criteria shall be based solely upon the dredge and fill permit criteria set forth in this chapter.

History.—s. 54, ch. 84-338.

403.935 Restoration of unlawfully altered mangroves.—In the event that a violator does not restore altered mangroves to the standards of the Department of Environmental Regulation, the department may restore the altered mangroves at its own expense, and the cost of the restoration will become a lien upon the property of the violator.

History.—s. 52, ch. 84-338.

403.936 Enforcement of provisions relating to mangroves.—The responsibility of the department for the enforcement of the provisions of ss. 403.93-403.938 shall be pursuant to ss. 403.141 and 403.161.

History.—s. 53, ch. 84-338.

403.938 Variance relief.—Upon application, the department may grant a variance from the provisions of ss. 403.93-403.938 if compliance therewith would impose a unique and unnecessary hardship on the owner or any other person in control of the affected property. Relief may be granted only upon demonstration that such hardship is peculiar to the affected property and is not self-imposed and that the grant of the variance will be consistent with the general intent and purpose of ss. 403.93-403.938. The department may grant variances as it deems appropriate.

History.—s. 55, ch. 84-338.

(b) Under the approach taken in the formulation of the rules adopted in this proceeding:

1. These revisions to Chapters 17-3, 17-4 and adoption of Chapter 17-6, F.A.C., are based upon the best scientific knowledge related to the protection of the various designated uses of waters of the State; and

2. The mixing zone, zone of discharge, site specific alternative criteria, exemption, and equitable allocation provisions are designed to provide an opportunity for the future consideration of factors relating to localized situations which could not adequately be addressed in this proceeding, including economic and social consequences, attainability, irretrievable conditions, natural background, and detectability.

(c) This is an even-handed and balanced approach to attainment of water quality objectives. The Commission has specifically recognized that the social, economic and environmental costs may, under certain special circumstances, outweigh the social, economic and environmental benefits if the numerical criteria are enforced statewide. It is for that reason that the Commission has provided for mixing zones, zones of discharge, site specific alternative criteria, exemptions and other provisions in Chapters 17-3, 17-4, and 17-6, F.A.C. Furthermore, the continued availability of the moderating provisions is a vital factor providing a basis for the Commission's determination that water quality standards applicable to water classes in the rule are attainable taking into consideration environmental, technological, social, economic and institutional factors. The companion provisions of Chapters 17-4 and 17-6, F.A.C., approved simultaneously with these Water Quality Standards are incorporated herein by reference as a substantive part of the State's comprehensive program for the control, abatement and prevention of water pollution.

(d) Without the moderating provisions described in (b)2. above, the Commission would not have adopted the revisions described in (b)1. above nor determined that they are attainable as generally applicable water quality standards.

Specific Authority: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, F.S.
Law Implemented: 403.021, 403.061, 403.085, 403.086, 403.087, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802, F.S.
History: Formerly 28-5.01, 17-3.01, Amended and Renumbered 3-1-79, Amended 2-1-83.

17-3-020 Minimum Conditions of All Waters, Times and Places.

Specific Authority: 403.061, F.S.

Law Implemented: 403.021, 403.031, 403.061, 403.101(1), F.S.

History: Formerly 28-5.02, Amended 10-28-70, Amended and Renumbered as 17-3.051, 3-1-79.

PART II DEFINITIONS

17-3.021 Definitions.

(1) "Acute Toxicity" shall mean the presence of one or more substances or characteristics or components of substances in amounts which:

(a) Are greater than one-third (1/3) of the amount lethal to 50% of the test organisms in 96 hours (96 hr LC50) where the 96 hr LC50 is the lowest value which has been determined for a species significant to the indigenous aquatic community; or

(b) May reasonably be expected, based upon evaluation by generally accepted scientific methods, to produce effects equal to those of the concentration of the substance specified in (a) above.

(2) "Aquifer" shall mean a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells, springs or surface water.

(3) "Background" shall mean the condition of waters in the absence of the activity or discharge under consideration, based on the best scientific information available to the Department.

(4) "Chronic Toxicity" shall mean the presence of one or more substances or characteristics or components of substances in amounts which:

(a) Are greater than one-twentieth (1/20) of the amount lethal to 50% of the test organisms in 96 hrs (96 hr LC50) where the 96 hr LC50 is the lowest value which has been determined for a species significant to the indigenous aquatic community; or

(b) May reasonably be expected, based upon evaluation by generally accepted scientific methods, to produce effects equal to those of the concentration of the substance specified in (a) above.

(5) "Commission" shall mean the Environmental Regulation Commission.

(6) "Compensation Point for Photosynthetic Activity" shall mean the depth at which one percent of the light intensity at the surface remains unabsorbed. The light intensities at the surface and subsurface shall be measured simultaneously by irradiance meters such as the Kahlesco Underwater Irradiometer, Model No. 268 WA 310 or other devices having a comparable spectral response.

(7) "Confined Aquifer" shall mean an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself.

(8) "Department" shall mean the Department of Environmental Regulation.

(9) "Designated Use" shall mean the present and future most beneficial use of a body of water as designated by the Environmental Regulation Commission by means of the classification system contained in this Chapter.

(10) "Dominance" shall mean the presence of species or communities in greater numbers, biomass, or areal extent than competing species or communities, or a scientifically accepted tendency of species or communities to achieve such a status under existing or reasonably anticipated conditions.

(11) "Effluent Limitation" shall mean any restriction established by the Department on quantities, rates or concentrations of chemical, physical, biological or other constituents which are discharged from sources into waters of the State.

(12) "Exceptional Ecological Significance" shall mean that a water body is a part of an ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity, ecological relationships, ambient water quality, scientific or educational interest, or in other aspects of the ecosystem's setting or processes.

(13) "Exceptional Recreational Significance" shall mean unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include, but are not limited to, fishing, boating, canoeing, water skiing, swimming, scuba diving, or nature observation. The exceptional significance may be in the intensity of present recreational usage, in an unusual quality of recreational experience, or in the potential for unusual future recreational use or experience.

(14) "Ground water" shall mean water beneath the surface of the ground within a zone of saturation, whether or not flowing through known and definite channels.

(15) "Landward extent of waters of the state as defined prior to October 1, 1984" is, pursuant to Section 403.817, F.S., that portion of a surface water body indicated by the presence of one or a combination of the following as the dominant species:

Submerged Marine species:

Batis
Big cordgrass
Black mangrove
Black rush
Cuban shoalweed
Leather fern
Manatee grass
Red mangrove
Rubber vine
Smooth cordgrass
Turtle grass
Widgeon grass
White mangrove

Batis maritima
Spartina cynosuroides
Avicennia germinans
Juncus roemerianus
Diplanthera (Halodule) wrightii
Acrostichum aureum
Syringodium filiformis
Rhizophora mangle
Rhizophora biflora
Spartina alterniflora
Thalassia testudinum
Ruppia maritima
Laguncularia racemosa

Submerged Freshwater species:

Alligator weed
Arrowhead
Arrowroot lily
Bald cypress
Beak rush
Bladder wort
Blue green algal mats
Bullrush

Alternanthera philoxeroides
Sagittaria spp.
Thalia geniculata
Taxodium distichum
Rhynchospora tracyi
Utricularia vulgaris

Scirpus americanus
Scirpus validus
Typha latifolia
Typha angustifolia
Typha domingensis
Ceratophyllum demersum

Cattail

Coontail

17-3-021(12) -- 17-3.021(15)

Duck weed
Florida elodea
Golden club
Leather fern
Malden cane
Naiad
Ogeche tupelo
Pickerelweed
Pond apple
Pond cypress
Pondweed
Royal fern
Saw grass
Spatter dock
Spike rush
Soft rush
Swamp lily
Swamp tupelo
Tape grass
Water ash
Water fern
Water hyssop
Water lily
Water shield
Water tupelo
Water willow

Lemna spp.
Hydrilla verticillata
Orontium aquaticum
Acrostichum danaeifolium
Panicum hermitomom
Najas spp.
Nyssa ogeche
Poncideria lanceolata
Annona glabra
Taxodium ascendens
Potamogeton ilinoensis
Osmunda regalis
Cladium jamaicensis
Nuphar spp.
Eleocharis cellulosa
Juncus effusus
Crinum americanum
Nyssa biflora
Vallisneria neotropicalis
Fraxinus caroliniana
Salvinia rotundifolia
Bacopa caroliniana
Nymphaea spp.
Brasenia schreberi
Nyssa aquatica
Justicia ovata

or that portion of a surface water body up to the waterward first fifty (50) feet or the waterward quarter (1/4) of the entire area, whichever is greater, where one or a combination of the following are the dominant species:

Transitional Marine species:

Aster
Beach carpet
Button wood
Glasswort Annual
Glasswort Perennial
Key grass
Salt grass
Sea blite
Sea daisy

Aster tenuifolius
Phloxerus vernicularis
Concarpus erecta
Salicornia bigelovii
Salicornia virginica
Monanthochloe littoralis
Distichlis spicata
Suaeda lindaris

Sea grape
Sea lavender
Sea purslane
Switch grass
Railroad vine
Button bush
Dahoon

Borrchia frutescens
Borrchia arborescens
Coccoloba uvifera
Limonium carolinianum
Sesuvium portulacastrum
Spartina patens
Ipomoea pes-caprae

Transitional Freshwater species:

Cephalanthus occidentalis
Ilex cassine

Giant reed
Primrose willow
St. John's wort
Switch grass
Willow

Phragmites communis
Ludwigia peruviana
Hypericum fasciculatum
Panicum virgatum
Salix caroliniana

(16) "Landward extent of waters of the state" is, pursuant to Section 403.817, F.S., that portion of a surface water body indicated by the presence of one or a combination of the species listed in Section 17-3.022, F.A.C., as the dominant species as determined pursuant to Section 17-3.022, F.A.C.

(17) "Man-induced conditions which cannot be controlled or abated" shall mean conditions that have been influenced by human activities, and

(a) would remain after removal of all point sources,

(b) would remain after imposition of best management practices for non-point sources, and

(c) cannot be restored or abated by physical alteration of the water body, or there is no reasonable relationship between the economic, social and environmental costs and the benefits of restoration or physical alteration.

(18) "Natural Background" shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody or on historical pre-alteration data.

(19) "Nuisance Species" shall mean species of flora or fauna whose noxious characteristics or presence in sufficient number, biomass, or areal extent may reasonably be expected to prevent, or unreasonably interfere with, a designated use of those waters.

(20) "Nursery Area of Indigenous Aquatic Life" shall mean any bed of the following aquatic plants, either in monoculture or mixed: Halodule spp., Halophila engelmannii, Potamogeton spp. (pondweed), Ruppia maritima (wideon-grass), Sagittaria spp. (arrowhead), Syringodium filiforme (manatee-grass), Thalassia testudinum (turtle grass), or Vallisneria spp. (eel-grass), or any area used by the early-life stages, larvae and post-larvae, of aquatic life during the period of rapid growth and development into the juvenile states.

(21) "Pollution" shall mean the presence in the outdoor atmosphere or waters of the state of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of air or water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

(22) "Predominantly Fresh Waters" shall mean surface waters in which the chloride concentration at the surface is less than 1,500 milligrams per liter.

17-3.021(15) -- 17-3.021(22)

(23) "Predominantly Marine Waters" shall mean surface waters in which the chloride concentration at the surface is greater than or equal to 1,500 milligrams per liter.

(24) "Propagation" shall mean reproduction sufficient to maintain the species' role in its respective ecological community.

(25) "Secretary" shall mean the Secretary of the Department of Environmental Regulation.

(26) "Shannon-Weaver Diversity Index" shall mean: negative summation (from $i=1$ to s) of $(n_i/N) \log_2 (n_i/N)$ where s is the number of species in a sample, N is the total number of individuals in a sample, and n_i is the total number of individuals in species i .

(27) "Single source aquifer" shall mean an aquifer or a portion of an aquifer which, pursuant to Sections 17-3.403(5) & (6), F.A.C., is determined by the Commission to be the only reasonably available source of potable water to a significant segment of the population.

(28) "Site" shall mean the area within an installation's property boundary where effluents are released or applied to the ground water.

(29) "Special Waters" shall mean water bodies designated in accordance with Section 17-3.041, F.A.C., by the Environmental Regulation Commission for inclusion in the Special Waters Category of Outstanding Florida Waters, as contained in Section 17-3.041, F.A.C. A Special Water may include all or part of any water body.

(30) "Surface Water" means water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

(31) "Unconfined Aquifer" shall mean an aquifer other than a confined aquifer.

(32) "Waters" shall be as defined in Section 403.031(3), Florida Statutes.

(33) "Zone of Discharge" shall mean a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer or aquifers, within which an opportunity for the treatment, mixture or dispersion of wastes into receiving ground water is afforded.

(34) "Zone of Mixing" or "Mixing Zone" shall mean a volume of surface water containing the point or area of discharge and within which an opportunity for the mixture of wastes with receiving surface waters has been afforded.

(35) "Zone of Saturation" shall mean a subsurface zone in which all of the interstices are filled with water.

Specific Authority: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, F.S.

Law Implemented: 403.021, 403.031, 403.061, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802, F.S.

History: Formerly 28-5.12, 17-3.12, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, 4-26-87, 8-30-88

17-3.021(23) -- 17-3.021(History)

17-3.022 Determination of the Landward Extent of Surface Waters of the State.
 (1) The line demarcating the landward extent of surface waters, as defined in Section 403.031, F.S., shall be established for any water body, pursuant to Section 403.817, F.S., by dominant plant species. Dominance shall be determined in a plant stratum (canopy, subcanopy, or ground cover). The canopy is composed of all woody plants with a trunk 4 inches or greater in diameter at breast height (dbh). Dbh is measured at 4.5 feet above the ground. The subcanopy is composed of all woody plants with a trunk or stem dbh between 1 and 4 inches and a height greater than 3 feet. The ground cover includes all other plants. The top stratum shall be used in the determination of dominance unless the top stratum constitutes less than 10% areal extent or unless a preponderance of the evidence establishes that the top stratum is not indicative of normal hydrologic conditions, for example, as a result of artificial alteration. In these cases a more representative stratum shall be used. The burden of proof shall be with the party asserting that a stratum other than the top stratum should be used to determine dominance.

(a) The existence of a surface water, as defined in Section 403.031, F.S., shall first be identified. Vegetation shall then be inspected moving landward. In all cases the Department shall attempt to locate the line demarcating the landward extent of waters of the state by visual methods or by aerial photointerpretation. The line demarcating the landward extent of the waters shall be the boundary of the area where, using the submerged and transitional species listed in paragraphs (2) and (3) below:

1. the areal extent of submerged and transitional species or any combination thereof, in the selected stratum, is greater than 50% of all the plant species for that stratum, and
 2. the areal extent of the submerged species in the selected stratum is greater than 10% of the areal extent of all the plant species in that stratum, and
 3. the areal extent of the submerged species in the selected stratum is greater than the areal extent of upland species in that stratum.
- (b) The landward extent of a surface water shall include any other area where:
1. the areal extent of the transitional species in the selected stratum is greater than 80% of all the plant species in that stratum, and
 2. the areal extent of the submerged species in the selected stratum is less than 10% of all the plant species in that stratum, and
 3. the areal extent of the upland species in the selected stratum is less than 10% of all the plant species in that stratum, and
 4. the Department establishes by competent, substantial evidence by using such factors as hydrology, swollen buttresses, lichen lines, or other indicators that the area is subject to regular and periodic inundation.

17-3.022(1) -- 17-3.022(1)(b)4.

(c) If the line demarcating the landward extent of waters of the state cannot be determined visually or by aerial photointerpretation, the following methods shall be used in a manner that ensures sufficient representative data will be generated. The percentages generated shall be substituted for areal extent in paragraph (a) or (b) above.

1. In areas where a canopy is used, a series of belt transects shall be established and divided into intervals. Dominance will be determined by relative basal area. Relative basal area in the canopy shall be recorded as submerged, transitional or upland within each interval as follows:

$$\text{Relative Basal Area} = \frac{\text{Total basal area of submerged, transitional or upland species.}}{\text{Total basal area of all species.}} \times 100$$

2. In areas where a subcanopy is used, a series of belt transects shall be established and divided into intervals. Within each interval the percentages of submerged, transitional, or upland species shall be determined by relative density using the formula below:

$$\text{Relative Density} = \frac{\text{Number of individuals of submerged, transitional or upland species.}}{\text{Total number of individuals}} \times 100$$

3. In areas where a ground cover is used, either of the following methods shall be used:

- a. A series of line transects shall be established and ground cover shall be sampled in 0.25 square meter plots at interval points. There shall be a sufficient number of plots to determine accurately the line demarcating the landward extent of waters of the state. Within each plot the percentages of submerged, transitional or upland species shall be determined visually by cover, or the number of individuals categorized as submerged, transitional or upland shall be counted and results expressed as percentages of the total number of individuals within that plot; or
- b. A series of line transects shall be established, divided into appropriate intervals, and ground cover shall be determined by measuring the linear portion of each interval (at the ground surface) occupied by plants categorized as submerged, transitional or upland. These measurements by category shall then be expressed as a percentage of the total measurements of vegetative cover within each interval.

17-3.022(1)(c) -- 17-3.022(1)(c)3.b.

(d) Methods other than those described above may be used as long as the Department and the applicant both agree, in writing, to the method used. If both parties agree to use more than one stratum, the following methods for a combination of strata shall be used in a manner to ensure that sufficient representative data will be generated. The methods described in subparagraphs (c)1., 2., and 3. shall be used for the appropriate strata. The percentages obtained shall be added and the sum divided by the number of strata examined. The number generated by this procedure shall be substituted for area ext. it in paragraph (a) or paragraph (b) above. When a combination of strata is used, the following shall be added to Rule 17-3.022(2), Florida Administrative Code:

Blechnum serrulatum swamp fern
Carex leptalea sedge
Carex stipitata sedge
Crataegus viridis green haw
Osmunda spp. osmunda ferns
Pluchea spp. marsh fleabanes
Woodwardia spp. chain ferns

Concurrently the following shall be added to Rule 17-4.022(3), Florida Administrative Code:

Axonopus furcatus big carpet grass
Flaveria spp. yellowtops
Metopium toxiferum poison tree
Myrica cerifera wax myrtle
Sabal minor dwarf palmetto
Symplocos tinctoria horse sugar

(z)

Submerged Species:
Alisma subcordatum leather ferns
Alnus serrulata water plantain
Amaranthus philoxeroides hazel alder
Annona glabra alligator weed
Aster carolinianus pigweed
Aster elliptii pond apple
Aster subulatus climbing aster
Aster tenuifolius aster
Avicennia germinans saltmarsh aster
Azolla caroliniana black mangrove
Bacopa spp. mosquito fern
Batis maritima water hyssops
Betula nigra saltwort
Bidens laevis river birch
Bidens mitis bur-marigold
Borreria arborescens sea daisy
Borreria frutescens sea daisy

Brachelyma spp. water moss
Brasenia schreberi water shield
Cabomba caroliniana fanworts
Canna spp. cannas
Carex decumbens sedge
Carex hovei sedge
Carex walteriana sedge
Cephalanthus occidentalis butonbush
Ceratophyllum spp. hornworts
Ceratopteris spp. floating ferns
Chamaecyparis spp. white cedars
Cicuta mexicana musk grasses
Cladium jamaicense water hemlock
Colocasia esculenta saw-grass
Coreopsis nudata wild taro
Crataegus aestivalis tickseed
Crataegus marshallii apple haw
Crinum americanum parsley haw
Cyperus alternifolius swamp lily
Cyperus articulatus umbrellia flatsedge
Cyperus haspan umbrellia sedge
Decodon verticillatus flat sedge
Distichlis spicata swamp loosestrife
Echinodorus spp. burheads
Egeria densa waterweed
Eichhornia crassipes water hyacinth
Eleocharis spp. spikerushes
Elodea spp. waterweeds
Eriocaulon spp. hat-pins
Fimbristylis, all species fringe-rushes
 except: F. annua
F. puberula

Fontinalis spp. water mosses
Fraxinus, all species ashes
 except: F. americana
Fuirena scirpoides rush fuirena
Fuirena squarrosa lake rush
Gordonia lasianthus loblolly bay
Habenaria repens water-spider orchid
Hibiscus grandiflorus big rose-mallow
Hydrilla verticillata hydrilla
Hydrochloa carolinensis watergrass

Hydrocotyle ranunculoides
Hydrolea spp.
Hydrophila lacustris
Hydrophila polysperma
Hymenocallis spp.
Hypericum chapmanii
Hypericum lissophloeus
Hypericum nitidum
Ilex cassine
Ilex myrtifolia
Iris hexagona
Iris virginica
Itea virginica
Iva, all species
except: I. imbricata
Juncus spp.
Justicia americana
Justicia ovata
Kosteletzkya spp.
Lachnocaulon, all species
except: L. anceps
 L. digynum
Laguncularia racemosa
Leersia spp.
Lemna spp.
Leptodictyonum spp.
Lilaeopsis spp.
Limnolobium spongiosa
Limonium carolinianum
Lindernia dubia
Lindernia grandiflora
Litsea aestivalis
Lobelia cardinalis
Lobelia glandulosa
Ludwigia, all species
except: L. hirtella
 L. maritima
 L. virginica
Magnolia virginiana
Mikania scandens
Monanthochloë littoralis
Muhlenbergia capillaris
Muhlenbergia schreberi
Myriophyllum spp.
Najas spp.
Nasturtium spp.

swamp loosestrife
 sky flower
 lake hygrophila
 East Indian hygrophila
 spider lilies
 St. John's wort
 St. John's wort
 St. John's wort
 dahoon
 myrtle-leaved holly
 anglepod blue flag
 southern blue flag
 Virginia willow
 marsh elders
 bog rushes
 water willow
 water willow
 marsh-mallow
 bog buttons
 white mangrove
 southern cutgrass
 duckweeds
 water moss
 lilaeopsis
 frog's bit
 sea lavender
 false pimpernel
 false pimpernel
 pond-spice
 cardinal-flower
 lobelia
 ludwigias
 sweet bay
 climbing hempvine
 key grass
 gulf muhly
 nimblewill
 water milfoils
 water naiads
 water cresses

lotuses
 stoneworts
 spatterdocks
 water lilies
 floating hearts
 water tupelo
 Ogeechee tupelo
 swamp tupelo
 golden club
 royal fern
 water dropwort
 savannah panicum
 maidencane
 redtop panicum
 knot-grass
 water paspalum
 spoon flowers
 swamp bay
 giant reed
 fever tree
 water lettuce
 water elm
 smartweeds
 pickerelweeds
 swamp poplar
 pondweeds
 mermaid weeds
 overcup oak
 meadow beauty
 meadow beauty
 red mangrove
 horned beak rush
 beak rush
 inundated beak rush
 small-fruited beak rush
 beak rush
 beak rush
 Tracy's beak rush
 swamp rose
 widgeon grass
 marsh pink
 arrowheads
 glassworts
 willows
 water spangles
 water pimpernels
 lizard's tail
 common three-square

Nelumbo spp.
Nitella spp.
Nuphar spp.
Nymphaea spp.
Nymphoides spp.
Nyssa aquatica
Nyssa ogechee
Nyssa sylvatica var. biflora
Oenothera aquaticum
Osmunda regalis
Oxypolis filiformis
Panicum gymnocarpon
Panicum hemiltoni
Panicum rigidulum
Paspalum distichum
Paspalum repens
Peltandra spp.
Persea palustris
Phragmites australis
Pinguicula bracteata
Pistia stratiotes
Planera aquatica
Polygonum spp.
Pontederia spp.
Populus heterophylla
Potamogeton spp.
Proserpinaca spp.
Quercus lyrata
Rhexia parviflora
Rhexia salicifolia
Rhizophora mangla
Rhynchospora corniculata
Rhynchospora divergens
Rhynchospora inundata
Rhynchospora microcarpa
Rhynchospora miliacea
Rhynchospora mixta
Rhynchospora tracyi
Rosa palustris
Ruppia maritima
Sabatia dodecandra
Sagittaria spp.
Salicornia spp.
Saxifraga spp.
Salvinia rotundifolia
Samolus spp.
Saururus cernuus
Scirpus americanus

Scirpus californicus
Scirpus cubensis
Scirpus cyperinus
Scirpus erismanae
Scirpus etuberculatus
Scirpus Olneyi
Scirpus robustus
Scirpus validus
Slum suave
Smilax laurifolia
Smilax walteri
Sparanium americanum
Spartina, all species
 except: S. bakeri

Sphagnum spp.
Spirodela spp.
Sporobolus virginicus
Suaeda spp.
Taxodium spp.
Thalia geniculata
Triadenum virginicum
Typha spp.
Utricularia spp.
Vallisneria spp.
Wolffia spp.
Wolffelia spp.
Xyris, all species
 except: X. caroliniana
X. lupical
Zizania aquatica
Zizaniopsis millacea

(3) Transitional Species:

Acer negundo
Acer rubrum
Acer saccharinum
Aletris spp.
Ampelopsis arborea
Arundinaria gigantea
Baccharis angustifolia
Blechnum serrulatum
Boehmeria cylindrica
Carex, all species
 except: C. decomposita
C. howei
C. walteriana

southern bulrush
 bulrush
 woolgrass bulrush
 bulrush
 bulrush
 Olney's three-square
 saltmarsh bulrush
 giant bulrush
 water parsnip
 bamboo-vine
 coral greenbriar
 bur-reed
 cordgrasses

sphagnum mosses
 duckmeat
 seashore dropseed
 sea blights
 cyresses
 arrowroot
 St. John's wort
 cattails
 bladderworts
 tape-grasses
 water meals
 bog-mats
 yellow-eyed grasses

annual wild rice
 southern wild rice
 box-elder
 red maple
 silver maple
 colic roots
 pepper vine
 cane
 false willow
 swamp fern
 bog hemp
 sedges

17-3.022(3)

Carpinus caroliniana
Carya aquatica
Celtis laevigata
Centella asiatica
Chrysobalanus icaco
Clethra alnifolia
Conocarpus erectus
Cornus foemina
Crataegus viridis
Cyperus odoratus
Dichromena spp.
Diodia virginiana
Dryopteris ludoviciana
Forestiera acuminata
Gleditsia aquatica
Gratiola ramosa
Hydrocotyle umbellata
Hypericum fasciculatum
Hypericum myrtifolium
Ilex coriacea
Ilex decidua
Ilex opaca var. opaca
Illicium floridanum
Lachnanthes caroliniana
Lachnocaulon anceps
Lachnocaulon digynum
Leucothoe spp.
Liquidambar styraciflua
Liriodendron tulipifera
Ludwigia hirtella
Ludwigia maritima
Ludwigia virginata
Lycopus rubellus
Lyrodium japonicum
Lyonia lucida
Myrica inodorata
Osmunda cinnamomea
Ostrya virginiana
Panicum repens
Panicum virginatum
Persea borbonia
Phloxeris vermicularis
Pinus glabra
Pinus serotina
Platanus occidentalis
Pluchea spp.
Polygonia cymosa
Populus deltoides

ironwood
 water hickory
 hackberry
 coinwort
 cocoplum
 sweet pepperbush
 buttonwood
 stiff cornel
 green haw
 umbrella sedge
 white-tops
 buttonweed
 southern shield fern
 swamp privet
 water locust
 hedge hyssop
 water pennywort
 St. John's wort
 St. John's wort
 sweet galberry
 possum haw
 A American holly
 purple anise
 red-root
 bog-button
 bog-button
 fetterbush
 sweetgum
 yellow poplar
 ludwigia
 ludwigia
 ludwigia
 water hoarhound
 Japanese climbing fern
 fetterbush
 odorless wax myrtle
 cinnamon fern
 hop hornbeam
 torpedo grass
 switch grass
 redbay
 beach carpet
 spruce pine
 pond pine
 sycamore
 marsh fleabanes
 milkwort
 eastern cottonwood

17-3.022(3)

- Quercus laurifolia
- Quercus michauxii
- Quercus nigra
- Rhapidophyllum hystrix
- Rhexia, all species
- except: R. parviflora
- R. salicifolia
- Sabatia bartramii
- Sabatia calycina
- Sambucus canadensis
- Sarracenia spp.
- Schizachyrium rhizomatum
- Schoenus nigricans
- Scleria spp.
- Sesuvium maritimum
- Sesuvium portulacastrum
- Spartina bakeri
- Syrax americana
- Thelypteris spp.
- Ulmus, all species
- except: U. rubra
- Viburnum spp.
- Woodwardia spp.

(4) Upland species: All plant species not listed in (2) and (3) above, except for:

- Cliftonia monophylla
- Cyrtilla racemiflora
- Melaleuca quinquenervia
- Sabal palmetto
- Schinus terebinthifolius
- (5) Cliftonia monophylla, Cyrtilla racemiflora, Melaleuca quinquenervia, Sabal palmetto, and Schinus terebinthifolius shall not be considered submerged, transitional, or upland species. In areas vegetated by any of these five species, the Department shall determine the landward extent of waters using the remaining plant species or other indicators of regular and periodic inundation as provided in Rule 17-4.022(1), Florida Administrative Code.

(6) In no case shall the landward extent of waters of the state extend above the elevation of the one in 10-year recurring flood event or the area of land with standing or flowing water for more than 30 consecutive days per year calculated on an average annual basis, whichever is more landward. The extent of the flood line shall be developed by appropriate engineering techniques, and a description of the surveyed line shall be prepared and certified by a professional land surveyor registered in this state. The burden for determining the surveyed flood line shall be with the party wishing to use this alternative. Notwithstanding the above, this subsection shall not apply to waters which are saline or brackish, or for rivers whose major source of flow is from springs. The provisions of this subsection shall not operate to reduce the landward extent of the jurisdiction of the Department as it existed prior to January 24, 1984.

17-3.022(3) -- 17-3.022(6)

(7) Common names are included in the above lists for information purposes only. Determination of the landward extent of waters of the state is to be based solely on plants as specified identified by the scientific names. Any uncertainty as to the plants included by a given scientific name, for nomenclatural or taxonomic reasons, shall be resolved on the basis of:

Godfrey, R.K. and J.W. Wooten. 1979. Aquatic and Wetland Plants of Southeastern United States: Monocotyledons. Univ. Ga. Press, Athens. 1981. Aquatic and Wetland Plants of Southeastern United States: Dicotyledons. Univ. Ga. Press, Athens. Lakela, O. and R. W. Long. 1976. Ferns of Florida. Banyan Books, Miami. The manuals listed above by name are adopted and made a part of this rule by reference. Copies of these documents may be inspected at all Department of Environmental Regulation offices. Any plants not contained in those references shall be identified and named on the basis of the best available biological information. A named species in the above lists includes all varieties or subspecies within that species. The abbreviation "spp." in the above lists means all species, varieties, or subspecies within the named genus which are not otherwise named on the lists.

(8) The landward extent of waters of the state shall be determined using the vegetative index adopted June 10, 1975, as amended March 11, 1981, for all complete applications filed with the Department before October 1, 1984. For all other areas where the Department made a determination of the landward extent of the waters of the state using the vegetative index adopted June 10, 1975, as amended March 11, 1981, before October 1, 1984, the Department shall, within 90 days of a request therefore, validate the determination if:

(a) The determination is graphically displayed on a map, drawing, or aerial photograph, or written in the form of a narrative description sufficient to identify the areas in question; and

(b) The determination was based on a site verification made by the Department; and

(c) The document purporting to be the determination is signed by an employee of the Department in the course of his official duties; and

(d) The document purporting to be a site verified written determination shall be submitted by certified mail within six months of October 1, 1984 to the Department for validation.

Specific Authority: 403.061, 403.805, F.S. Law Implemented: 403.021, 403.031, 403.061, 403.087, 403.088, 403.802, 403.817, F.S. History: Previously 17-4.02(17), Amended 10-1-84, 10-16-84. Formerly 17-4.022.

17-3.022(7) -- 17-3.022(History)

17-12.030 Jurisdiction.

(1) Pursuant to Section 403.913, F.S., dredging and filling conducted in, on, or over those surface waters of the state listed in Section 17-12.030(2), F.A.C., require a permit from the department unless specifically exempted in Sections 403.813, 403.913, 403.927, F.S., or Section 17-12.050, F.A.C.

(2) For the purposes of dredging or filling, surface waters of the state to their landward extent are those waters listed below and excavated water bodies, except for waters exempted by Section 17-12.050, F.A.C., which connect directly or via an excavated water body or series of excavated water bodies to those waters listed below:

- (a) rivers and natural tributaries thereto;
- (b) streams and natural tributaries thereto;
- (c) bays, bayous, sounds, estuaries, lagoons and natural tributaries thereto;
- (d) natural lakes except those owned entirely by one person other than the state;
- (e) natural lakes except those that become dry each year and are without standing water;
- (f) natural lakes except those that have no more than 10 acres of water area at a maximum average depth of 2 feet existing throughout the year;
- (g) Atlantic Ocean out to the seaward limit of the state's territorial boundaries;
- (h) Gulf of Mexico out to the seaward limit of the state's territorial boundaries;
- (i) The waters as defined in Section 403.031(3)(a) and Section 403.031(3)(b), F.S.

(3) For the purposes of dredging or filling, surface waters of the state do not include those streams, tributaries, or portions thereof defined in Subsection 403.913(5), F.S.

(4) The landward extent of surface waters of the state, for the purpose of this chapter, shall be determined in accordance with Section 17-3.022, F.A.C. and Sections 403.817 and 403.913, F.S.

Specific Authority: 403.061, 403.912, F.S.

Law Implemented: 403.031, 403.061, 403.813, 403.817, 403.911, 403.912, 403.913, 403.914, F.S.

History: New 12-10-84.

17-12.040 Jurisdictional Declaratory Statements.

(1) Pursuant to Section 403.914(1), F.S., a property owner, an entity having power of eminent domain, or any other person with a legal or equitable interest in a property may petition the department for a formal jurisdictional determination. The petition shall contain:

- (a) A vicinity map showing the location and extent of the property in question.
- (b) Written authorization to enter the property signed by the property owner.

17-12.030(1) -- 17-12.040(1)(b)

(c) Three copies of blue line prints of aerial photographs which accurately reflect the current conditions on the site upon which the jurisdictional line will be drawn.

(d) A statement as to whether the petitioner desires that the line between the upland and the area of department jurisdiction be staked.

(2) The petition for a jurisdictional declaratory statement shall be processed by the department in accordance with Section 403.914, F.S. In certain instances, the department may request and the petitioner shall furnish:

(a) A topographic map of the site with the contours at intervals to be determined by the department. Specific areas may have to be surveyed by the petitioner.

(b) Hydrological data which may be required to determine connections between water bodies or to determine the presence of intermittent streams. If required, the hydrological data requested may include rainfall data, data on duration and volume of water flow, ground water level data, and similar information.

(c) Recent aerial photographs of sufficient detail to determine the dominant vegetation on a site using photointerpretation. Black and white or color glossy photographs, blue line prints of aerial photographs, or false color infrared photographs may be required, depending upon the site.

(d) If the line is to be staked, the petitioner shall provide the services of a registered surveyor who shall be available to accompany the department representative for the purpose of surveying the staked line. The department shall be provided a copy of the survey properly certified in accordance with Chapter 472, F.S.

(3) If the line is not to be staked and surveyed, it shall be drawn by the department on the blue line prints of aerial photographs. However, it shall be understood by the department and the petitioner that the line so drawn may represent only an approximation of the actual demarcation of jurisdiction because of inherent characteristics in drafting or cartography. The accuracy of the demarcation will be commensurate with the level of detail and accuracy of the information provided.

(4) Each person who receives a proposed jurisdictional declaratory statement may publish, or may be required to publish, and provide proof of publication to the Department, at his own expense, a notice of the proposed declaratory statement to the newspaper of general circulation in the area affected, using the format prescribed in Subsection 17-103.150(3), F.A.C. Publication of a Notice of Proposed Jurisdictional Declaratory Statement shall be required for those areas where the environmental sensitivity of the area is reasonably expected to result in heightened public concern or request for administrative proceedings. Failure of the petitioner to publish a required notice within 30 days of the Department's request shall constitute withdrawal of the petition. The Department shall also publish a notice of the proposed jurisdictional declaratory statement in the Florida Administrative Weekly.

17-12.040(1)(c) -- 17-12.040(4)

(5) Petitions for jurisdictional declaratory statements shall be accompanied by the following fees based upon the entire property for which the petition is filed:

- (a) For property 0 - 50 acres in size \$ 250
- (b) For property 50+ - 10+ acres in size \$ 500
- (c) For property 100+ - 500 acres in size \$ 1,000
- (d) For property 500+ - 750 acres in size \$ 2,000
- (e) For property 750+ - 1000 acres in size \$ 2,500
- (f) For property greater than 1000 acres in size \$ 2,500 (plus \$500 for each 500 acres over 1000 acres, up to a maximum of \$10,000)

(g) If, due to the environmental complexity of the area, extensive evaluation by department personnel is necessary, the department may charge additional fees based on the actual salary rate of the personnel providing the services plus actual expenses of the department. Provided, however, total fees charged may not exceed \$10,000.

(h) A subsequent petition for a jurisdictional declaratory statement on the same property that has previously received a jurisdictional declaratory statement when minimal field investigation is required on the department's part \$250

Specific Authority: 403.061, 403.912, F.S.
 Law Implemented: 403.061, 403.817, 403.912, 403.913, 403.914, F.S.
 History: New 10-16-84.

17-12.045 Jurisdictional Intent.

The department recognizes that the natural border of certain water bodies listed in Section 17-12.030, F.A.C., may be difficult to establish because of seasonal fluctuations in water levels and other characteristics unique to a given terrain. The intent of the vegetation indices in Sections 17-3.021(15) and 17-3.022, F.A.C., is to guide in the establishment of the border of the water bodies listed in Section 17-12.030, F.A.C. It is the intent of this rule to include in the boundaries of such water bodies areas which are customarily submerged and which are contiguous to a recognizable water body (i.e., areas within the landward extent of waters of the state as defined in Sections 17-3.021(15) and (16), F.A.C.). Isolated areas, because they infrequently flow into or otherwise exchange water with a described water body, are not intended to be included within the dredge and fill jurisdiction of the department. The vegetation indices in Sections 17-3.021(15) and 17-3.022, F.A.C., are presumed to accurately delineate the landward extent of such water bodies.

Specific Authority: 403.031, 403.061, 403.062, 403.087, F.S.
 Law Implemented: 403.031, 403.061, 403.062, 403.087, F.S.
 Chapter 84-79, Laws of Florida.
 History: New 12-10-84.

17-12.050 Exemptions.

(1) No permit shall be required under this chapter for dredging or filling specified in Section 403.813(2), F.S., or Sections 17-4.040(1Xa) or (b), F.A.C., or for dredging or filling which has been approved pursuant to Chapters 17-17, 17-23, or 17-45, F.A.C., or for which there is an applicable general permit provided in Part III of Chapter 17-4, F.A.C., or for the following types of projects:

(a) The installation of overhead transmission lines where the support structures are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation of aids to navigation and buoys associated with such aids, provided that the devices are marked pursuant to Section 327.40, F.S.

(c) The installation and repair of mooring pilings and dolphins associated with private docking facilities and the installation of private docks of five hundred (500) square feet or less of over-water surface area, or one thousand (1000) square feet or less of over-water surface area for docks which are not located in Outstanding Florida Waters and which are used for recreational, non-commercial activities, constructed on pilings so as not to involve filling or dredging other than that necessary to install the pilings. The dock shall not substantially impede the flow of water or create a navigational hazard. A private dock is a single pier at a parcel of property. Provided, that for the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private dock under this exemption does not require the Department to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(d) The performance of maintenance dredging of existing manmade canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material into the waters of the state; provided that no more dredging is to be performed than is necessary to restore the canal, channels, and intake and discharge structures to original design specifications and provided that control devices are utilized to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed prior to April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent waters of the state. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

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(f) The waters as defined in Section 403.031(12)(a) and Section 403.031(12)(b), F.S.

(3) The landward extent of surface waters of the state, for the purpose of this chapter, shall be determined in accordance with Section 17-3.022, F.A.C. and Sections 403.817, 403.8171 and 403.913, F.S.

Specific Authority: 403.061, 403.912, F.S.

Law Implemented: 403.031, 403.061, 403.813, 403.817, 403.911, 403.912, 403.913, 403.914, F.S.

History: New 12-10-84, Amended 3-26-89, Transferred from 17-12.030.

17-312.040 Jurisdictional Declaratory Statements.

(1) Pursuant to Section 403.914(1), F.S., a property owner, a person who has power of eminent domain, or any other person with a legal or equitable interest in a property may petition the department for a formal jurisdictional determination. The petition shall contain:

(a) A vicinity map showing the location including Section, Township and Range, and areal extent of the property in question;

(b) Written authorization to enter the property signed by the property owner;

(c) Four copies of blue line prints of recent aerial photographs which accurately reflect the current conditions on the site with the property boundaries to be inspected clearly delineated, along with identification of all major roads and the north bearing;

(d) A statement indicating whether the petitioner wants the line between the upland and the area of department jurisdiction to be staked.

(2) The petition for a jurisdictional declaratory statement shall be processed by the department in accordance with Section 403.914(1) and (3), F.S. If additional information is necessary to determine jurisdiction, the department shall request and the petitioner shall furnish any or all of these items:

(a) An original U.S.G.S. 7.5 minute series or a more detailed topographic map of the site with the contours at intervals specified by the department which are appropriate to the specific site. Specific areas may have to be surveyed by the petitioner.

(b) Hydrological data needed to determine connections between water bodies or to determine the presence of intermittent streams, including rainfall data, data on duration and volume of water flow, ground water level data, data on the location of natural or man-made watercourses on or abutting the site, including locations of culverts and sizes, and similar information.

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(18) "Vertical seawall" is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap on the waterward face shall not be considered a vertical seawall.

Specific Authority: 403.061, 403.912, F.S.

Law Implemented: 403.031, 403.061, 403.803, 403.911, 403.912, F.S.

History: New 12 10-84, Amended 8-30-88, 3-26-89, Transferred from 17-12.020.

17-312.030 Jurisdiction.

(1) Pursuant to Sections 403.031(12) and 403.913, F.S., dredging and filling conducted in, on, or over those surface waters of the state as provided in this rule, require a permit from the department unless specifically exempted in Sections 403.813, 403.913, 403.927, F.S., or Section 17-312.050, F.A.C.

(2) For the purposes of this rule, surface waters of the state are those waters listed below and excavated water bodies, except for waters exempted by Rule 17-312.050(4), F.A.C., which connect directly or via an excavated water body or series of excavated water bodies to those waters listed below:

(a) Atlantic Ocean out to the seaward limit of the state's territorial boundaries;

(b) Gulf of Mexico out to the seaward limit of the state's territorial boundaries;

(c) bays, bayous, sounds, estuaries, lagoons and natural channels and natural tributaries thereto;

(d) rivers, streams and natural tributaries thereto, excluding those intermittent streams, tributaries or portions thereof defined in Subsection 403.913(5), F.S. Standard hydrological methods shall be used to determine which streams constitute intermittent streams and intermittent tributaries. An intermittent stream or intermittent tributary means a stream that flows only at certain times of the year, flows in direct response to rainfall, and is normally an influent stream except when the ground water table rises above the normal wet season level. Those portions of a stream or tributary which are intermittent and are located upstream of all nonintermittent portions of the stream or tributary are not subject to dredge and fill permitting unless there is a continuation of jurisdiction as determined pursuant to F.A.C. Rule 17-3.022.

(e) natural lakes, except:

1. those owned entirely by one person other than the state; or
2. those that become dry each year and are without standing water; or
3. those of no more than 10 acres in landward extent with a maximum average depth of 2 feet or less existing throughout the year;

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- (c) Recent aerial photographs of sufficient detail to determine the dominant vegetation on a site by photointerpretation. Black and white or color glossy photographs, blue line prints of aerial photographs, or false color infrared photographs may be required, depending upon the site.
- (d) If the line is to be staked, the services of a registered surveyor or representative thereof shall be available to accompany the department representative to survey the staked line. The department shall be provided a copy of the survey properly certified in accordance with Chapter 472, F.S.
- (3) If the line is not to be staked and surveyed, it shall be drawn by the department on the blue line prints of aerial photographs. However, the line so drawn may represent only an approximation of the actual jurisdiction because of inherent characteristics in drafting or cartography. The accuracy of the determination will be dependent upon the level of detail and accuracy of the information provided.
- (4) Each person who receives a proposed jurisdictional declaratory statement may publish, or may be required to publish, and provide proof of publication to the Department, at his own expense, a notice of the proposed declaratory statement in a newspaper of general circulation in the area affected, using the format prescribed in Subsection 17-103.150(3), F.A.C. Publication of a Notice of Proposed Jurisdictional Declaratory Statement shall be required for areas where the environmental sensitivity of the area is reasonably expected to result in heightened public concern or a request for administrative proceedings. Failure of the petitioner to publish a required notice within 30 days of the Department's request shall constitute withdrawal of the petition. The Department shall also publish a notice of the proposed jurisdictional declaratory statement in the Florida Administrative Weekly.
- (5) Petitions for jurisdictional declaratory statements shall be accompanied by the following fees which shall be based on the entire property for which the petition is filed:
- | | |
|--|---------|
| (a) For property 0 - 50 acres in size | \$ 250 |
| (b) For property 50+ - 100 acres in size | \$ 500 |
| (c) For property 100+ - 500 acres in size | \$1,000 |
| (d) For property 500+ - 750 acres in size | \$2,000 |
| (e) For property 750+ - 1000 acres in size | \$2,500 |
| (f) For property greater than 1000 acres in size | \$2,500 |
- (plus \$500 for each 500 acres over 1000 acres, up to a maximum of \$10,000).
- (g) If the environmental complexity of the area requires extensive evaluation the department may charge additional fees based on the actual salary

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rate of the staff who provide the services, plus the actual expenses of the department. However, the total fee may not exceed \$10,000.

(h) The fee for a later petition for a jurisdictional declaratory statement on property for which a jurisdictional declaratory statement exists and which requires minimal field investigation by the department is \$250.

(6) (a) Within 30 days of the receipt of a petition for a jurisdictional declaratory statement, the department shall notify the applicant of any additional information which may be necessary. The department shall complete the assessment and issue notice of the proposed agency action within 60 days of receipt of a complete petition. The notice shall be published by the Department in the Florida Administrative Weekly and by the petitioner in a newspaper of general circulation in the area affected. The provisions of ss. 120.57 and 120.59, F.S. are applicable to declaratory statements under this section. Any person whose substantial interests will be affected may petition for a hearing within 14 days after the publication of notice. If no petition for a hearing is filed, the department shall issue the jurisdictional declaratory statement within 10 days after termination of the 14-day waiting period.

(b) A jurisdictional declaratory statement is binding for 24 months, if physical conditions on the site do not change to alter jurisdiction.

(c) A petitioner who disputes the proposed agency action may withdraw the petition without prejudice at any point before final agency action.

(d) The department may revoke a jurisdictional declaratory statement if it finds that the petitioner has submitted inaccurate information in the petition.

(e) A jurisdictional declaratory statement obtained pursuant to this section is final agency action and is in lieu of a declaratory statement of jurisdiction obtainable pursuant to s. 120.565, F.S.

(7) The department also may issue informal preapplication jurisdictional determinations or otherwise institute jurisdictional determinations on its own initiative as provided by law.

Specific Authority: 403.061, 403.912, F.S.

Law Implemented: 403.061, 403.817, 403.912, 403.913, 403.914, F.S.

History: New 10-16-84, Amended 3-26-89, Transferred from 17-12.040.

17-312.045 Jurisdictional Intent. The department recognizes that the natural border of certain water bodies listed in Section 17-312.030, F.A.C., may be difficult to establish because of seasonal fluctuations in water levels and other characteristics unique to a given terrain. The intent of the vegetation indices in Sections 17-3.021(15) and 17-3.022, F.A.C., is to guide in the establishment of the border of the water bodies listed in Section 17-312.030, F.A.C. It is the intent of this rule to include, in the boundaries of such water bodies, areas

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which are customarily submerged and which are contiguous to a recognizable water body (i.e., areas within the landward extent of waters of the state as defined in Sections 17-3.021(15) and (16), F.A.C.). Isolated areas that infrequently flow into or otherwise exchange water with a described water body are not intended to be included within the dredge and fill jurisdiction of the department. The vegetation indices in Sections 17-3.021(15) and 17-3.022, F.A.C., are presumed to accurately delineate the landward extent of such water bodies.

Specific Authority: 403.031, 403.061, 403.062, 403.087, F.S.

Law Implemented: 403.031, 403.061, 403.062, 403.087, 403.912, F.S.; Section 9, Chapter 84-79, Laws of Florida.

History: New 12-10-84, Amended 3-26-89, Transferred from 17-12.045.

17-312.050 Exemptions.

(1) No permit shall be required under this chapter for dredging or filling specified in Section 403.813(2), F.S., or Sections 17-4.040(1)(a) or (b), F.A.C., or for dredging or filling which has been approved pursuant to Chapters 17-17, 17-23, or 17-45, F.A.C., or for dredging and filling approved by one or more of the general permits in Part V of Chapter 17-312, F.A.C., or for the following types of projects:

(a) The installation of overhead transmission lines where the support structures are not constructed in waters of the state and which do not create a navigational hazard.

(b) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked pursuant to Section 327.40, F.S.

(c) The installation and repair of mooring pilings and dolphins associated with private docking facilities.

(d) The installation of private docks of 500 square feet or less of surface area over the landward extent of waters of the State or 1000 square feet or less of surface area over the landward extent of waters of the State for docks which are not located in Outstanding Florida Waters and any of which:

1. is used for recreational, non-commercial activities, associated with the mooring or storage of boats and boat paraphernalia; and
2. is constructed or held in place by pilings, including floating docks, so as not to involve filling or dredging other than that necessary to install the pilings; and
3. does not substantially impede the flow of water or create a navigational hazard; and
4. is the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel

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of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private dock under this exemption does not require the Department to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(e) The performance of maintenance dredging of existing man-made canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters of the state, provided no more dredging is performed than is necessary to restore the canal, channels, and intake and discharge structures to original design specifications, and provided that control devices are used at the dredge site to prevent turbidity and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall apply to all canals constructed before April 3, 1970, and to those canals constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters of the state. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund or the United States Army Corps of Engineers for construction or maintenance dredging of the existing man-made canal or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

(f) The installation and maintenance to design specifications of boat ramps on artificial bodies of water where navigational access to the proposed ramp exists, or the installation and maintenance to design specifications of boat ramps open to the public in any waters of the state where navigational access to the proposed ramp exists and where construction of the proposed ramp will be less than 30 feet wide and will involve the removal of less than 25 cubic yards of material from the waters of the state. All material removed shall be placed upon a self-contained upland site so as to prevent the escape of the spoil material and return water from the spoil site into the waters of the state. For the purpose of this exemption, artificial bodies of water shall include, but not be limited to, residential canal systems, canals permitted by a water management district created under Section 373.069, F.S. and artificially created portions of the Florida Intracoastal Waterway.

(g) Construction of seawalls or riprap, including only that backfilling needed to level the land behind the seawalls or riprap, in artificially created waterways where such construction will not violate existing water

APPENDIX F--LIST OF MYAKKA RIVER MANAGEMENT
COORDINATING COUNCIL MEMBERS AND ALTERNATES

APPENDIX F

MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL

Council Members

Mr. Lewis E. Blackburn
Rancher
Venice, FL

Ms. Jan Vorhees
Tampa Bay Regional Planning Council
St. Petersburg, FL

Ms. Karen M. Collins
Manatee Planning and Zoning Dept.
Bradenton, FL

Mr. Glenn Compton
Science Teacher
Sarasota, FL

Mr. Wayne Daltry
Southwest Florida RPC
North Fort Myers, FL

Mr. C.H. Downs, Jr.
Rancher
Sarasota, FL

Ms. Kim Dryden
Game and Fresh Water Fish Comm.
Office of Environmental Services
Punta Gorda, FL

Mr. Dan Gaffney
City of North Port
North Port, FL

Dr. Richard Garrity
Southwest District
Dept. of Environmental Regulation
Tampa, FL

Mr. Mark L. Gumula
Charlotte County
Port Charlotte, FL

Alternates

Ms. Jerri Bohard
Tampa Bay Regional Planning Council
St. Petersburg, FL

Ms. Margaret A. Adams
Manatee Planning and Zoning Dept.
Bradenton, FL

Ms. Doris Schember
Manasota-88
Bradenton, FL

Mr. Glenn Heath
Southwest Florida RPC
North Fort Myers, FL

Mr. Michael Downs
Rancher
Sarasota, FL

Mr. Richard Gooch
Game and Fresh Water Fish Comm.
Office of Environmental Services
Punta Gorda, FL

Mr. Stan Frank
City of North Port
North Port, FL

Dr. Christopher P. Person
Southwest District
Dept. of Environmental Regulation
Tampa, FL

Mr. Eugene Kelly
Charlotte County
Port Charlotte, FL

Mr. Orville L. Ives
Myakka River Preservation Society
Venice, FL

Mr. Bob Roembke
Save Our Bays Association
Sarasota, FL

Mr. Creighton L. Sherman
Environmental Confederation of
Southwest Florida
Boca Grande, FL

Mr. Richard E. Turner, Jr.
Rancher
Sarasota, FL

Mr. Douglas Voltolina
Dept. of Agriculture and
Consumer Services
Division of Forestry
Bradenton, FL

Mr. William T. Walker
Sarasota County Farm Bureau
Sarasota, FL

Dr. Mary Jelks
Manasota - 88
Sarasota, FL

Mrs. Lois Jones
Dona and Roberts Bay Environmental
Society, Inc.
Nokomis, FL

Honorable William Kline
City of Sarasota
Sarasota, FL

Dr. Selvakumaran Mahadevan
Mote Marine Laboratory
Sarasota, FL

Mr. Steven Makowski
Dept. of Community Affairs
Tallahassee, FL

Mr. N. Craig McAllister
Contractor
Sarasota, FL

Mr. Harry Brown
Myakka River Preservation Society
Venice, FL

Mr. Dale Shields
Save Our Bays Association
Sarasota, FL

Ms. Ruth Clinesmith
Environmental Confederation of
Southwest Florida
Port Charlotte, FL

Mr. Latimer H. Turner
Rancher
Sarasota, FL

Mr. Edward Flowers
Dept. of Agriculture and
Consumer Services
Division of Forestry
Bradenton, FL

Mr. Andy Neuhofer
Sarasota County Farm Bureau
Sarasota, FL

Ms. Elaine Kampmann
Manasota - 88
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Ms. Georgette Duke
Dona and Roberts Bay Environmental
Society, Inc.
Nokomis, FL

Mr. Doug Taylor
City of Sarasota
Sarasota, FL

Dr. Ernest D. Estevez
Mote Marine Laboratory
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Mr. Keith McCarron
Dept. of Community Affairs
Tallahassee, FL

Mr. Jack Merriam
Sarasota County
Sarasota, FL

Mr. James W. Miller
Rancher
Sarasota, FL

Mr. Jonathan Miller
Sierra Club
Sarasota, FL

Mr. Steven Minnis
Southwest Florida WMD
Venice, FL

Mr. B.S. (Pete) Myers
Dept. of Transportation
Bartow, FL

Ms. Jean Ost
League of Women Voters of
Sarasota County
Venice, FL

Mr. Louis Tesar
Department of State
Division of Historical Resources
Tallahassee, FL

Dr. Jeff Lincer
Sarasota County
Sarasota, FL

Mr. Bruce F. Roberts
Rancher
Sarasota, FL

Mr. John J. Whelan
Manasota Basin Board
Sarasota, FL

Mr. James (Jay) Curtis
Dept. of Transportation
Bartow, FL

Ms. Margaret Miller
League of Women Voters of
Sarasota County
Venice, FL

Mr. Robert C. Taylor
Department of State
Division of Historical Resources
Tallahassee, FL

APPENDIX C – Myakka River Wild and Scenic River Rule, 62D-15, F.A.C.

CHAPTER 62D-15 MYAKKA RIVER WILD AND SCENIC RIVER RULE

62D-15.001	Declaration of Intent. (Repealed)
62D-15.002	Definitions.
62D-15.003	Statement of Purpose and Applicability.
PART I	JURISDICTION AND REGULATION OF ACTIVITIES IN THE RIVER AREA
62D-15.004	Delineation of Regulatory Responsibilities and Jurisdiction.
62D-15.005	Prohibitions.
62D-15.006	Permits.
62D-15.007	Exemptions.
62D-15.008	Standards for Issuance or Denial of a Permit.
62D-15.009	Permit Application Form.
62D-15.010	Transfer of Permits.
62D-15.011	Permit Application Fees.
62D-15.012	Boating Regulations.
62D-15.013	Enforcement and Penalties. (Repealed)

62D-15.002 Definitions.

- (1) "Act" means the Myakka River Wild and Scenic Designation and Preservation Act.
- (2) "Activity" means the doing of any act or the failing to do any act by a person.
- (3) "Adverse impact" means the permanent, long-term or significant degradation, impairment, or loss of resource values in the river area caused by the conduct of activities, practices, or land uses.
- (4) "Coordinating Council" means the Myakka River Management Coordinating Council created by Section 258.501(7), Florida Statutes.
- (5) "Department" means the Department of Environmental Protection.
- (6) "Division" means the Division of Recreation and Parks of the Department of Environmental Protection.
- (7) "Dock" means a fixed or floating structure, including moorings, used for the purpose of berthing buoyant vessels, either temporarily or indefinitely, or used as structures for participating in recreational activities.
- (8) "Dredging" means the excavating of materials, by any method, in the river area.
- (9) "Executive Director" means the Executive Director of the Department of Environmental Protection.
- (10) "Filling" is the deposition, by any means, of materials in the river area.
- (11) "Government agency" means all federal and state agencies, the Southwest Florida Water Management District, and local governments.
- (12) "Idle speed/no-wake" means a watercraft speed not greater than that speed which is necessary to maintain steerageway.
- (13) "Impacted areas" means portions of the river area that have been disturbed prior to the effective date of this rule by the placement of manmade structures or conduct of activities.
- (14) "Marina" means a commercial docking facility that provides facilities for mooring or storage of watercraft, or making watercraft available for use, for revenue generating purposes.
- (15) "Maximum upland extent of wetlands vegetation" means for purposes of determining the extent of the department's permitting jurisdiction, those areas defined by the Department of Environmental Protection as "wetlands" pursuant to Section 373.019, Florida Statutes, and is determined as specified in Sections 373.421 and 373.4211, Florida Statutes, and Rule 62-340, Florida Administrative Code as of April, 1990, except that the term shall not include tributaries of the Myakka River, and shall not include isolated wetlands.
- (16) "Myakka Wild and Scenic River Management Plan" or "Plan" means the plan described in subsection 258.501(5), Florida Statutes, as developed by the department and the Coordinating Council and as accepted on May 22, 1990 by the Governor and Cabinet sitting as head of the Department of Natural Resources.
- (17) "Native vegetation" means a plant which is indigenous to the river area.
- (18) "Nuisance species" means any species of flora or fauna whose noxious characteristics or presence in sufficient number, biomass, or areal extent that prevents, or interferes with, uses or management of resources, and which are native or naturalized in the area where it occurs.
- (19) "Person" means an individual, corporation, governmental agency or institution thereof, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity.
- (20) "Pollutant" means any substance, contaminant, noise, or artificial condition which is or may be potentially harmful or injurious to human health and welfare, animal or plant life, or property, or which interferes with the enjoyment of life, or property, or outdoor recreation.
- (21) "Preempted area" means the portion of the river area occupied by a dock or docks or other structures, the area between the docks or other structures and including any mooring pilings, and the area between the docks or other structures and the shoreline.

(22) "Private multi-family docking facility" means a docking facility located on or adjacent to upland property having riparian access that is or will be developed to accommodate multiple living units. The term is applied only in reference to residential subdivisions and yacht clubs whose owners or members have real property interest in the upland property having riparian access.

(23) "Public interest" means demonstrable environmental, social, and economic benefits which would accrue to the public at large as a result of a proposed action, and which would clearly exceed all demonstrable environmental, social, and economic impacts of the proposed action.

(24) "Public utility" means the utilities defined in subsection 366.02(1), Florida Statutes.

(25) "Renovation" means activities undertaken to restore a structure when 50 percent or more of the materials or construction have been damaged or destroyed, or if use of the structure has been discontinued and 50 percent or more of the structure must be replaced in order to make it functional for its intended purpose or safely useable.

(26) "Repair" means activities undertaken to maintain structures in a safely useable and functional condition which result in the repaired structure being within the same footprint and of the same dimensions as the original structure.

(27) "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the Coordinating Council and as set forth in the Myakka Wild and Scenic River Management Plan.

(28) "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor including the maximum upland extent of wetlands vegetation which is or will be delineated by the Department of Environmental Protection pursuant to its authority under Chapter 403, Florida Statutes, and Chapter 62-340, Florida Administrative Code.

(29) "Shore protection structure" means a type of construction designed to minimize erosion. Such construction includes any work or activity which is likely to have an effect on existing conditions or natural shore or riverbank processes.

(30) "Slow/minimum wake" means a speed such that watercraft must not be on a plane, must be level in the water, and not be operating at a speed greater than that which is reasonable and prudent to avoid an excessive wake or condition under the existing circumstances as specified in Rule 62D-15.012, Florida Administrative Code.

(31) "Structure" means something built, erected, assembled or installed, or the arrangement of natural or artificial materials in an ordered scheme.

(32) "Tributary" means a stream or watercourse whether natural or artificial which flows into the Myakka River, directly or indirectly, continuously or intermittently.

(33) "Unimpacted areas" means portions of the river area largely in their natural state not disturbed prior to the effective date of this rule by land uses, activities, practices, or the placement of manmade structures except those structures that have been permitted or are exempt under these rules.

(34) "Vessel" means any type of boat or floating craft and includes watercraft.

(35) "Watercraft" means any type of boat or floating craft which is propelled or powered by an engine or motor.

(36) "Water-dependent activity" means an activity which can only be conducted on, in, over, or adjacent to, water areas because the activity requires primary and direct access to the water body for transportation, recreation, energy production or transmission, or that uses the river as a source of water and where the use of the water is an integral part of the activity.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History--New 7-22-91, Formerly 16D-15.002.

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 as adopted by the Governor and Cabinet on May 22, 1990, which is hereby incorporated by reference. Copies of the Plan may be obtained by writing to the Bureau Chief, District 4 Administration, Division of Recreation and Parks, 1843 South Tamiami Trail, Osprey, Florida 34229, or contacting the Bureau Chief at (941) 483-5944.

(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, Florida Administrative Code, within the river area, which will adversely impact resource values in the river area.

(3) Standards for the issuance or denial of permits for the conduct of activities and practices, and construction of structures are provided.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History--New 7-22-91, Formerly 16D-15.003.

PART I JURISDICTION AND REGULATION OF ACTIVITIES IN 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.

(2) The "maximum upland extent of wetlands vegetation" for purposes of determining the landward boundary of the river area, is defined by a corridor which shall be determined pursuant to the methodology set forth in Sections 373.421 and 373.4211, Florida Statutes, and Chapter 62-340, Florida Administrative Code, for determining the "landward extent of surface waters of the State," but shall not include tributaries of the Myakka River or isolated wetlands. Existing wetland jurisdictional determinations or validations on specific parcels by the Department of Environmental Protection established, under its authority to delineate wetlands, in accordance with Chapter 62-340, Florida Administrative Code, are effective and enforceable for the purposes of defining the maximum upland extent of wetlands vegetation. The boundary of the river area where it crosses a tributary shall be the shortest and most direct continuation of the line demarcating the maximum upland extent of vegetation of the river area on either side of the tributary.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History--New 7-22-91, Formerly 16D-15.004.

62D-15.005 Prohibitions.

The activities in this rule, conducted by a person, are presumed to have adverse impacts on resource values in the river area and will be prohibited unless otherwise provided by law. However, persons may submit permit applications in accordance with Rules 62D-15.006, 62D-15.009 and 62D-15.011, Florida Administrative Code, for the following prohibited activities, with required non-refundable fees, for review and consideration of applications by the department as specified under Rules 62D-15.006 and 62D-15.008, Florida Administrative Code:

- (1) Discharging, through a pipe, ditch or similar conveyance, pollutants, including but not limited to domestic and industrial wastes or effluents, or untreated stormwater;
- (2) Removing or cutting native vegetation except as a function of an activity permitted under Rule 62D-15.006 or that has received a Myakka River Permit prior to the effective date of this rule, and except for the minimum required to provide riparian ingress and egress necessary for docking, boating, bathing and fishing access;
- (3) Constructing, in unimpacted areas, new road or bridge crossings, or utility crossings except crossings by public utilities as that term is defined in subsection 366.02(1), Florida Statutes and those crossings that would not adversely impact resource values;
- (4) Excavating minerals or drilling for gas or oil;
- (5) Constructing, erecting, or installing any form of structure not related to a water-dependent activity;
- (6) Constructing roads or utilities, except for facilities of public utilities as that term is defined in subsection 366.02(1), Florida Statutes, to islands where such access did not previously exist;
- (7) Operating airboats north (upstream) of U.S. Highway 41, except for uses officially allowed by governmental agencies;
- (8) Constructing new marinas;
- (9) Engaging in any other activity or practice which adversely impacts resource values in the river area, and for which no permit has been obtained under Rule 62D-15.006;
- (10) Nothing in this rule shall be construed to prohibit or limit public utilities from improving, maintaining, modifying, or expanding existing facilities or constructing new facilities in the river area or the wild and scenic protection zone, provided the necessary federal, state, and local permits and licenses are obtained.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History--New 7-22-91, Formerly 16D-15.005.

62D-15.006 Permits.

(1) A Myakka River permit is required from the department before a person may engage in certain activities. An application form titled, State of Florida Joint Application for Permit, DEP FORM 62-312.900(1), November 30, 1982, which is incorporated by reference, may be obtained from and submitted to: Bureau Chief, District 4 Administration, Division of Recreation and Parks, 1843 South Tamiami Trail, Osprey, Florida 34229.

(2) Activities, structures or practices for which permit applications must be submitted for review include any of the following within the river area:

- (a) Dredging or filling;
- (b) Creating, repairing, or maintaining shore protection structures;
- (c) Maintaining existing navigational channels and aids to navigation or installing new aids to navigation;
- (d) Constructing, installing, expanding, or renovating marinas, landings, boat ramps, docks, mooring buoys, pilings, dolphins, decks, or piers;
- (e) Renovating, replacing, or expanding facilities required for utilities, bridges, or roads;
- (f) Removing or cutting native vegetation only for riparian ingress and egress necessary for docking, boating, bathing and fishing access;
- (g) Relocation or setting of bulkhead lines waterward of mean high water;
- (h) Engaging in agricultural and forestry practices and activities not conducted prior to the effective date of the rule within the river area on the subject site;
- (i) Engaging in water resource management practices not conducted prior to the effective date of this rule including constructing stormwater management systems as that term is defined in Section 373.403, Florida Statutes, or other drainage discharges, except that the water management district, under emergency conditions, may submit an application after-the-fact;

(j) Constructing or creating after the effective date of this rule utility, bridge or road crossings in impacted areas, or utility crossings in unimpacted areas;

(k) Constructing, erecting, installing any form of structure related to a water-dependent activity, or any other structures in the river area;

(l) Replacing or reconstructing any damaged or destroyed exempted structure, land use or activity;

(m) Establishing recreational facilities on publicly owned portions of the river area; and

(n) Any other activity not subject to Rule 62D-15.006, Florida Administrative Code, 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.

(3) The existence of provisions for exemptions or permits under other rules of the department or of other government agencies does not eliminate the requirement for a Myakka River permit for an activity in the river area. Exemptions from, or the issuance of permits under, this rule may not relieve persons from complying with requirements for permits under other department or government agency rules.

(4) The department shall not deny a permit to a public utility if the public utility has provided a letter with supporting documentation that demonstrates that it is not feasible or practicable to meet all applicable criteria of Rule 62D-15, Florida Administrative Code.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.006.

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. If there is evidence produced or observed by department staff based on standards and factors specified in Rule 62D-15.008, Florida Administrative Code, that an activity, subject to this paragraph adversely impacts resource values, the department will notify the appropriate persons conducting the activity, that they must submit a permit application within 14 days to the department. For exempted activities submitted for permit review that were conducted prior to the effective date of this rule, the department shall approve these activities with or without conditions based on standards and factors specified in Rule 62D-15.008, Florida Administrative Code. Activities subject to this paragraph conducted after the effective date of this rule, must be submitted for permit review as specified in Rules 62D-15.008 and 62D-15.009 Florida Administrative Code. The department will approve with or without conditions, or deny the activity pursuant to Rules 62D-15.008 and 62D-15.009, Florida Administrative Code and procedures set forth in Section 120.60, Florida Statutes, governing licensure. Applications to conduct exempted activities or to replace damaged structures, under this section, in existence prior to the effective date of this rule will not be subject to permit application fees under Rule 62D-15.011, Florida Administrative Code.

(2) 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 of materials or construction, and is no longer suitable to safely serve its intended purpose, the person owning or operating such structure, in order to re-establish the structure, must submit a permit application for review and approval as specified under Rules 62D-15.008, and 62D-15.009, Florida Administrative Code. The department shall review, and approve the application with or without conditions, as specified in Rules 62D-15.008, and 62D-15.009, Florida Administrative Code for reestablishment of the damaged structure.

(3) The following activities may be conducted by persons without having submitted a permit application unless the activity will adversely impact resource values as evidenced or observed by department staff under this section, subsection (1):

(a) Commercial fishing;

(b) Maintenance or repair, but not including expanding, remodeling or renovation, of existing structures;

(c) Continuation of yard maintenance activities such as mowing, trimming or pruning of vegetation only to prevent or minimize potential damage to existing structures or for the continuation of activities which had been conducted prior to the effective date of this rule;

(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;

(e) Continuation of existing agricultural and forestry practices or activities similar in nature to those existing on the site, within the river area, at the effective date of this rule;

(f) Continuation of existing drainage and water management practices, including but not limited to, repair or maintenance of impoundments, dams, diversions, pumping operations, swales, ditches, pipes, or canals;

(g) Resource management practices of government agencies including but not limited to, prescribed burning or exotic and nuisance species control, for the protection, conservation, rehabilitation, or restoration of resource values;

(h) Installation of devices for measuring water quality, water quantity, hydrologic conditions, or other ecological conditions by governmental agencies, private not-for-profit research organizations, and persons who are required to install such devices as a requirement of obtaining a permit from a governmental agency;

(i) Continuation of existing facilities and easements for utilities and roads, including repair and maintenance, but not including increasing the size of easements or structures of such facilities which shall be subject to Rules 62D-15.006 and 62D-15.008, Florida Administrative Code;

(j) Renovating or replacing facilities or structures by a public utility so long as the footprint of the facility or structure is not materially enlarged or the facility or structure is not relocated; and,

(k) Mowing, trimming, pruning, removing or cutting native vegetation to the extent required to maintain or construct public utility facilities or structures.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.007.

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

(1) In accordance with Section 258.501(10), Florida Statutes, no permit shall be issued unless the department finds that the proposed activity will not adversely impact resource values in the river area. The department will review completed applications for permits submitted as specified under Rules 62D-15.005, 62D-15.006 and 62D-15.009, Florida Administrative Code, and will evaluate applications using the standards and factors contained in this section. Additional information on the standards and factors used in evaluating applications may be obtained from the department at the address location provided in Rule 62D-15.006, Florida Administrative Code. Applications will be processed in accordance with procedures specified in Section 120.60, Florida Statutes.

(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:

1. Increasing the amount of fertilizers, nutrients, pesticides and herbicides, soil or soil conditioners, or biological and artificial substances discharged into the river area;
2. Increasing impervious surface area or stormwater runoff;
3. Causing discharge of pollutants or increasing pollution impacts from land development, septic tanks, underground storage tanks, sanitary landfills, and wastewater treatment or disposal;
4. Causing or contributing odors or noise;
5. Increasing water use;
6. Increasing water resource impacts;
7. Encouraging erosion or shoaling;
8. Creating an impediment to navigation;
9. Causing upstream penetration of saline water into the river;
10. Causing a drawdown of surface or aquifer water levels;
11. Inhibiting the natural storage and detention functions of floodplains;
12. Reducing wetland buffers or wetland filtrative functions;
13. Altering natural hydrologic characteristics of the river area;
14. Altering the flow rate, timing, volume, or water quality of freshwater flowing into downstream reaches of the river area so as to affect the growth and productivity of brackish-saltwater marine life and vegetation;
15. Causing or contributing to overfishing;
16. Increasing access to the Myakka River through construction of roads, utility corridors, except facilities of public utilities as public utility is defined in Section 366.02, Florida Statutes, or recreation sites;
17. Decreasing recreational opportunities, including but not limited to fishing, boating, canoeing, picnicking, nature study, or photography;
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;
20. Increasing litter;
21. Increasing visibility of storage, dilapidated or unmaintained structures;
22. Increasing the visual intrusion of tall structures;
23. Increasing intrusion caused by artificial light;
24. Impacting the conservation and preservation of fish and wildlife including endangered or threatened species or their habitats, feeding or breeding grounds;
25. Impacting listed threatened or endangered species of flora or plant communities or groupings considered to be of special ecological significance by the Florida Department of Agriculture and Consumer Services and the Florida Natural Areas Inventory;
26. Encouraging infestation or propagation of exotic or nuisance aquatic or terrestrial species such as Brazilian pepper, melaleuca, Australian pine, hydrilla, paragrass, parrotfeather, alligator weed, water hyacinth or cattail;
27. Affecting wildlife corridors or waterfowl flyways;
28. Reducing aquatic habitat, other than nuisance species, including, but not limited to, grassbeds, marshes or mangroves;

29. Increasing the density or intensity of development permitted on the subject property at the time the permit application is submitted;

30. Causing or contributing to unsafe conditions for boats or boaters;

31. Encouraging unauthorized use of public and private lands; and

32. Damaging or destroying archaeological, cultural or historic sites or their artifacts.

(3) Certain structures or activities must also comply with the following restrictions:

(a) Docks shall be located and designed to avoid adverse impacts to resource values. At a minimum, to the extent that new docks or expansions to docks or marinas are approved, they shall meet the following standards and criteria:

1. No dock or marina and its associated pilings, shall extend waterward of the mean or ordinary high water line more than 20 feet or 10 percent of the width of the waterbody at that particular location, whichever is less. Special consideration will be given to extension of these limits in instances where riparian access would be precluded due to insufficient water depths. A water depth of minus three feet mean low water shall be deemed sufficient water depth for purpose of special consideration.

2. The dock will extend out from the shoreline no further than a length that reaches a water depth not exceeding minus three feet (mean low water).

3. Docks and expanded marinas shall only be approved in locations having adequate water depths in the vessel mooring, turning basin, access channels, and other such areas in order to insure that a minimum of one foot clearance is provided between the deepest draft of a vessel and the bottom at mean low water.

4. Dredging to obtain navigable water depths for docks or for expanded marinas is prohibited.

5. Terminal platform size shall be no more than 120 square feet and the length of the platform shall be no more than 12 feet and the width shall be no more than 10 feet.

6. Any main access dock shall be limited to a maximum width of four feet.

7. No more than one dock shall be permitted for a lot or parcel of land, except no dock shall be permitted where riparian lot owners have acquired access to, or conveyed or transferred their riparian dock rights for, the use of a common, private multi-family docking facility. No dock for a single family lot may be designed, constructed or used to moor more than two vessels.

8. The dock decking design and construction shall provide maximum light penetration, with full consideration of safety and practicality.

9. New docks, renovations, remodeling or expansions to existing docks or facilities may be subject to requirements for identifying ways to improve or mitigate adverse environmental impacts caused by previous activities on the subject property. If deemed necessary to improve an existing condition which is creating an adverse impact on the river area, permit conditions may be imposed requiring that the permittee conduct certain activities that will minimize impacts to resource values in the river area.

10. Where local governments have more stringent standards and criteria for docks and marinas, the more stringent standards for the protection and enhancement of the river area shall prevail.

11. The submerged lands area preempted by expanded marinas or private multi-family docks shall not exceed the square footage amounting to 10 times the applicant's contiguous riparian waterfront footage. A conservation easement or other such use restriction acceptable to the department must be placed on the riparian shoreline, used for the calculation of the 10:1 threshold, to conserve and protect shoreline resources and subordinate/waive any further riparian rights.

(b) Dredging or filling. Dredging or filling shall be permitted only upon a determination by the department that the proposed activity will not adversely impact resource values and is clearly in the public interest.

(c) Water management practices. Water management practices must not adversely affect, diminish, or degrade existing water quality or resource values in the river area.

(4) A permit shall contain specific conditions for approval, as necessary, to assure that the activity will not adversely impact resource values in the river area.

(5) In denying a permit application, the department shall specifically identify which resource values will be adversely impacted by the activity sought to be undertaken by the applicant.

(6) Permit applications shall be processed, and notification of the granting or denial of permits will be provided to applicants by the department, in accordance with Section 120.60, Florida Statutes, governing licensure.

(7) The approval of the permit application shall be based upon a finding by the department that the activity will not adversely impact resource values in the river area. Within thirty (30) days of its approval, the department shall issue the permit.

(8) A Myakka River permit is not an operating permit but is issued for purposes of repairing, reconstructing, renovating, replacing, maintaining, expanding, constructing, dredging or filling, engaging in new activities or practices, or removing or cutting of vegetation and shall be valid for two years from date of issuance except where another permit period is determined by the department as a condition for approval, or upon completion of construction. Once construction is completed, or activities and practices have begun, a structure, practice or activity is not subject to a termination or revocation of its permit unless a violation of the permit conditions occurs.

(9) A request for an extension of a permit will be considered and shall be approved if the extension of the permit will not result in adverse impacts to resource values. An extension of up to two years from the date of issuance may be granted by the department, if, based on standards included in Rule 62D-15.008, Florida Administrative Code, resource values will not be adversely impacted. Extensions will be renewed no more than two times. An application for an extension must be submitted by form to the department at least sixty days prior to expiration of the permit. An application form titled, Myakka Wild and Scenic River Application for

Permit Extension, DEP 46-051, May 28, 1991, which is incorporated by reference, may be obtained from and submitted to the District Manager at the address location included in Rule 62D-15.006, Florida Administrative Code. The application must be submitted and made complete before the expiration date of the permit in order for the permit to be considered for an extension. Applications for permit extensions will be processed and approved or denied in accordance with Section 120.60, Florida Statutes.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.008.

62D-15.009 Permit Application Form.

An applicant shall make application for a Myakka River permit on the Joint Dredge and Fill Application Form as specified in Rule 62D-15.006, Florida Administrative Code. The application form must be completed with all pertinent information required in instructions attached with the application form. The applicant shall also include, as part of the application, a detailed explanation of how the proposed project is consistent with the Act, the Plan, and this rule. The application must also be accompanied by a letter from any other appropriate government agency indicating the status of such other government agency approvals necessary for the proposed activity. In its review of the application, the department may request other technical information in support of the application. The application and all supportive information must be filed in duplicate with the Division of Recreation and Parks at the address specified in Rule 62D-15.006.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.009.

62D-15.010 Transfer of Permits.

Within 30 days following the sale or legal transfer of a permitted facility or activity, the new owner of the permitted facility or activity must register by form with the department. A registration form titled, Myakka Wild and Scenic River Registration for Transfer of Permit, DEP 46-052, May 28, 1991, which is incorporated by reference, may be obtained from and submitted to the Bureau Chief at the address location included in Rule 62D-15.006, Florida Administrative Code. The registration form for the new owner will certify that the new owner will conform to all conditions under which the permit was approved.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.010.

62D-15.011 Permit Application Fees.

Each application for a permit to be considered by the department pursuant to Section 258.501, Florida Statutes, and Rules 62D-15.005, 62D-15.006 and 62D-15.007, Florida Administrative Code, unless where otherwise provided in this chapter, shall be accompanied by a non-refundable processing fee to help defray the cost of processing the application. The fee structure is as follows:

(1) For the removal or cutting of native vegetation for riparian ingress and egress, conducting activities, or for constructing structures for which the fair market value of either the materials or labor to be used for the activity or structure does not exceed Four Hundred Dollars (\$400.00), the fee is \$50.00.

(2) For all other activities the fee is \$200.00.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.011.

62D-15.012 Boating Regulations.

(1) Watercraft shall not exceed a slow/minimum wake speed in any part of the river area upstream of U.S. Highway 41 except for the official government agency use of watercraft. A watercraft in an area designated as a slow/minimum wake zone is traveling at a slow/minimum wake if:

(a) It is not operating on a plane;

(b) It is not in the process of coming off plane and settling into the water, which action creates more than no or minimum wake;

(c) It produces no wake or minimum wake; and

(d) It is completely off plane, has settled into the water with neither the bow elevated nor the stern depressed, and is proceeding without wake or with minimum wake.

(2) Watercraft shall not exceed an idle/no-wake speed within 500 feet of marinas, boat ramps, docks, and other structures near navigable channels, and in other locations where the river is designated and posted as being too narrow to safely accommodate two-way traffic. A watercraft in an area designated as a idle/no-wake zone is traveling at a speed no faster than necessary to be steered.

Specific Authority 258.501 FS. Law Implemented 258.501 FS. History—New 7-22-91, Formerly 16D-15.012.

**APPENDIX D – State-Local Agreement for Administering the Myakka River
Wild and Scenic River Protection Zone between Florida DEP,
Florida DCA, and Sarasota County**

STATE - LOCAL AGREEMENT FOR ADMINISTERING THE
MYAKKA RIVER WILD AND SCENIC RIVER PROTECTION ZONE

Between
Florida Department of Environmental Protection
And
Florida Department of Community Affairs
And
Sarasota County

AGREEMENT

This Agreement, entered into this 11th day of December, 1997, between the Florida Department of Environmental Protection (DEP), the Florida Department of Community Affairs (DCA) and Sarasota County (County), a political subdivision of the State of Florida, provides a basis for the management of the Myakka River Wild and Scenic Protection Zone (Protection Zone) in the unincorporated area of Sarasota County. This Agreement is required by the Myakka River Wild and Scenic Designation and Preservation Act, section 258.501, Florida Statutes (F.S.), as amended, hereinafter referred to as the "Act", and included herewith as Exhibit A.

Part I - Purpose and Intent

The purpose of this Agreement is to establish formal, interagency coordination mechanisms and procedures for the County's administration of the Protection Zone in accordance with paragraphs 258.501 (4)(b) and (9)(c), F.S. The Protection Zone consists of an area 220-feet wide along the designated River Area whose approximate boundary has been delineated and approved by staff of the County, DCA, Southwest Florida Water Management District and DEP on maps included herewith as Exhibit B. It is acknowledged by all parties to this Agreement that the maps will be used as a means of identifying the approximate location of the Protection Zone. It is further understood that the approximate wetland area and protection zone is subservient to any wetland lines established on parcels or tracts pursuant to Chapter 373, F.S., and Chapter 62-340, Florida Administrative Code. The agreement includes responsibilities for participating agencies, and guidelines and standards to be used by DEP and DCA for monitoring the regulation of activities by the County, included in paragraph 3.12, herein.

The review and regulation of activities by the County in the Protection Zone will be conducted, under existing County authority, to ensure conformance with the Act, the Myakka River Wild and Scenic River Management Plan (Plan), and this Agreement. Activities will be regulated in the Protection Zone so as to minimize potential adverse environmental and visual impacts on the resource values in the River Area, and to minimize adverse impacts to landowners' use of land for residential purposes. The Plan, approved by the Governor and Cabinet on May 22, 1990, lists the resource values and their priority management concerns, guiding principles, objectives and actions. The County has incorporated the Plan by reference in its State-mandated comprehensive plan, *Apoxsee*, through adoption of Policy 5.2.³~~A~~ in the Environment Chapter which is available from Sarasota County Long Range Planning Division. *JK*

Part II - General Provisions

- 2.01. This Agreement will be in effect in perpetuity, unless provided otherwise by law, amended or revoked.
- 2.02. This is the entire Agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.
- 2.03. This Agreement includes no provisions for compensation, reimbursement for any expenses or remuneration for management of the Protection Zone by the County.
- 2.04. Nothing in this Agreement shall be construed to relieve any party from adhering to State law, and in the event of a change in any statute inconsistent with this Agreement, the statute shall take precedence.
- 2.05. This Agreement may be amended with approval by all parties pursuant to management considerations, or amendments to the Act or management plan. Any alterations, variations, changes, modifications or waivers of provisions in this Agreement shall only be valid when they have been mutually agreed upon in writing, executed by each of the parties hereto, and included in this Agreement.

2.06. No delay or omission to exercise any right, power or remedy accruing to any party upon breach or default by any party under this Agreement, shall impair any such right, power or remedy of any party; nor shall such delay or omission be construed as a waiver of any such breach or default, or any similar breach or default thereafter.

2.07. This Agreement is neither intended nor shall it be construed to grant any rights, privileges or interest to any third party without the mutual written agreement of the parties hereto.

2.08. No person, on the grounds of race, creed, color, national origin, age, sex, or handicap, shall be excluded from participation in; be denied the proceeds or benefits of; or be otherwise subjected to discrimination in performance of this Agreement.

2.09. Each party shall bear its own costs and attorneys fees for all expenses incurred in this matter including execution of this agreement and its implementation.

2.10. If any part of this Agreement is judicially determined to be invalid or unenforceable, the other provisions of this Agreement will remain in full force and effect.

2.11. This agreement, including Exhibits, shall become effective upon execution by the last party to execute this Agreement.

2.12. Nothing in this Agreement shall operate to divest the County of any authority or jurisdiction to enact appropriate ordinances, so long as they are in conformance with the Act, the Plan, and this Agreement and all other applicable state laws.

Part III - Agencies' Responsibilities

Responsibilities of the County

The County Shall:

3.01. Adopt an ordinance that sets forth the County's legal responsibilities, activities that will be regulated, and procedures for regulating activities in the Protection Zone. If necessary, the

County shall amend the County's land development regulations and other appropriate ordinances within one year after the adoption date of this Agreement so that regulations that affect the Protection Zone conform to, or are more stringent than, the Act, the Plan and this Agreement.

3.02. Amend the County's land development regulations and other appropriate ordinances concerning activities in the Protection Zone by way of a County ordinance adopted pursuant to paragraph 3.01. The ordinance will prohibit certain activities, and require others to undergo review and either be denied or permitted with or without conditions, to minimize potential adverse physical and visual impacts on resource values in the River Area but minimize impacts on private landowners' use of land for residential purposes. The resource values of concern are those that are identified in the Plan. Activities that should be considered for prohibition include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted by the County if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the River Area.

3.03. Upon the effective date of amendments to the Act, the Plan, or this Agreement, the County will amend *Apoxsee*, within one year, to be consistent with, or more stringent than, the amended Act, Plan, and this Agreement.

3.04. Upon the effective date of amendments to the Act, the Plan, or this Agreement, the County will amend, within one year, its land development regulations and other appropriate ordinances, to be consistent with, or more stringent than, the Act, the Plan, and this Agreement. If amendments to the Act set a specific time frame for adoption of amendments to the land development regulations or other appropriate ordinances, that time frame will prevail over the time frame set in this paragraph.

3.05. Coordinate with the Myakka River Management Coordinating Council, DCA and DEP when proposed County policies relating to administration of the Protection Zone and or affecting the River Area are being considered for enactment or amendment.

3.06. Provide to DCA and DEP notices and copies of all proposed amendments to *Apoxsee*, pursuant to Section 163.3184, F.S.; and provide for review and comment all proposed amendments to County land development regulations, and other appropriate ordinances related to administration of the Protection Zone, pursuant to Section 258.501, F.S.

3.07. In accordance with Section 258.501, F.S., the County will notify DEP and DCA of permit applications required by the ordinance established under paragraph 3.02, herein, and that are identified in the ordinance as requiring review by DEP and DCA.

3.08. Provide to DEP and DCA an annual report on the County's actions in the Protection Zone pursuant to paragraphs 3.01, 3.02, 3.06 and 3.07, herein, within 90 days of the end of the calendar year.

Responsibilities of DEP

The DEP Shall:

3.09. Maintain a full-time position or designate an employee within the Division of Recreation and Parks, District 4, subject to legislative appropriations, or other lawfully available funding, in order to provide liaison with the County and the Myakka River Management Coordinating Council and to review and respond to the annual report.

3.10. Provide technical assistance, from staff of the Division of Recreation and Parks, as requested, to the County in its preparation of amendments to *Apoxsee*, the land development regulations, and other ordinances relevant to regulation of activities in the Protection Zone.

3.11. Assist DCA in the compliance review of *Apoxsee*. Provide for review and comment on County land development regulations and other ordinances relevant to administration of the Protection Zone.

3.12. Monitor, using the performance standards and guidelines for DEP and DCA established in this paragraph, local government decisions on activities proposed to be conducted in the Protection Zone and identified in the annual report (required under paragraph 3.08, herein) for consistency with the Act, the Plan, this Agreement, **Apoxsee**, land development regulations and other ordinances that have been revised subject to this Agreement.

**Performance Standards and Guidelines for Monitoring the Regulation of
Activities by Sarasota County in the
Myakka River Wild and Scenic Protection Zone**

The DEP and DCA are charged under Section 258.501(6)(a) and (9)(c), F.S., with using performance standards and guidelines to review and monitor the regulation of activities by the County in the Protection Zone. The performance standards and guidelines enumerated below are adopted for use by DEP and DCA in monitoring the County's administration of the Protection Zone.

Performance Standards

1. **Apoxsee** will be amended, as necessary, within one year after the effective date of the Agreement to incorporate policies concerning the County's responsibility for regulating activities in the Protection Zone. Thereafter, **Apoxsee** will be updated as necessary, within one year after adoption of amendments to the Act, Plan or the Agreement.

2. When the County adopts amendments to chapters or sections of **Apoxsee** not specifically concerning the Protection Zone, such amendments should not be inconsistent with the regulatory program for the Protection Zone or the intent of protecting the sensitive resources within the Protection Zone .

3. The County will ensure that proposed amendments to the land development regulations as well as other ordinances that affect the Protection Zone are consistent with the Act, Plan and Agreement.

4. The specific elements of the Act, Plan and Agreement to be used by the County, DEP, and DCA in monitoring conformance of the County's regulatory program for the Protection Zone include:

Guidelines

Myakka River Wild and Scenic Designation and Preservation Act

- Paragraph 258.501(5)(c)(12), F.S.
- Paragraphs 258.501(6)(b) and (c), F.S.
- Paragraph 258.501(8)(b), F.S.
- Paragraph 258.501(9)(c), F.S.
- Paragraph 258.501(11), F.S.
- Paragraph 258.501(12), F.S.
- Paragraph 258.501(13), F.S.

Myakka Wild and Scenic River Management Plan

- Chapter 4. Resource Values, Issues, and Problems (all sections)
- Chapter 5. River Management Program (all sections)
- Chapter 6. Plan Implementation (all sections)

Agreement

Part III - Agencies' Responsibilities. Responsibilities of the County, Paragraphs 3.01 - 3.08.

3.13. Advise the County Administrator's Office of any legislative or administrative action pending or taken by the County that is evaluated by staff of DEP to be inconsistent with the provisions of the Agreement, Act, the Plan, **Apoxsee** or land development regulations as amended pursuant to the Agreement.

Responsibilities of DCA

The DCA Shall:

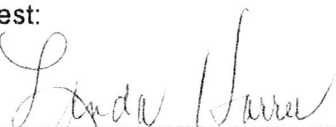
3.14. Provide technical assistance, as requested, to the County in its preparation of amendments to the local government comprehensive plan, **Apoxsee**, land development regulations, and other ordinances relevant to administration of the Protection Zone.

3.15. Conduct a review of proposed amendments to **Apoxsee**, the land development regulations and other ordinances relevant to administration of the Protection Zone pursuant to paragraphs 3.01, 3.02, 3.03 and 3.04, herein, for consistency with the Act, the Plan and this Agreement.

3.16. Monitor, using the guidelines and performance standards for DEP and DCA established in paragraph 3.12, herein, of this Agreement, local government decisions on activities proposed to be conducted in the Protection Zone and identified in the annual report (see paragraph 3.08., herein) for consistency with the Act, the Plan, this Agreement, **Apoxsee**, land development regulations and other ordinances that have been revised subject to this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed, the day and year first above written.

Attest:

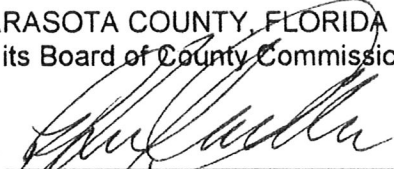


Deputy Clerk, County Clerk

Approved as to form and legality:

, General Counsel

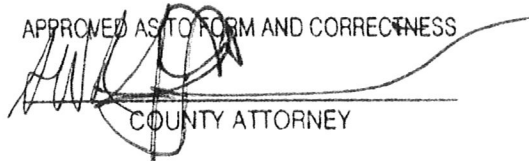
SARASOTA COUNTY, FLORIDA
by its Board of County Commissioners

By 

Chairman of the Board of
County Commissioners

Date 12/16/97

APPROVED AS TO FORM AND CORRECTNESS



COUNTY ATTORNEY

Attest:

Paula P. Awa
Department Clerk

Approved as to form and legality:

[Signature]
ASSISTANT General Counsel

Attest:

Cheryl M. Garcia
Deputy Department Clerk

Approved as to form and legality:

[Signature]
ASSISTANT General Counsel

STATE OF FLORIDA, DEPARTMENT OF
COMMUNITY AFFAIRS

By [Signature]
Charles G. Pattison, Director
Division of Resources Planning
and Management

Date 1/22/98

STATE OF FLORIDA, DEPARTMENT
OF ENVIRONMENTAL PROTECTION

By [Signature]
Fran P. Mainella, CLP
Director
Division of Recreation and Parks

Date 2/10/98

Exhibit A

Myakka River Wild and Scenic Designation and Preservation Act

Section 258.501, Florida Statutes, as amended

enforce the standards and criteria established in a resource inventory and management plan adopted by the board, if the board determines that such a delegation is in the public interest.

(a) Such delegation shall be made only if the board determines that the local government's program for administering and enforcing the adopted standards and criteria:

1. Adopts, by ordinance, standards and criteria no less restrictive than those in the management plan approved by the board pursuant to the provisions of rule 18-20.013(2), Florida Administrative Code; provided, however nothing contained in this subsection shall expand the powers, jurisdiction, or authority granted pursuant to this chapter. When a local government's program proposes to include standards and criteria that are more restrictive than those in the management plan approved by the board, such standards and criteria shall not be effective until they have been approved by the board as being consistent with the provisions of this chapter.

2. Provides for the enforcement of such requirements by appropriate administrative and judicial processes.

3. Provides for administrative organization, staff, and financial and other resources necessary to effectively and efficiently enforce such requirements.

4. Provides for improved management and enforcement of the standards and criteria in the resource inventory and management plans and of the rules adopted by the board pertaining to state-owned lands.

(b) Such delegation may not include the authority to grant approval for the sale, lease, easement, or other uses of state-owned sovereignty lands that require approval by the board as provided by the board's rules on October 1, 1989. This provision shall not preclude agreements between the board and local governments that may provide that the local government shall process applications and present recommendations for final action to the board.

(c) The board shall give prior notice of its intention to enter into an agreement as described in this subsection, as provided by s. 253.115. The Division of State Lands of the Department of Environmental Protection shall update its rules annually to include a list of the management agreements adopted pursuant to this subsection. The list shall identify the parties to, and the date and location of, each agreement, and shall specify the nature of the authority delegated by the agreement.

(d) The board may designate the local government as its enforcement arm for purposes of s. 258.46, and the local government shall have the authority to directly enforce the provisions of that section or to rely on the enforcement provisions of the local ordinance implementing the management plan. The governing body of the local government shall seek approval from the Division of State Lands before seeking the elevated penalties associated with direct enforcement of s. 258.46 in lieu of penalties associated with violation of its ordinance. Nothing in this subsection shall affect the authority of the division to enforce the provisions of this act.

(e) Each year on the anniversary of any delegation pursuant to this subsection, the staff of the department

shall present to the board an evaluation of decisions made by the local governments during the previous year. The board shall, upon reviewing this evaluation, either act to renew the delegation, act to retract the delegation, or act to renew the delegation with specific directives to the local government to take corrective action concerning any deficiencies in its processing or application of the standards and criteria in the rules approved by the board or a management plan adopted for the preserves.

(f) Nothing contained in this subsection shall affect the powers, duties, or procedures set forth in chapter 403.

History.—s. 1, ch. 75-172, s. 6, ch. 89-25, ss. 100, 497, ch. 94-356, s. 85, ch. 95-143.

258.44 Effect of preserves.—Neither the establishment nor the management of the aquatic preserves under the provisions of this act shall operate to infringe upon the traditional riparian rights of upland property owners adjacent to or within the preserves. Reasonable improvement for ingress and egress, mosquito control, shore protection, public utility expansion, surface water drainage, installation and maintenance of oil and gas transportation facilities, and similar purposes may be permitted by the trustees subject to the provisions of any other applicable laws under the jurisdiction of other agencies.

History.—s. 1, ch. 75-172.

258.45 Provisions not superseded.—The provisions of this act shall not supersede, but shall be subject to, the provisions of ss. 403.501-403.518.

History.—ss. 3, 6, ch. 75-172, s. 48, ch. 90-331.

258.46 Enforcement; violations; penalty.—The provisions of this act may be enforced by the Board of Trustees of the Internal Improvement Trust Fund or in accordance with the provisions of s. 403.412. However, any violation by any person, natural or corporate, of the provisions of this act or any rule or regulation issued hereunder shall be further punishable by a civil penalty of not less than \$500 per day or more than \$5,000 per day of such violation.

History.—s. 5, ch. 75-172.

PART III

WILD AND SCENIC RIVERS

258.501 Myakka River; wild and scenic segment.

258.501 Myakka River; wild and scenic segment.—

(1) **SHORT TITLE.**—This section may be cited as the "Myakka River Wild and Scenic Designation and Preservation Act."

(2) **LEGISLATIVE DECLARATION.**—The Legislature finds and declares that a certain segment of the Myakka River in Manatee, Sarasota, and Charlotte Counties 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. It is the intention of the Legislature to provide for the permanent preservation of the designated segment of the Myakka River by way of development of a plan for permanent administration by agencies of state and local government which will ensure the protection necessary but retain that degree of flexibility, responsiveness, and expertise which will accommodate all of the diverse interests involved in a manner best calculated to be in the public interest.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Activity" means the doing of any act or the failing to do any act, whether by a natural person or a corporation.

(b) "Agreement" means the interagency operating agreement between the department, the Department of Community Affairs, and Sarasota County or the City of North Port.

(c) "Coordinating council" means the council created by subsection (7).

(d) "Department" means the Department of Environmental Protection.

(e) "Division" means the Division of Recreation and Parks of the Department of Environmental Protection.

(f) "Major infrastructure facility" means a manmade structure which serves the common needs of the population, such as a central sewage disposal system, potable water system, potable water well serving a system, solid waste disposal site or retention area, stormwater system, utility, causeway, marina, bridge, or roadway.

(g) "Person" means an individual, corporation, governmental agency or institution thereof, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or other legal entity.

(h) "Resource value" means any one or more of the specific economic, scenic, recreational, geologic, fish and wildlife, historic, cultural, or ecological features associated with the river area as determined by the coordinating council.

(i) "River area" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor including the maximum upland extent of wetlands vegetation as determined by the former Department of Environmental Regulation pursuant to chapter 403 and chapters 17-3 and 17-312, Florida Administrative Code.

(j) "Wild and scenic protection zone" means an area which extends 220 feet landward from the river area.

(4) DESIGNATION OF WILD AND SCENIC RIVER.—

(a) The corridor of land surrounding and beneath the Myakka River between river mile 7.5 and river mile 41.5 is hereby designated as a Florida wild and scenic river for the purposes of this section and is subject to all of the provisions of this section. Such designated portion is more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line.

(b) The governments of Sarasota County and the City of North Port shall manage the Myakka River wild and scenic protection zone under their existing authori-

ties for comprehensive planning, the regulation of land development activities, and other necessary or appropriate ordinances and in conformance with this section, the management plan required under subsection (5), and the agreements adopted by the department and the Department of Community Affairs with the city and county pursuant to this section.

(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.

(b) The development of the proposed management plan shall be by public hearing and shall include participation by all appropriate state agencies and by all appropriate or interested local governments and private organizations.

(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, archaeological, 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.

7. Agricultural and forestry practices similar in nature to those in the river area on January 1, 1986.

8. Resource management practices for the protection, conservation, rehabilitation, or enhancement of river area resource values.

9. Monitoring of existing water quality.

10. Continuance of existing drainage and water management practices, unless such existing practices will adversely affect, degrade, or diminish existing water quality or existing resource values in the river area, and allowance of new water resource management practices which will not have an adverse impact on 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.

12. Review and regulation, by Sarasota County and the City of North Port under their respective authorities, of activities within the wild and scenic protection zone; and subsequent prohibition, or approval with or without

conditions, of such activities in order to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes.

(d) To the extent not inconsistent with this section, the proposed management plan may also include any other provisions deemed by the department to be necessary or advisable for the permanent protection of the river as a component of the Florida Wild and Scenic Rivers System.

(6) AMENDMENT OF REGULATIONS AND COMPREHENSIVE PLANS.—

(a) Sarasota County and the City of North Port shall amend their comprehensive plans so that the parts of such plans that affect the wild and scenic protection zone conform to, or are more stringent than, this section, the river management plan, and management guidelines and performance standards to be developed and contained within agreements to be adopted by the department, the Department of Community Affairs, and the city and county. The guidelines and performance standards must be used by the department and the Department of Community Affairs to review and monitor the regulation of activities by the city and county in the wild and scenic protection zone. Amendments to those comprehensive plans must include specific policies and guidelines for minimizing adverse impacts on resources in the river area and for managing the wild and scenic protection zone in conformance with this section, the river management plan, and the agreement. Such comprehensive plans must be amended within 1 year after the adoption date of the agreement, and thereafter, within 6 months following an amendment to this section, the river management plan, or the agreement, as may be necessary. For the purposes established in this subsection, such amendments need not conform to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(b) Sarasota County and the City of North Port shall adopt or amend, within 1 year after the department and the Department of Community Affairs adopt with the city and with the county agreements for regulating activities in the wild and scenic protection zone, any necessary ordinances and land development regulations so that those ordinances and regulations conform to the purposes of this section, the river management plan, and the agreement. Thereafter, following any amendment to this section, the river management plan, or the agreement, the city and county must amend or adopt, within 1 year, appropriate ordinances and land development regulations to maintain such local ordinances and regulations in conformance with this section, the river management plan, and the agreement. Those ordinances and regulations must provide that activities must be prohibited, or must undergo review and either be denied or permitted with or without conditions, so as to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners' use of land for residential purposes. The resource values of concern are those identified in this section and by the coordinating council in the river management plan. Activities

which may be prohibited, subject to the agreement, include, but are not limited to, landfills, clear cuttings, major new infrastructure facilities, major activities that would alter historic water or flood flows, multifamily residential construction, commercial and industrial development, and mining and major excavations. However, appurtenant structures for these activities may be permitted if such structures do not have adverse visual or measurable adverse environmental impacts to resource values in the river area.

(c) If the Department of Community Affairs determines that the local comprehensive plan or land development regulations, as amended or supplemented by the local government, are not in conformance with the purposes of this section, the river management plan, and the agreement, the Department of Community Affairs shall issue a notice of intent to find the plan not in compliance and such plan shall be subject to the administrative proceedings in accordance with s. 163.3184.

(7) MANAGEMENT COORDINATING COUNCIL.—

(a) Upon designation, the department shall create a permanent council to provide interagency and intergovernmental coordination in the management of the river. The coordinating council shall be composed of one representative appointed from each of the following: the department, the Department of Transportation, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Division of Forestry of the Department of Agriculture and Consumer Services, the Division of Historical Resources of the Department of State, the Tampa Bay Regional Planning Council, the Southwest Florida Water Management District, the Southwest Florida Regional Planning Council, Manatee County, Sarasota County, Charlotte County, the City of Sarasota, the City of North Port, agricultural interests, environmental organizations, and any others deemed advisable by the department.

(b) The coordinating council shall review and make recommendations on all proposals for amendments or modifications to this section and to the permanent management plan, as well as on other matters which may be brought before the council by the department, any local government, or any member of the council, and shall render its nonbinding advisory opinion to the Southwest Florida Water Management District, the department, and affected local governments.

(c) The council may adopt bylaws to provide for election of such officers as it deems necessary, removal of officers for just cause, meetings, quorum, procedures, and other such matters as its members may deem advisable in the conduct of its business. Such bylaws shall be approved by the department.

(d) Such professional staff as the coordinating council may require shall be provided by the department.

(8) PRESERVATION OF EXISTING GOVERNMENTAL AUTHORITY.—

(a) Nothing contained in this section shall operate to divest any agency, water management district, municipality, county, or special district of any authority or jurisdiction in existence on January 1, 1986.

(b) Notwithstanding paragraph (a), Sarasota County and the City of North Port must, in exercising their

authority and jurisdiction over any part of the wild and scenic protection zone, act in conformance with this section, the management plan, and the agreements entered into pursuant to this section.

(9) RULEMAKING AUTHORITY.—

(a) The department is authorized to adopt rules to regulate activities within the river area which have adverse impact on resource values as adopted by the coordinating council within the river area.

(b) The department shall coordinate all activities related to rule adoption and enforcement with the regulatory and management programs of other agencies in order to avoid to the maximum extent possible any conflicts or duplication arising therefrom.

(c) The department and the Department of Community Affairs must enter into agreements with the City of North Port and Sarasota County that provide for guiding and monitoring the regulation of activities by the city and county, in accordance with subsection (6). Such agreements shall include guidelines and performance standards for regulating proposed activities so as to minimize adverse environmental and visual impacts of such activities on the resource values in the river area, and to minimize adverse impacts to landowners' use of land for residential purposes.

(10) PERMITTING AUTHORITY.—

(a) No person or entity shall conduct any activity within the river area which will or may have an adverse impact on any resource value in the river area without first having received a permit from the department.

(b) A permit may be granted only after a finding by the department that the activity for which a permit has been requested will not have an adverse impact on resource values in the river area.

(c) The department may adopt an application fee schedule providing for payment of reasonable fees to defray the cost of processing applications.

(11) NOTIFICATION BY REGULATORY AGENCIES.

All state, regional, and local regulatory agencies shall provide to the department notification of applications received by the agency for approval to conduct activities in the river area and protection zone.

(12) LEGAL STATUS OF COMPREHENSIVE PLAN AMENDMENTS.—It is the intent of this section that the city and county amend their comprehensive plans, land development regulations, and other appropriate ordi-

nances and regulations to be in conformance with this section, the river management plan, and guidelines and performance standards to be developed and adopted by agreement pursuant to this section. Such amendments shall have legal status as provided under s. 163.3194 and must be implemented through appropriate local regulations in accordance with s. 163.3201.

(13) STANDING TO ENFORCE AMENDED COMPREHENSIVE PLANS.—It is the intent of this section that any aggrieved or adversely affected person may maintain an action for injunction or other relief against the city or county to prevent any such local government from taking action in regulating activities not consistent with the comprehensive plan, land development regulations, and other appropriate ordinances and regulations, as amended, pursuant to this section and s. 163.3215.

(14) PERMITTED ACTIVITIES.—

(a) Nothing in this section shall be construed to prohibit or regulate any activity taking place outside the river area and the wild and scenic protection zone for which necessary permits and licenses are obtained as required by other provisions of federal, state, or local law.

(b) Nothing in this section shall be construed to prohibit or limit public utilities from improving, maintaining, modifying, or expanding existing facilities or constructing new facilities in the river area or the wild and scenic protection zone, provided the necessary federal, state, and local permits and licenses are obtained.

(15) PROHIBITED ACTIVITY.—Airboats are prohibited from operating in the river area north of U.S. Highway 41 (State Road 45), except for uses officially allowed by government agencies.

(16) ENFORCEMENT.—Officers of the department shall have full authority to enforce any rule adopted by the department under this section with the same police powers given them by law to enforce the rules of state parks and the rules pertaining to saltwater areas under the jurisdiction of the Florida Marine Patrol.

(17) PENALTIES.—Violation of this section or of any rule adopted under this section constitutes a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Continuing violation after notice constitutes a separate violation for each day so continued.

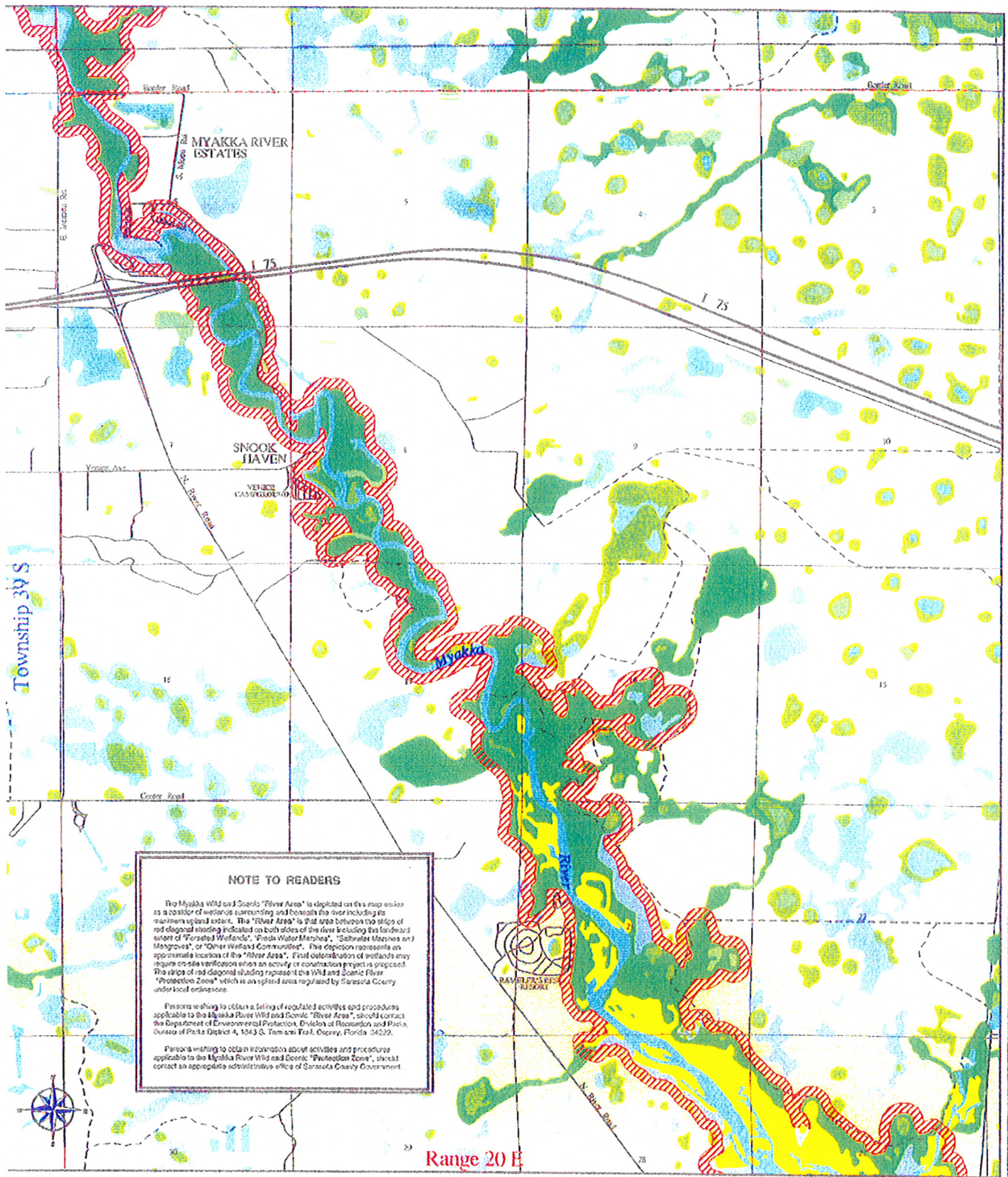
History.—ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, ch. 85-363, s. 30; ch. 86-163; s. 1, ch. 90-173; s. 101, ch. 94-356.

Exhibit B.

**Map of Wild and Scenic River
River and Protection Zone Areas**

The following map series identifies the administrative area for the State-designated Myakka Wild and Scenic River. Also identified is the approximate area of the Myakka Wild and Scenic River Protection Zone which is depicted as strips of red diagonal shading. The Protection Zone is administered by Sarasota County. The exact boundaries of these areas may be confirmed or adjusted on an individual property basis through on-site verification when an activity or construction project is proposed.

MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

- Lower Myakka River South of Interstate 75**
- Major Roads
 - Improved Roads
 - Unimproved Roads
 - Public Owned Land Boundary
 - Section-Township-Range Grid
 - 7.5 Minute Quadrangle Boundary
- September 1996

SCALE 1:12,000

Kilometers

Miles

Projection: Albers Equal Area Datum: NAD83

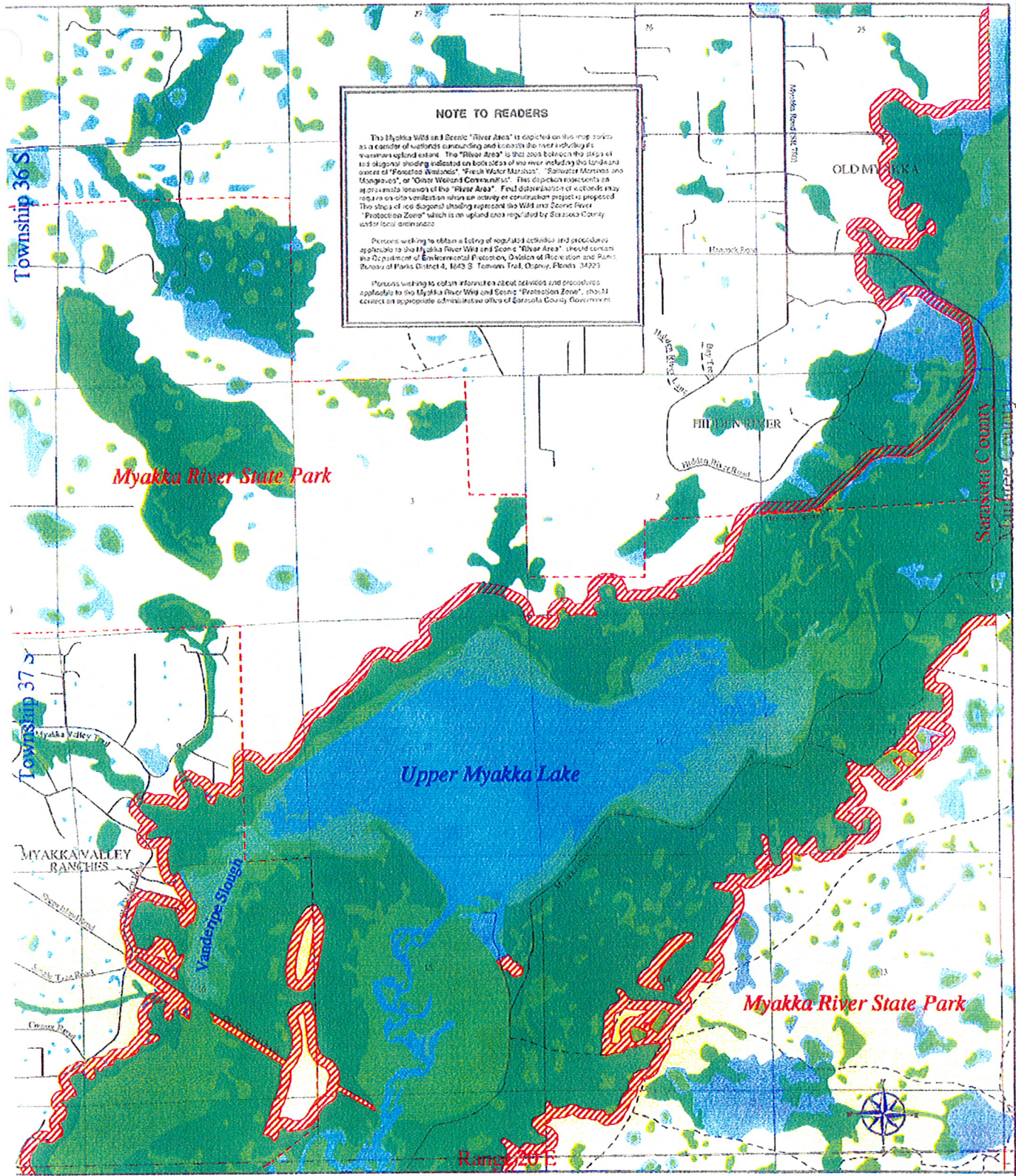
This wetland map is based on the map, "The Wild and Scenic River Area and the Wild and Scenic Protection Zone" prepared as a base map representing the approximate location of the River Area and Protection Zone for the Myakka River project in the Sarasota County area. Wetland information was derived from the Florida Department of Environmental Protection (FDEP) using Chapter 77A Florida Statutes, and Chapter 62A-01, F.A.C. Administrative Code.

The wetland area depicted on this map was generated using the 1970 National Wetland Inventory data prepared by the National Wetland Inventory (NWI) and the 1970 National Wetland Inventory data prepared by the National Wetland Inventory (NWI) and the 1970 National Wetland Inventory data prepared by the National Wetland Inventory (NWI). Wetland information was derived from the Florida Department of Environmental Protection (FDEP) using Chapter 77A Florida Statutes, and Chapter 62A-01, F.A.C. Administrative Code.

The National Wetland Inventory (NWI) data is the primary source of information for the National Wetland Inventory (NWI) and the 1970 National Wetland Inventory data prepared by the National Wetland Inventory (NWI). Wetland information was derived from the Florida Department of Environmental Protection (FDEP) using Chapter 77A Florida Statutes, and Chapter 62A-01, F.A.C. Administrative Code.



MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



NOTE TO READERS

The Myakka Wild and Scenic "River Area" is depicted on this map as a band of wetlands surrounding and located in the river's subject's meanders upland extent. The "River Area" is that area between the strips of red diagonal shading indicated on both sides of the river including the lands and waters of "Flooded Wetlands", "Fresh Water Marshes", "Saltwater Marshes and Mangroves", or "Other Wetland Communities". This depiction represents an approximate location of the "River Area". Final determination of wetlands may require site verification when an activity or construction project is proposed. The strips of red diagonal shading represent the Wild and Scenic River "Protection Zone" which is an upland area regulated by Sarasota County water quality standards.

Persons wishing to obtain a listing of regulated activities and procedures applicable to the Myakka River Wild and Scenic "River Area" should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1643 S. Tamiami Trail, Osprey, Florida 34229.

Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "Protection Zone", should contact an appropriate administrative office of Sarasota County Government.

- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

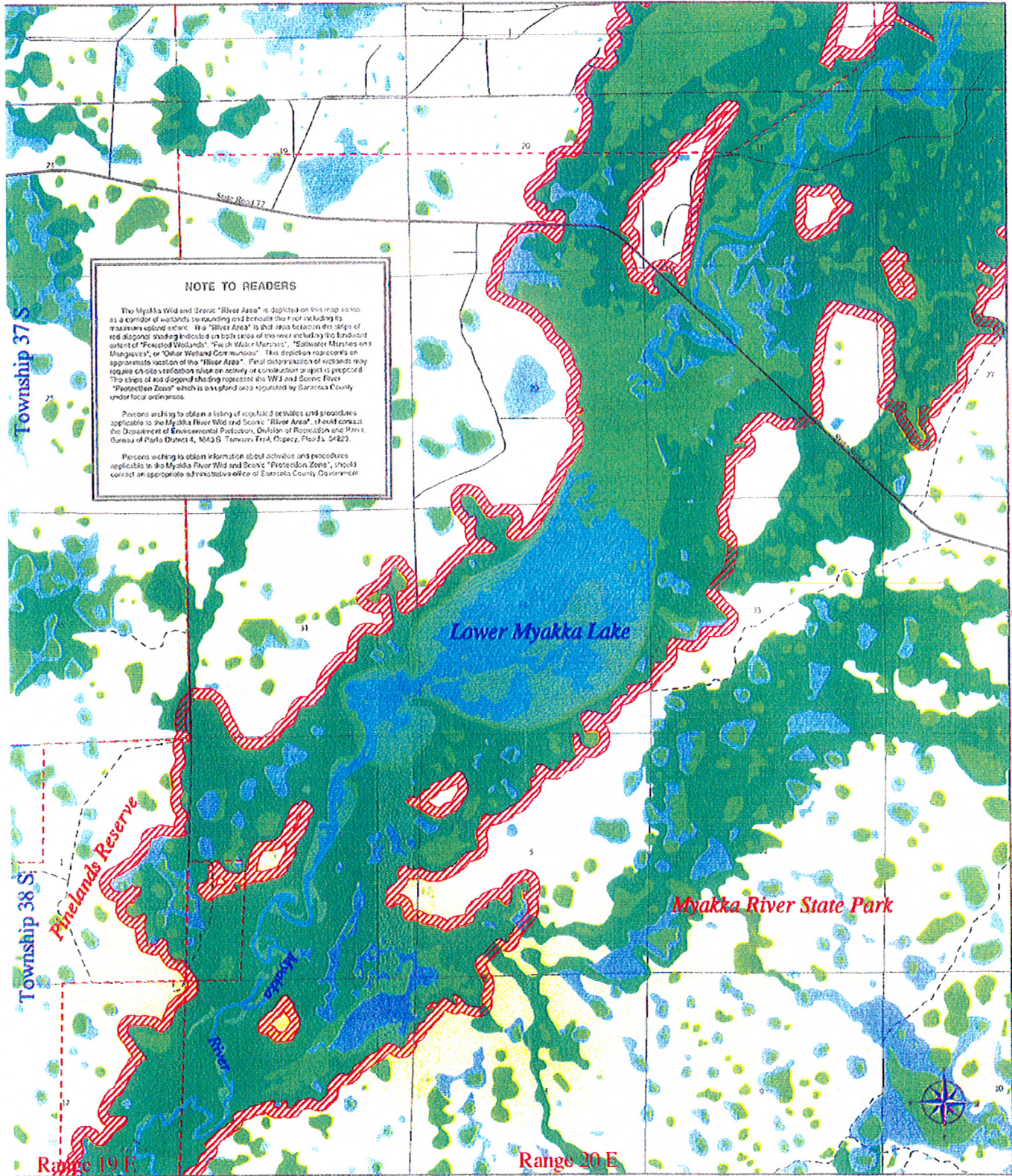
Upper Myakka Lake Region

September 1996

This map was prepared by the Florida Department of Environmental Protection, Bureau of Parks District 4, in cooperation with the Florida Department of Environmental Protection, Bureau of Parks District 4, and the Florida Department of Environmental Protection, Bureau of Parks District 4. The map was prepared by the Florida Department of Environmental Protection, Bureau of Parks District 4, in cooperation with the Florida Department of Environmental Protection, Bureau of Parks District 4, and the Florida Department of Environmental Protection, Bureau of Parks District 4. The map was prepared by the Florida Department of Environmental Protection, Bureau of Parks District 4, in cooperation with the Florida Department of Environmental Protection, Bureau of Parks District 4, and the Florida Department of Environmental Protection, Bureau of Parks District 4.



MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



NOTE TO READERS

The Myakka Wild and Scenic "River Area" is depicted on this map as a corridor of wetlands stretching east through the river including its meanders and oxbow. The "River Area" is that area between the strips of red diagonal hatching indicated on both sides of the river including the broadest extent of "Forested Wetlands", "Fresh Water Marshes", "Saltwater Marshes and Mangroves", or "Other Wetland Communities". This depiction represents an approximate location of the "River Area". Final determination of wetlands may require on-site verification upon an activity or construction project is proposed. The strips of red diagonal hatching represent the Wild and Scenic River "Protection Zone" which is a protected area required by Barren County under local ordinance.

Persons wishing to obtain a listing of regulated activities and procedures applicable to the Myakka River Wild and Scenic "River Area", should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1043 S. Tamiami Trail, Osprey, Florida 33827.

Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "Protection Zone", should contact an appropriate administrative office of Barren County Government.

- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

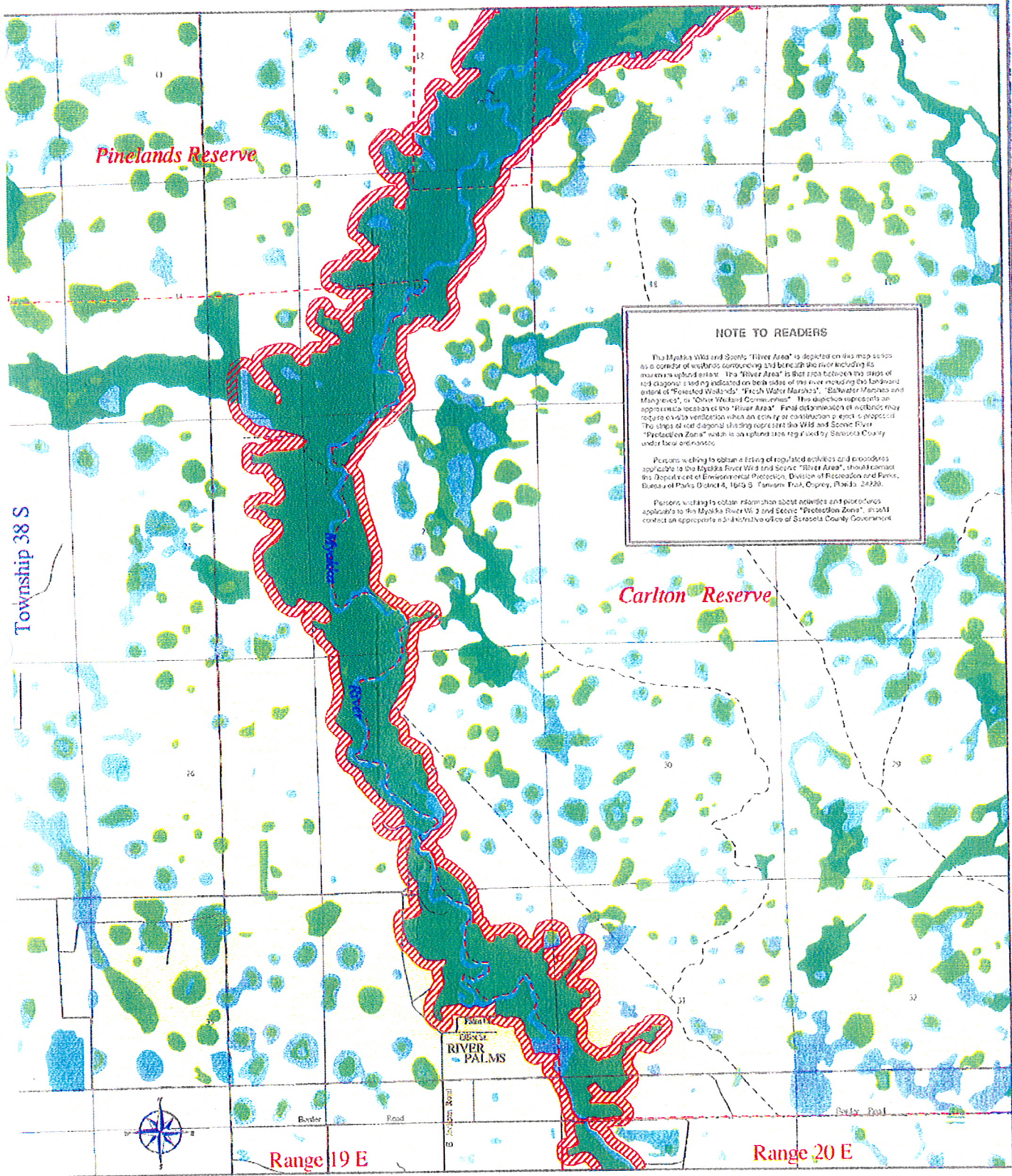
- Lower Myakka Lake Region**
- Major Roads
 - Improved Roads
 - Unimproved Roads
 - Public Owned Land Boundary
 - Section-Township-Range Grid
 - 7.5 Minute Quadrangle Boundary

September 1996

No. of wetlands identified on this map. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on this map represent the approximate location of the River Area and Protection Zone for the administrative purposes only as set forth in Sections 290.00, 290.01, 290.02, 290.03, 290.04, 290.05, 290.06, 290.07, 290.08, 290.09, 290.10, 290.11, 290.12, 290.13, 290.14, 290.15, 290.16, 290.17, 290.18, 290.19, 290.20, 290.21, 290.22, 290.23, 290.24, 290.25, 290.26, 290.27, 290.28, 290.29, 290.30, 290.31, 290.32, 290.33, 290.34, 290.35, 290.36, 290.37, 290.38, 290.39, 290.40, 290.41, 290.42, 290.43, 290.44, 290.45, 290.46, 290.47, 290.48, 290.49, 290.50, 290.51, 290.52, 290.53, 290.54, 290.55, 290.56, 290.57, 290.58, 290.59, 290.60, 290.61, 290.62, 290.63, 290.64, 290.65, 290.66, 290.67, 290.68, 290.69, 290.70, 290.71, 290.72, 290.73, 290.74, 290.75, 290.76, 290.77, 290.78, 290.79, 290.80, 290.81, 290.82, 290.83, 290.84, 290.85, 290.86, 290.87, 290.88, 290.89, 290.90, 290.91, 290.92, 290.93, 290.94, 290.95, 290.96, 290.97, 290.98, 290.99, 290.100.



MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



NOTE TO READERS

The Myakka Wild and Scenic "River Area" is depicted on this map as a corridor of wetlands surrounding and bordering the river including its maximum upland extent. The "River Area" is that area between two steps of red diagonal hatching indicated on both sides of the river including the landward extent of "Forested Wetlands," "Fresh Water Marshes," "Emergent Aquatics and Shrub Swamps," or "Other Wetland Communities." This depiction suggests an approximate location of the "River Area." Final determination of wetlands may require on-site verification when an ecology or conservation project is proposed. The steps of red diagonal hatching represent the Wild and Scenic River "Protection Zone" which is an upland area regulated by St. Johns County under local ordinance.

Persons wishing to obtain a listing of regulated activities and procedures applicable to the Myakka River Wild and Scenic "River Area," should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1616 S. Tamiami Trail, Opa-Locka, Florida 33450.

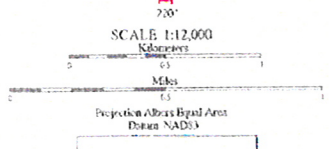
Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "Protection Zone," should contact an appropriate administrative office of St. Johns County Government.

- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

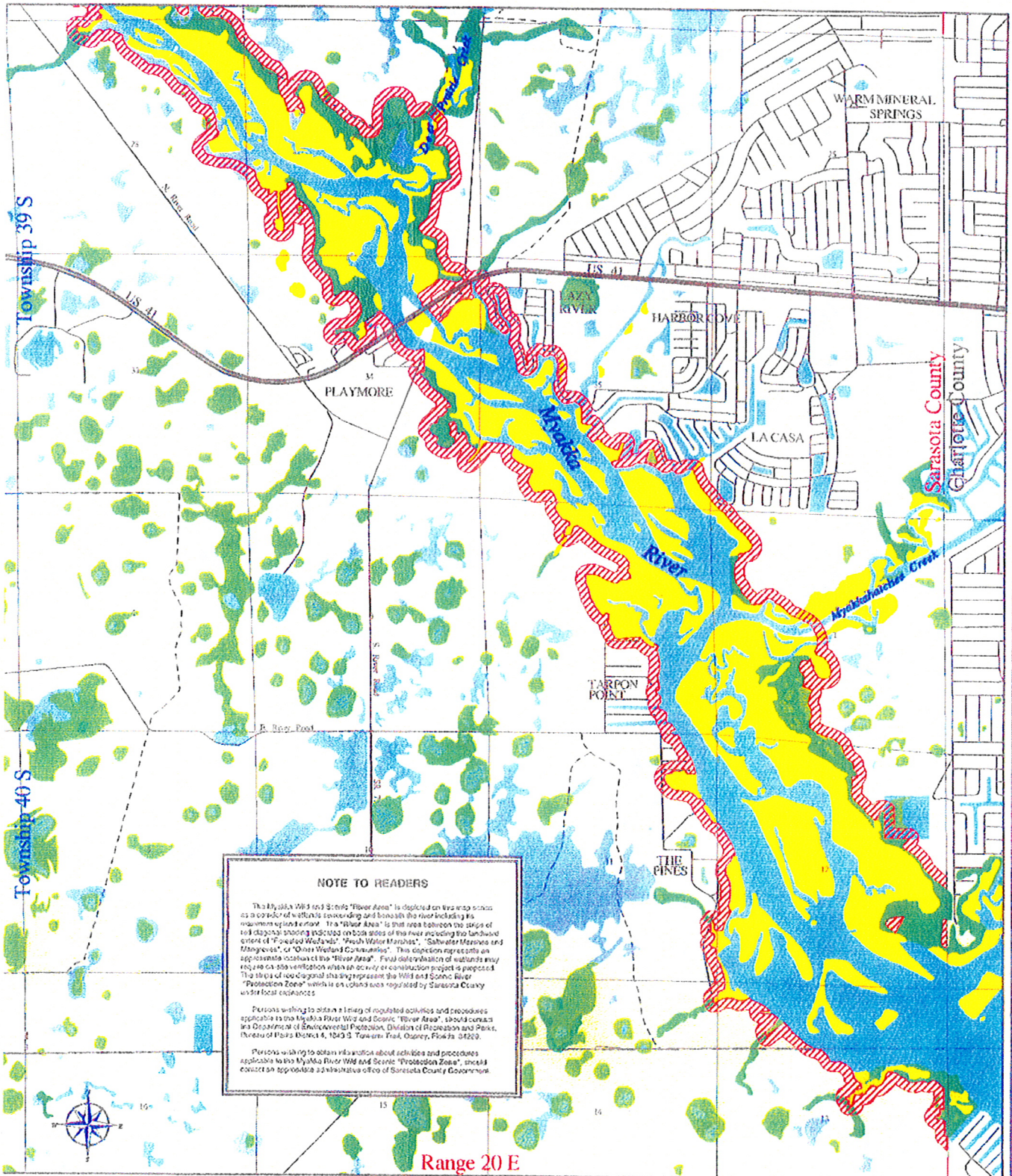
- Major Roads
- Improved Roads
- Unimproved Roads
- Public Owned Land Boundary
- Section-Township-Range Grid
- 7.5 Minute Quadrangle Boundary

September 1996

For all wetland and floodplain data steps. The Wild and Scenic River Area and the Wild and Scenic Protection Zone depicted on this map represent the approximate location of the River Area and Protection Zone for the administrative purposes set forth in Section 208.09, Florida Statute. Wetlands are delineated by the Florida Department of Environmental Protection, District 4, Palmdale, Florida, and District 5, Myakka, Florida. Administrative Code. The actual data depicted on this map were approximated using the 1970 USGS aerial photos and prepared by the St. Johns County Department of Environmental Protection and the St. Johns County Department of Planning and Development. Wetland boundaries were defined for the Wild and Scenic River Area and the Wild and Scenic Protection Zone as a result of the 1970 USGS aerial photos and the St. Johns County Department of Planning and Development. The Florida Department of Environmental Protection, District 4, Palmdale, Florida, and District 5, Myakka, Florida, are the primary agencies responsible for the delineation of wetlands and floodplains. The Wild and Scenic River Area and the Wild and Scenic Protection Zone is a national and state designated area. These areas are subject to special regulations. These areas are subject to special regulations.



MYAKKA WILD AND SCENIC RIVER RIVER AND PROTECTION ZONE ADMINISTRATIVE AREAS



NOTE TO READERS

This Myakka Wild and Scenic "River Area" is depicted on this map as an area of wetlands extending and beneath the river including its immediate upland area. The "River Area" is that area between the source of the Myakka Spring (NSD) and on both sides of the river including the landward extent of "Forested Wetlands", "Fresh Water Marshes", "Saltwater Marshes and Mangroves", or "Other Wetland Communities". This depiction represents an approximate location of the "River Area". Final delineation of wetlands may require on-site verification when an activity or construction project is proposed. The strip of road along the right side of the Wild and Scenic River "Protection Zone" which is an island was regulated by Sarasota County under local ordinances.

Persons wishing to obtain a listing of regulated activities and procedures applicable to the Myakka River Wild and Scenic "River Area", should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1240 S. Tamiami Trail, Osney, Florida 34229.

Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "Protection Zone", should contact an appropriate administrative office of Sarasota County Government.



- Open Water Areas
- Upland Communities
- Freshwater Marshes
- Forested Wetlands
- Emergent Aquatic Vegetation
- Saltwater Marshes and Mangroves
- Other Wetland Communities
- 220 Foot Protection Zone

- Lower Myakka River at Warm Mineral Springs**
- Major Roads
 - Improved Roads
 - Unimproved Roads
 - Public Owned Land Boundary
 - Section-Township-Range Grid
 - 7.5 Minute Quadrangle Boundary
- September 1996

All wetlands are identified on this map. The Wild and Scenic River Area and the Wild and Scenic River Zone depicted on this map are subject to special management under the River Area Protection Zone for the River Area Protection Act (Sarasota County Ordinance 2006-06). Persons wishing to obtain information about activities and procedures applicable to the Myakka River Wild and Scenic "River Area", should contact the Department of Environmental Protection, Division of Recreation and Parks, Bureau of Parks District 4, 1240 S. Tamiami Trail, Osney, Florida 34229.

The wetland area depicted on this map were prepared as of the 1996 and are subject to change as a result of the Sarasota Florida Water Management District (SFWMD) and may vary from the wetlands as depicted on the Florida Department of Environmental Protection (FDEP) maps. Wetland boundaries were derived from the Wild and Scenic River Area and Wild and Scenic River Protection Act (Sarasota County Ordinance 2006-06) and the U.S. Army Corps of Engineers (ACEC) maps. The wetland area depicted on the Wild and Scenic River Area and the Wild and Scenic River Protection Act is not shown, may be different from the specific delineation. These maps are not to be used for any other purpose.

SCALE 1:12,000
1:200'

Physiognomy Aerial Digital Area
Datum: NAD83

**APPENDIX E – Sarasota County Ordinance No. 98-025 Relating to Protection
Measures for the Myakka River and the “Myakka River Protection
Plan”**

1999
Division

5:37:18 PM '98

ORDINANCE NO. 98-025

DEPARTMENT OF ENVIRONMENTAL PROTECTION
TALLAHASSEE, FLORIDA
98 DEC 17 PM 4:06
FILED

AN ORDINANCE OF THE COUNTY OF SARASOTA RELATING TO PROTECTION MEASURES FOR THE MYAKKA RIVER AND IMPLEMENTATION OF THE SARASOTA COUNTY COMPREHENSIVE PLAN; PROVIDING FINDINGS; PROVIDING FOR THE ADOPTION OF THE MYAKKA RIVER PROTECTION PLAN; PROVIDING DIRECTION TO PROCESS AMENDMENTS TO COUNTY ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. Findings. The Board of County Commissioners of Sarasota County, hereinafter referred to as the Board, makes the following findings:

1. The Legislature of the State of Florida enacted the Myakka River Wild and Scenic Designation and Preservation Act (the "Act") which is presently contained in Part III, Chapter 258, Florida Statutes (1997).
2. Pursuant to the Act, the corridor of land surrounding and beneath the Myakka River between River Mile 7.5 and River Mile 41.5 has been designated as a Florida Wild and Scenic River (the "Myakka River"), and more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line. Further, the "Wild and Scenic Protection Zone" means the area which extends 220 feet landward from the river area.
3. The Act provides for the permanent preservation of the Myakka River by way of development of a plan for permanent administration by agencies of state and local government.
4. The Act requires the State of Florida, Department of Environmental Protection (the "Department") and a Coordinating Council created by the Department, to jointly develop a management plan for the Myakka River.
5. In May 1990, the "Myakka Wild and Scenic River Management Plan" was approved by the Governor and Cabinet in accordance with the Act.
6. In 1991, Chapter 150 Florida Administrative Code entitled "Myakka River Wild and Scenic River Rule" was established for the purposes of implementing the Myakka Wild and Scenic River Management Plan.

DEC 17 1998

1998

7. The Act requires that the Department of Environmental Protection and the Department of Community Affairs enter into an agreement with Sarasota County that includes guidelines and performance standards for regulating proposed activities in the Myakka River Wild and Scenic Protection Zone.
8. On December 16, 1997, the Board adopted a State-Local Agreement (the "Agreement") establishing interagency coordination for administering rules and regulations pertaining to the Myakka River Wild and Scenic Protection Zone in accordance with the Act. The Act requires that within one (1) year after the Agreement is adopted, necessary ordinances, land development regulations and Comprehensive Plan Goals, Policies and Objectives shall be adopted and/or amended by Sarasota County in conformance with the Agreement.
9. On July 17, 1993, Sarasota County Comprehensive Plan Amendment RU-14 was challenged in the case styled, Maynard Hiss v. Department of Community Affairs, Sarasota County, et al. Case No. 93-4217GM.
10. On March 15, 1994, the Board approved a Settlement Agreement in the Hiss case which required the Board to establish an advisory board, to adopt a Myakka River Protection Ordinance containing a plan and continue its efforts in carrying out the terms of the State-Local Agreement.
11. Resolution No. 94-236, adopted by the Board on September 20, 1994, established the "Myakka River Planning Advisory Board".
12. On December 11, 1997, the Board approved, with modifications, the recommendations of the Myakka River Protection Plan (the "Plan"), in accordance with the Settlement Agreement.
13. It is necessary to enact this Ordinance setting forth adoption of the Plan and assisting in the implementation of Apoxsee, the Sarasota County Comprehensive Plan.
14. As identified in the Plan, Apoxsee, the Sarasota County Comprehensive Plan, contains a number of Goals, Policies and Objectives for protecting the Myakka River consistent with the requirements of the Act; thus, Apoxsee shall not require any additional amendments thereto.
15. The Board, sitting as the Sarasota County Land Development Regulations Commission, has reviewed the proposed ordinance provided herein and has found that the ordinance is consistent with the Sarasota County Comprehensive Plan, as amended.

Section 2: Adoption of Myakka River Protection Plan. The Board of County Commissioners, after having conducted a public hearing on this matter and having made the findings specified above, hereby accepts delivery and adopts the Myakka River Protection Plan, attached as Exhibit A, in compliance with the Settlement Agreement and the State-Local Agreement.

Section 3: Direction to Process Amendments. The Board of County Commissioners hereby directs staff to process amendments, consistent with provisions of the Act, to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners use of land for residential purposes, as they apply to the following County ordinances:

- (a) County Ordinance No. 75-38, as amended, commonly referred to as the Zoning Ordinance.
- (b) County Ordinance No. 81-12, as amended, commonly referred to as the Land Development Regulations.
- (c) County Ordinance No. 81-60, as amended, commonly referred to as the Earthmoving Ordinance.
- (d) County Ordinance No. 83-44, as amended, commonly referred to as the Tree Protection Ordinance.

Section 5. Severability. If any provision of this ordinance is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Section 6. Effective Date. This ordinance shall take effect immediately upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 34th day of December, A.D., 1998.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

By: [Signature]
Chairman

ATTEST:
KAREN E. RUSHING, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida.

By: [Signature]
Deputy Clerk

000.005

THE MYAKKA RIVER PROTECTION PLAN

BOARD OF COUNTY COMMISSIONERS

Raymond A. Pilon--District 1
David R. Mills--District 2
Shannon Staub--District 3
Jack O'Neil--District 4
Robert L. Anderson--District 5

MYAKKA RIVER PLANNING ADVISORY BOARD

James Cooper
Dr. Mary L. Jelks
Charles E. Koch
Cord C. Mellor
Jono Miller
Jean H. Ost
Stephen M. Suau
Thomas H. Taylor, Jr. (Chairman)
John J. Whelan

098-015

SARASOTA COUNTY STAFF

Chief John H. Albritton, Fire Department
Kirk Bagley, Transportation Department
Brian Beatty, Planning Department
Stephen Brown, Planning Department
Gary S. Comp, Natural Resources Department
Stephen E. DeMarsh, Office of the County Attorney
Richard A. Drummond, Planning Department
Robert W. Forbes, Health Department
Robert "Terry" Gilbert, Land Development Coordination
Dr. John Goodknight, Transportation Department
Edward Goscicki, Utilities Department
Dana Gourley, A.I.C.P., Natural Resources Department
Jerry Gray, Planning Department
Dr. Robin L. Hart, Natural Resources Department
Nina Large, Natural Resources Department
Sheriff Geoffrey Monge
Captain Terry Lewis, Sheriff's Department
William Little, Health Department
J.P. Marchand, P.E., Transportation Department
Sandra R. Newell, P.E., Transportation Department
James Oppy, Utilities Department
William Perkins, Health Department
Paul Radauskas, Construction and Property Standards Department
Alan W. Roddy, Office of the County Attorney
Walter Rothenbach, Parks and Recreation Department
James Todora, County Property Appraiser
Meg A. Wittmer, Office of the County Attorney
Laird Wreford, Natural Resources Department

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2001

THE MYAKKA RIVER PROTECTION PLAN

BACKGROUND

Sarasota County Resolution No. 94-236 states that the primary function of the Myakka River Planning Advisory Board (MRPAB) is to provide recommendations to the Sarasota County Board of County Commissioners on how to protect the heritage and enhance the integrity and resources of the Myakka River. The recommendations are to address the development, administration, implementation and updating of a Myakka River Protection Ordinance. The Ordinance shall contain a plan that includes the following:

- (A) Identification of important natural and cultural resources and attributes;
- (B) Goals, objectives, and policies applicable to the planning area that incorporate relevant goals and objectives of the Myakka Wild and Scenic River Management Plan and Apoxsee (Sarasota County's Comprehensive Plan);
- (C) Regulations pertaining to land use and land activities;
- (D) Planning tools, programs and strategies to implement the goals and objectives referred to in (B) above; and
- (E) Public facility plans.

(A) MYAKKA RIVER RESOURCE VALUES AND ATTRIBUTES

The State of Florida's Myakka Wild and Scenic River Management Plan was accepted in May, 1990 by the Governor and Cabinet. Section 4 of the Management Plan describes resource values, issues, and problems as identified by the Myakka River Management Coordinating Council and work groups during the preparation of the Plan. The major resource values and attributes have been briefly summarized below. These values and attributes have been endorsed by the MRPAB.

Economic resource values focus on agricultural activity with other components including land development, transportation, and mining activity. Agricultural activity may involve crop production, citrus, and sod farming while livestock grazing takes place on improved and unimproved pasture/rangeland. The economic elements most closely related to the river itself are commercial fishing, sport fishing, and commercial boat touring.

Scenic resource values associated with the Myakka River include its vista as seen from the river and its bank. The visual components vary from narrow river reaches with associated hardwood forests to wide open lake panorama. A predominant River experience is the

overall wilderness corridor with its many changing characteristics and spontaneous observations.

Recreational resource values center upon resource-based recreational activities and opportunities and as such these features are concentrated for the most part along the river and its banks. The primary recreation activities which are water-dependent include fishing, boating, and canoeing. Water-related activities associated with the River are camping resorts, picnicing, hiking and bicycling.

Cultural and historic resource sites of the Myakka River watershed provide present and future residents and tourists with educational destinations. These destinations emphasize the unique character of communities through the preservation and restoration of historic structures. A number of historically significant structures occur within the boundaries of the Myakka River State Park, and the majority of the River corridor within the County has been identified as an archaeological sensitivity zone.

Geologic resource values occurring along the Myakka River corridor include two springs, Warm Mineral Springs and Little Salt Springs. A sinkhole called Deep Hole is located in the southwest corner of Lower Myakka Lake and bluffs dominate the banks along several segments of the River.

Water resource values include the following three components: water quality, the quantity of the freshwater discharge, and the time distribution of the discharge. The River is designated in the Florida Administrative Code as Class I waters and has an Outstanding Florida Water and Wild and Scenic River designation. The River's tributaries and sub-basins provide additional factors in water quality and quantity.

Terrestrial ecology resource values comprise all of the plants and animals associated with the uplands and wetlands of the Myakka River corridor. Included would be various flatwoods, prairies, scrub, hammock, wetlands and swamp. These resource values deal with the plants and animals at individual, species community, and ecosystem levels. There are a variety of listed species of both plants and animals that occur throughout the corridor.

Aquatic ecology resource values are embodied in the biotic communities and aquatic habitats of the River which include ecological, recreational, and commercial. Fisheries consider the freshwater sport fish caught in the lakes and upper reaches of the River while saltwater recreational and commercial fishing occurs further south of I-75 within the more estuarine segments of the corridor.

(B) GOALS DEVELOPED BY THE MRPAB:

The MRPAB established 4 general goals which are listed below. The corresponding objectives from the Myakka Wild and Scenic River Management Plan and the goals, objectives, and the objectives and policies from Sarasota County's Comprehensive Plan, Apoxsee, which support each of these 4 goals have also been identified.

GOAL 1 Protect and maintain native habitats (in particular wetlands and hammocks) and other plant communities along the River;

Myakka Wild and Scenic River Management Plan

Objective 1: To protect, enhance and maintain the unique and irreplaceable values, functions, diversity and benefits of the natural resources along the Myakka River;

Apoxsee

Environment Policy 1.3.5: "By 1999, the County shall adopt and implement an ordinance that contains siting, design and construction criteria for marinas, boat ramps, and other boat facilities to minimize impacts on estuarine waters and the endangered west indian manatee. The expansion of existing boating facilities in suitable areas shall occur over the construction of new facilities. New and expanded motorized boating facilities shall not be located in or adjacent to areas of significant manatee habitat and travelways as defined by said ordinance. No new motorized boating facilities shall be allowed, at a minimum, within the Pansy Bayou and the Warm Mineral Springs and Creek."

Environment Policy 5.2.3.: "Enact ordinances and/or amend existing ordinances that protect the Myakka River, and consider the results of ongoing study and management efforts by various organizations, agencies, and County Departments (for example, the Myakka River Management Coordinating Council, the Department of Environmental Protection sponsored Myakka River Basin Study, and the County's Myakka River Downstream Studies). In accordance with Section 258.501(6)(a), Florida Statutes, development which affects the designated "wild and scenic protection zone" of the Myakka River shall meet standards which conform to or are more stringent than standards developed pursuant to Section 258.501, Florida Statutes, the "Myakka River Wild and Scenic Designation and Preservation Act", including standards found in the Myakka Wild and Scenic Management Plan accepted by the Governor and Cabinet on May 22, 1990, and to be included in the State-Local Agreement for Managing the Myakka River Wild and Scenic Protection Zone."

Environment Objective 5.4: "To identify, manage, and protect all ecological communities and wildlife, especially critical habitats and endangered, threatened, and species of special concern identified in official federal, State, or international treaty lists."

Environment Policy 5.4.1: "Continue to review development proposals for consistency with the 'Principles for Evaluating Development Proposals in Native Habitats' as required by the Land Development Regulations (Ordinance No. 81-12, as amended)."

Environment Policy 5.4.2: "The County will continue to work with State and federal agencies regarding the development and implementation of protection guidelines relating to threatened and endangered species. By July 1, 2000, the County Natural Resources Department shall prepare a plan to adopt and allow the County to enforce guidelines adopted by State and federal agencies or specific authorizations granted by State and federal agencies that protect listed species occurring within the County. Unless precluded by State and federal law, the County may adopt more stringent requirements when deemed appropriate."

Environment Policy 5.4.3: "Require development order applicants to consult with the appropriate agencies and to use recognized sampling techniques to identify endangered, threatened, and species of special concern."

Environment Policy 5.4.6: "Development in areas of critical manatee habitat shall not adversely impact the manatee."

Environment Policy 5.5.2: "The Future Land Use Map Series shall be revised to show the location of areas of high ecological value as identified by staff and approved by the Board of County Commissioners."

Environment Policy 5.5.3: "Develop mechanisms to acquire, physically link natural areas into a contiguous system or otherwise protect environmentally significant lands through a voluntary program and coordinate County resources with existing State programs such as the Conservation and Recreation Land (CARL) Program, the Save Our Rivers (SOR) Program, and with groups such as the Nature Conservancy and the Trust for Public Lands. Priority should be given to acquiring and otherwise protecting properties which are adjacent to or in close proximity to existing preservation areas, with emphasis on maintaining opportunities for a regional greenways system that may include a mix of flow ways, areas subject to flooding, native habitats, recreational trails and wildlife corridors."

Environment Policy 5.5.4: "Sarasota County shall immediately establish additional incentives for landowners to protect the naturally beneficial features of the lands identified as having high ecological value pursuant to Policy 5.5.2, rather than emphasizing reliance upon regulatory police power authority. These additional incentives shall utilize a full range of techniques as appropriate (including, but not limited to, tax incentives, and provisions for variable lot sizes in Rural Areas)."

Environment Policy 5.5.10: "Protect the natural diversity, processes and functions of natural communities in the Myakka River State Park and Oscar Scherer State Park from development impacts by coordination with Florida Department of Environmental Protection and Southwest Florida Water Management District to maintain and enhance soils, groundwater, surface and subsurface waters, shorelines, vegetative communities and wildlife habitats within these management areas."

Environment Policy 5.5.11: "Native habitats set aside in preservation and conservation areas shall be managed in accordance with resource management plans which are subject to review and approval by the County through the development review process, to ensure maintenance of the functions and values of these native habitats."

Environment Policy 5.5.12: "Policy 2.1.2 of the Future Land Use Chapter shall include Map 21: 'Figure 2-10: Areas of High Ecological Value in Unincorporated Sarasota County' as part of the Future Land Use Map Series."

Environment Policy 5.5.13: "By 1998, additional criteria for off-site mitigation and mitigation alternatives will be developed for consideration by the Board of County Commissioners. These alternatives would be allowed to offset wetland impacts provided that there is not a net loss in total wetland acreage (i.e., all wetland acreage impacted shall be mitigated)."

Environment Policy 5.6.1: "The County shall promote the conservation of native vegetation removed during land-clearing and utilize this resource for transplanting and revegetation."

Environment Policy 5.6.5: "Where practical, invasive and nuisance plants will be removed from new developments and County-owned property and replaced with native or other appropriate ornamental species."

Environment Policy 5.6.6: "During the development review process, encourage the private sector to preserve natural vegetation, to relocate native vegetation that cannot be preserved and remove invasive and nuisance plants."

Environment Policy 5.6.7: "Pursue an interdepartmental/interagency approach to the development of management plans and/or guidelines for County-owned Public Conservation/Preservation Lands and the native areas within parks in order to protect, maintain, and restore, where necessary, native habitats. Previously approved management plans shall be considered in the implementation of this Policy."

Environment Policy 5.7.3: "Educational materials shall be made available to developers, homeowners, and other interested citizens concerning proper

maintenance, management, restoration, and development in natural areas (for example, pamphlets about habitat creation, endangered species, management of development ponds, shoreline and dune vegetation, xeriscape, water conservation, and the Street Tree Program)."

Environment Policy 5.7.4: "The County shall use Integrated Pest Management (I.P.M.) in all of its operations to set an example and encourage citizens to use these least toxic management methods to control pests."

Myakka River Principles V.B

2. Management Guidelines:

- * a. Prohibit dredging and filling in the Myakka River
- * b. Implement a "wild and scenic protection zone" for new construction, unless otherwise vested by a prior development order approval. By July 1, 1997, the Sarasota County Board of County Commissioners shall adopt an ordinance establishing the guidelines and performance standards to apply in managing the "wild and scenic protection zone". (RU-30, Ord. 97-061, July 8, 1997)
- * c. Strive to reduce pollution entering the Myakka River. All new construction adjacent to the River and within a semi-rural or urban designation shall connect to a County-approved central service for wastewater treatment. (RU-14, Ord. 93-033, May 11, 1993)
- * d. Closely monitor the effects of phosphate mining and other potentially detrimental land uses.
- * e. Establish a special conservation management area that includes the Myakka River and appropriate lands adjacent to the River to ensure the future conservation of the Myakka River and its watershed.

Freshwater Wetlands Principles VI.A (refer to Apoxsee)

Mesic Hammocks Principles VII.A (refer to Apoxsee)

Section 4(b) of the Tree Protection Ordinance No. 83-44, as amended: The County does not require any tree permit for the removal of Brazilian pepper, melaleuca, Australian pine, carrotwood; and china-berry.

Invasive Plant Species Ordinance No. 90-01, as amended: The County prohibits the importation, sale, propagation and planting of Brazilian pepper, melaleuca, Australian pine, carrotwood, Chinese tallow and beach naupaka.

GOAL 2 Protect the floodplain functions and values of the River;

Myakka Wild and Scenic River Management Plan

Objective 5: To minimize urban and suburban encroachment and resultant adverse impacts upon the river and allow appropriate land uses within the watershed;

Objective 6: To 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;

Objective 7: To minimize the disturbances to natural resources of the Myakka River from river-related recreational uses;

Objective 8: To protect archaeological/historical sites from adverse impacts associated with development, vandalism, and artifact collecting; and

Objective 9: To expand the knowledge and data base of the archaeological/historical resources in the Myakka River vicinity and in the watershed.

Apoxsee

Environment Policy 2.1.2.: "Continue to prohibit dredge and fill activities in the Gulf of Mexico, bays, rivers, and streams of the County except to maintain existing drainage canals, existing or future County-approved navigation channels and beach renourishment projects, and silt or obstruction removal, when environmentally sound. The dredging of new navigation channels other than those just described shall be prohibited."

Future Land Use Goal 1: "Preserve, protect and restore the integrity of the natural environment, historic and archeological resources, and preserve agricultural uses consistent with resource protection."

Future Land Use Objective 1.1: "To protect environmentally sensitive lands, conserve natural resources, protect floodplains, maintain water quality, and open space, and conserve and protect historic and archeological resources."

Future Land Use Policy 1.1.1.: "All development proposals must conform to the appropriate portions of the Environment Chapter's Primary Components and Guiding Principles before such proposals can be considered to be consistent with the Future Land Use Plan."

Future Land Use Policy 1.1.3.: "The designated County Coastal High Hazard Area shall include the evacuation zone for a Category 1 hurricane, as established in the regional hurricane evacuation study."

Future Land Use Policy 1.1.4.: "Residential development within the adopted Coastal High Hazard Area shall conform to the following:

In the event that a residential structure located within the adopted Coastal High Hazard Area is voluntarily destroyed, or destroyed by natural forces, the redevelopment of said property must conform to the underlying zoning;

The provisions of this Policy shall not be construed as restricting the rebuilding of a single family residence on an existing lot-of-record, provided that such property meets all requirements pertaining to construction in the Coastal High Hazard Area;

In the event that natural forces render a property located in the Coastal High Hazard Area unbuildable, or reduce the development potential of a property as allowed by the prior acreage and the underlying zone district, utilization of the Transfer of Development Rights concept will be encouraged. Development Rights, in such cases, shall be determined based upon pre-disaster conditions; ..."

Future Land Use Policy 1.1.6.: "No development order shall be issued which would permit development in 100-year floodplains, as designated on Federal Emergency Management Agency Flood Insurance Rate Maps or adopted County flood studies, or on floodplain associated soils, defined as Soils of Coastal Islands, Soils of the Hammocks, Soils of Depressions and Sloughs, and Soils of the Floodplains and shown in Figure 2-2, that would adversely effect the function of the floodplains or that would degrade the water quality of water bodies associated with said floodplains in violation of any local, State, or federal regulation, including water quality regulations."

Future Land Use Policy 1.1.7.: "Sarasota County will coordinate efforts to acquire public lands for conservation, preservation, and open space."

Future Land Use Policy 1.1.8.: "Provide for the adequate buffering of Public Conservation Lands from potentially incompatible adjacent land uses."

Future Land Use Policy 1.1.9.: "Any new Public Conservation and Preservation Area, preserved/acquired pursuant to Policy 5.5.2. and Policy 5.5.3. of the Environment Chapter, shall have all buffering and land use compatibility strategies incorporated to the extent feasible and finalized prior to the closing."

Future Land Use Policy 1.1.10.: "Normal management practices associated with maintaining and restoring native habitats such as controlled burning within public and private Conservation/Preservation areas shall be permitted."

Future Land Use Policy 1.1.11.: "All development and redevelopment shall be consistent with the Primary Components of the Historic Preservation Chapter."

Recreation and Open Space Policy 1.1.5.: "Recreational uses implemented on the Pinelands Reserve and the T. Mabry Carlton, Jr. Memorial Reserve shall be limited to activities which are ecologically benign, non-consumptive and resource-based."

Recreation and Open Space Objective 1.2: "To ensure that recreational lands and facilities are compatible with surrounding land uses and the natural environment in accordance with the Environment Chapter, through the year 2010."

Recreation and Open Space Policy 1.2.4.: "Encourage conservation and ecologically sensitive management of undeveloped lands for their environmental, recreational and open space value through acquisition and during development review processes."

Recreation and Open Space Policy 1.3.4.: "Develop greenway policy designed to establish strategies regarding the coordinated identification, protection, and management of linear open space connectors in cooperation with private land owners."

Environment Goal 4: "To lessen the impact of a destructive storm on human life, public facilities, private structures, and coastal natural resources in Sarasota County."

Environment Objective 4.3: "To limit additional public investment in order to restrict further concentrations of population in the Coastal High Hazard Area."

Environment Policy 4.3.1.: "The construction or reconstruction of County funded facilities or infrastructure in the Coastal High Hazard Areas shall be prohibited except for passive recreation facilities and those necessary to ensure public health and safety."

Environment Policy 4.3.2.: "Utilize the County's power of eminent domain and regulatory authority to relocate threatened and/or damaged structures and infrastructure landward of the Coastal High Hazard Area. Consistent with the availability of budgeted funds, purchase property for relocation."

Environment Policy 4.3.3.: "Special High Hazard taxing zones, as necessary, will be created to help pay for the relocation landward of the Coastal High Hazard Area, the reconstruction, and/or protection of storm damaged public infrastructure and facilities, and shelters, to ensure public health and safety."

GOAL 3 Maintain the water quality and water quantity of the River.

Myakka Wild and Scenic River Management Plan

Objective 2: To protect and/or enhance the surface and groundwater resource values of the Myakka River, including protection and enhancement of water quality and designated uses, and protection and restoration of optimal quantity and timing of freshwater discharge;

Objective 3: To preserve, protect and restore natural aquatic habitat necessary for the continued healthy existence of aquatic populations and communities within the Myakka River;

Apoxsee Public Facilities Goal 1: "Sanitary sewer service shall be provided to Sarasota County residents through the continual evolution of a centralized regional wastewater collection and treatment system, and shall be provided in a safe, clean, efficient, economical, and environmentally sound manner, concurrent with urban development."

Public Facilities Objective 1.1: "Continue to correct existing wastewater facility deficiencies, and coordinate the acquisition, extension, and construction of, or increase in the capacity of, facilities to meet future needs."

Public Facilities Policy 1.2.1: "The County shall consider adoption of an ordinance requiring mandatory connection to available public and private central wastewater systems. The requirements of such an ordinance may be more stringent than those contained in Chapter 381, Florida Statutes, as the same may be amended."

Public Facilities Policy 1.2.2: "The County shall continue to require new development to connect to central wastewater systems consistent with the requirements contained in Land Development Regulations based on the size of the development and distance to the existing system, the available capacity in the system, and the utility's rules allowing connection to the system."

Public Facilities Policy 1.5.2: "Issuance of development orders for any site proposing to utilize an on-site wastewater treatment and disposal system shall be contingent upon demonstration of compliance with applicable federal, State and local permit requirements. Soil surveys shall be required for on-site wastewater treatment and disposal system permits. No individual on-site systems shall be permitted where soil conditions indicate that the system would not function without degrading water quality or where land alterations necessary to accommodate the system would interfere with drainage and floodplain functions."

Environment Policy 5.2.6: "Require Best Management Practices, as provided in the County's Earthmoving Ordinance, for conversion of native habitat to agricultural land uses, consistent with State and federal recommended standards, to reduce pesticides, fertilizer and soil erosion."

GOAL 4 Minimize the visual intrusion of land use improvements within the River corridor.

Myakka Wild and Scenic River Management Plan

Objective 4: To coordinate with local, regional, state, and federal agencies in the use and regulation of land management practices that protect the quality of the Myakka River and its tributaries;

Apoxsec

Environment Policy 5.6.1: "The County shall promote the conservation of native vegetation removed during land-clearing and utilize this resource for transplanting and revegetation."

Environment Policy 5.6.5: "Where practical, invasive and nuisance plants will be removed from new developments and County-owned property and replaced with native or other appropriate ornamental species."

Environment Policy 5.6.6: "During the development review process, encourage the private sector to preserve natural vegetation, to relocate native vegetation that cannot be preserved and remove invasive and nuisance plants."

Section 4(b) of the Tree Protection Ordinance No. 83-44, as amended: The County does not require any tree permit for the removal of Brazilian pepper, melaleuca, Australian pine, carrotwood, and china-berry.

Invasive Plant Species Ordinance No. 90-01, as amended: The County prohibits the importation, sale, propagation and planting of Brazilian pepper, melaleuca, Australian pine, carrotwood, Chinese tallow and beach naupaka.

The following Objectives have been prepared by staff from the recommendations developed by the MRPAB. The Objectives have been grouped into the respective sections (C), (D), or (E) to provide consistency with the format of the Plan identified on page A - 1.

(C) REGULATIONS PERTAINING TO LAND USE AND LAND ACTIVITIES:

Objective A: To preserve and encourage the growth of native plants along the Myakka River.

Implementation Actions:

1. The County should encourage the removal of nuisance and invasive vegetation along the River.
2. The County should continue to require removal of nuisance and invasive plants from development sites.

Background: This objective is addressed under Apoxsee Environment policies 5.6.5 and 5.6.6. and associated ordinances.

On July 1, 1997, the Board adopted and reinstated the following language into the LDR:

"The authority granted by approval of the preliminary subdivision plans includes necessary clearing and grubbing for construction of access areas and installation of pollution control measures required during the construction phase only. No clearing or grubbing of the land in any way shall occur in conjunction with proposed land development prior to preliminary plan approval or prior to installation of protection devices pursuant to Sections B2.1.i and j, Development Improvements Technical Manual Section C.4.f. and Subdivision Technical Manual Sections A.1.c. and B.4.e.6. No trees shall be removed without first obtaining a tree removal permit pursuant to Ordinance No. 83-44. All nuisance and/or exotic plants shall be removed from site during clearing and grubbing operation."

Objective B: To protect wildlife and water quality within the Myakka River protection zone. (See related Objective H on page A - 20)

Implementation Actions:

1. The County should prohibit storage of hazardous materials within the River Area and Protection Zone of the Myakka River. The language of the Myakka River Protection Ordinance should address the prohibition of new facilities for the bulk storage, handling or processing of hazardous substances, and

8-DX

underground and above ground petroleum product storage facilities and other regulated substances within the River Area and Protection Zone.

2. The County should process an amendment to the Zoning Ordinance to establish a prohibition of any new facilities for the bulk storage (see page A - 36 for the definition of bulk storage), handling or processing of regulated substances within the Myakka River Protection Zone.

Background: A precedent has been set by the County for imposing a prohibition on such facilities through the adoption of the Initial Wellhead Water Resources Protection Ordinance No. 92-079. The proposed regulation will exclude substances in original containers for retail purposes and those routinely used in residences and business establishments. Existing businesses along the River having underground tanks used for fuel distribution are already regulated under State and local requirements. Gasoline used for lawn mowers and boats, insecticidal soap, detergents, and boric acid roach traps would not be regulated under this proposed Ordinance. The information exchange and education efforts under Objective M (page A - 25) could recommend proper storage of these items elevated above the flood level. Changes to the Zoning Ordinance should take into account, and be consistent with, existing regulations governing the handling and processing of regulated substances as they relate to existing regulated uses.

Objective C: To promote measures for new structures such that the scenic natural vistas and natural sound environment of the Myakka River are protected.

Implementation Actions:

1. The County should process an amendment to the Zoning Ordinance to address setback requirements and new supplementary regulations for accessory structures as follows:
 - a. New single-family residential development (including accessory structures) occurring on large acreage lots (minimum lot size of 5 acres), should be located no closer than one hundred and fifty feet from the landward boundary of the River Area. The County Staff shall examine for consideration by the Board the effectiveness of less burdensome setback alternatives, such as measuring the proposed 150-foot setback from the bank of the river. A variance process from these setback requirements would be established to address any hardship cases. Structures that have an underlying support which raises the residential living unit above the 100 year floodplain that have been involuntary destroyed shall be allowed to rebuild on the same footprint. Additionally, the amendment will provide that those

existing lots-of-record that do not meet this new standard shall not be prohibited from development so long as such development occurs consistent with Section 5.2 of the Zoning Ordinance;

- b. New cluster residential development and non-residential development (including accessory structures) should not be located within the River Protection Zone, provided however, that clustering may be permitted as long as it does not result in multi-family type structures and remains as single family detached units;
 - c. New supplementary regulations for accessory structures associated with existing development within the River Protection Zone should be adopted to ensure that any shield constructed for noise producing mechanical equipment complies with the federal floodplain protection standards; and
 - d. New supplementary regulations should be developed for new accessory structures (e.g., satellite dishes) not to be located in a waterfronting yard of a primary structure that fronts the River or without adequate buffering.
2. The Board of County Commissioners adopted a transmission tower ordinance No. 98-001 on April 7, 1998, whereby transmission towers shall be prohibited within the Myakka River Protection Zone designated on the Apoxsee Future Land Use Map. In addition, towers will be setback a distance 7 times the proposed tower height from the protection zone and Public Conservation/Preservation areas.

Background: The proposed 150 foot setback for residential development represents a balance between the statutory provisions "to minimize potential adverse physical and visual impacts on resource values in the river area and to minimize adverse impacts on private landowners use of land for residential purposes"(Section 258.501(5)(c)12, Florida Statutes). In response to this directive, the Myakka River Management Coordinating Council undertook a study to define visual, or scenic, resource values in the river area, to identify concerns related to those values and to recommend action strategies that would minimize adverse impact on those values.

The study, conducted by Hunter Services, Inc. included an extensive investigation of the visual corridor along the length of the Myakka River included in the wild and scenic river designation. Hunter Services defined the river's visual corridor based on field observations as between 150 and 2,220 feet, with an average of 220 feet. The highest priority concerns associated with the scenic resource value were identified as follows:

98-001

- Increased development within the viewshed, particularly in presently pristine areas;
- The quality of existing development and related improvements along the river;
- The intrusion of tall structures which impact substantial portions of the river corridor; and
- Artificial light as it relates to the disruption of stargazing, wilderness experiences, and plant and animal life.

The Myakka Wild and Scenic River Management Plan that was adopted by the Myakka River Management Coordinating Council and subsequently, on May 22, 1990, accepted by the Governor and Cabinet included the following two major actions designed to address the issue related to protecting the scenic resource values of the river:

- "that a 'wild and scenic protection zone' be created as a supplemental buffer area extending 220 feet on each side of the river, as measured from the landward edge of the river area." This recommendation was embodied in legislation revising the Act in 1990.
- Action 1.8 which reads as follows: "Sarasota County should revise its habitat-based regulatory programs to include protection of wetlands and hammock vegetation specifically along the Myakka River. The County should revise language in Apoxsee to provide for regulation of existing upland vegetation at a minimum of 220 feet wide to be required around all wetlands/surface waters that are contiguous to the designated Myakka River area. Apoxsee should also be revised with language that provides for special protection to wetland-fringing hammocks that are contiguous to the wetlands and/or surface waters along the designated Myakka River area from river mile 7.5 to river mile 41.5."

Existing County regulations, as set out in the "Principles for Evaluating Development Proposals in Native Habitats" require minimum buffers of upland vegetation with a width of 30 feet around wetlands and 50 feet when such buffers include areas of mesic hammock. The Zoning Ordinance requires a 50 foot setback for waterfront yards. County regulations also require a setback of 100 feet for all onsite septic tanks (or other OSTDS's) from rivers, streams and canals. Acceptance of the recommendation contained in Action 1.8 of the Management Plan could, therefore, be construed to represent a considerable extension of buffers along the Myakka River.

The Board of County Commissioners adopted Amendments RU-14 in February 1994 and RU-30 in July 1997 through which language was incorporated into Apoxsee (Environment Policy 5.2.3.) consistent with the requirements of the Act. The policy calls for the enactment of ordinances or amendment of "existing ordinances that

protect the Myakka River." It specifically states, "In accordance with Section 258.501(6)(a), Florida Statutes, development which affects the designated 'wild and scenic protection zone' of the Myakka River shall meet standards which conform to or are more stringent than standards developed pursuant to [the Act]..., including standards found in the Myakka Wild and Scenic Management Plan accepted by the Governor and Cabinet on May 22, 1990..."

On December 16, 1997, the Board of County Commissioners adopted the State-Local Agreement for Administering the Myakka River Wild and Scenic River Protection Zone, including the provision requiring the County to "adopt an ordinance that sets forth the County's legal responsibilities, activities that will be regulated, and procedures for regulating activities in the Protection Zone. If necessary, the County shall amend the County's land development regulations and other appropriate ordinances within one year after the adoption date of this Agreement so that regulations that affect the Protection Zone conform to, or are more stringent than, the Act, the [Management] Plan and this Agreement."

Thus, prior to the consideration of proposed Ordinance No. 98-025, a higher level of protection, i.e., increased upland buffers, has been consistently anticipated through enactment of amendments to Chapter 258 establishing the Protection Zone by the Legislature, acceptance of the Management Plan by the Governor and Cabinet and adoption of Environment Policy 5.2.3. by the Board. In its consideration of the issue of increased setbacks for residential structures with the Protection Zone, however, the MRPAB clearly stated that it was not its intent to render existing lots completely unbuildable within the Protection Zone. The recommended 150 foot setback is intended to strike a balance between the requirement stated in Action 1.8 of the Management Plan that could be construed as a mandatory 220 foot buffer, i.e., the entire Protection Zone, and the statutory provision "to minimize adverse impacts on private landowners' use of land for residential purposes."

Unless otherwise provided by law, the Myakka River Wild and Scenic River Rule section 16D-15.005(5) prohibits constructing, erecting, or installing any form of structure not related to a water-dependent activity, and section 16D-15.005(8) specifically prohibits the construction of new marinas. Section 16D-15.006(2)(d) of the Rule provides a permitting process for constructing, installing, expanding, or renovating marinas, landings, boat ramps, docks, mooring buoys, pilings, dolphins, decks, or piers. The proposed changes to the Zoning Ordinance to prohibit new non-residential development within the Protection Zone are intended to acknowledge existing uses and be consistent with the permitting requirements contained in the River Rule.

Additional recommendations for researching setback requirements related to septic tanks and associated drainfields are discussed in Section (E) Public Facility Plans on

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page A - 26. The recommendations for new development and accessory structures should be sufficient to block noise traveling towards the River.

The recommended changes to the Zoning Ordinance will not consider the replacement and maintenance of an accessory structure associated with an existing residential dwelling, such as replacing an old air conditioner with a new one. The proposed changes, instead, would affect redevelopment. If a dwelling has sustained damage more than fifty percent of the replacement cost at the time of destruction, the reconstruction, including all electrical devices, must be elevated above the 100-year flood elevation (not including submersible pumps) to meet federal flood protection standards. Any structural screening, such as a deck railing, must be of sufficient integrity and strength to withstand wind loadings. Current regulations also require accessory uses and structures to be located in rear yards of residential dwellings which may face the River.

Objective D: To ensure that any future roadway and bridge crossings of the Myakka River minimize environmental impacts. (See related Objective P, page A - 29)

Implementation Action: The County should process an amendment to the Earthmoving Ordinance to establish an exemption review for utilities, similar to that currently being done for new roadways and stormwater improvements, to ensure that such projects comply with the Myakka River protection measures contained in Apoxsee.

Background: An exemption review should be established to ensure that the utility project complies with the Myakka River protection measures contained in Apoxsee. The County Transportation Department anticipates a need for future bridge crossings, roadway and utility extensions for public use. Close coordination among the various agencies will be required to minimize environmental impacts. An exemption review for utilities similar to that currently being done for new roadways and stormwater improvements, may be established.

Objective E: To protect the Myakka River Protection Zone from incompatible land uses.

Implementation Actions:

1. The County should process an amendment to the Zoning Ordinance for each relevant zoning district that has been or may be applied to the river protection zone as follows:
 - a. Identify appropriate permitted uses and structures.
 - b. Identify permitted accessory uses and structures.
 - c. Identify prohibited uses and structures.

- d. Identify special exceptions.
- e. Establish a maximum height of structures.

(See the Appendix page A - 30 for a list of specific changes to the Zoning Ordinance endorsed by the MRPAB)

2. The County should process an amendment to the Earthmoving Ordinance to ensure consistency with the Myakka Wild and Scenic River Management Plan and establish setbacks for excavating and filling within the River Protection Zone.
3. The County should process an amendment to the Tree Protection Ordinance (and the County's Land Development Regulations) to prohibit clear-cutting within the River Area, consistent with the Myakka River Wild and Scenic River Area Rule (Section 16D-15.005(2) Florida Administrative Code)
4. The County should process an amendment to the Land Development Regulations (LDR) to ensure all new divisions of land, wholly or partially within the Myakka River Protection Zone, be subject to all provisions of the LDR.
5. The County should process an amendment to the LDR to establish "minor subdivision" standards for developments involving ten lots or less having a minimum lot size of 5 acres.

Background: Process an amendment to the Zoning Ordinance to establish an overlay zone, or otherwise modify applicable District regulations, to address appropriate permitted uses and structure in conformance with The Myakka Wild and Scenic River Management Plan (MWSRMP). The MWSRMP (refer to page 5-9) recommends that the following activities should be prohibited, except their appurtenant structures which may be permitted if they have no adverse visual or measurable adverse impacts to resource values in the river area:

- Landfills,
- Clear-cutting,
- Major new infrastructure facilities,
- Major activities that would alter historic water or flood flows,
- Multifamily residential development,
- Commercial and industrial development, and
- Mining and major excavations.

The County's Earthmoving Ordinance No. 81-60, as amended, should be revised to ensure consistency with the MWSRMP. In addition, process an amendment to the

38-005

County's Tree Protection Ordinance No. 83-44 in order to prohibit clear-cutting within the River Area.

Process an amendment to the LDR to ensure that new developments involving the platting of watercourse buffers will be subject to the LDR subdivision standards by amending Section B1.1a of the LDR. The County currently exempts the creation of lots, five acres or larger, which abuts streets lawfully established before June 1, 1994. Exemptions for plats that may affect a watercourse, such as the Myakka River, should be eliminated. In addition, "minor subdivision" standards should be established to govern plats involving ten lots or less having a minimum lot sizes of 5 acres. For larger subdivisions, greater than 10 lots, the current LDR subdivision standards would apply to such developments.

(D) PLANNING TOOLS, PROGRAMS AND STRATEGIES TO IMPLEMENT THE GOALS AND OBJECTIVES REFERRED TO IN (B) ABOVE

Objective F: To protect wetlands and mesic hammocks adjacent to the Myakka River.

Implementation Action: Continue implementing the existing environmental principles and policies in Apoxsee. (Note: Also refer to proposed amendments to the Tree Protection Ordinance under Objective E #3 on page A - 18).

Background: This objective is addressed under existing Apoxsee Principles for Evaluating Development Proposals in Native Habitats and Policies.

Objective G: To protect the water quality and quantity of the Myakka River by ensuring that agricultural best management practices are implemented.

Implementation Action: Continue applying agricultural best management practices, as provided in the County's Earthmoving Ordinance, consistent with Environmental Policy 5.2.6 of Apoxsee.

Background: This objective is addressed under an Apoxsee policy. A procedure is already in place in the County's Earthmoving Ordinance (No. 81-60, as amended) to review new agricultural operations. Agricultural operations are regulated under this ordinance in the sense that permits are required unless exemption criteria are met. Those criteria include possession of a permit (or exemption) from the District and adherence to the Natural Resources Conservation Service's (NRCS) Policy for Protection of Wetlands for Agricultural Uses. That policy is a component of NRCS's best management practices. Furthermore, an exemption can only be issued if the agricultural entity obtains plan approval by the Agricultural Development Review Committee. The NRCS is represented on that committee. The members verify that

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the project is bona fide agriculture and that the applicant proposes to follow accepted agricultural practices.

Objective H: To protect the water quality of the Myakka River from illegal dumping.

Implementation Actions:

1. The County should provide public information on the laws that prohibit dumping into the Myakka River.
2. The County should strictly enforce existing regulations.
3. The County, as part of its educational efforts for protecting native habitats, should promote the proper use of fertilizers, pesticides, and herbicides in accordance with instructions on labels and the County's Integrated Pest Management (I.P.M.) Program.

Background: More public information efforts would be helpful. The Sheriff's Department, in cooperation with the Construction and Property Standards Department and the Pollution Control Division, will increase enforcement of the existing rules. Proper applications of fertilizers, pesticides and herbicides are assumed to occur in accordance with instructions on labels and applying the County's I.P.M program. Apoxsee encourages educational efforts to address this topic. This objective is addressed under an existing Apoxsee Environment Policy 5.7.3. The Pollution Control Division designates any reported illegal dumping into the Myakka River that occurred recently as an urgent case and an inspection will be performed immediately by staff. Reported dumping that may have occurred a month ago will not be designated urgent. Water sampling is done in cases where there may be a contamination problem as determined by staff. Arrangements for such water-quality testing may be required of the responsible party. Proper clean-up measures and enforcement actions are taken should the test results indicate that State water quality standards have been violated.

Objective I: To preserve natural resource areas by acquiring from willing sellers, properties located along the Myakka River.

Implementation Actions:

1. The County should continue the established voluntary environmentally sensitive lands acquisition program for property located adjacent to the River.
2. The County should advocate parcels along the River for acquisition by the Southwest Florida Water Management District's Save Our Rivers Program

that comply with the criteria approved by the County in identifying environmentally sensitive lands.

Background: In 1992, the Board established a protection program for environmentally significant lands within Sarasota County. The Board, in considering the recommendations from an advisory committee and Natural Resources Department staff, will adopt a protection priority list and determine appropriate measures for protection, including less-than-fee simple options. No property will be included on the protection priority list without the owner's consent in accordance with Sarasota County Ordinance No. 94-009.

The ecological selection criteria for determining environmentally significant lands were adopted by the Board and are contained in Resolution No. 92-272. These five criteria include rarity of species or habitat, connectedness, ecological quality, manageability, and importance to water resources. The MRPAB was concerned that small parcels may not be considered for acquisition purposes. The size of a parcel is addressed as a secondary factor under at least two of the five criteria established by the County: connectedness and manageability. A small size parcel may not be ranked high for connectedness since it may be isolated from significant corridors of native habitats or there may be a barrier to the dispersal of animals. A small parcel may be too vulnerable to external impacts from neighboring land uses and trespass. On-site management practices on small parcels may adversely impact adjacent lands due to the lack of sufficient buffers. Fire management on small parcels, if possible, may be difficult and can be inordinately expensive.

The rank assigned to parcels is determined by the presence of one or more attributes identified under the ecological selection criteria. The Environmentally Sensitive Lands Advisory Committee (ESLAC) and staff will consider any parcel nominated by property owners and citizens regardless of the size of the parcel. Relatively small parcels within the southern coastal portions of the County have been designated areas of high environmental significance, primarily due to the rarity of the on-site natural communities such as scrubby flatwoods and beach dune systems. Larger parcels along the Myakka River also have been designated which rank high under the criteria of connectedness, manageability, and importance to water resources. Some of these parcels also are designated under the Southwest Florida Water Management District's Save Our Rivers (SOR) Program.

Objective J: To protect natural resource areas by encouraging the use of and establishing additional incentives for owners of property located along the Myakka River.

Implementation Actions:

1. The County should implement a conservation easement program to create a

River corridor using less-than-fee simple methods, to acquire development rights of property owners and help protect River values.

2. The County should adopt a comprehensive plan amendment(s) which would transfer development credits from sites of high ecological value, floodprone areas, wetlands and mesic hammocks such as those along the River to other areas.

Background: The Environmentally Sensitive Lands Advisory Committee (ESLAC) and staff are considering all methods for environmentally sensitive lands protection including less-than-fee simple alternatives.

The MRPAB considered incentives for transferring development rights from areas along the River. An extra density bonus was considered by the MRPAB for the County's existing Transfer of Development Rights (TDR) program. The TDR alternative has been available for a number of years within the County. It has not proven successful since there is limited demand for the unit credits to be transferred to a receiving site. Most developments within designated Urban Areas do not meet the maximum density allowance under a given zoning district due to land use compatibility, environmental and infrastructure capacity issues. A bonus credit in most cases, may not serve as a true incentive.

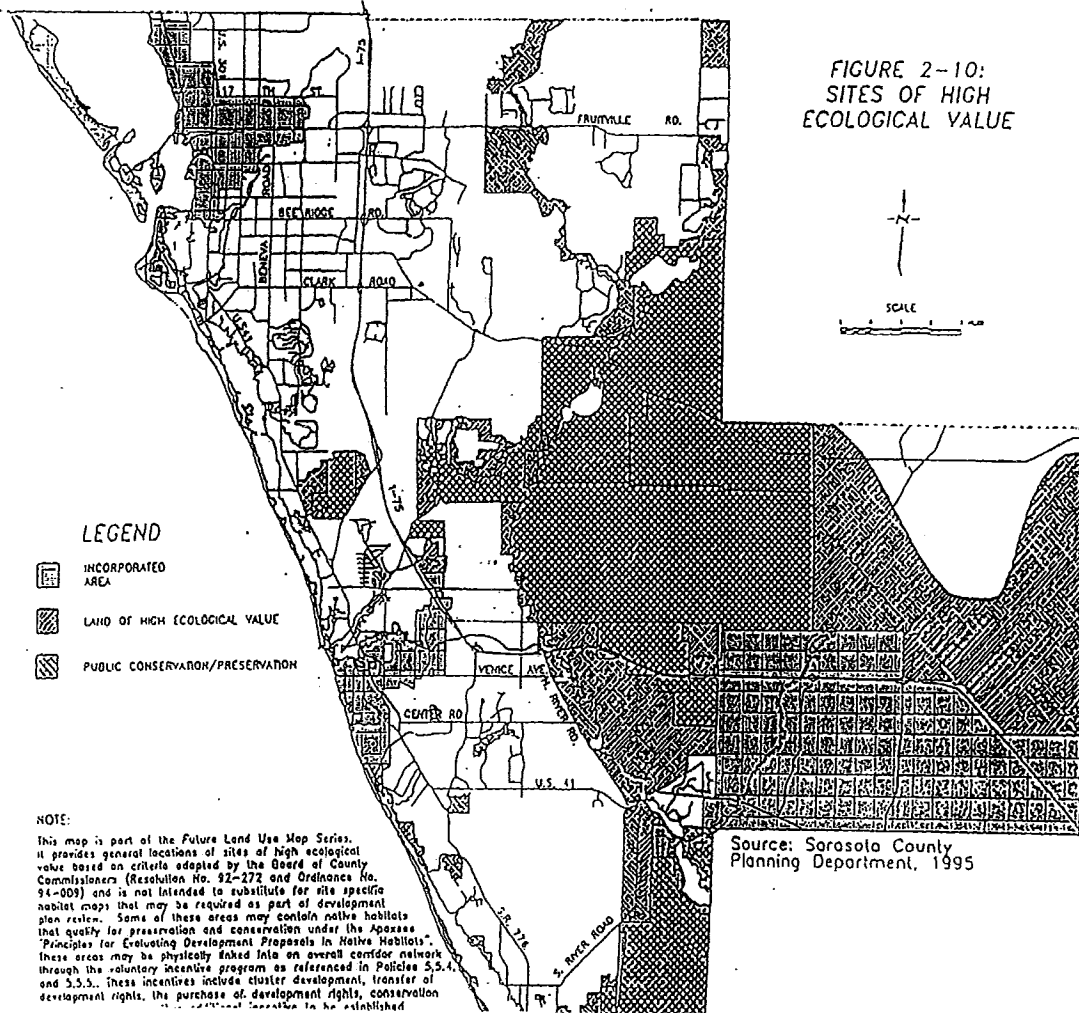
An alternative incentive approach that is being recommended by the MRPAB which involves comprehensive plan amendments. Future Urban Area designations on the Apoxsee Future Land Use Map are intended to be the areas considered for future urban development when an extension of the Urban Service Area is warranted. There is a concern, however, that these Future Urban areas may be platted into five acre or greater residential parcels prior to receiving an Urban designation to accommodate future growth. Planning staff, in consultation with Natural Resources staff, prepared a comprehensive plan amendment proposal (RU-39) that allows transfer of development credits from sites of high ecological value (see attached Figure 2-10 of the Apoxsee Environment Chapter); areas of special flood hazard; Category 1 or Category 2 storm surge areas; or watercourses or slough systems, along with associated wetlands and mesic hammocks, to areas designated Future Urban Reserve. On June 9, 1998 the BCC adopted comprehensive plan amendment RU-39.

Conservation easements and in some cases, a 200-foot wide buffer would be required to protect these environmentally-sensitive and/or floodprone areas. A similar concept will be considered by staff as part of its planning effort for areas located east of I-75.




The majority of the areas along the Myakka River will qualify for development credits in exchange for preservation commitments.

28-DW

FIGURE 2-10:
SITES OF HIGH
ECOLOGICAL VALUE



LEGEND

-  INCORPORATED AREA
-  LAND OF HIGH ECOLOGICAL VALUE
-  PUBLIC CONSERVATION/PRESERVATION

NOTE:

This map is part of the Future Land Use Map Series. It provides general locations of sites of High ecological value based on criteria adopted by the Board of County Commissioners (Resolution No. 92-272 and Ordinance No. 94-009) and is not intended to substitute for site specific habitat maps that may be required as part of development plan review. Some of these areas may contain native habitats that qualify for preservation and conservation under the Apoposa "Principles for Evaluating Development Proposals in Native Habitats". These areas may be physically linked into an overall corridor network through the voluntary incentive program as referenced in Policies 5.5.4 and 5.5.5. These incentives include cluster development, transfer of development rights, the purchase of development rights, conservation easements, and other incentives to be established.

Source: Sarasota County
Planning Department, 1995

NRG-NA

Objective K: To create, enhance, restore and preserve wetlands along the Myakka River by establishing off-site mitigation areas to meet State and other agency requirements.

Implementation Action: Support the County's development of additional criteria for off-site mitigation and mitigation alternatives by 1998 consistent with Environment Policy 5.5.13 of Apoxsee.

Background: The off-site mitigation areas must meet the County's existing and future mitigation requirements including the confinement of mitigation sites to flatwoods (except scrubby flatwoods), improved pasture or substantially disturbed areas and where the water table is still at sufficient levels to sustain wetland vegetation (refer to the Environmental Technical Manual of the LDR). During the calendar year 1998, staff will be preparing rule changes to establish additional criteria for mitigation options, including off-site mitigation.

Objective L: To notify future landowners along the Myakka River of the protection measures and requirements.

Implementation Actions

1. County Planning staff should designate on half-section sheets the boundaries of the River area and protection zone similar to that being done for areas within and in vicinity of public supply wells and wellfields pursuant to County Ordinance No. 92-079.
2. A notice should be sent to property owners identifying the existence of the River Area, the Protection Zone, the "Myakka River Wild and Scenic Management Plan", the "Myakka River Wild and Scenic Designation and Preservation Act" and other pertinent environmental regulations and protection measures. A governmental agency or another non-profit organization performing such a mailing may request the County Property Appraiser's Office to prepare a mailing list of property owners and this list may be updated on an annual basis.

Background: The County Planning Department maintains and updates information designated on half-section maps covering the unincorporated areas of the County. These maps are referenced by property owners and prospective buyers, and are used by commercial real estate interests. This has proven to be a successful tool in notifying property owners of wellhead protection requirements.

It is not feasible for the Property Appraiser to notify owners having property lying within the River area and/or protection zone. For instance, the property tax bill can

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not be physically modified and expanded to describe to the affected property owners all of the Myakka River requirements. Should a notification mailing be done by another agency or non-profit organization, the Property Appraiser's Office offered to provide assistance in confirming and updating a list of affected property owners on an annual basis.

When the Myakka River Protection Ordinance is brought before the Board of County Commissioners for public hearing, the property owners within and adjacent to the Protection Zone will be notified.

Objective M: To encourage the establishment of a homeowners/property owners association along the River for the purpose of information exchange and education.

Implementation Action: A neighborhood or a property owners association could be established to promote and protect the River values. Annual meetings could be held, possibly after River cleanup events, to encourage residents to participate in activities affecting the River. The MRPAB also recommended an annual mailing to provide information to the residents.

Background: Local government should not take the lead in this effort since the establishment and maintenance of other homeowners' associations throughout the County are civil matters and not of a regulatory nature. The County, however, has set a precedent in assisting the Clark Road Property Owners Association, as an implementing mechanism of the Clark Road Corridor Plan.

Objective N: To promote the long-term management of wildlife along the Myakka River.

Implementation Action: The County should prepare a long-range Wildlife Management Plan with three components: continue coordination with the management plans of other agencies; continue implementation of management plans for County-owned land including conservation easements; and prepare a listed species protection plan consistent with Environmental Policy 5.4.2 of Apoxsee.

Background: This objective is addressed under Apoxsee objectives and policies. Part of the MRPAB's recommendation has been completed since resource management plans (including management of native habitat to maintain and enhance wildlife utilization) have been approved and are being implemented by the County for the Carlton Memorial and Pinelands Reserves. These plans are coordinated and compatible with management plans developed by the State DEP (the Myakka River State Park) and the District (e.g., the Myakka Prairies).

On June 10, 1997, the Board of County Commissioners adopted a revision to Environment Policy 5.4.2 that a plan be prepared to allow the County to enforce

guidelines adopted by the State and federal agencies or specific authorizations granted by the State and federal agencies that protect listed species occurring within the County. Such a plan will improve the monitoring of listed species within development areas. In addition, the Board added a clarification to this policy such that more stringent requirements may be adopted by the County when deemed appropriate. The County, in consultation with the Florida Game and Fresh Water Fish Commission, will determine whether the local Habitat Conservation Plan will focus on a single species (Florida scrub jay) or involve multiple listed species.

(E) PUBLIC FACILITY PLANS

Objective O: To protect the surface and ground water quality of the Myakka River Area by installing appropriate sewage treatment measures.

Implementation Actions:

1. The County should investigate an innovative program whereby government would assume more of the costs related to central sewer hookup for property owners that keep development out of the Myakka River Protection Zone.
2. The County should research the scientific basis for the adoption of an ordinance, or process an amendment to an existing ordinance, such that new septic tanks and associated drainfields are setback landward for environmental reasons from the Myakka River Protection Zone. Other permissible "on-site sewage treatment and disposal systems" (OSTDS) may be considered within the protection zone. The County will also examine the cost of providing facilities (i.e. lift stations and transmission lines) versus the actual cost of purchasing the land. In addition, revise the County's Earthmoving Ordinance to allow permissible Type A fills for wastewater treatment mounds and pads but prohibit Type A fills for other activities in the Protection Zone.
3. The County should process an amendment to the LDR's such that platting of new lots along the Myakka River is prohibited where on-site sewage treatment and disposal systems can not be sited in accordance with the proposed restriction under No. 2.
4. The County should require central sewer connections for any proposed comprehensive plan amendment that would increase the density allowance in vicinity of the Myakka River Protection Zone. A proposed amendment would require evaluation in light of the other 4 requirements listed under this objective.

38-05A

5. Support the County's application of existing regulations governing the construction and maintenance of on-site sewage treatment and disposal systems within rural residential lots.

Background: An investigation regarding #1 would be required in order to develop such an innovative program. A program which essentially provides incentives to property owners, in the form of financial subsidies, would require funding sources that are outside of the current enterprise fund structure.

Scientific research addressing environmental impacts would be necessary in order to support new regulations requiring that septic tanks and drainfields be set back from the Protection Zone. The MRPAB identified three reasons in recommending a prohibition of OSTDS within the Myakka River Protection Zone which involve the protection of water quality, avoidance of filling within the floodplains resulting from the construction of mounded systems, and avoidance of an aesthetic impact of mounded systems to the River.

Over the last 25 years, the County has maintained records of OSTDS failures. Some reported failures have occurred within properties located along the Myakka River. The rate, based on 25 years of records, is less than two failures per year within the Myakka River Protection Zone. Not all failures, however, are reported to the regulatory agencies. The incident of failure Countywide has been drastically reduced for those OSTDS's located within large lots and meeting standards adopted by the County in 1983. The 1983 standards have substantially reduced the incidence of OSTDS failures Countywide and increased the functional life for these systems which delay the need for repairs. A good repair to an old system within a large lot will have comparable treatment capacity to that of a new system according to County Health Department staff.

The County currently prohibits OSTDS on lots one-half acre or larger, which are located laterally within one hundred feet of the ordinary high water mark of non-tidal lakes, streams, canals, bays, rivers and ponds, or within one hundred feet of the mean high water line of tidal bodies or water, including bays and tidal portions of rivers, streams and canals (refer to Section 6.(1)(e) of Ordinance No. 83-083). In addition to setbacks, the County requires a minimum elevation for OSTDS above the water table elevation at the wettest season of the year. For lots platted on or after June 15, 1983, the required minimum elevation is thirty six inches between the highest expected water table elevation and the bottom infiltrative surface of the drainfield (refer to Section 3.(3)(m) of Ordinance No. 83-083). The setback and elevation requirements meet or exceed the State criteria for OSTDS (Chapter 10D-6, Florida Administrative Code).

According to the County Health Department, low-density residential development

relying on on-site sewage treatment and disposal systems is often the only practical means of dealing with wastewater disposal in rural areas. The County's Land Development Regulations (LDR) currently requires a central sewerage treatment system for all developments (commercial, industrial and residential) based on the total volume of sewage flow (in excess of two thousand gallons per day) or distance to a sewer connection having sufficient capacity, unless the development qualifies for an exemption. These exemptions are provided under Sections B.6.a. and E.1.b. of the LDR Subdivision and Development Improvements Technical Manuals, respectively. Two of the exemptions that affect residential development within the Myakka River study area (refer to Section B.6.a. of the LDR Subdivision Technical Manual) are as follows:

Subdivisions having a maximum number of fifteen lots and a minimum lot size of one acre or larger and a minimum average lot dimension of one hundred and fifty feet may be developed with private well and OSTDS upon compliance with the requirements of Sarasota County Ordinance No. 83-083 and Chapter 10D-6, F.A.C.

Subdivisions having a minimum lot size of five acres or larger may be developed with private well and OSTDS upon compliance with Ordinance No. 83-083 and Chapter 10D-6, F.A.C.

County Health Department staff has the professional opinion that current State and local regulations controlling the elevation, design and inspection of OSTDS, coupled with predominately large existing parcels within this region, render it unlikely that future OSTDS will have a negative public health impact on the Myakka River Area.

No immediate action is necessary regarding the implementation of recommendation #3 until the scientific research identified in recommendation #2 has been completed.

MRPAB recommendation #4 is consistent with the Myakka River Management Guideline V.B.2.c., that was adopted in Comprehensive Plan Amendment RU-14 as part of Apoxsee Principles for Evaluating Development Proposals in Native Habitats. Implementation of the provision must, however, take into consideration the provisions of Environmental Policy 4.3.1. related to limiting the funding of infrastructure within the Coastal High Hazard Area (CHHA).

County Health Department staff indicate that environmental impacts from nitrogen and other nutrients can best be addressed by the effective use of current zoning designations within the Myakka River Protection Zone proposed rezonings that increase densities to levels likely to produce environmental impacts. Comprehensive plan amendment RU-14 has been the only proposal in recent years to increase the density allowance in vicinity of the Myakka River Protection Zone. This adopted amendment redesignated lands lying south of I-75 and east of River Road from a

Rural to a Semi-Rural Area. A condition was imposed by the County such that development on this parcel must be served by a central sewerage treatment system.

The Myakka River forms the eastern boundary of the County's Curry Creek Service Area, which generally extends from the Laurel Road area on the north to the Center Road area on the south. Therefore, a significant portion of the Myakka River protection zone that lies on the west side of the river is contained within the Curry Creek Service Area. The planned sewer connections, along the west side of River Road, the eastern-end of Laurel Road and along Border Road, that may be available to serve development within this portion of the protection zone are included in future phases of the Curry Creek master plan. These phases however, are not included in the County's current five-year capital improvements plan.

Objective P: To support efforts in co-locating linear facilities thereby minimizing impacts to the Myakka River.

Implementation Action: The County should recommend that new road and bridge crossings utilize existing routes and process an amendment to the Environment Chapter of Apoxsee to create a policy to utilize existing route crossings wherever possible. The County should continue to support the Myakka Conservancy's "Myakka River Basin Connectivity Project" which involves dialogue between stakeholders and Conservancy representatives, with support from other sources, to identify opportunities to co-locate linear facilities and consequently, minimize impacts to the River.

Background: County departments and other governmental agencies should co-locate facilities where possible, to reduce costs and minimize environmental impacts. The connectivity project has been completed and involved the development of planning strategies to avoid "parcelization" of lands within the Myakka River Basin due to infrastructure extensions and land uses. The three components of this project were: identify proposed linear facilities and major land use changes; expand contacts with major landowners and agencies within the Myakka River basin; and manage a dialogue between stakeholders that becomes, through Conservancy leadership and other sources of support in subsequent years, the vehicle to co-locate facilities and mitigate impacts.

APPENDIX

The following are permitted uses and structures that will be analysed by Planning staff for individual zoning districts or for an overlay zone as to whether they could be applied to the River Protection Area:

Public and private game preserves and wildlife management areas.

Publicly owned parks, campgrounds, passive recreation areas, and uses and structures appropriate for such activities.

Recreational trails and passive recreation areas on private lands.

Private camps (including day camps) for young people, such as boy or girl scout camp or church camp.

Private hunting and fishing camps.

Non-commercial and permitted piers, docks, and wharves in accordance with Sarasota County Ordinance No. 72-84 as amended.

One single family dwelling per lot or parcel. Such dwelling to be occupied by one family.

Home occupations. There shall not be evidence of business activity on the premises including the parking and storage of commercial vehicles (except where the primary household vehicle is used for commercial use), material storage, inordinate vehicular traffic, outside storage or advertising signs.

Agricultural uses, including accessory structures and uses incidental to agricultural activity, except otherwise addressed herein.

Artificial lakes and other excavations in accordance with Sarasota County Ordinance No. 81-60 as amended, involving up to 10,000 cubic yards of Type A fill.

Essential utility services.

Emergency services.

Commercial radio or television receiving dish, with or without a tower, provided that dish antennas are totally screened from view from the Myakka River area and shall not exceed 16 feet in height.

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Temporary storage of recyclable materials.

Cemetery or mausoleum existing prior to the date of this amendment.

The following are permitted accessory uses and structures that will be analysed by Planning staff as to whether they could be applied to the River Protection Area:

Uses and structures which:

Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures.

Do not involve the conduct of business on the premises, except as accessory to a permitted use.

Are located on the same lot as the permitted or permissible principle use or structure, or on a contiguous lot in the same ownership.

Are located no closer than 150 feet landward of the Myakka River area, except that gazebos shall be considered for exemption.

Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a protected river area.

Do not involve operations or structures not in keeping with the intent of the river protection zone.

Provide for accessory uses and structures including private garages, tool houses, barns, non-commercial greenhouses, garden sheds, garden work centers, childrens' play areas and play equipment, private barbecue pits, private swimming pools and the like.

Provide for the keeping of horses or ponies for private riding use, provided that no private stable or shelter for the animals is located within the river protection zone and selective clearing for pasture creation occurs no closer than 220 feet landward of the Myakka River area.

The following are prohibited uses and structures that will be analysed by Planning staff as to whether they could be applied to the River Protection Area.

Any use of structure not specifically or provisionally permitted herein. Listed permitted or permissible uses do not include either as a principal or accessory use any of the following which are listed for emphasis:

Landfill.

Recycle facility, associated equipment, stockpiles, containers, and incinerators.

Public incinerator.

Wastewater treatment plant and effluent percolation disposal ponds.

Land application of septage.

Underground and above ground petroleum product storage facility.

Facility for the bulk storage, handling or processing of regulated substances including hazardous substances, except for those substances contained in vehicles, existing and new permitted pipelines, original containers for retail purposes such as fertilizers and cleaning fluids, and any other regulated substances routinely used in residences, offices, business establishments, and utilities.

Jails, detention facilities or work camps.

Manufacturing and industrial establishments.

Wholesale, warehouse or storage establishment.

Junk yard or automobile wrecking yard.

Sale of new or second-hand merchandise of whatsoever type or kind, except as accessory to a permitted use.

Contractor, construction, or equipment yard.

The parking and storage of trucks, buses, vans, tractors and trailers in excess of 5,000 lbs. vehicle empty weight, as listed on the vehicle registration form that are not used exclusively for agricultural purposes on the premises.

The outside parking, storage, service and/or repair of any unregistered or unlicensed vehicles except those operable vehicles that are permitted as incidental to permitted principal uses allowed in the river protection zone and located no closer than 220 feet landward of the Myakka River area.

The operation of a business is prohibited unless specifically permitted.

Private and public schools or libraries.

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Governmental building.

Circus grounds, winter quarters or training quarters.

Aircraft landing field, including heliport.

Lighter-than-air aircraft operations, including launching and landing of hot-air and free balloons.

Mining.

Borrow pits.

Other earthmoving including fills, stockpiles, and removals of soil from premises unless an earthmoving permit is issued pursuant to the findings contained under Section 3.G. of Ordinance No. 81-60, as amended.

Discing or removing ground vegetation except to extent necessary for protection of roots of plants, unless a determination is made by the Board of County Commissioners, after report by the Natural Resources Department, that removal will not adversely affect control and conservation of water and other natural resources.

Plant nursery involving sales of plants, garden supplies and equipment.

Commercial greenhouse.

Retail and wholesale sales of agriculturally related supplies and equipment.

Structure for keeping and raising of livestock, poultry, exotic animals, and farm animals, including stockyards and feeding pens, is prohibited unless specifically permitted:

Slaughterhouse for livestock and poultry.

Livestock auction.

Commercial packing house for fruits and vegetables including citrus concentrate plant.

Milk processing plant.

Row crops or citrus groves.

NOX-DX

Cutting and milling of timber including processing of forestry by-products.

Sale, service, and rebuilding of industrial water pumps and motors used for agricultural purposes.

Riding academy or commercial boarding stable.

Animal hospital, veterinary clinic, animal boarding place, fur farm and dog kennels.

Wild animal sanctuary.

Housing, including mobile homes, for farm or ranch labor.

Migrant labor camps.

Residential migrant housing.

Mobile or recreational vehicle park/campground except for those existing prior to the effective date of this amendment.

Multi-family housing.

Child care center.

Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, adult congregate living facilities (ACLF's), extended care facilities, patient family transient accommodations, and homes for orphans and the aged.

Golf course, including executive par-three and miniature golf courses and associated country clubs.

Seaplane landing.

Golf driving range.

Off-site signs.

Transmission tower.

Any use that is potentially dangerous, noxious, or offensive by reason of smoke, odor, noise, glare, fumes, gas, vibration, emission of particulate matter, threat of fire (except for prescribed burning) or explosion, interference with radio and television reception, radiation, or likely for other reason to be incompatible with the character

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of the Myakka River protection zone.

The following are special exceptions that will be analysed by Planning staff as to whether they could be applied to the River Protection Area:

(Permissible after Public Notice and Hearings by the Planning Commission and the Board of County Commissioners, see Section 20, "Special Exceptions.")

Commercial hunting and fishing camps.

Fish hatcheries.

Commercial fisheries.

Monastery, convent, house of worship and the like.

New cemetery, columbarium, mausoleum or expansion of these facilities, subject to all applicable state regulations and provided that no grave, monument or structure shall be located closer than twenty-five (25) feet to property lines and closer than 150 feet landward of the Myakka River area.

Private club.

Commercial piers, docks, and wharves in accordance with Sarasota County Ordinance No. 72-84 as amended.

One guest house and/or servants quarters for each permitted single family dwelling (see Section 28.72 of the Zoning Ordinance).

Dude ranch, provided no building for the housing of animals is allowed within the river protection zone.

Family or child day care home.

Outdoor field archery range, provided no clearing occurs closer than 150 feet landward of the Myakka River area.

Buildings over thirty-five (35) feet in height. Special exception will consider the following: the relation to the existing tree canopy; the vistas from the River; and the compatibility of the building materials.

Definitions of terms as they apply to the Myakka River Protection Plan:

"BULK STORAGE" within the Myakka River area and protection zone shall include facilities for the underground and above ground storage of flammable liquids and hazardous substances or wastes with a maximum capacity exceeding 500 gallons.

"HAZARDOUS SUBSTANCE OR WASTE" is a regulated substance or contaminant that has one or more of the following characteristics due to quality, concentration, or physical and chemical properties; ignitability, corrosivity, reactivity, EP toxicity, or toxicity, infectious characteristics, radioactivity, mutagenicity, carcogenicity, teratogenicity, bioaccumulative effect, or persistence (non-degradability) in nature that may cause significant harm to the human health and the environment.

"LANDFILL" is the spreading, covering, or burying of Type A, B, C or D fill within a County operated landfill.

"MYAKKA RIVER (OR RIVER) AREA" means that corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor of land including the maximum upland extent of wetlands vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes, and Chapters 62-3 and 62-312, Florida Administrative Code.

"MYAKKA RIVER (OR RIVER) PROTECTION ZONE OR AREA" means the same as the "wild and scenic protection zone".

"PRESCRIBED BURNING" means the controlled application of fire under a pre-determined set of environmental parameters in coordination with the Florida Division of Forestry, to simulate the natural role of fire or to accomplish specific land management objectives.

"RECYCLE FACILITY" means any facility which recycles solid waste.

"RECYCLING" means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, processed, and reused or returned to use in the form of raw materials or products.

"REGULATED SUBSTANCE" is the elements and compounds and hazardous waste appearing in Code 40 of Federal Regulations, Chapter 1, table 302.4, and as may be amended and updated from time to time, and identified on a list maintained by the County Utilities Department pursuant to the Wellfield Protection Ordinance No 92-079.

"SEPTAGE" is all solid waste containing human feces or residuals of such which is generated by any industrial or domestic wastewater treatment plant, water supply treatment

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plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics.

"TYPE A FILL" means earthen material essentially free of roots and other vegetative debris.

"TYPE B FILL" consists of concrete, rocks, broken asphalt, and other similar type inorganic and non-metallic materials.

"TYPE C FILL" consists of land-clearing debris.

"TYPE D FILL" consists of all other refuse not defined as Type A, B, or C fill, including but not limited to construction and/or demolition debris and garbage.

"WILD AND SCENIC PROTECTION ZONE" means an upland buffer that extends 220 feet on each side of the Myakka River wild and scenic designated river area (from river mile 7.5 to river mile 41.5) measured from the landward edge of the river area.

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILES
IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
SEAL THIS DATE 12/15/98
KAREN L. WASHINGTON, CLERK OF THE CIRCUIT COURT
OFFICIAL CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
By Judith Turner
DEPUTY CLERK

100-015

**APPENDIX F – Sarasota County Ordinance No. 2003-026, amending the
Earthmoving Ordinance No. 81-60**

DEC -4 AM 10: 59

KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO BORROW PITS AND OTHER EXCAVATIONS, STOCKPILES, AND FILLS THROUGHOUT SARASOTA COUNTY; RESTATING AND AMENDING SARASOTA COUNTY ORDINANCE NO. 81-60 AS CODIFIED IN ARTICLE XII OF CHAPTER 54 OF THE SARASOTA COUNTY CODE; PROVIDING FOR CODING OF AMENDMENTS; AMENDING SECTION 54-341 RELATING TO THE PURPOSE AND FINDINGS; AMENDING SECTION 54-342 RELATING TO DEFINITIONS; AMENDING SECTION 54-343, RELATING TO APPLICABILITY AND INTERPRETATION OF ARTICLE; AMENDING SECTION 54-344, RELATING TO EARTHMOVING PERMITS REQUIRED; AMENDING SECTION 54-345, RELATING TO REQUIREMENTS FOR OBTAINING PERMITS AND SUBMITTING ANNUAL REPORTS; AMENDING SECTION 54-346, RELATING TO REVIEW PERIOD; AMENDING SECTION 54-347, RELATING TO REQUIREMENTS FOR EXCAVATIONS; AMENDING SECTION 54-348, RELATING TO REQUIREMENTS FOR FILLS, STOCKPILES, AND BURYING; AMENDING SECTION 54-349, RELATING TO EXEMPTIONS; AMENDING SECTION 54-350, RELATED TO VARIANCES; AMENDING SECTION 54-351, RELATING TO THE RESERVATION OF RIGHTS; AMENDING SECTION 54-352, RELATING TO EXCEPTIONS AND AMENDMENTS; AMENDING SECTION 54-353, RELATING TO ADMINISTRATION; AMENDING SECTION 54-354, RELATING TO ENFORCEMENT AND PENALTIES; AMENDING SECTION 54-355, RELATING TO SEVERABILITY; CREATING SECTION 54-356, RELATING TO A SUNSET DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. This Ordinance amends Sarasota County Ordinance No. 81-60, as amended and as codified in Article XII, Chapter 54 of the Sarasota County Code.

Section 2. Chapter 54, Article XII of the Sarasota County Code is hereby amended to read as follows:

ARTICLE XII. EARTHMOVING

Sec. 54-341. Purpose and findings.

The Board finds and determines that:

- (1.) This article is enacted pursuant to law for the purpose of regulating earthmoving, including, but not limited to, the location and use of pits, lakes, excavations, stockpiles, and fills. It is recognized that commercial earthmoving enterprises

provide a valuable service, and positive economic benefit to the community. Specifically, it is the intent of this article to establish environmental safety regulations involving earthmoving that promote public health, safety, and welfare.

- (2) Earthmoving that is not governed by the County's Land Development Regulations, such as within established residential neighborhoods and borrow pit operations, also should be regulated for purposes provided herein.
- (3) Earthmoving activities may cause adverse impacts to watersheds, drainage patterns, native habitats, air and water quality, land use compatibility, historical resources and roads, and may create erosion and sedimentation problems.
- (4) Certain earthmoving operations may cause adverse visual, noise, vibration, dust, and safety impacts to surrounding areas.
- (5) Unauthorized Burying or dumping of debris may cause sanitary and health hazards, subsidence problems, and nuisances from mosquitoes and vermin.
- (6) Unauthorized Changes in topography, including filling of drainageways and relocating conveyances, could increase the flood potential and the impact of a destructive storm on human life, private structures, public facilities, and the economic viability of a community.
- (7) This article facilitates the implementation of the goals, policies, and principles of the County's Comprehensive Plan (Apoxsee) protecting the integrity of the natural environment and historical resources of the County, and meeting the social and economic needs of Sarasota County residents.
- (8) Wetlands provide water filtration, natural floodwater storage, critical habitat for numerous plants and animals, and maintenance of water tables.
- (9) The County roadways should be maintained as a safe, convenient, and efficient transportation system.
- (10) The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the ordinance codified in this article and found it to be consistent with Apoxsee, the Sarasota County Comprehensive Plan.
- (11) On December 8th, 1998, the Board of County Commissioners adopted the Myakka River Protection Ordinance No. 98-025, as amended. This ordinance directed staff to process amendments to Earthmoving Ordinance No. 81-60, as amended, consistent with the provisions of the Act, to minimize potential adverse physical and visual impacts on resource values in the Myakka River Area and to minimize adverse impacts on private landowners' use of the land for residential purposes.

- (12) Earthmoving activities hereby authorized pursuant to Ordinance 81-60, as amended, shall be consistent with the goals and objectives defined within the Myakka River Protection Ordinance No. 98-025, as amended.

Sec. 54-342. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Abutting Property means any property that is either: immediately adjacent to; or contiguous with; or that is located immediately across any road or right-of-way from property that may be subject to any review or hearing required to be held under this article.

Applicant includes individuals, firms, partnerships, corporations, associations, organizations, trusts, companies, or any other legal entity that has applied for a Permit.

Board means the Board of County Commissioners or its designee.

Burying means placing Type B, C or D Fill, including yard trash, below original grade.

Closure means cleaning up and securing an earthmoving operation, including removing material stockpiles associated with a recycle facility, upon cessation of operation such that there is no threat to public health, safety, or the environment.

Closure Plan means a plan which describes reclamation measures to clean up and close an earthmoving operation authorized under a Level II or Level III Earthmoving Permit and addresses monitoring, maintenance, and bonding requirements.

Comprehensive Plan means the Environment Chapter of Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan as adopted under Ordinance No. 89-18, as amended, to comply with the Local Government Comprehensive Planning and Land Development Regulation Act of 1985.

Conceptual Permit means a permit approved by the Board and issued by the Ordinance Administrator which approves the concept of a Master Plan for Level III Earthmoving.

Construction Plan or Site means any plan or site which has a valid construction authorization (as defined in the Land Development Regulations) from the County's Land Development Services office or has a valid building permit and approved lot grading plan issued by the County showing the full extent of filling, or has a permit in accordance with the provisions of this article.

County means Sarasota County, Florida.

County Administrator means the Sarasota County Administrator or his duly authorized representative.

Earthmoving means excavating lakes, pits, and depressions, and/or mounding, stockpiling, creating berms, installing or transporting Type A, B, C or D Fill.

Environmental Technical Manual means that section of the County's Land Development Regulations containing the technical specifications for mitigation areas, littoral zones, and other environmental systems.

Excavation means the act or process of creating a lake, borrow pit (whether or not materials are removed for commercial purposes), pond, retention area, swale, ditch, or depression.

Fill Removal means the removal by mechanical means of fill from the site of generation.

Filling means the placement, spreading, covering, or burying of Type A, B, or C Fill on a site. Filling does not include stockpiling.

Gardening means filling, excavating, grading, or mounding to prepare a plot for the cultivation of herbs, fruits, flowers, and vegetables. This does not include the creation of an agricultural row crop field or a pasture for commercial purposes.

Haul Route means the route or routes connecting the site of excavation or fill, as described by the permit application, with one or more public roadways under the jurisdiction of Sarasota County, of the functional classification of "collector" or "arterial," as adopted by the County in the thoroughfare plan of the Sarasota County Comprehensive Plan. The "Haul Route" shall include the intersection with the collector and arterial and also include any required turn lanes and traffic control devices.

Historic Resources means prehistoric or historic districts, sites, buildings, objects, or other real or personal property of historic, architectural, or archaeological value.

Land Clearing Debris is uprooted or cleared vegetation resulting from a land clearing operation and does not include yard trash.

Land Development Regulations means Sarasota County Ordinance No. 81-12 or its successor (Chapter 74 of this Code).

Landfill is the spreading, covering, or burying of Type A, B, C or D Fill within a County-operated landfill.

Landscaping means filling, excavating, grading, or mounding with Type A Fill or mulch material for the purposes of planting vegetation (e.g., grass, ground covers, shrubs, hedges, and trees) and installing or [of] supporting structural landscape architectural features (e.g., rock, fountains, waterfalls, sculpture, decorative walls, and tree walls).

Lawful Drainage Systems means stormwater conveyances, including swales and ditches, that existed prior to 1981 or are authorized by the County's Land Development Services office.

Listed Species means any animal categorized by the Florida Game and Fresh Water Fish Commission as endangered, threatened, or of special concern pursuant to F.A.C. 39-27.003, 39-27.004, and 39-27.005; or any plant or animal categorized by the U.S. Fish and Wildlife Service as endangered or threatened pursuant to 50 CFR 17.11-12.

Littoral Zone is that portion of any lake, borrow pit, or pond measured from seasonal high-water elevation in water bodies where water elevation is not controlled by structures, or from the overflow elevation in water bodies where water elevation is controlled by structures, to a depth of three feet. Littoral zones typically support rooted aquatic vegetation. Littoral zones also include those areas in salt or brackish water (gulf, bay, estuary) from the mean high-water elevation to a depth of three feet.

Master Plan is a plan which includes the boundaries and a description of the general design and operation of a commercial borrow pit, a development, or a recycle facility.

Minor Topographical Changes means recontouring which has a net result in less than a one-foot change above or below existing grade.

Myakka River (or River) Area means the corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, together with a corridor of land including the maximum upland extent of wetlands vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes and Chapters 62-340, Florida Administrative Code.

Myakka River (or River) Protection Zone or Area means the same as the "wild and scenic protection zone".

Off-Site means adjacent or neighboring properties, public or private rights-of-way or easements, conservation areas, preservation areas, or common areas.

Ordinance Administrator means the Sarasota County Administrator, or an administrative official of Sarasota County Government designated by the County Administrator to administer and enforce the provisions of this Ordinance.

Particulate Matter means, with respect to emissions, all finely divided solid or liquid material, other than uncombined water, emitted to the atmosphere.

Permit is the legal authorization to remove fill from a site or to conduct or engage in filling, stockpiling, creating berms, or excavating unless exempted by the provisions of this article.

- (1) *General Permit* is the legal authorization to conduct or engage in filling, stockpiling, creating berms, or excavating more than 100 cubic yards and up to 2,000 cubic yards of Type A Fill unless exempted under the provisions of Section 54-349(a) or (b).
- (2) *Level I Permit* is the legal authorization to conduct or engage in filling, stockpiling, or excavating more than 2,000 and up to 10,000 cubic yards of Type A Fill in accordance with the provisions of this article.
- (3) *Level II Permit* is the legal authorization to conduct or engage in filling, stockpiling, or excavating more than 10,000 and up to 100,000 cubic yards of Type A Fill or up to 50,000 cubic yards of Type B or C Fill in accordance with the provisions of this article.
- (4) *Level III Permit* is the legal authorization to conduct or engage in filling, hauling, stockpiling, or excavating more than 100,000 cubic yards of Type A Fill or more than 50,000 cubic yards of Type B or C Fill in accordance with the provisions of this article.
- (5) *After-the-Fact Permit* is the legal authorization to continue an activity regulated by this article that commenced prior to applying for or receiving a General, Level I, II, or III Permit in accordance with the provisions of this article.
- (6) *Conceptual Permit* means a permit approved by the Board and issued by the Ordinance Administrator which approves the concept of a Master Plan for earthmoving activities involving more than 100,000 cubic yards of Type A Fill or more than 50,000 cubic yards of Type B or C Fill.

Permittee includes individuals, firms, partnerships, corporations, associations, organizations, trusts, companies, or any other legal entities that have received a permit.

Person includes individuals, firms, partnerships, corporations, associations, organizations, trusts, companies, or any other legal entities.

Protected Native Habitat means those habitats qualifying for preservation or conservation under the principles of the Apoxsee Environment chapter (section entitled "Principles for Evaluating Development Proposals in Native Habitats").

Reclamation means measures to clean up and close an earthmoving operation, including reshaping, grading, seeding, site stabilizing, revegetating, and creating mitigation areas and littoral zones.

Recyclable Construction and Demolition Debris is a component of Type D Fill and means construction and demolition debris from commercial users which is capable of being recycled, including wood pallets, wood construction materials, scrap metal, and brick which can be effectively processed for recycling.

Recycle Facility means any facility which recycles solid waste.

Recycling means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, processed, and reused or returned to use in the form of raw materials or products.

Routine Maintenance means earthmoving activities to an existing water body or infrastructure intended to restore the original dimensions or elevations. Evidence of original dimensions may include previous County authorizations, permits, or other acceptable documentation, or a demonstration by the applicant that the proposed earthmoving activities (including any minor topographical changes) would not adversely impact the drainage and wetland hydroperiod.

Site means the boundaries of a property, or portion thereof, upon which earthmoving has occurred, is proposed, or has been permitted. Any portion of a property which has a separate, valid construction plan approval, building permit, or earthmoving permit shall constitute a separate site.

Stipulation is a statement or condition issued with a permit with which compliance is necessary for continued validity of the permit.

Stockpile means the temporary collection, accumulation, or storage of Type A, B, C, or D Fill upon a parcel of land for a minimum period of 24 hours.

Subdivision Technical Manual means that section of the Land Development Regulations containing the technical specifications for a floodplain compensation plan.

Swale means a manmade stormwater conveyance with gradual side slopes and vegetation for soil stabilization, stormwater treatment, and uptake.

Type A Fill means earthen material essentially free of roots and other vegetative debris.

Type B Fill consists of concrete, rocks, broken asphalt, and other similar type inorganic and nonmetallic materials.

Type C Fill consists of vegetative land-clearing debris with associated earthen material.

Type D Fill consists of all other refuse not defined as Type A, B, or C Fill, including but not limited to construction and/or demolition debris and garbage.

Type A Fills consist of compacted Type A Fill.

Type B and C Fills consist of Type B or C Fill with a minimum cover of one foot of Type A Fill.

Type D Landfills consist in whole or in part of all materials not defined above as Type A, B, or C Fill.

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Unconfined Emissions means emissions which escape and become airborne from unenclosed operations or which are emitted into the atmosphere without being conducted through a stack.

Wetland Hydroperiod Maintenance Plan means a method of maintaining the frequency of water flow and water levels of a wetland prior to and following permitted earthmoving activities.

Wetland or Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and a duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, sloughs, marshes, wet prairies, bayheads, bogs, cypress domes and strands, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

Wild and Scenic Protection Zone means an upland buffer that extends 220 feet on each side of the Myakka River wild and scenic designated river area (from river mile 7.5 to river mile 41.5) measured from the landward edge of the river area.

Yard Trash means vegetative matter resulting from landscaping maintenance including such materials as tree and shrub trimmings, grass clippings, and palm fronds.

Sec. 54-343. Applicability and interpretation of article.

- (a) The provisions of this article shall apply within the unincorporated areas of Sarasota County.
- (b) Where any provision of this article refers to another provision, ordinance, statute, regulation, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof. Where any provision of this article refers to a local ordinance, board, or official, it shall refer to the appropriate County ordinance, board, or official, and not to any municipal one, except pursuant to the provisions of an interlocal agreement.
- (c) The Board may provide for the enforcement of this Ordinance within any municipality through an interlocal agreement.

Sec. 54-344. Permits or other authorizations required.

Unless exempted or authorized under the provisions of Section 54-349(a), (b) or (c), no person shall create or alter any excavation, nor apply fill to a site, whether it alters the existing contours or not, nor remove fill from any site, without first obtaining a permit or other authorization in accordance with the provisions of this article and the Comprehensive Plan. Exceptions to this requirement shall be made for activities exempted under the provisions of Sections 54-349(a) and 54-349(b) of this Code, however, said activities shall be consistent with the Comprehensive Plan and Section 54-344(4) of this Code. Issues of Zoning relative to stockpiling, excavation, filling, or hauling within annexed municipal lands shall be deferred to the municipality.

- (1) **Stockpiling.** No person shall stockpile or cause to be stockpiled Type A, B, C Fill, or recyclable construction and demolition debris (a component of Type D Fill) upon a parcel of land which was not the site of origination without first obtaining a permit in accordance with the provisions of this article. Stockpiling of Type B, C, or recyclable Type D fill generated from off-site sources shall be in compliance with the County's Zoning Code (Appendix A) of the Sarasota County Code regarding on-site recycle facilities. Stockpiling of Type B, C, or D Fill may occur at the site of origination provided that such activities do not conflict with other Federal, State, or local regulations or ordinances and provided that such stockpiling ceases within six months after it commences, unless otherwise authorized by a permit or other authorization in accordance with the provisions of this article. Transporting and stockpiling of yard trash is governed under Chapter 6, Article III of the Sarasota County Code.
- (2) **Burying.** No person shall bury Type D Fill, including yard trash. No person shall bury Type B or C Fill without first obtaining a permit in accordance with the provisions of this article. This section does not include County-operated landfills.
- (3) **Wetlands impacts.**
 - a. Except as otherwise authorized herein, or by other ordinance of Sarasota County, wetlands shall not be altered, filled, drained, dredged, scraped, or converted to lakes or borrow pits.
 - b. In cases where the Ordinance Administrator determines that a wetland is no longer capable of performing desired environmental functions or providing environmental values (as defined in Sarasota County's Comprehensive Plan), or in cases where it is determined by the Ordinance Administrator that no reasonable alternative exists other than disrupting a wetland, certain alterations may be allowed.
 - c. All alterations in wetlands must be mitigated in accordance with either Level I or Level II ratios and performance standards specified in the Environmental Technical Manual of the County's Land Development Regulations and in the "Principles for Evaluating Development Proposals in Native Habitats" found in

the Environment Chapter of the Comprehensive Plan. Mitigation ratios shall be as follows:

1. One-to-one for herbaceous wetlands and two-to-one for wooded wetlands in accordance with Level I performance standards; or
 2. Two-to-one for herbaceous wetlands and four-to-one for wooded wetlands in accordance with Level II performance standards.
- d. In cases where mitigation is required, mitigation and monitoring plans must be submitted to and approved by the Ordinance Administrator before a permit will be issued.
- e. Flow of water within and through preserved wetlands shall not be impeded.
- f. Appropriate sediment control devices (hay bales, silt screens, or other devices approved by the Ordinance Administrator) shall be employed to prevent sedimentation within the wetland. Any building site adjacent to a wetland and elevated by filling must employ the same erosion control devices. Fill must be stabilized to the satisfaction of the Ordinance Administrator.

(4) The Myakka River Area and Myakka River Protection Zone.

- a. All earthmoving activities within the Myakka River Area or Protection Zone shall be consistent with the goals and objectives of the Myakka River Protection Ordinance No. 98-025, as amended.
- b. Earthmoving shall be prohibited within the Myakka River Protection Zone for all purposes except earthmoving meeting exemption criteria pursuant to any of Sections 54-349(b)(1), 54-349(b)(2), 54-349(b)(3), 54-349(b)(4), 54-349(b)(5), 54-349(b)(6), 54-349(b)(7), 54-349(b)(9), 54-349(b)(10), 54-349(b)(11), 54-349(b)(12), 54-349(b)(14), 54-349(b)(15), 54-349(b)(16), 54-349(b)(17), 54-349(b)(19), and filling around the perimeter of a structure of a maximum 30 feet width to establish the entirety or a portion of a fire protection clear zone as defined in the County's Land Development Regulations. The Ordinance Administrator may request information from the applicant, including evidence of prior approval by the appropriate agency(ies), for any of the above-referenced exemption sections to confirm that the earthmoving meets the exemption criteria.
- c. All earthmoving allowed under Section 54-344(4)(b), within the Myakka River Protection Zone, shall be consistent with the Vegetative Removal Standard contained within the County's Land Development Regulations.

d. Earthmoving authorized under a valid earthmoving permit, agricultural exemption, written non-agricultural exemption, issued by the County prior to the effective date of these Code revisions, or the continuation of uninterrupted agricultural earthmoving operations and maintenance in existence prior to October 13, 1981, may continue to completion of the earthmoving project, until expiration of said authorization, or until cessation of the agricultural operation, provided no expansion or intensification of such authorized earthmoving occurs.

e. Upland buffers of native vegetation, of a minimum 30 feet width, shall be provided around preserved wetland areas. Where the upland vegetation surrounding any wetland contains mesic hammock habitat, the minimum buffer width shall be 50 feet.

Sec. 54-345. Requirements for obtaining permits and submitting annual reports.

(a) Persons applying for earthmoving permits (including General, Level I, Level II, Level III, or After-the-Fact Permits) shall submit the following to the office of the Ordinance Administrator. The appropriate type of permit is based on cumulative volumes over the life of the project in accordance with subsections (e) and (f) of this section.

(1) The original and four copies of a complete application, signed by the owner of the property or accompanied by a notarized written consent to do the work from the property owner if the application is made by any person or firm other than the owner of the property involved. This owner consent signature obligates the property owner(s) and successors to comply with all permit stipulations and all provisions of this article. The application shall include the following information and materials. With all applications include:

- a. Legal description and property identification number (PIN) of the site to be permitted;
- b. Street address of the site, if any, and a vicinity map showing location of the site in relation to nearby roadways;
- c. Three legible full section aerial photographs of the site (scale: one inch equals 200 feet or less) with the parcel boundaries clearly identified. Aerial photographs are available from the County's Surveying and Mapping Section and the County Property Appraiser's office, and must be the most recent available copies;
- d. Authorization for entry upon any portion of the site by County agents or employees for purposes of inspection for compliance with, and enforcement of, the provisions of this article;

- e. Area of proposed excavation, stockpile, and/or fill in acres or square feet;
 - f. Volume of excavation, stockpile, and/or fill in cubic yards;
 - g. Proposed source and type of material for fill;
 - h. Reason for excavating, stockpiling, and/or filling;
 - i. For excavation projects greater than one acre in size, a littoral zone plan, showing the proposed location(s) of the littoral zone(s) and a typical cross section, as well as demonstrating compliance with the applicable provisions of Section 54-347(7) and (8);
 - j. A wetland mitigation, monitoring, and maintenance plan, if wetland impacts are proposed, in accordance with the provisions of the Environmental Technical Manual of the County's Land Development Regulations;
 - k. A hydroperiod maintenance plan, if Wetlands are on-site, in accordance with the provisions of the Environmental Technical Manual of the County's Land Development Regulations;
 - l. Bonds in accordance with subsection (d) of this section, in a form acceptable and payable to the County, shall be required to ensure compliance with all the terms and stipulations of the permit and that all site stabilization and other actions required by this article are performed during and upon completion of the permitted activities; and
 - m. A nonrefundable fee to offset administrative, review and monitoring costs. The amount of said fee(s) shall be established by resolution by the Board and shall accompany all applications and reapplications.
- (2) The original and three copies of a site plan clearly showing the boundaries of the property, map scale and north arrow, and the following information:
- a. A site boundary and topographical survey clearly showing existing and proposed elevations, existing site features, easements and rights-of-way;
 - b. Proposed location(s) for excavation and/or disposition of material;

- c. Proposed slopes, setbacks, method of dewatering and on-site retention for excavation projects;
 - d. Location of wetlands, if any, and other native habitats;
 - e. Septic tanks and drainfields within 100 feet of the edge of any excavation;
 - f. Proposed method(s) to control erosion, including stabilization of excavated side slopes, filled and stockpiled areas;
 - g. On-site and adjacent off-site stormwater flow patterns for existing and proposed conditions;
 - h. For proposed fills or stockpiles within 100-year floodplains only, a compensation plan to demonstrate no net encroachment into the floodplain, in accordance with the Subdivision Technical Manual;
 - i. For projects that occur in areas with known historic resources or in areas with a moderate to high probability for the presence of historic resources based upon review of the County's historical resources database or other information available, a site assessment survey may be required by Sarasota County Historical Resources, in accordance with Chapter 66, Article III of the Sarasota County Code; and
 - j. For projects that occur upon properties which contain any portion of the Myakka River Area or the Myakka River Protection Zone, the plans must accurately depict the River Area, the protection zone, the jurisdictional limits of wetlands as verified by the appropriate State agency, County-required minimum upland buffers; and
 - j-k. Any other information requested by the Board or Ordinance Administrator to assist in their review of the project.
- (3) With all Level II and Level III applications, the following additional information shall be submitted:
- a. The site plan (scale: one inch equals 200 feet or less) shall be prepared, signed, and scaled by a Florida registered engineer. For Level III Permits, an 8½ - by 11-inch reproducible copy (~~not to scale~~) shall be submitted for inclusion into the Board packets;
 - b. Identification of a designated haul route, if applicable;

- c. Evidence of existing road conditions along a designated haul route, if applicable, including photographs or videotape;
 - d. Destination(s) of material to be transported for all fill removal (haul) applications;
 - e. Test borings (to a minimum depth of 20 feet) showing the seasonal high-water table and type of materials to the depth of any proposed excavation;
 - f. All water wells within 500 feet of the edge of any proposed excavation;
 - g. Area of groundwater drawdown (for excavations where dewatering may occur within 200 feet of a wetland for a period greater than 30 days);
 - h. A preliminary Closure Plan and Reclamation cost breakdown certified by a Florida registered engineer; and
 - i. A demonstration of compliance with any Master Plan approved as part of a Conceptual Permit approval (Level III applications only).
- (4) A Person may, as an option, apply for a Conceptual Permit for excavations involving more than 100,000 cubic yards of Type A Fill, or more than 50,000 cubic yards of Type B or C Fill. Persons applying for Conceptual Permits must submit the original and four copies of a complete application including:
- a. A Master Plan;
 - b. Legal description and property identification number (PIN) of the site to be permitted;
 - c. Vicinity map showing the location of the site in relation to nearby roadways;
 - d. Three legible full section aerial photographs of the site (scale: one inch equals 200 feet or less) with the parcel boundaries clearly identified. Aerial photographs are available from the County's Surveying and Mapping Section and the County Property Appraiser's office, and must be the most recent available copies;
 - e. Authorization for entry upon any portion of the site by County agents or employees for purposes of inspection;

- f. Area of proposed excavation, stockpile, and/or fill in acres or square feet;
- g. Volume of excavation, stockpile, and/or fill in cubic yards;
- h. Proposed disposition of material and reason for excavating, stockpiling, and/or filling;
- i. Location of wetlands, if any, and other native habitats;
- j. Evidence of existing road conditions along a designated haul route, if applicable;
- k. Any other information requested by the Board or Ordinance Administrator to assist in their review of the project; and
- l. A nonrefundable fee to offset administrative, review and monitoring costs. The amount of said fee(s) shall be established by resolution by the Board and shall accompany all applications and reapplications.

A Conceptual Permit allows the Permittee to apply for a Level III Permit(s) which may be issued by the Ordinance Administrator without an additional public hearing in accordance with the ordinance provisions in effect at the time of Conceptual Permit approval.

- (5) Prior to submitting a permit application (including for a Conceptual Permit), applicants proposing to excavate or haul more than 100,000 cubic yards of Type A Fill or more than 50,000 cubic yards of Type B or C Fill shall schedule and attend a pre-application conference with the County's Traffic Operations staff to ~~Staff will~~ determine whether a traffic analysis must be provided by the applicant and the level of detail needed. In addition, staff will determine whether a traffic analysis must be provided by the applicant if a Level III Permit application is submitted after a Conceptual Permit is issued. A permit ~~will~~ shall not be issued until said analysis, if required, is approved by Traffic Operations staff.
- (6) If trees are to be removed as part of the ~~applicant's~~ proposed earthmoving activity, a tree removal and protection permit ~~may~~ shall be required by the County. The applicant has the option of combining this tree permit with the earthmoving permit. In this event, a combined permit fee shall be submitted by the applicant (as established in the fee resolution adopted for this article), and all provisions of Chapter 54, Article XVIII of the Sarasota County Code shall apply.

(b) Persons preparing annual reports for Level III Earthmoving Permits shall submit the following to the office of the Ordinance Administrator:

(1) The original and three copies of a complete application shall include the following information and materials:

- a. Three legible full section aerial photographs of the site with the parcel boundaries clearly identified, only if a more recent version has become available since the last submittal on file with Resource Protection Services. Aerial photographs are available from the County's Surveying and Mapping Section and the County Property Appraiser's office, and must be the most recent available copies;
- b. The current limits of the permitted earthmoving activities and the proposed limits for the coming permit year shown on the County-approved Master Plan, including the distances between required preserved native habitats and current and proposed excavation limits;
- c. Estimates of in place earthmoving volumes during each of the previous permit years and an estimate for the coming permit year;
- d. A report with sufficient detail to demonstrate that the applicant has complied with all applicable ordinance regulations and permit conditions;
- e. Any other information requested by the Board or Ordinance Administrator to assist in their review of specific compliance concerns; and
- f. A nonrefundable fee to offset administrative, review and monitoring costs. The amount of said fee(s) shall be established by resolution by the Board and shall accompany all annual report applications.

(c) Whenever a public hearing is required (see subsections (f) and (j) of this section, Section 54-350 and Section 54-352(b)), the applicant shall provide:

- (1) A list of names and mailing addresses of all property owners within 300 feet of the boundary line of the property and less than one-half mile from the boundaries of the Earthmoving activity (excavation or fill) for which an earthmoving permit or annual report review is requested. If any dwelling unit within the required notification area is within a property owners' association, the property owners' association also shall be notified. In addition, a list of names and mailing addresses of all property owners abutting the haul route (outside any public right-of-way) used to gain

access to a collector or higher classification road shall be provided. Property owners abutting the quadrants of any intersection of a haul route accessing onto a roadway under Federal or State jurisdiction also shall be notified. If the earthmoving site is located on a collector or higher classification road under the County's jurisdiction, then a list shall be provided of names and mailing addresses of all property owners abutting the haul route for a distance of not less than one-half mile in both directions from the site along the collector or higher classification road. The County may extend the area in which names and mailing addresses of property owners must be provided to one-half mile from the perimeter of the site. In addition, the required list shall include the owner of the subject property if not the same as the permittee. The required list shall be based on the most recent data available at the County Property Appraiser's office.

- (2) A nonrefundable mailing fee equal to the current Postal Service rate for first class mail multiplied by the number of persons listed in subsection (c)(1) of this section.
 - (3) A nonrefundable fee to cover the cost of advertising for a public hearing. The County shall provide the applicant with an invoice showing the actual cost of publication. The fee shall be remitted prior to the date of public hearing. No permit or variance that requires a public hearing shall be considered by the Board until such time as notice of a public hearing on the permit or variance has been given by publication of a notice of the hearing in a newspaper of general circulation in the County, at least ten days in advance of the public hearing.
- (d) Performance and Reclamation bonds shall be provided by the owner or designated assignee of property upon which earthmoving is proposed. Said bonds, in a form acceptable and payable to the County, shall be required as hereinafter described, to ensure compliance with all the terms and stipulations of the permit and that all site stabilization and other actions required by this article and within any approved Closure Plan meeting the requirements of subsection (j)(10) of this section are performed during and upon completion of the permitted activities.
- (1) For a General Permit, no performance bond is required.
 - (2) For a Level I Permit, a minimum performance bond of \$500.00 shall be required. Alternatively, a contractor may post a \$2,000.00 bond to cover up to six active and concurrent Level I Earthmoving projects.
 - (3) For a Level II or III Permit, a Reclamation bond shall be required.
 - a. Said bond shall total 120 percent of the amount necessary to complete each component of reclamation specified within an

approved Closure Plan meeting the requirements of Sections 54-344(3)c, 54-344(3)d, 54-345(j)(10), 54-347(3), 54-347(6), 54-347(7), 54-347(8), 54-347(9), 54-348(a)(4), 54-348(a)(5), and 54-352(a) as certified by an engineer registered in the State of Florida. The total bond shall be itemized according to the respective reclamation measure, including any earthmoving associated with up-front mitigation.

- b. The County will accept a bond held by another governmental entity if said bond covers activities referenced in this section. Said bond shall grant to the County the authority to recover the bond in accordance with Section 54-351, and [shall provide] that prior agreement from the County is required for reimbursement to the permittee.
- (4) For a Level III Permit, a roadway performance bond shall be required whenever more than 100,000 cubic yards of Type A Fill is removed from the site, or hauling more than 50,000 cubic yards of Type B or C Fill using a designated haul route. Said assurance shall be provided to mitigate impacts pursuant to subsection (d)(6) of this section. One of the following two alternatives shall be selected by the applicant:
- a. Fifty thousand dollars per mile along the haul route. This amount may be applied as determined necessary by the County to effect repair of any damage to the haul route arising, in the sole determination of the County, from hauling activities performed under the permit; or
 - b. Contribution of a specified amount per cubic yard of material to be hauled from the site, for establishment of a roadway fund, from which monies may be drawn at the sole discretion of the County to mitigate the impacts on the designated haul route; provided, however, that the permit shall establish a maximum limit for said fund, which shall not exceed an amount reasonably necessary to mitigate such impacts, and no further contributions shall be due, unless and until monies are withdrawn from the fund by the County, leaving the fund balance less than the specified maximum limit. Said fund shall accrue interest at a rate comparable to other escrow accounts maintained by the County. Upon expiration of the permit, and fulfillment of the permittee's responsibilities thereunder, any remaining fund balance shall be refunded to the permittee.
- (5) Bonds, or portions thereof, shall remain in effect until the project or closure of an earthmoving operation is successfully completed in accordance with the requirements herein.

- a. Partial release or reduction of a Reclamation bond can be requested upon County acceptance of completed reclamation measure(s). The portion of the bond held for any mitigation or littoral zone project shall be returned to the permittee if deemed successful by the Ordinance Administrator based on criteria provided in the Environmental Technical Manual. The portion of the bond set aside to guarantee success of any mitigation area or littoral zone shall extend beyond permit expiration, until such time as the area is deemed successful by the Ordinance Administrator.
- b. All bonds shall be required prior to issuance of the permit, unless the permittee demonstrates that timing for permitted impacts (e.g., wetland removal) or other stipulated improvements (e.g., roadway improvements) will be delayed as accepted by the County. The permittee shall provide a written request to the Ordinance Administrator to postpone bonding these activities. If postponement is authorized by the Ordinance Administrator, the permittee shall provide an adequate bond amount as certified by an engineer registered in the State of Florida, prior to or concurrent with commencement of the bonded activity.
- c. Additional bonds or bond amounts may be required upon a determination by the Board that road and/or other damage, the cost to repair of which is estimated to exceed the specified bonding requirement, may be reasonably expected by the County to occur.

(6) Roadway impacts and mitigation.

- a. It shall be the responsibility of the permittee to mitigate those impacts on the haul route arising from activities authorized under the permit. Required mitigation measures shall be determined by the County on a case-by-case basis, and may include any or all of the following:
 - 1. Cleanup of materials over spills;
 - 2. Shoulder grading;
 - 3. Pavement patching;
 - 4. Pavement reconstruction;
 - 5. Pavement maintenance, including resurfacing;

6. Traffic safety improvements such as signing, striping, barrier rails, turn and/or acceleration lanes with tapers, all meeting AASHTO standards; and
 7. Watering and other dust control measures.
- b. Hauling operations shall comply with all applicable limits and restrictions, including those pertaining to vehicle registration, safety, and wheel and axle loads. Operations authorized by a permit issued hereunder may be suspended or prohibited by the Ordinance Administrator, upon a determination that any such operations are not in compliance with the provisions of the permit and/or any other applicable regulations.
 - c. Hauling operations shall not generate dust at levels that create, in the sole determination of the County, a nuisance to adjacent property owners along unpaved roads. Permits for new excavations shall not be issued to haul 10,000 cubic yards or more of material on unpaved roads adjacent to residentially developed areas.
- (e) The Ordinance Administrator shall issue General, Level I, Level II, or After-the-Fact General, Levels I and II Permits (whichever is applicable) for excavations, stockpiles, and fills of up to 100,000 cubic yards of Type A Fill and up to 50,000 cubic yards of Type B or C Fill without the approval of the Board if the applicant meets all applicable requirements set forth in this article.
 - (f) After approval by the Board, the Ordinance Administrator shall issue Level III Permits (or Conceptual Permits, as applicable) for all fills, hauls, stockpiles, and/or excavations involving more than 100,000 cubic yards of Type A Fill or more than 50,000 cubic yards of Type B or C Fill. Said approval may be granted, following a duly advertised public hearing and written notice to all property owners described in subsection (c)(1) of this section, at least ten days prior to the hearing date, provided that the applicant has met all applicable requirements set forth by this article. Notwithstanding any other provision herein contained, failure to provide written notice to all property owners described in subsection (c)(1) of this section shall not constitute a jurisdictional defect provided legal notice has been published.
 - (g) Permits shall be issued if the Board or Ordinance Administrator determines that:
 - (1) The proposed activity will not interfere with the proper functioning of any sanitary, stormwater or other drainage system or natural flowage way, whether public or private, so as to create flooding or health hazards;

- (2) The proposed activity does not adversely affect the implementation of any regional stormwater basin plan approved by the Board;
 - (3) The applicant has fully complied with all transportation and engineering requirements of this article, and requirements of Air and Water Quality Protection, pursuant to Chapter 54, Articles VI and VII of the Sarasota County Code, Resource Protection Services pursuant to Chapter 54, Article XVIII of the Sarasota County Code, regarding tree protection, and the Sarasota County Comprehensive Plan, Environment chapter, Ordinance No. 89-18 (including policies and principles regarding native habitats, the State wild and scenic designation of the Myakka River, and consultation with regulatory agencies regarding listed species), and pursuant to Chapter 54, Article XX of the Sarasota County Code, regarding coastal dredge and fill; the County's Zoning Division pursuant to the Zoning Code (Appendix A of the Sarasota County Code); Sarasota County's Historical Resources Center pursuant to the Sarasota County Comprehensive Plan, Historic Preservation Chapter, Ordinance No. 89-18, and Chapter 66, Article III of the Sarasota County Code regarding historic resources; the County's Land Development Services pursuant to stormwater regulations contained within Chapter 74 of the Sarasota County Code, and any other applicable ordinances, codes, regulations, and administrative guidelines that may be adopted;
 - (4) The earthmoving operation will not adversely affect groundwater levels or cause adverse environmental impacts;
 - (5) The proposed activity will not generate dust, noise, vibration or traffic at levels that create, in the sole determination of the County, nuisances to adjacent property owners; and
 - (6) The applicant has met all applicable requirements set forth by this article.
- (h) All General Permits involving up to 2,000 cubic yards of Type A Fill and Level I Permits involving up to 10,000 cubic yards of Type A Fill issued under the terms of this article shall be valid for a period not to exceed one year from the date of issuance. A new permit must be issued prior to the commencement of operations beyond the expiration date of the permit, unless a temporary extension is granted by the Ordinance Administrator. Any request for a temporary extension shall be submitted to the Ordinance Administrator at least 30 days in advance of the permit expiration date. Said permit shall not be issued until all information and fees are submitted and the application has been reviewed and approved in accordance with the provisions contained in this article.
- (i) All Level II Permits involving up to 100,000 cubic yards of Type A Fill and up to 50,000 cubic yards of Type B or C Fill issued under the terms of this article shall be valid for a period not to exceed two years from the date of issuance. A new

permit must be issued prior to the commencement of operations beyond the expiration date of the permit, unless a temporary extension is granted by the Ordinance Administrator. Any request for a temporary extension shall be submitted to the Ordinance Administrator at least 30 days in advance of the permit expiration date. Said permit shall not be issued until all information and fees are submitted and the application has been reviewed and approved in accordance with the provisions contained in this article.

- (j) All Level III and Conceptual Permits shall be subject to the following:
- (1) Permits issued under the terms of this article shall be valid for a period not to exceed ten years from the date of issuance, unless otherwise approved by the Board.
 - (2) The Board may grant an extension provided that it is consistent with the other provisions of the permit and this article. All requests for extensions shall be submitted to the Ordinance Administrator at least 45 days in advance of the permit expiration date. The Ordinance Administrator has the authority to allow the earthmoving activity to continue uninterrupted if a delay in processing an extension request is caused by the County. Final action by the Board shall supersede any extension granted by the Ordinance Administrator.
 - (3) Each year, a minimum of 60 days prior to the anniversary date of permit issuance, the permittee shall submit to the County an annual report describing all activities conducted during the previous year and those proposed during the upcoming year, including any cleanup and closure activities. The report shall include sufficient detail to demonstrate that the permittee has complied with all applicable ordinance regulations and permit conditions, written commitments provided by the permittee, and County-approved plans. An annual report review fee, established by resolution by the Board, shall be submitted with each annual report. The Ordinance Administrator shall determine whether all applicable conditions have been met. If all applicable conditions have been met, the Ordinance Administrator shall accept the annual report, unless a written petition is filed and acted upon as described in subsections (j)(4), (j)(5) and (j)(6) of this section within 30 days prior to the anniversary date of the permit.
 - (4) Petitioners shall provide a form or a letter to the Ordinance Administrator containing the following information:
 - a. The name, address, and telephone number of the petitioner;
 - b. A statement of how the petitioner's substantial interests are affected by the permittee's facility and/or operation; and

c. A statement of the relief/remedy sought by the petitioner.

- (5) If the petitioner is not satisfied with any reasonable resolution efforts on the part of the Ordinance Administrator or the permittee, and the petition is not voluntarily withdrawn by the petitioner, the Board will determine whether a public hearing shall be held.
- (6) If the Board decides not to hold a public hearing, the annual report shall be accepted. If the Board decides to hold a public hearing, notice shall occur in accordance with subsection (c) of this section.
- (7) The Ordinance Administrator may approve adjustments in phased excavation limits presented in a previously accepted annual report during a given permitted year should the permittee experience changes in market demands, environmental constraints, or a delay in the processing of an annual report caused by the County. The permittee shall make such requests in writing to the Ordinance Administrator. The request shall not exceed 25 percent of the volume or acreage projected for excavation given in the previous annual report.
- (8) The Ordinance Administrator may allow a delay in the submittal of an annual report in accordance with subsection (j)(3) of this section if the permittee provides written evidence that the earthmoving operation has been inactive for the entire past permit year.
- (9) At any time, the Ordinance Administrator or the Board may initiate proper and timely code enforcement action for any compliance issue in accordance with Sections 54-351, 54-353, and 54-354, regardless of the timing of annual report submittal.
- (10) The Permittee shall indicate in an annual report submitted at least 11 months before the permit expiration date whether the earthmoving operation will be closed prior to expiration of the permit or a new earthmoving permit will be requested to allow continuation of the earthmoving operation. If the permittee opts to apply for a new permit, a new earthmoving permit application shall be submitted to the Ordinance Administrator at least 90 days prior to the expiration date of the existing earthmoving Permit. The Ordinance Administrator has the authority to allow the earthmoving activity to continue uninterrupted if a delay in processing a new permit application is caused by the County. Final action by the Board shall supersede any temporary extension granted by the Ordinance Administrator. If the permittee instead chooses the former option, a Closure Plan meeting the requirements of subsection (j)(11) of this section shall be submitted with the appropriate annual report. The Closure Plan shall be subject to review and approval by the Ordinance Administrator and may be reviewed and processed concurrently with an

annual report. A permittee may appeal any determination of the Ordinance Administrator to the Board of County Commissioners. This requirement applies to all permits issued after April 4, 1990.

- (11) All Permittees shall execute a closure procedure in accordance with a County-approved Closure Plan as specified under subsection (j)(10) of this section. The Closure Plan shall demonstrate compliance with the requirements of this article, including the specifications identified in Sections 54-345(d)(3), 54-347(3), 54-347(6), 54-347(7), 54-347(8), 54-347(9), 54-348(a)(4), 54-348(5) and 54-352(a). A schedule shall be included with each proposed Closure Plan that addresses completion of all closure activities and any monitoring required beyond the permit expiration date in accordance with Sections 54-344(3)d, 54-347(7) and 54-347(8). Other than required monitoring and maintenance activities, no closure activities shall extend more than two years beyond permit expiration.
- (k) The Board or the Ordinance Administrator may impose such conditions, stipulations, and safeguards upon any permit issued pursuant to this article which are reasonable and which will serve to ensure that the standards of this article will be complied with. Such conditions, stipulations and safeguards may include, but are not limited to, those necessary to protect adjacent or nearby landowners from any deleterious effects of the permitted activity, those necessary to prevent or mitigate adverse environmental impacts, and those necessary to prevent or mitigate adverse transportation impacts. An applicant may appeal the imposition of any condition, stipulation, or safeguard imposed by the Ordinance Administrator to the Board, which may approve, strike, or modify any condition, stipulation, or safeguard.
- (l) In cases where the project may impact listed species, the applicant shall consult with the appropriate State and Federal agencies regarding protection measures. Said consultation shall occur prior to issuance of the permit, in accordance with the provisions of this article.
- (m) All earthmoving performed under a permit issued pursuant to this article shall be in accordance with the requirements set forth in this article and shall conform with all plans, specifications, permit stipulations, and other documents submitted by the applicant.
- (n) All permits issued pursuant to this article shall be subject to the requirements of all applicable Federal, State and local laws and ordinances.
- (o) Any person applying for an After-the-Fact Permit shall be assessed a fee as established by resolution by the Board.

Sec. 54-346. Review period.

A determination by County reviewing agencies that the application is complete or incomplete will be provided to the Ordinance Administrator within approximately 15 working days following receipt of the application. County reviewing agencies include Resource Protection Services, Zoning, ~~Historical Resources Center~~, Land Development Services (or a duly authorized representative of those divisions), and any other agency as requested by the Ordinance Administrator. If additional information is required by any reviewing agency, the applicant shall provide it within 30 working days, or within 15 working days for an annual report review or a new Level III Earthmoving Permit application to replace an expiring permit or an After-the-Fact Earthmoving Permit application. Reapplication will be required if these deadlines are not met, unless waived by the Ordinance Administrator. All revised plans must include a cover letter describing changes made to the original plan. Upon receipt of additional information, the reviewing agencies shall submit revised comments regarding completeness within approximately ten working days. Once deemed complete by all reviewing agencies, applications will undergo a formal review, except a formal review will be included within a ten-day completeness review for General Permits. Recommendations to approve, deny or approve with conditions will be made to the Ordinance Administrator within approximately 15 working days after commencement of a formal review. In addition, the reviewing agencies will notify the applicant of any other County permit(s) required for the proposed project. Permit decisions made by the Ordinance Administrator may be appealed by the applicant to the Board within 20 days of such decision. After a review of the record, the Board may affirm, reverse, or modify the decision of the Ordinance Administrator.

Sec. 54-347. Requirements for Excavations.

The following requirements apply to all excavations for which a permit is required pursuant to the provisions of this article:

- (1) Borrow pits, artificial lakes and other excavations designed to be left open upon completion shall be sufficiently graded to avoid flooding or erosion on any off-site property or public roads, and shall not be excavated within the following minimum setback areas (measured at top of bank of excavation):
 - a. Within 50 feet of abutting property lines for excavations less than 10,000 cubic yards. The setback requirements may be reduced with the approval of the Ordinance Administrator, where it is determined that sufficient buffering is otherwise provided between incompatible uses, and if the affected abutting property owner(s) signs an affidavit of no objection;
 - b. Within 100 feet of abutting property lines for excavations in excess of 10,000 cubic yards but less than 100,000 cubic yards in volume;

- c. Within 200 feet of abutting property lines for excavations in excess of 100,000 cubic yards of volume; or
 - d. Within 200 feet of a wetland where dewatering of an excavation in excess of 10,000 cubic yards will occur for a period greater than 30 days, unless otherwise authorized by the Ordinance Administrator or the Board. An applicant requesting a setback reduction is required to provide a groundwater drawdown analysis based on a methodology that is verifiable, reproducible and provides for monitoring to assess any hydroperiod impacts to the wetland due to dewatering activities.
- (2) Structural and vegetative buffers may be required as necessary to prevent adverse visual, noise, vibration, dust, and safety impacts between potentially incompatible land uses.
- a. Existing vegetation (excluding nuisance or exotic plant species) must remain in required setback areas, to the extent possible.
 - b. If existing vegetation is not sufficient to provide an adequate visual buffer, supplemental planting, berms, or berms with supplemental planting may be required.
- (3) All excavated areas shall have side slopes no steeper than one foot vertical drop for each four feet of horizontal distance to a minimum depth of two feet below normal water level (NWL). Below this depth, the side slopes shall be no steeper than one foot vertical drop for each two feet of horizontal distance. All excavated ditches and swales along roadways shall have side slopes no steeper than one foot vertical drop for each four feet of horizontal distance. The back slopes of these ditches and swales shall be no steeper than one foot vertical drop for each three feet of horizontal distance. These standards are intended to be minimal sloping requirements, providing for maximum permissible steepness of the side slopes. The applicant may opt to create more gradual side slopes for safety purposes. See subsections (7) and (8) of this section for additional sloping requirements.
- (4) The depth of an excavation shall not exceed 20 feet and shall not penetrate any rock strata or other aquiclude. However, at a public hearing, the Board may grant permission for excavation in excess of 20 feet in depth if the applicant demonstrates that the development and operation of the excavation will not adversely affect existing or created groundwater levels, water quality, or the property of others. In this case, the permit must contain a provision authorizing a specific depth to which excavation may occur below 20 feet.

- (5) All excavations shall be maintained so as to prevent the creation of sanitary or health nuisances or hazards including mosquitoes, vermin and the dumping of garbage, trash, hazardous waste, or other refuse.
- (6) Upon completion of the excavation or prior to expiration of the permit, the excavation shall be left in a free-form configuration. Square or rectangular designs are not permissible. The banks shall be grassed to prevent erosion and to ensure that the completed excavation will blend, so far as possible, with the surrounding landscape. Spoil piles or stockpiles of material shall be removed from or spread upon the site pursuant to permit stipulations. All site cleanup and stabilization activities shall be completed prior to the expiration of the permit.
- (7) Fifteen percent of the surface area of all new commercial borrow pit lakes not part of a Master Plan that was approved prior to April 4, 1990, and that will not qualify as exempt utilities after closure in accordance with Section 54-349(b)(1), shall contain littoral zones. The area of littoral zone required shall be based on the surface area of each borrow pit lake, including the area of littoral zone, measured at normal water level elevation. Littoral zone designs will be considered on a case-by-case basis, but shall be vegetated, maintained and monitored in accordance with the provisions of Sections A.2 through A.13 of the Environmental Technical Manual contained in the County's Land Development Regulations. They may be created along all or a portion of the shoreline, concentrated in one or more sections of each borrow pit lake, included in islands or peninsulas, or any combination of the above. Littoral zones may also be concentrated near the outfall of individual borrow pits or at the outfall of the most downstream pit in cases where borrow pits are hydrologically connected. The area of littoral zone required shall be based on the total surface area of all interconnected pits.

The Ordinance Administrator shall have the authority on a case-by-case basis to modify the littoral zone planting and percentage requirements for an excavation for which there will be a proven and consistent wide fluctuation in water levels in the borrow pit lake (greater than three feet fluctuation measured from normal water level), or if the areas surrounding the lake contain significant protected native habitat that will be impacted if the entire littoral zone is created as required. In these cases, the Ordinance Administrator may approve an equivalent or greater area of upland habitat conservation, wetland enhancement and/or restoration to satisfy the remaining littoral zone percentage requirement, provided that documentation is submitted assuring these areas will be preserved or conserved and managed in perpetuity in accordance with an approved resource management plan. In any event, no less than five percent littoral zone shall be provided.

- (8) Fifteen percent of the surface area of all other lakes shall contain littoral zones, except those created for stormwater management purposes. In cases where

existing borrow pits are connected to or otherwise made part of a stormwater management system, littoral zones may be installed downstream of the existing pit(s) between the pit's outfall and the point of off-site discharge. Stormwater detention lakes shall be regulated in accordance with the Environmental Technical Manual of the County's Land Development Regulations. Littoral zones in lakes greater than one acre shall be vegetated, maintained, and monitored as described in subsection (7) of this section. Littoral zones in lakes less than one acre need not be vegetated; however, vegetation that establishes naturally shall be maintained in the required littoral zones.

- (9) During and upon completion of excavation and prior to expiration of the permit, sediment shall be stabilized and erosion controlled. Sediment shall not be allowed to encroach into wetlands, watercourses, or adjacent properties.
- (10) Receiving waters shall not exceed a turbidity level of 29 nephelometric turbidity units (NTU's) above natural background.
- (11) If evidence of the existence of historic resources is discovered during earthmoving activities (e.g., shell middens, aboriginal or historic pottery), all work shall cease in the area of effect and the permittee or designee shall contact Sarasota County ~~Historical Resources Center~~ within two working days in accordance with Chapter 66, Article III of the Sarasota County Code. If any human skeletal remains or associated burial artifacts are discovered, all work in the area shall cease and the Permittee or designee shall contact the nearest law enforcement office and Sarasota County ~~Historical Resources Center~~.
- (12) There shall be no unconfined emissions of particulate matter arising from earthmoving activities, beyond the boundary lines of the property for which an earthmoving permit has been issued, including any designated haul route, in accordance with F.A.C. 62-296.

Sec. 54-348. Requirements for fills, stockpiles and burying.

- (a)
 - (1) Type A Fills and Stockpiles shall be allowed in any zoning district without a separate earthmoving permit provided that a permit for construction has been issued.
 - (2) Type B and C Fills and Stockpiles shall be consistent with the County's Zoning Code and the provisions of this article. Burying Type B or C Fill requires a permit in accordance with the provisions of this article. No Type C Fill shall be placed at or below the groundwater elevation. All Type B or C Fill shall have a minimum cover of one foot of Type A Fill upon closure.

- (3) Type D material shall only be deposited in a landfill permitted to receive such material pursuant to F.S. Ch. 403, except that recyclable debris shall be deposited into a permitted recycle facility.
 - (4) Stockpiles of Types A, B or C Fill shall be stabilized and secured.
 - (5) During and upon completion of all filling and prior to expiration of the permit, sediment shall be stabilized and erosion controlled. Sediment shall not be allowed to encroach into wetlands, watercourses or adjacent properties.
 - (6) Receiving waters shall not exceed a turbidity level of 29 nephelometric turbidity units (NTU's) above natural background.
 - (7) If evidence of the existence of historic resources is discovered during earthmoving activities (e.g., shell middens, aboriginal or historic pottery), all work shall cease in the area of effect and the permittee or designee shall contact Sarasota County ~~Historical Resources~~ Center within two working days in accordance with Chapter 66, Article III of the Sarasota County Code. If any human skeletal remains or associated burial artifacts are discovered, all work in the area shall cease and the permittee or designee shall contact the nearest law enforcement office and Sarasota County ~~Historical Resources~~ Center.
 - (8) There shall be no unconfined emissions of particulate matter arising from earthmoving activities, beyond the boundary lines of the property for which an earthmoving permit has been issued, including any designated haul route, in accordance with F.A.C. 62-296.
- (b) Requirements for fill removal (haul) permits. A permit shall be required for the removal of more than 100,000 cubic yards of fill from construction sites. Construction Plan approval for the generating site and Construction Plan approval, building permit, Earthmoving Permit, or approved exemption pursuant to Section 54-349(a) and (b) for the receiving sites shall be a prerequisite for such a permit, in addition to the other applicable requirements of this article.

Sec. 54-349. [Exemptions]

- (a) Agricultural exemptions and reviews. Agricultural exemptions and reviews shall be subject to the following provisions:
 - (1) For the purpose of this article, earthmoving incidental to agricultural operations shall meet the following criteria in order to qualify for an agricultural exemption in accordance with the provisions under subsection (a)(2) of this section or agricultural review in accordance with subsection (a)(3) of this section:

- a. The excavation or fill is proposed on a parcel of land containing five or more contiguous acres under unified ownership and which is classified by the Sarasota County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461;
- b. Type A Fill material is not sold; and
- c. The applicant adheres to conditions of the Natural Resources Conservation Service's policy for protection of wetlands for agricultural uses.

(2) The following are exempt from the requirements of this article provided that all applicable Federal, State and local permits and/or authorizations have been obtained:

- a. Earthmoving authorized under an existing valid surface water management permit or environmental resource permit from the Southwest Florida Water Management District (SWFWMD), or written documentation from SWFWMD that the project is exempt.
- b. Filling, stockpiling, or excavating less than 100 cubic yards of Type A Fill, provided no filling or excavating occurs within easements or rights-of-way and other lawful drainage and utility facilities, and [it] does not impact off-site drainage.
- c. Lawful drainage ditches and canals, including routine maintenance and culvert installations, provided that excess fill is stockpiled or removed from the site in accordance with the provisions of this article.
- d. Temporary excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves.
- e. Earthmoving consistent with the routine maintenance (e.g., sediment removal, side slope repairs) to existing permitted or authorized ponds, ditches, and canals, provided that any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article.
- f. Restoration of property to original grade with Type A Fill following removal of buried debris.
- g. Landscaping and gardening projects with Type A Fill, including soil amendments, mulching, and fencing, provided that the on-site

drainage patterns are not altered, and further provided no filling occurs within easements or rights-of-way and private drainage and utility facilities.

- (3) Unless exempted under the provisions of subsection (a)(2) of this section, persons proposing earthmoving activities incidental to agricultural operations shall not be required to obtain a permit in accordance with the provisions of this article, provided that the Agricultural Development Review Committee (which shall consist of the County's Land Development Services; the Sarasota County District Conservationist, United States Department of Agriculture Natural Resources Conservation Service; the Sarasota County Extension Director, Institute of Food and Agricultural Science, University of Florida; the Ordinance Administrator; and the Director of Sarasota County Historical Resources Center) reviews the plans as follows:
- a. The applicant shall submit to Development Services Business Center six copies of plans showing topographical modifications and the locations of proposed excavating, filling and stockpiling on a legible aerial photograph (scale: one inch equals 200 feet or less). One copy shall be forwarded by Development Services Business Center to the Southwest Florida Water Management District for notification purposes only. The Agricultural Development Review Committee shall review said plans within approximately ten working days.
 - b. Agricultural reviews granted for specific plan approvals shall remain valid indefinitely, unless otherwise provided herein.
 - c. The validity of an agricultural review shall terminate upon noncompliance with any of the provisions contained under subsections (a)(1)a through c of this section or if there is evidence that the land is being prepared for anticipation of development. Such evidence includes submittal of an application for a building permit for a non-agricultural use, a special exception, a rezone, a site and development plan, or a preliminary plan within six months following the date of an agricultural review approval from Sarasota County. Earthmoving activities that invalidate a previous agricultural review approval would require an Earthmoving Permit, an After-the-Fact Earthmoving Permit, or Construction Plan approval.
- (b) Non-agricultural exemptions from excavation, fill, stockpile, or removal (haul) requirements. The following are exempt from the requirements of this article provided that all applicable Federal, State, and local permits and/or authorizations have been obtained. For exemptions specified under subsections (b)(3), (12),

(13), (14), (15), and (18) of this section, the Ordinance Administrator may request information from the applicant, including evidence of prior approval by the appropriate agency(ies), to confirm that no impact(s) will occur to off-site drainage, protected native habitats, historic resources, the 100-year floodplain, or listed species. Any noncompliance with the following criteria would require the earthmoving activity to be authorized under an Earthmoving Permit, an After-the-Fact Earthmoving Permit, or Construction Plan approval:

- (1) The installation and maintenance of public and private utilities, specifically potable and nonpotable water distribution and storage, sanitary sewer and wastewater reuse storage and transmission facilities, gas, telephone, cable television, electrical systems, and associated appurtenances, provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article;
- (2) Filling and lot grading for the purpose of constructing foundations to support any building or structure, provided that a building permit has been issued by the County and that the extent of lot grading is consistent with the County's requirements. On-site excavations for the purposes of creating foundations or lot grading are not exempt, unless approved as part of a Construction Plan approval
- (3) Lawful Drainage Systems, including routine maintenance and culvert installations, provided that excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article;
- (4) Temporary excavations relating to the accessory use of land and designed to be filled upon completion, e.g., graves, or septic tanks;
- (5) Excavation of swimming pools and lined landscape ponds, provided any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article;
- (6) Excavating, stockpiling, and filling (as applied to road and drainage construction) and earthmoving in conjunction with the development of land, including the platting of a subdivision, when excavated materials are not removed from the boundaries of the development and land clearing debris is not buried or mounded on-site, and the site has received Construction Plan approval or a plan for revised topography that has been approved by the Board or the Ordinance Administrator as applicable;
- (7) Governmental agencies in performance of their normal official duties, provided that advance written notification, including a copy of the plans, is given to the Ordinance Administrator for those projects that are not governed by the County's Land Development Regulations. The purpose of

this review is to ensure that government projects are consistent with the policies and principles of Apoxsee;

- (8) The removal of up to 100,000 cubic yards of Type A Fill, or up to 50,000 cubic yards of Type B or C Fill, from a construction site, hauled to another construction site(s), provided that the generating and receiving sites have received Construction Plan approval or an Earthmoving Permit, and provided further that advance notification is given in writing to the Ordinance Administrator;
- (9) Earthmoving consistent with the routine maintenance (e.g., sediment removal, side slope repairs) to existing permitted or authorized ponds, ditches, and canals, provided that any excess fill is removed from the site or authorized to remain on-site in accordance with the provisions of this article;
- (10) Earthmoving associated with emergency repair or restoration in order to protect an existing structure or private infrastructure from further damage (e.g., erosion control or temporary swales), provided original elevations are restored following passage of the emergency or a permit is obtained to retain the fill or excavation;
- (11) Restoration of property to original elevations with Type A Fill following removal of buried debris;
- (12) Landscaping and gardening projects with Type A Fill, including soil amendments, mulching, and fencing, provided that no filling occurs within State or County easements or rights-of-way, or private drainage and utility facilities;
- (13) Routine maintenance of golf courses, including minor changes in topography, provided that written documentation is provided to the Ordinance Administrator that the County-approved drainage and Wetland Hydroperiod Maintenance Plans will not be impacted;
- (14) The construction of driveways, including minor changes in topography;
- (15) Routine maintenance of driveways, private roadways, sidewalks, bikeways and pathways, including minor changes in topography;
- (16) Construction or routine maintenance of shoreline stabilization features provided that any other required permit has been obtained, including a permit from the Water and Navigation Control Authority (WNCA) (Chapter 54, Article XX of the Sarasota County);

- (17) Hauling spoils from a permitted dredging project to a County landfill or a County-approved construction site provided that advance notification is given to the County's Traffic Operations office and the Ordinance Administrator;
- (18) Filling with, stockpiling with, or excavating less than 100 cubic yards of Type A Fill on a property less than five acres and up to 500 cubic yards of Type A Fill on a property five acres or larger, provided no filling, stockpiling or excavating occurs within public easements or rights-of-way, and other lawful drainage systems and utility facilities. For parcels five acres or larger, written documentation shall be provided to the Ordinance Administrator demonstrating consistency with the above-referenced criteria and this subsection (b) and showing that no excavating would occur within 50 feet of property boundaries. The setback may be reduced if the affected abutting property owner(s) signs an affidavit of no objection;
- (19) Hauling of excess fill from governmental construction projects, including roadway and stormwater improvement projects, provided that any stockpiling or filling of privately owned lands occurs in accordance with the provisions of this article.

Sec. 54-350. Variances.

A public hearing is required for all variances, as provided in Section 54-345(c). The Board, upon staff investigation and recommendation, may grant variances from the provisions of this article which will not be contrary to the public interest where, owing to special conditions, it finds a literal enforcement of such provisions would result in unnecessary hardship on the land. The Board may establish additional safeguards and stipulations as the individual situation requires. An applicant for a variance must provide a nonrefundable fee to offset administrative, review and monitoring costs. The amount of said fee(s) shall be established by resolution by the Board and shall accompany all applications and reapplications.

Sec. 54-351. Reservation of rights.

The Board may enact additional rules and regulations to implement and carry out the provisions of this article or revoke a permit for cause after a duly advertised public hearing. The permittee shall be financially responsible for all legal fees and associated costs incurred by Sarasota County in recovering bonds. Additionally, in the event of evidence of excessive damage, the permittee may:

- (1) Be required to post an additional bond for the estimated damages;
- (2) Be required to correct the damage immediately;

- (3) Have the permit suspended until satisfactory restitution is made; and
- (4) Be required to forfeit to the County existing performance and reclamation bonds in the event any component of reclamation or roadway mitigation is not satisfactorily completed in accordance with the approved Closure Plan and requirements herein.

Sec. 54-352. Exceptions and amendments.

- (a) **Exceptions.** The provisions of this article shall not be applicable to any excavations or fills now permitted except that some permittees shall be subject to the annual report and Closure Plan requirements provided in Section 54-345(j). Nothing in this article shall affect the boundaries and design (including littoral zone and mitigation plans) of excavations approved as part of a Master Plan for projects involving more than 10,000 cubic yards of material.
- (b) **Amendments to Level III and Conceptual Permits.** The Board retains the authority to amend previously issued and active Level III and Conceptual Earthmoving Permits, including Master Plans, conditions, or stipulations, at the request of the permittee, and subject to the limitations identified in this section, if the proposed changes do not exceed the total area and volume as shown on the approved Master Plan. The Board may amend the permit without requiring compliance with any standards incorporated into this article after the date the permit was issued. Master Plan changes involving multiple earthmoving permits held by one permittee on contiguous lands utilizing a common haul route may also be reviewed as a single permit amendment if the proposed changes do not exceed the total area and volume shown on the approved Master Plans. The Board may incorporate into any such multiple permit amendment the most restrictive conditions or stipulations of the affected earthmoving permits. In addition, any change in property ownership or permittee for an earthmoving operation requires a permit amendment or a new permit application and consent from the property owner in accordance with Section 54-345(a)(1). The Board may grant such an amendment(s) after holding a public hearing following public notice in accordance with Section 54-345(c) and (f). All proposed changes, including expansion or reduction of excavation or fill limits, shall be shown on a revised Master Plan. All amendments shall be consistent with the current standards of all other applicable ordinances.
- (c) **Amendments to other permits.** The Ordinance Administrator retains the authority to amend all other previously issued and active permits, including site plans, conditions, or stipulations, at the request of the permittee, if the proposed changes do not exceed the maximum volume allowed for the existing permit level. Permit amendment requests shall be provided to the Ordinance Administrator prior to the amended work being initiated, and at least 45 days prior to the date of permit expiration.

Sec. 54-353. Administration.

The Ordinance Administrator or his designee is vested with the authority to administer and enforce the provisions of this article and is authorized and directed to take any legal action to ensure compliance with, or prevent violation of, the provisions of this article, including issuing administrative stop orders and establishing provisions for inspections. The Board is authorized to adopt administrative rules and regulations to carry out the purpose and intent of this article. The Board may permanently or temporarily revoke a permit, in whole or in part, at any time after notice and hearing if it determines that the permitted operation has become a danger to public health or safety or if the operation is in violation of any County ordinance or the conditions of the permit.

Cross reference(s)--Administration, Ch. 2.

Sec. 54-354. Enforcement and penalties.

Violation of any provision of this article shall be punishable pursuant to F.S. § 125.69. The provisions of this article may also be enforced pursuant to provisions of F.S. ch. 162, and any ordinances adopted thereunder. In addition, the provisions of this article may be enforced through code enforcement proceedings under the provisions of Chapter 2, Article VIII of the Sarasota County Code. Penalties collected as part of enforcement of this article shall be placed in the Sarasota County pollution recovery trust fund, as established in Resolution No. 91-360. Notwithstanding any other provisions of this article for enforcement or penalties, the Board may also enforce this article by actions at law or in equity for damages and injunctive relief, and, in the event the Board prevails in any such action, the Board shall be entitled to an award of its costs and reasonable attorneys' fees.

Sec. 54-355. Severability.

In the event that any portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this article.

Section. 54-356. Sunset Provision.

This article shall be automatically repealed on June 30, 2009~~11~~, unless otherwise amended or ratified by the Board of County Commissioners of Sarasota County, Florida.

Sec. 54-380. Reserved.

Section 3. Effective Date: This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of State of Florida.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 3rd day of, 2003.
December

ATTEST:
COMMISSIONERS

BOARD OF COUNTY

OF SARASOTA COUNTY, FLORIDA

By: [Signature]
Chairman

KAREN E. RUSHING, Clerk of Circuit Court and Ex-Officio Clerk of the Board of County Commissioners of Sarasota County, Florida

By: [Signature]
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED IN THIS OFFICE WITNESS MY HAND AND OFFICIAL SEAL THIS DATE: 12/27/05
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT, EX-OFFICIO CLERK TO THE BOARD OF COUNTY COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: [Signature]
DEPUTY CLERK

**APPENDIX G – Sarasota County Ordinance No. 2003-027, amending the
Tree Protection Ordinance No. 83-44**

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NO. 2003-027

2003 NOV 19 PM 3:00

KARON E. ALSTON
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, RELATING TO THE PROTECTION OF TREES; RESTATING AND AMENDING SARASOTA COUNTY ORDINANCE NO. 83-44, AS AMENDED, AS CODIFIED IN ARTICLE XVIII OF CHAPTER 54 OF THE SARASOTA COUNTY CODE; AMENDING SECTION 54-581, RELATING TO FINDINGS OF FACT; AMENDING SECTION 54-582, RELATING TO DEFINITIONS; AMENDING SECTION 54-583, RELATING TO PUBLIC EDUCATION; AMENDING SECTION 54-584, RELATING TO PROHIBITIONS; AMENDING SECTION 54-585, RELATING TO EXEMPTIONS; AMENDING SECTION 54-586, RELATING TO GRAND TREE DESIGNATION; AMENDING SECTION 587, RELATING TO PERMITTING CRITERIA, PROCEDURES, AND FEES; AMENDING SECTION 54-588, RELATING TO TREE PROTECTION DURING THE DEVELOPMENT OF LAND; AMENDING SECTION 54-589, RELATING TO THE PROTECTION OF GRAND TREES; AMENDING SECTION 54-590, RELATING TO TREE PLANTING, RELOCATION, OR REPLACEMENT; AMENDING SECTION 54-591, RELATING TO EMERGENCY TREE REMOVAL; AMENDING SECTION 54-592, RELATING TO PENALTIES; AMENDING SECTION 54-593, RELATING TO THE WITHHOLDING OF PERMITS AND IMPOSITION OF STOP ORDERS; AMENDING SECTION 54-594, RELATING TO APPEALS; AMENDING SECTION 54-595, RELATING TO CIVIL AND ADMINISTRATIVE REMEDIES; AMENDING SECTION 54-596, RELATING TO TERRITORIAL APPLICABILITY; AMENDING SECTION 54-597, RELATING TO SEVERABILITY; AMENDING SECTION 54-598, RELATING TO INTERPRETATION; AMENDING SECTION 54-599, PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. This Ordinance amends Sarasota County Ordinance No. 83-44, as amended, and as codified in Chapter 54, Article XVIII, of the Sarasota County Code. Language that has been added to the Code has been underscored, while language that has been eliminated has been ~~stricken~~.

Section 2. Chapter 54, Article XVIII, of the Sarasota County Code is hereby amended to read as follows:

Sec. 54-581. Findings of fact.

It is hereby found and determined that:

- (1) Trees are proven producers of oxygen, a necessary element for the survival of mankind;
- (2) Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;

- (3) Trees play an important role in the hydrologic cycle, transpiring considerable amounts of water each day, and they precipitate dust and other particulate airborne pollutants from the air;
- (4) Trees play an important role in cleansing stormwater runoff which passes from the surface [water] to groundwater;
- (5) Trees, through their root systems, stabilize the soil and play an important and effective part in County-wide soil conservation, erosion control and flood control;
- (6) Mangrove Trees are of special ecological value in stabilizing, building and protecting the shoreline, providing for spawning and breeding grounds for marine organisms and other wildlife, and serving as the basis for most of the estuarine food chains, which are critical to 70 to 90 percent of those species considered important from a recreational and/or commercial standpoint;
- (7) Trees are an invaluable physical and psychological addition to the County, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, and breaking the visual monotony of Development on the land;
- (8) Trees provide wildlife habitat and play other important ecological roles;
- (9) The protection of Trees within Sarasota County is not only desirable, but essential to the present and future health, safety and welfare of all the citizens of Sarasota County; and
- (10) Some Tree species are more beneficial than others as necessary contributors to the County's environment and it is not necessary to protect each and every species in order to attain the public benefit of a Tree protection and replacement ordinance.
- (11) The Board of County Commissioners, sitting as the Land Development Regulation Commission, has reviewed the ordinance codified in this article and found it to be consistent with Apoxsee, the Sarasota County Comprehensive Plan.
- (12) Some trees on public and private lands are especially significant due to their character, size, and age.
- (13) Grand trees are an important component of Sarasota County's urban forest, and have a unique and intrinsic value to the general public because of their age, size, and ecological value.
- (14) Adoption of a program for the designation and preservation of grand trees within Sarasota County promotes the health, and economic well being of the residents and property owners of Sarasota County.
- (15) Ordinance No. 98-025 relating to protection measures for the Myakka River, requires the Tree Protection Code to be consistent with the provisions of the Myakka River Protection Plan, to minimize potential adverse physical and visual

impacts on resource values in the river area and to minimize adverse impacts on private landowners use of land for residential purposes.

Sec. 54-582. Definitions.

Administrator. The designated representative of the Sarasota County Administrator.

Agriculture. A commercial enterprise using lands classified by the County Property Appraiser under the agricultural assessment provisions of F.S. § 193.461 for the production and marketing of agricultural products.

Applicant. Any Person or his duly authorized representative who submits Development plans through any County agency for the purpose of obtaining approval thereof.

Board. The Board of County Commissioners of Sarasota County.

Clear Trunk. The height of the trunk of a palm Tree measured from the ground to the point where the lowest green frond is attached to the trunk.

Comprehensive Plan. The document "Apoxsee, the Revised and Updated Sarasota County Comprehensive Plan" (Apoxsee), adopted by the Board and filed with the Clerk of said Board pursuant to Sarasota County Ordinance No. 89-18.

Condition Classification. A rating of a plant based on its current structural integrity and state of health as defined by the "Guide for Plant Appraisal" latest edition, published by the International Society of Arboriculture.

County. Sarasota County, Florida.

Development. A subdivision of land or a site and Development as defined by the Land Development Regulations, a residential mobile home park, or any other construction, whether residential, commercial, industrial, office, professional, institutional, or recreational, except a one- or two-family dwelling on an individual Lot.

Diameter at Breast Height (DBH). The diameter of the trunk measured at breast height, which is 54 inches above the ground. When low branches or stems preclude measuring the trunk at 54 inches, the smallest circumference of the trunk below the lowest branch or stem juncture shall be the measure of DBH.

Drip Line. An imaginary vertical line running from the outermost branches or portion of the Tree crown to the ground.

Emergency. Any man-made or natural disaster which is specifically declared to be an Emergency through a resolution adopted by the Board.

Grand Tree. Any tree that has been determined by the Administrator to have the characteristics as outlined in Section 54-586 or any tree designated a Florida State

Champion, United States Champion, or World Champion by the American Forestry Association.

Land Development Regulations. Sarasota County Ordinance No. 81-12, as amended, or its successor (Chapter 74 of this Code).

Lot. Includes "tract" or "parcel" and means the least fractional part of subdivided lands having fixed limited boundaries and an assigned number, letter, or other name through which it may be identified.

Myakka River Area. The corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in part III, Chapter 258, Florida Statutes, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes and Chapter 62-340, Florida Administrative Code.

Myakka River Wild and Scenic Protection Zone. The upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5), measured from the landward edge of the Myakka River area.

Natural Regeneration. The regeneration of a stand of timber by leaving a minimum of 15 mature healthy trees per acre appropriately spaced to act as seed trees.

Person. Any individual, government, corporation, partnership, association, firm, trust, or other entity.

Remove a Tree. To relocate, cut down, poison, or in any other manner destroy, or cause to be destroyed, a Tree as defined in this article. It includes topping, or any action that causes irreparable injury to a tree, including damage inflicted on the root system by heavy machinery, changing the natural grade above the root system or the removal of sufficient canopy so as to cause the unnatural decline of the tree.

Silviculture. A commercial enterprise controlling the establishment, growth, composition, health, and quality of forests and woodlands of desired characteristics with the intent to produce, reproduce or manage a stand of pines (*Pinus* spp.) for the eventual sale to a timber company as a pulp, paper or other timber products. This includes site preparation activities, prescribed burning and harvesting of trees for sale.

Stipulation. A statement or a condition issued with a Permit or with an approved plan, with which compliance is necessary for continued validity of the Permit or other approval.

Topping. Internodal removal of woody branches containing heartwood or cutting back to a lateral branch too small to assume the terminal role, that removes canopy coverage by more than 30%.

Tree. A living, woody, self-supporting plant, which when mature will reach ten feet or more in height, having a main stem or cluster of main stems, and any one stem

measuring 4 1/2 inches DBH. For the purpose of this article, all rooted species of mangrove, including red mangrove (*Rhizophora mangle*), white mangrove (*Laguncularia racemosa*), black mangrove (*Avicennia germinans*), and buttonwood mangrove (*Conocarpus erecta*), are hereby declared to be Trees, and are hereby protected by the provisions of this article, regardless of size, except where State law supersedes local jurisdiction. In addition, all palms with more than 4 1/2 feet of Clear Trunk are declared to be Trees and are protected by the provisions of this article. It includes any tree planted, relocated or replaced pursuant to Section 54-590 of this Code.

Tree Location Survey. A one inch equals 200 feet or less scale drawing which provides the following information: location of all Trees, plotted by accurate techniques, common name of all Trees, and Diameter at Breast Height (DBH), printed on the proposed site plan as described in Section 54-585 587 (b)(1). A site plan printed on an aerial photograph may be substituted if it is approved by the Administrator prior to submittal and if it is a recent, legible aerial photograph that reflects existing site conditions (scale: one inch equals 200 feet or less).

Tree Removal and Protection Permit (Permit). The legal authorization to remove, transplant, and/or the requirement to protect Tree(s) on a Lot, pursuant to the provisions of this article.

Treed Area. The area within a 100-foot radius of any Tree trunk.

Sec. 54-583. Public Education:

The Administrator shall develop a process to identify Grand Trees and conduct a public relations and education program to recognize, promote, identify, and preserve Grand Trees within Sarasota County. This program shall provide the citizens of Sarasota County with the awareness

and technical assistance necessary to preserve Grand Trees within the County and shall notify the owner as identified on the current annual tax roll by regular U.S. mail.

Sec. 54-584. Prohibitions.

- (a) Unless exempt under Section 54-585, it shall constitute a violation of this article for any Person to Remove a Tree or Trees or cause a Tree or Trees to be removed, or to initiate Development, or construction or demolition of single- and two-family homes, when Trees exist on the property, except in accordance with a Tree Removal and Protection Permit issued by the Administrator pursuant to the provisions of this article.
- (b) It shall constitute a violation of this article for any Person to violate any provision or Stipulation contained in a site and development plan or preliminary subdivision plan approved pursuant to the Land Development Regulations and this article, or in a Permit issued pursuant to this article.

Sec. 54-585. Exemptions.

This article shall not apply to:

- (1) A Tree or Trees which has/have a DBH of less than 4 1/2 inches and any palm Tree with less than 4 1/2 feet of Clear Trunk (except mangrove species listed in the definition of "Tree" in Section 54-582, which are protected regardless of size).
- (2) Brazilian Pepper (*Schinus terebinthifolius*), Punk or Melaleuca (*Melaleuca quinquenervia*), Australian Pines (*Casuarina spp.*), Carrotwood (*Cupaniopsis anacardioides*), Chinaberry (*Melia azedarach*), Chinese Tallow (*Sapium sebiferum*), or any Tree species prohibited by the Invasive Plant Species Ordinance No. 90-01, as amended (Chapter 54, Article XIX, of this Code).
- (3) Governmental personnel or agencies in the performance of their official duties during an Emergency declared by the Board as provided herein.
- (4) A Lot or portion thereof that is classified by the County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461, and where Tree removal is undertaken solely for agricultural or silvicultural purposes. This exemption shall not apply to any Tree removal in preparation for, or in anticipation of, any Development or any construction of non-agricultural improvements. For the purposes of this article, evidence of such preparation or anticipation includes submittal of an application for a building permit for non-agricultural use, a special exception, a rezone, a Development of Regional Impact, a site and development plan, a preliminary subdivision plan, a conceptual Development plan, or other Development approval. Other than for properties that are sold to settle an estate, submittal of plans listed in this section within six years of the date of Tree removal would invalidate this exemption and require an after-the-fact Permit and/or mitigation in accordance with Section 54-595. Neither this invalidation nor the six year time frame shall apply to bona fide agricultural or silvicultural operations. Nothing herein shall be construed to affect the right of any person engaged in the commercial enterprise of Agriculture or Silviculture to alter the topography of any tract of land for purposes consistent with the practice of such enterprise. Any stand of timber that is harvested in the Myakka River Protection Zone shall be regenerated either by replanting, natural regeneration or by leaving a sufficient number of young trees to replace the stand of timber.
- (5) Plant or Tree nurseries with regard to only those Trees grown on the premises, and specifically for sale to the general public in the ordinary course of such plant or Tree nurseries' businesses.
- (6) Tree removal on an owner-occupied residential Lot of five acres or smaller, after a certificate of occupancy has been issued for the residential dwelling(s) on that Lot. For owner-occupied residential Lots larger than five acres, Tree removal is exempted within 250 feet of the residential dwelling after the certificate of occupancy is issued for the residential dwelling(s) on that Lot. This exemption shall not apply in conservation or preservation areas, or to Trees planted or

relocated pursuant to a Tree Removal and Protection Permit, or where the residential dwelling is to be demolished and reconstructed. This exemption does not apply to any Grand Tree. This exemption shall not apply within the Myakka River Wild and Scenic Protection Zone, except on lots that are a minimum of 2,200 feet from the bank of the main stem of the Myakka River. On those lots, no permit is required for tree removal landward of the watercourse buffer.

- (7) Tree removal necessary for the construction of public roads, public utilities, public landfills, or public stormwater facilities. This exemption does not apply to any Grand Tree. This exemption shall not apply within the Myakka River Wild and Scenic Protection Zone.
- (8) Tree removal necessary for the maintenance of existing roads, utilities, or stormwater facilities within rights-of-way and easements, performed or contracted by a duly constituted communication, water, sewerage, stormwater, electrical, other utility or government entity. This exemption does not apply to any Grand Tree. This exemption shall not apply within the Myakka River Wild and Scenic Protection Zone.
- (9) The demolition of structures, where the demolition does not require the removal of any Trees.

Sec. 54-586. Grand Tree Designation:

The tree species and standards set forth in Schedule A and Schedule B shall provide the parameters for Grand Tree designation in Sarasota County. Additionally, all Grand Trees shall have a 70% or greater Condition Classification.

Schedule A

Species and Minimum Points Needed to be a Grand Tree

American Elm (<i>Ulmus americana</i>)	100
Bald Cypress (<i>Taxodium distichum</i>)	120
Hickory (<i>Carya spp.</i>)	110
Live Oak (<i>Quercus virginiana</i>)	110
Pine (<i>Pinus spp.</i>)	110
Redbay (<i>Persea borbonia</i>)	85
Sand Live Oak (<i>Quercus geminata</i>)	70
Southern Magnolia (<i>Magnolia grandiflora</i>)	80
Southern Red Cedar (<i>Juniperus silicicola</i>)	90
Sugarberry (<i>Celtis laevigata</i>)	95
Sweetbay (<i>Magnolia virginiana</i>)	90
Sweetgum (<i>Liquidambar styraciflua</i>)	100

Schedule B

Measurements

Trunk diameter (DBH)	one point per inch
Height to the nearest foot	one point per foot

Average canopy spread to the nearest foot
(measure the longest and shortest diameters of
the limb spread or drip line and divide by 2)

one point for each four foot

Sec. 54-587. Permitting criteria, procedures, and fees.

- (a) Criteria for granting Tree Removal and Protection Permits. It is the intent of this section that no Permit shall be granted for the removal of any Tree where the Applicant has failed to design and locate the proposed improvements to minimize the removal of Trees consistent with the permitted use of the property under the County Zoning Ordinance, Ordinance No. 75-38, as amended (Appendix A to this Code), or municipal zoning ordinance, if applicable. Subdivision plans, site and development plans, rezones and special exceptions first submitted after [date of adoption of this Ordinance] shall be designed to protect Grand Trees. Exceptions may only be made for safety reasons or if the Applicant can clearly show that setting aside the space necessary to protect a Grand Tree would unreasonably prevent the Development of a Lot. Tree Removal and Protection Permits, which must be consistent with the Environment chapter of the Comprehensive Plan relating to habitat protection, shall be issued only where:
- (1) The Trees pose a safety hazard to pedestrian or vehicular traffic or unmanageably threaten to cause disruption to utility services;
 - (2) The Trees pose a safety hazard to buildings, structures, or other improvements;
 - (3) The Trees completely prevent access to a Lot;
 - (4) The Trees unreasonably prevent Development of a Lot or the physical use thereof, or if State or local regulations require fill to the extent that Trees cannot be saved and the required elevations are certified by the project engineer.
 - (5) The Trees are diseased or are weakened by age, storm, fire, or other injury, or as a result of suppression by other Trees or vines, or site conditions, to the extent that they have lost most of their function and value, or pose a danger to Persons, property, improvements or other Trees, if so determined by the Administrator. It is the intent of this provision that no Permit shall be granted for the removal of any Tree if the hazard can be abated by any other reasonable means.
- (b) Procedure. If Trees exist on a Lot, regardless of whether they may be removed or protected, a Tree Removal and Protection Permit is required before any construction activity shall occur on that Lot. An application meeting the requirements of this article shall be submitted to the Administrator for review and recommendation, prior to or concurrent with the submission of preliminary subdivision plans or a site and development plan or an application for a building permit, whichever is first required. Where Development requires approval under the Land Development Regulations, said Tree Removal and Protection Permit shall not be issued until after the preliminary subdivision plan or site and development plan is approved. Any Person applying for a Permit to remove, protect or relocate a Tree shall file a written application and pay such fee as is established by the Board pursuant to subsection (c) of this section. The written

application shall constitute authorization for County staff to enter the Lot to conduct inspections to determine if the Applicant is in compliance with the provisions of this article. A Tree Location Survey for the Lot must be submitted with the application. The Tree Location Survey shall show the information required in subsections (b)(1)a through g of this section at a scale sufficient to enable the determination of matters required under these regulations:

(1) Information required on the Tree Location Survey.

- a. The shape and dimensions of the Lot, together with the existing and proposed locations of structures, utilities (i.e., power lines, water, sewer), and other improvements, if any.
- b. Locations of all existing Trees, identified by common or botanical name and DBH. Trees proposed to remain, to be transplanted, or to be removed shall be identified. Where clearing is occurring on part of a Lot only the trees in the area to be cleared and an additional 50 feet need to be located. Grand Trees shall be identified by DBH, height, the size of the dripline (in feet) and the proposed location of tree protection barricades. Groups of Trees in close proximity (five feet spacing or closer) may be designated as a "clump" of Trees, with the predominant species, estimated number and average size listed. Limited clearing may be necessary to provide proper preparation of the Tree Location Survey. However, this shall not be done in any fashion that is contrary to this article.
- c. If existing Trees are to be transplanted, the proposed relocation for such Trees, together with a statement as to how such Trees are to be protected during land clearing and construction and maintained after construction.
- d. A statement indicating how Trees not proposed for removal or relocation are to be protected during land clearing and construction (i.e., as provided by Section 54- 588 and Section 54-589).
- e. Locations and dimensions of all setbacks and easements required by the zoning code of the County.
- f. Statements as to grade changes proposed for the Lot and how such changes will affect Trees.
- g. Any proposed Tree replacement program.
- h. If a Grand Tree exists on a lot and the proposed activity will encroach into the dripline, a plan shall be submitted by a forester, certified arborist (with current credentials from the International Society of Arboriculture) or a Florida licensed landscape architect specifying the methods to be utilized to preserve the tree. This plan shall address the protection of the root system, crown and trunk of the tree and the means of supplying water and essential nutrients if applicable.

- i. The Administrator shall issue written conditions for work within the dripline of a Grand Tree only when a arboricultural plan has been approved.
 - (2) Tree location on a developed Lot. If Tree removal is proposed on a Lot that is already developed and the Tree removal is not in anticipation of additional Development, the Applicant will be required to show only the location of the Tree(s) proposed for removal on the survey.
 - (3) Alternate information. In the event that there are no Trees located on the site, the Applicant shall so state on the permit application for all new construction, additions, and demolitions. Such statement shall be substantiated by an inspection of the site or the review of a recent, legible aerial photograph that reflects existing site conditions, which shall be a binding determination that no Trees are presently on the site.
 - (4) Pre-application inspection service. The Administrator shall be available for pre-application conferences or inspections of the site involved.
 - (5) Upon receipt of a complete application, the Administrator will conduct a field inspection to determine if the information is sufficient for review, and if the proposed plan is in compliance with the provisions of this article. The review for single- and two-family Lots will be made within four working days of receiving a completed application. The review for other parcels will be made within seven working days of receiving a completed application. Upon completion of the review, the Administrator will notify the Applicant that the application is either insufficient, or does not comply with the provisions of this article, or that the Permit is approved, or approved with Stipulations.
 - (6) Should an additional Tree or Trees need to be removed after a Tree Removal and Protection Permit has been issued, the Applicant must obtain an amended Permit prior to the removal of said Trees.
 - (7) If a Tree dies after a Tree Removal and Protection Permit has been issued and prior to the issuance of a certificate of occupancy, the Applicant shall notify the Administrator and request an inspection, prior to the removal of the dead Tree(s). An inspection will be made within two days of notification by the Applicant. Failure to notify the Administrator prior to the removal of any dead Tree constitutes a violation of this article.
 - (8) All Permits will require a final inspection to ensure compliance with the provisions of this article. Final inspections shall be scheduled by the Applicant after the final grade is complete. Final inspections will be completed within three working days after notification by the Applicant.
- (c) Permit fees. The Board is authorized to set reasonable fees and charges for the implementation of this article. Such fees shall be set by resolution. Fees charged will substantially finance the expenditures of Tree protection related activities. Any Person who commences Development, or construction or demolition of

single- and two-family homes, without first obtaining a Permit, shall be required to obtain an after-the-fact Permit and/or mitigate the impact in accordance with Section 54-595. Said payment shall not preclude nor be deemed a substitute for prosecution of violations of the provisions of this article.

Sec. 54-588. Tree protection during the Development of land.

(a) Prior to and during land clearing, the owner, developer or agent shall clearly mark (with red flagging) all Trees proposed to be removed and shall erect barricades around all Trees to be protected. The barricades must remain in place and be in good condition throughout construction. Barricades may be removed for the final grading. Removal of other vegetation within the protected zone may be accomplished only by mowing or hand clearing. If improvements are to be located within the protected zone of Trees, clearing by machinery will be allowed, but only in the area and to the extent necessary to install the improvements. The owner, developer, or agent shall not cause or permit the movement of equipment or the storage of equipment, material, debris or fill to be placed within the required protective barrier.

(b) During the construction stage, the owner, developer or agent shall not cause or permit the cleaning of equipment or material or the storage or disposal of waste materials such as paints, oils, solvents, asphalt, concrete, mortar or any other material within the Drip Line of any Tree or group of Trees.

(c) No damaging attachment wires (other than supportive wires for a Tree), signs or Permits may be fastened to any Tree.

(d) Protective barricades for trees other than Grand Trees shall be installed no closer than six feet or one-half the distance from the trunk to the Drip Line of the Tree, whichever is greater. Barricades may be placed three feet from the trunk of palms. Where feasible, barricades should be placed at the Drip Line of the Tree to provide greater protection and increase the chances of survival of protected Trees. Barricades shall be constructed in a post and rail configuration. The upright posts shall be a minimum of a two- by two-inch (common industry standard) wooden stake, four feet long. A minimum of a one- by four-inch (common industry standard) wooden board shall be used to connect the upright posts. High-visibility heavy-gauge tape may be substituted for the one- by four-inch connecting boards. The barricade tape must be a minimum of three inches wide, and of seven-mil-thick polyethylene construction, and be a high-visibility color. The maximum distance allowed between upright posts is eight feet. More protective barricades may be substituted with the approval of the Administrator.

(e) In lieu of erecting barricades as required in subsection (d) of this section, large property areas containing Trees and separated from construction or land clearing areas, road rights-of-way, lakes and utility easements may be barricaded by placing stakes not more than 50 feet apart and connecting the stakes with a line of string and tying colored ribbon to the string, or using three-inch-wide heavy-gauge barricade tape described in subsection (d) of this section, from stake to stake along the outside perimeters of such areas to be cleared.

(f) Silt barriers, hay bales, or similarly effective erosion control barriers will be required in any area where erosion or siltation may cause damage to Trees.

(g) Where elevation changes are proposed within the protected zone of Trees, the Applicant will be required to install retaining walls or drain tiles unless the Applicant demonstrates that such protection would be impractical. The Applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil from the protected zone.

(h) The Administrator shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.

Sec. 54-589. Protection of Grand Trees.

(a) During Development, including single and two-family lots, all areas within the dripline of every Grand Tree shall be protected from activities that may disturb or injure the tree, (such as cut and fill activities, building pad placements, road bed construction, construction material storage, driving or parking of equipment, or trenching, etc.).

(b) Proper Grand Tree Care: Canopy and Root Pruning. When activities affect the Grand Tree within the dripline or when pruning must be performed on the crown of a Grand Tree, the following arboricultural techniques are required:

(1) Roots must be severed by clean pruning cuts. Roots can be pruned by utilizing trenching equipment that is specifically designed for this purpose or by hand digging a trench and pruning roots with a chain saw, pruning saw or other equipment designed for tree pruning. Root pruning shall be to a depth of 12 inches below existing grade or to the depth of the disturbance if greater than 12 inches below the existing grade. When underground utilities are to be installed through the dripline, root pruning requirements will be waived if the lines are installed via tunneling or directional boring as opposed to trenching.

(2) All pruning of Grand Trees shall conform to ANSI (American National Standards Institute) A300 Standards-1995 or latest edition. A copy of these standards is available through the Board of County Commissioners, Board Records Office.

(c) Tree Protection Barrier Requirements: During Development activities, including single and two-family lots, or any other potential disturbance that will impact within the dripline of any Grand Tree, protective barriers shall be placed around each Grand Tree to prevent the destruction or damaging of roots, stems, or crowns of such trees. Barriers shall remain in place and intact until the work is completed. Barriers may be removed temporarily to accommodate construction needs, provided that the manner and purpose for such temporary removal will not harm the tree and is approved by the Administrator. The following are the minimum requirements for protective barriers.

- (1) Protective posts shall be placed at the dripline for each Grand Tree, except when a plan has been approved by the Administrator to place the posts closer to the trunk.
- (2) Posts shall be a minimum of 2 x 4 inches or larger wooden post and shall be connected with a minimum of at least a 1 x 4 inch wooden board and shall be clearly flagged. Other similar methods, such as construction fencing, may be permitted if approved in writing by the Administrator in advance of installation. Posts shall be implanted deep enough into the ground to be stable and extend a minimum height of 3 feet above the ground.
- (3) Where Development activity is permitted within the dripline of a Grand Tree, the Administrator may require additional tree protection provisions to be incorporated in the conditions of the permit to assure the protection of the Grand Tree.
- (4) Where elevation changes are proposed within the dripline of any Grand Tree, the applicant will be required to install retaining walls or drain tiles unless the applicant demonstrates such protection would be impractical. The applicant shall have the choice of the type or design. These root protection measures shall be in place prior to the deposition of fill, or excavation of soil within the dripline.

Sec. 54-590. Tree planting, relocation, or replacement.

- (a) Conditions. As a condition of granting a Tree removal Permit, the Applicant may be required, where practical (see subsections (b) and (c) of this section), to relocate the Tree(s) being removed or replace the Tree(s). The replacement(s) shall: have at least equal shade potential and other characteristics comparable to those of the Tree(s) removed, be a minimum of eight feet high at time of planting, have the potential of at least a 15-foot crown, be a species protected by this article, and be Florida Department of Agriculture Nursery Grade #1 or better. A list of acceptable replacement Trees will be on file in the Administrator's office, and will be attached to Permits that require planting. Alternatives with respect to size and species may be approved if the Applicant demonstrates that such substitutions will be consistent with the purposes of this article. Written approval from the Administrator is required prior to planting any alternative Tree.
- (b) Tree planting and replacement. In connection with the removal of any Tree(s) pursuant to a Tree Removal and Protection Permit, a minimum number of replacement Trees shall be required based on the following square footage areas. A minimum of one Tree will be required for each 2,000 square feet of "Treed Area" or any part thereof within a parcel for which a Tree Removal and Protection Permit has been issued. For excavations of greater than 50,000 cubic yards, and for which a Level II or Level III earthmoving permit is issued, the replanting requirement shall be reduced to a minimum of five Trees per acre of "Treed Area," except that all such excavations that were issued earthmoving permits prior to the date of this amendment [June 8, 1998,] shall not be subject to

these replacement requirements. However, any Tree(s) left in good growing condition on the site shall be counted toward these minimum numbers. Selection of replacement Trees, their number and species shall be determined by analysis of Tree canopy cover, spacial limitations, other characteristics and soil conditions.

- (1) Replacement Trees shall be a species of similar height and crown spread, Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). All replacement Trees shall be a minimum of eight feet in height when planted, and have a trunk diameter of

at least two inches (measured at six inches above the ground). Trees must be a minimum of 25-gallon container size or have a minimum two-foot root ball if field grown.

- (2) Trees shall be placed so that they will develop freely and at maturity will not crowd utility lines or other structures. The root ball must be planted at the proper height and in accordance with accepted nursery standards. Trees shall have a mulched bed a minimum of three feet in diameter and three inches deep to conserve water and promote growth.

- (3) If Trees need to be staked, it shall be done in a manner that will not injure the Tree. The straps attached around the trunk shall be a broad, soft material and shall be tied loosely enough to allow movement of the trunk in the wind.

(c) Tree bank. Where a Tree(s) is (are) to be removed under the provisions of this article, the County shall have the option, with the owner's permission, to relocate the Tree(s) (not being relocated within the property) at the County's expense. If the County does not elect to relocate any such Tree, it may give the School Board or any city within the County the right to acquire any such Tree(s) at the city's expense for relocation within the city's incorporated area for public use, or to a School Board site at their expense. The relocation shall be accomplished within 15 working days of the issuance of a Permit, unless it is necessary to root prune the Tree(s) to assure survival, in which case the relocation shall be accomplished within 30 working days of the issuance of a Permit or other suitable schedule as agreed to by all parties.

(d) Credit for other plantings. Trees planted in compliance with the requirements of the Land Development Regulations (Chapter 74 of this Code) and landscaping requirements of the Zoning Ordinance (Appendix A to this Code) may be used to help satisfy the requirements of this section.

(e) Timing and location. Trees required to be planted in accordance with this section shall be in place and established prior to the issuance of a certificate of occupancy. Said Trees shall not be located closer than three feet to any property line, or six feet from any utility line or County easement. Replacement Trees shall not be planted underneath or near overhead utility lines unless they are a species that, when mature, will not interfere with the utility line. The planting site must have sufficient root zone and canopy space to reasonably allow the Tree(s) to grow to a mature size.

(f) Tree survival. Consultation with the Administrator is recommended during the entire Tree planting program. All Trees relocated or replaced in accordance with the terms of this article shall be replaced by the current property owner should the Trees expire anytime within two years after planting, as determined by the Administrator.

Sec. 54-591. Emergency Tree removal.

When it is necessary to expedite the removal of damaged or destroyed Trees in the interest of public safety, health, and general welfare following high winds, storms, hurricanes, tornados, floods, freezes, fires or other manmade or natural disasters, the Board may by resolution declare an Emergency, and suspend the requirements of this article for a period of up to 30 days in the affected areas.

Sec. 54-592. Penalties.

Violation of this article, or any Permit issued thereunder, shall be punishable by a fine of not to exceed \$500.00 or by imprisonment in the County jail not to exceed 60 days or by both such fine and imprisonment. Each unauthorized removal of a Tree protected by this article shall be deemed a separate offense.

Sec. 54-593. Withholding of Permits and imposition of stop orders.

Until the provisions of this article, including the conditions of any Permits issued thereunder, have been fully met, the County may withhold issuance of any building permit, certificate of occupancy, or inspection required under the current County building code or issue stop orders for any Development, or construction or demolition on single-family and two-family Lots, involving Tree removal.

Sec. 54-594. Appeals.

Any Person aggrieved by the administration or interpretation of any of the terms or provisions of this article may appeal to the Board, which, after a hearing, with notice to the appellant, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Administrator from whom the appeal is taken.

Sec. 54-595. Civil and administrative remedies.

(a) The Board may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, and any Permit issued thereunder, including injunctive relief to enjoin and restrain any Person from violating its provisions, and such damages as may be sustained by virtue of this article, together with all costs and expenses involved in the case. The provisions of this article, or any Permit issued thereunder, may also be enforced through code enforcement proceedings under the provisions of Ordinance 93-006 (Chapter 2, Article VIII, of this Code).

(b) Any Tree removed in violation of the provisions of this article or any Permit issued thereunder may be mitigated on the Lot, by replanting a Tree of twice its size and type. The Applicant may choose to mitigate the violation by replanting the same type Trees with three-inch DBH or greater, in a sufficient number such that the total number of DBH inches of the replanted Trees equals twice the total number of DBH inches of Trees removed without authorization. Trees shall be Florida #1 or better quality as per Grades and Standards for Nursery Plants (Florida Department of Agriculture and Consumer Services). Alternatively, the Applicant may choose to mitigate the violation by paying a mitigation fee of \$200.00 per diameter inch of the Trees removed without authorization, to the reforestation special revenue fund. This fund shall be used only for the purposes of acquiring, planting, and protecting Trees within the County. A maximum of ten percent (10%) may be used to recover costs of administration and enforcement of this article. Any mitigation fee imposed by a hearing officer or Special Master shall be deposited into the reforestation special revenue fund.

- (1) The reforestation special revenue fund shall be kept and maintained by the Clerk of the of the Board of County Commissioners.
- (2) The Executive Director of the Development Services Business Center shall have the authority to disburse funds for projects in accordance with the following criteria:
 - (a) Projects shall involve plantings on publicly owned land.
 - (b) Projects shall not be used to satisfy any landscaping required by the County Zoning Ordinance, Ordinance No. 75-38, as amended (Appendix A to this Code). Tree plantings may supplement required landscaping.
 - (c) Projects may include enhancement or restoration of native habitats, unless required through permitting or regulation.
- (c) In lieu of mitigation, if the Applicant can clearly demonstrate that any Tree removed without a Permit would have met the criteria for removal listed in Section 54-587(a) at the time the Trees were removed, then only an after-the-fact Permit will be required for only those Trees that met the criteria.
- (d) No Permit approvals or certificate of occupancy shall be issued to any violators of this article until the violation has been certified by the Administrator as properly corrected.
- (e) Any Grand Tree removed in violation of this Article or any permit issued thereunder, and not mitigated as required in paragraph (b) of this section, shall be mitigated by paying a fee equal to \$500 per diameter inch (DBH) to the reforestation special revenue fund.

Sec. 54-596. Territorial applicability.

The provisions of this Article shall be effective throughout the unincorporated area of Sarasota County, Florida. Otherwise, it shall be effective within the incorporated municipalities to the extent that those municipalities adopt the same provisions and provide by interlocal agreement for enforcement by the County. Where any provision of this Ordinance refers to a local ordinance, board, or official, it shall refer to the appropriate County ordinance, board, or official, and not to any municipal one, except pursuant to the provisions of an interlocal agreement. The Board may provide for enforcement within any municipality through an interlocal agreement.

Sec. 54-597. Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

Sec. 54-598. Interpretation.

Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any renumbering thereof or amendments thereto.

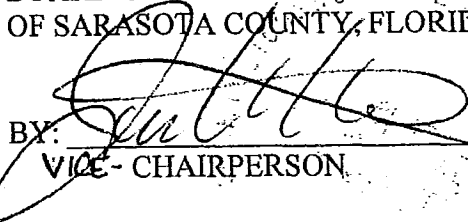
Sec. 54-599. Sunset provision.

This article shall be automatically repealed on June 30, 2009 unless otherwise amended or ratified by the Board of County Commissioners of Sarasota County, Florida.

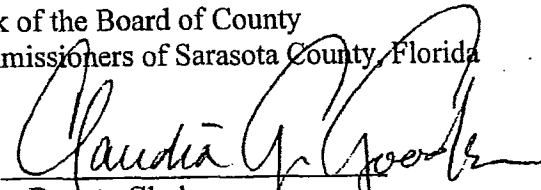
Section 4. Effective Date: This Ordinance shall take effect immediately upon receipt by the Office of the Secretary of State of Florida.

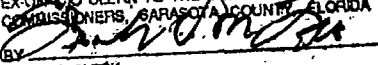
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this 12th day of November, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BY: 
VICE-CHAIRPERSON

ATTEST:
KAREN E. RUSHING, clerk of
the Circuit Court and Ex-officio
Clerk of the Board of County
Commissioners of Sarasota County, Florida

BY: 
Deputy Clerk

STATE OF FLORIDA
COUNTY OF SARASOTA
I HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL FILED
IN THIS OFFICE WITNESSED BY HAND AND OFFICIAL
12/27/03
SEAL THIS DATE
KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
EX-OFFICIO CLERK TO THE BOARD OF COUNTY
COMMISSIONERS, SARASOTA COUNTY, FLORIDA
BY: 
DEPUTY CLERK

**APPENDIX H – Sarasota County Ordinance No. 2003-028, amending the
Land Development Regulations No. 81-12**

BOARD RECORDS
FILED FOR RECORD

ORDINANCE NUMBER 2003-028

2003 NOV 19 AM 7:48

AN ORDINANCE OF THE COUNTY OF SARASOTA, FLORIDA, RELATING TO THE MYAKKA RIVER PROTECTION ORDINANCE, RELATING TO REGULATIONS GOVERNING SUBDIVISIONS AND THE DEVELOPMENT OF LAND; AMENDING SARASOTA COUNTY ORDINANCE NO. 81-12, AS CODIFIED IN CHAPTER 74 OF THE SARASOTA COUNTY CODE; PROVIDING FOR A FINDING OF CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE; AMENDING SECTIONS 74-7, 74-31, 74-61 AND THE ENVIRONMENTAL TECHNICAL MANUAL OF CHAPTER 74; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

1. The Board of County Commissioners, sitting as the Land Development Regulation Commission, has found this ordinance to be consistent with *Apoxsee*, the Revised and Updated Sarasota County Comprehensive Plan.
2. Section 74-7(c) of the Sarasota County Code is hereby amended to add/modify definitions and read as follows:

FIRE PROTECTION CLEAR ZONE. That area surrounding a structure with a width determined by the Fire Marshal as necessary to protect a structure from wildfire.

INVASIVE SPECIES. For the purposes of these regulations, the acceptable listings of invasive species can be found in Sarasota County's Exotic Plant Code, Section 54-621, state regulations (Chapters 5B-57.007 and Chapter 62C-52.011 of Florida Administrative Code), the Florida Exotic Pest Plant Council's list of Category I and II invasive species as appropriate to this geographic region, as well as the following species: *Talipariti tiliaceum* (Sea hibiscus). In addition, Sarasota County reserves the right to develop additional lists of non-native, nuisance and invasive species.

MYAKKA RIVER AREA. That corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in part III, Chapter 258, Florida Statutes, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes, and Chapters 62-3 and 62-312, Florida Administrative Code.

MYAKKA RIVER NATIVE VEGETATION. Plants that are indigenous to the Myakka River Protection Zone.

MYAKKA RIVER WILD AND SCENIC PROTECTION ZONE. An upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5) measured from the landward edge of the Myakka River Area.

VEGETATION REMOVAL. Any act by which vegetation is relocated, trimmed, poisoned, uprooted, disced, mowed, cut down, or in any other manner destroyed or altered.

3. Section 74-31(b)(1) of the Sarasota County Code is hereby amended to add paragraph a., which reads as follows:

a. An owner or owner's representative shall request a pre-application meeting prior to undertaking any activity pertaining to the ordinances which relate to the Myakka River Wild and Scenic Protection Zone. The County shall not be required to accept an application as submitted until such a meeting has occurred.

4. Section 74-61(b)(4) contained in Chapter 74 of the Sarasota County Code is hereby amended to add paragraph a., which reads as follows:

a. An owner or owner's representative shall request a pre-application meeting prior to undertaking any activity affected by the ordinances which relate to the Myakka River Wild and Scenic Protection Zone. In the absence of such a meeting, the County shall not be required to accept the application as submitted.

5. The Environmental Technical Manual contained in Chapter 74 of the Sarasota County Code is hereby amended to add Section F, which reads as follows:

F. MYAKKA RIVER PROTECTION ZONE

(a) DEFINITIONS. For purposes of this section, notwithstanding anything contained herein to the contrary, the definition of Development shall be: A subdivision of land or a site and development as defined by these regulations, a residential mobile home park, and any other construction whether residential, commercial, industrial, office, professional, institution, or recreation.

(b) GENERAL. The vegetation removal standard for the Myakka River Protection Zone contained below provides protection for the resource values identified in the Myakka Wild and Scenic River Management Plan. For the purposes of this standard, the Myakka River Protection Zone consists of four zones, which are delineated graphically in Appendix E1, and are also described as follows:

1. ZONE 1. The fire protection zone. That zone, of variable width, constituting the minimum allowable vegetative removal and turfgrass installation area necessary to allow for fire protection purposes such as the positioning of fire trucks and hoses, as well as to serve as a fire protection defensible space.
2. ZONE 2. The house and other structures, on a lot or parcel, as well as the area between the house and the street.
3. ZONE 3. The area between the landward extent of the 50-foot watercourse protection buffer of the Myakka River Area and the landward extent of the Myakka River Protection Zone, excluding zones 1 and 2.
4. ZONE 4. The 50-foot watercourse protection buffer of the Myakka River Area.

(c) JURISDICTION. The following standard shall apply to all parcels within the Myakka River Protection Zone.

(d) VEGETATION REMOVAL. The removal of native vegetation and or turfgrass installation shall be prohibited within the Myakka River Protection Zone with the exception that the continuation of yard maintenance activities such as mowing, trimming, or pruning of vegetation that had been conducted within the Myakka River Protection Zone prior to the adoption date of this amendment, and with the exception of the following:

1. ZONE 1 AND 2 EXCEPTIONS. Vegetative removal may be allowed in association with County-approved permits for construction of structures or to create or maintain a fire protection clear zone around the structure. The fire protection clear zone for structures in the Myakka River Protection Zone shall be determined by the Fire Marshal during the permitting process.

2. ZONE 3 EXCEPTIONS. Native vegetation removal may be allowed in Zone 3 only after review and written approval by Resource Protection only for the following purposes:

a. To create or maintain private nature trails.

b. To create or maintain a single access to a permitted dock or pier.

c. To conduct native understory vegetation management, in accordance with a County-approved management plan, to reduce fuel loads.

d. Reasonable selective pruning of side branches to enhance a view from a primary structure within or outside the River Protection Zone. Such selective pruning shall not occur within the River Area and the view "window" through the River Protection Zone preferably should be co-aligned with other approved vegetative removal (i.e., paths or access to a dock or pier).

e. Native vegetation removal associated with and limited to exempt earthmoving activities listed in Section 4(b) of Chapter 54, Article XII of the Sarasota County Code.

3. ZONE 4 EXCEPTIONS. Native vegetation removal may be allowed in Zone 4 only after review and written approval by Resource Protection only for the following purposes:

a. To create or maintain private nature trails.

b. To create or maintain a single access to a permitted dock or pier.

c. To conduct native understory vegetation management, in accordance with

a County-approved management plan, to reduce fuel loads.

d. Reasonable selective pruning of side branches to enhance a view from a primary structure within or outside the River Protection Zone. Such selective pruning shall not occur within the River Area and the view "window" through the River Protection Zone preferably should be co-aligned with other approved vegetative removal (i.e., paths or access to a dock or pier).

e. Native vegetation removal associated with and limited to exempt earthmoving activities listed in Sections 54-349(b)(9), 54-349(b)(10), and 54-349(b)(15) of Chapter 54, Article XII of the Sarasota County Code.

(e) REMOVAL OF NON-NATIVE, NUISANCE AND INVASIVE SPECIES. The removal of non-native, nuisance, and invasive species is allowed, provided such removal does not damage native vegetation

(f) TREE REMOVAL. Tree removal shall be subject to the regulations contained in Sarasota County Code Section 54, Article 28.

(g) REQUIREMENTS FOR ON-SITE SEWERAGE DISPOSAL SYSTEMS. Within the Myakka River Protection Zone, on-site sewerage disposal systems, whether upon a lot, a parcel, or within a subdivision, shall be located landward of the primary structure.

(h) PENALTIES. Any person who fails to comply with the requirements of this standard shall be required to restore the affected or impacted portion of the Myakka River Protection Zone to its pre-existing elevation and native vegetation. The person shall be also be required to monitor and maintain said restorative vegetation for a minimum of one year.

6. Section B.6.b.1) of the Subdivision Technical Manual contained in Chapter 74 of the Sarasota County Code is hereby amended to read as follows:

1) On-site sewerage disposal systems should be located in the front yard or other area, which will provide a convenient and economical connection to a future central sewerage system. Within the Myakka River Protection Zone, on-site sewerage disposal systems whether upon a lot, a parcel, or within a subdivision shall be located landward of the primary structure.

7. Effective Date. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of Secretary of State that this Ordinance has been filed with said office.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Sarasota County, Florida, this 12th day of NOVEMBER, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: *Shannon # Stas*
Chairman

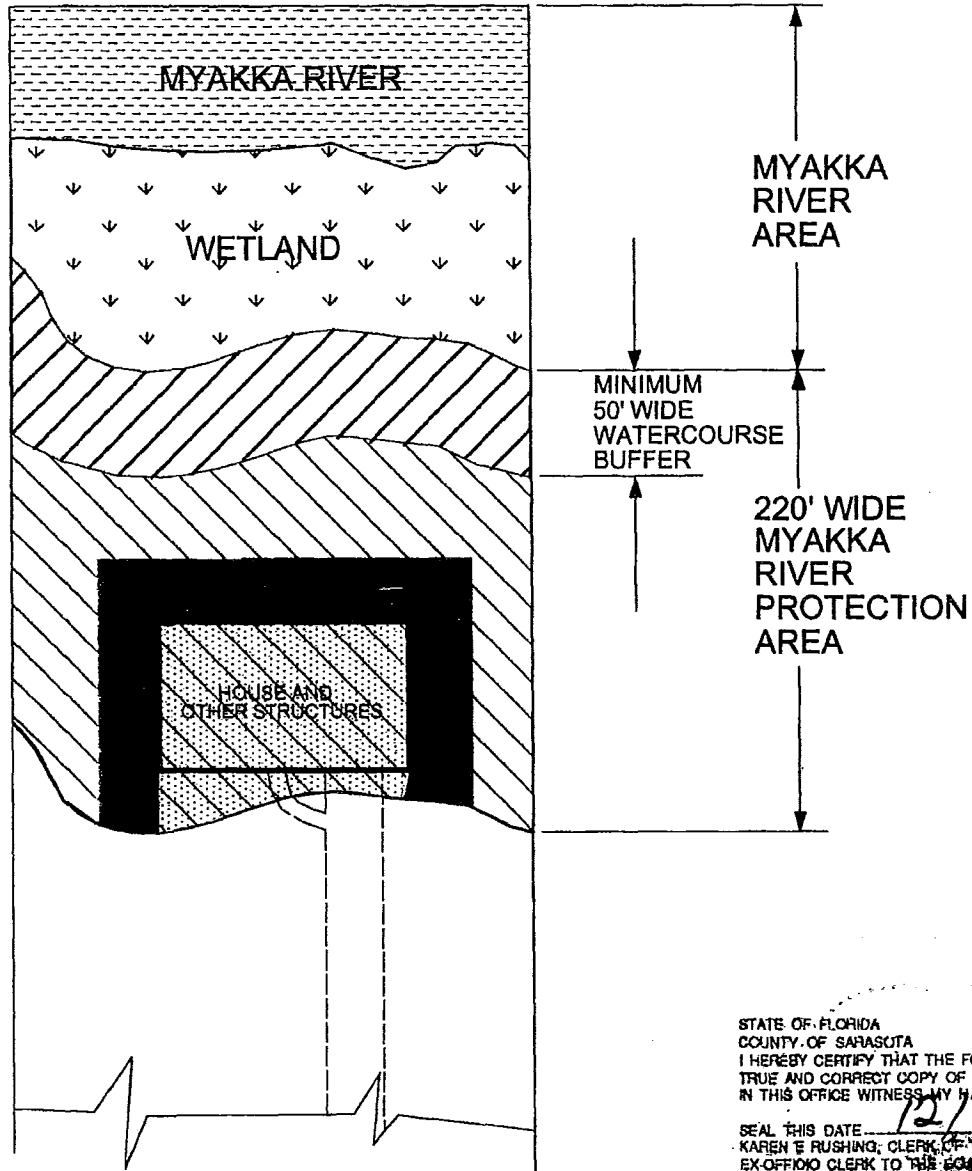
ATTEST:

KAREN E. RUSHING, Clerk of Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: *Candice J. Perole*
Deputy Clerk

APPENDIX E.1

Illustration of the Four Zones of the Vegetative Removal Standard



ZONE 1 (Clear Zone for Fire Safety)

ZONE 2 (House, Other Structures, and Street Yard)

ZONE 3 (Conservation Area)

ZONE 4 (Watercourse Buffer)

STATE OF FLORIDA
 COUNTY OF SARASOTA
 I HEREBY CERTIFY THAT THE FOREGOING IS A
 TRUE AND CORRECT COPY OF THE ORIGINAL FILED
 IN THIS OFFICE WITNESS MY HAND AND OFFICIAL
 SEAL THIS DATE 12/27/05
 KAREN E. RUSHING, CLERK OF THE CIRCUIT COURT
 EX-OFFICIO CLERK TO THE BOARD OF COUNTY
 COMMISSIONERS, SARASOTA COUNTY, FLORIDA
 BY
 CLERK

NOTE: ILLUSTRATION NOT TO SCALE

**APPENDIX I – Sarasota County Ordinance No. 2003-089, amending the
Zoning Ordinance No. 75-38**

4. Minimize adverse impacts on private landowners use of land for residential purposes
5. Prevent or minimize land use incompatibilities and conflicts among different land uses;
6. Maintain property values by stabilizing expectations and ensuring predictability in development; and
7. Establish a process that effectively and fairly applies the regulations and standards of these regulations and respects the rights of property owners and the interests of citizens of the County.

Section 2. **Findings.** The Board of County Commissioners, hereinafter referred to as the "Board," hereby makes the following findings:

- A. The Legislature of the State of Florida enacted the Myakka River Wild and Scenic Designation and Preservation Act (the "Act") that is presently, contained in Part III, Chapter 258, Florida Statutes (1997).
- B. Pursuant to the Act, the corridor of land surrounding and beneath the Myakka River between River Mile 7.5 and River Mile 41.5 has been designated as a Florida Wild and Scenic River (the "Myakka River"), and more particularly described as that portion of the Myakka River located between State Road 780 in Sarasota County and the Sarasota-Charlotte County line. Further, the "Wild and Scenic Protection Zone" means that area which extends 220 feet landward from the river area.
- C. On December 16, 1997, the Board adopted a State-Local Agreement (the "Agreement") establishing interagency coordination for administrating rules and regulations pertaining the Myakka River Wild and Scenic Protection Zone in accordance with the Act. The Act requires that within one (1) year after the Agreement is adopted, necessary ordinances, land development regulations and Comprehensive Plan Goals, Objectives and Policies shall be adopted and/or amended by Sarasota County in Conformance with the Agreement.
- D. On December 8, 1998, The Board Adopted the Myakka River Protection Plan, which provides direction to process amendments to the Zoning Ordinance, now codified as Appendix I to the Sarasota County Code.
- E. Resolution No. 99-120 established the Myakka River Planning Advisory Council, with direction to review and make recommendations to the Board regarding the development, administration, implementation, and updating of a Myakka River Protection Ordinance.

- F. The Board has held workshops and public hearings on the proposed amendments described herein in accordance with the requirements of Sarasota County Ordinance No. 75-38 and has considered the information received at the said workshops and public hearings.**
- G. The Board has received and considered the report of the Myakka River Planning Advisory Council regarding the proposed amendments provided herein.**
- H. The Board has received and considered the report of the Sarasota County Planning Commission regarding the proposed amendments provided herein.**
- I. The Board sitting as the Sarasota County Land Development Regulation Commission has reviewed the proposed amendments provided herein and has found that the amendments are consistent with the Sarasota County Comprehensive Plan.**

Section 3. **Amendment to Article 2 of Ordinance No. 2003-052, relating to Development Review Bodies.** Section 2.6 of Sarasota County Ordinance No. 2003-052 is hereby renumbered as section 2.7 and amended as follows:

2.6 2.7 Summary of Authority

The authority summarized in the following table does not supercede the regulations of any Section of this Article 2 or Article 3, Development Review Procedures. Additional powers and duties may be included in the previous sections of this Article.

Procedure	Zoning Administrator	Planning Director	Planning Commission	Board of Zoning Appeals	Board of County Commissioners	Myakka River Standard Relief Review Committee
Temporary Use Permit	Decision				Appeal	
Sign Permit	Decision					
Master Sign Plan	Decision			Appeal		
Written Interpretation	Decision			Appeal		
Administrative Adjustment	Decision			Appeal		
Variance	Report			Decision		
Administrative Appeal	Report			Decision		
Zoning Map Amendment (Rezoning)	Review	Report	Recommend		Decision	
Zoning Text Amendment	Review	Recommend	Recommend		Decision	
Special Exceptions	Review	Report	Recommend		Decision	
<u>Deviation from Myakka River Area Setback</u>					<u>Appeal</u>	<u>Decision</u>

Section 4. **Amendment to Article 2 of Ordinance No. 2003-052, relating to Development Review Bodies.** Section 2.6 of Sarasota County Ordinance No. 2003-052 is hereby added as follows:

2.6 Myakka River Standards Relief Review Committee

2.6.1 Establishment and Composition

If compliance with the provisions contained in Section 4.10.5.e.1.i of this ordinance is not attainable, a property owner may request the Myakka River Standards Relief Review Committee review a deviation from the standards with regard to its potential impact on the Myakka River Area, in particular its effects on the rights of property owners, the environment, and the unique visual character of the Myakka River Area. The Committee shall consist of the Executive Director of the Growth Management Business Center, the Zoning Administrator, and the Manager of Resource Protection, or their designees. The Myakka River Standards Relief Review Committee shall vote on each application. All approvals of the Myakka River Standards Relief Review Committee require a unanimous vote of the membership. All non-unanimous votes of the membership shall be considered denials.

- b. The Myakka River Standards Relief Review Committee may take one of the following actions:**
- 1. Approve the application as submitted.**
 - 2. Approve the application with conditions, or**
 - 3. Deny the application.**

2.6.2 Criteria for Eligibility

- a. Parcels created before March 18, 2003 shall be eligible for the relief as set forth in Section 2.6.3 through 2.6.8. Only those parcels with easements or other legal restrictions filed prior to March 18, 2003 preventing development under the provisions of Section 4.10.5.e.1.i and Section 3.8.2.c.2 of this ordinance are eligible for the relief provided below.**
- b. The requested modification does not result from any prior action by the applicant on the subject property after March 18, 2003.**
- c. For existing structures erected riverward of the setbacks set forth in Sections 4.10.5.e.i or 4.10.5.e.ii before March 18, 2003, or in accordance with paragraph a. above, expansions shall be made in accordance with the provisions set forth below.**

Commentary: A structure less than 150 feet from the river area built before March 18, 2003 can be expanded in exchange for buffering and/or design trade offs.

2.6.3 Submittal of Applications for Relief

All requests for a deviation from the standards in Sections 4.10.5.e.1.i or 4.10.5.e.1.ii of this Ordinance to the Myakka River Standards Relief Review

Committee shall be submitted in writing. The Applicant shall document how the deviation meets the following criteria:

- a. The modification requested by the Applicant is the minimum necessary to allow reasonable positioning of the principal structure on the property;
- b. The proposed deviation conforms to the applicable goals, objectives and policies of the Myakka River Protection Plan;
- c. All reasonable steps have been taken to minimize environmental impacts and/or use conflicts associated with the proposed deviation;
- d. The proposed deviation will not result in significant adverse environmental impacts or use conflicts;
- e. All other relief avenues available to the applicant have been exhausted;
- f. For expansions of existing structures or structures built in accordance with Subsection 2.6.2.a or Subsection 2.6.2.c, that the proposed expansion cannot be accommodated landward of the structure; and
- g. The proposed deviation does not adversely impact the views from existing neighboring structures to the waters of the Myakka River.

2.6.4 Conditions for Development Approval

In granting relief, the Myakka River Standards Relief Review Committee shall apply conditions and design guidelines necessary to meet the Goals, Objectives, and Policies of the Myakka River Protection Plan. Conditions for Development Approval may include, but are not limited to:

- a. Minimizing adverse impacts of the alteration upon other areas and activities by stipulating the type, intensity and performance of activities;
- b. Controlling the sequence of development, including when it must be commenced and completed;
- c. Controlling the duration of use and the time by which any temporary structure or device must be removed;
- d. Designating the exact location and nature of development;
- e. Establish a detailed record, pertinent to the request for relief by requiring of the Applicant the submission of elevations, site plans, maps and/or specifications.

2.6.5 Design Guidelines

A primary goal of the Myakka River Protection Plan is to preserve and protect the scenic value of the River Area by retaining the visual diversity and unique visual Character of the Myakka River as it is seen from the river and vantage points such as public and private recreational facilities and distant shores. In achieving this goal, the following guidelines should be considered in the design, construction

and location of any proposed structure that deviates from the standards in Sections 4.10.5.e.1.i or 4.10.5.e.1.ii:

- a. Every effort should be made to safeguard natural views to the waters of the Myakka River in accordance with the standard set forth in this Section 2.6.5;
- b. Structures along and adjacent to the Myakka River should be screened by native species typical to the area;
- c. Vegetation that forms the first line of visual definition, as one looks landward from the water area of the river, should be preserved whenever possible;
- d. Where applicable, trees should be planted in the drifts that generally follow land contours and parallel the water's edge rather than in lines that cut across landscape contours;
- e. Structures should be designed, set back and screened so as to maintain the visual integrity and character of the Myakka River, this shall include addressing the appearance of the structure from the river;
- f. Disruption of natural landform and vegetation should be minimized; and
- g. Accommodation of a proposed expansion towards the waterfront yard shall be considered only if the expansion cannot be reasonably constructed landward of the structure.

2.6.6 Notification Requirements

Notification shall be required consistent with the provisions in Section 3.1.10 of this Ordinance.

2.6.7 Appeals

Decisions of the Myakka River Standards Relief Review Committee may be appealed to the Board of County Commissioners.

2.6.8 Recordation of Findings

Prior to the commencement of any alteration of the subject parcel, the applicant shall record the findings of the Myakka River Standards Relief Review Committee with the Clerk of Court for incorporation within the Public Records for Sarasota County, Florida. This shall be accomplished within thirty (30) days of the date first written on the findings of the Committee. The applicant shall furnish a certification by the Court Clerk's office that the findings have in fact been entered into the Public Records of Sarasota County, Florida. Such certification shall be directed by the applicant to the Office of the Zoning Administrator for the County within fifteen (15) working days of the date of filing with the Clerk of Court. Failure to comply with this provision will render the subject findings null and void.

Section 5. **Amendment to Article 3 of Sarasota County Ordinance No. 2003-052, relating to development review procedures.** Section 3.1, Notification Requirements, is hereby amended as follows:

3.1.10. Public Notification

All petitions for development approval requiring public hearings shall comply with the Florida Statutes, the table in paragraph subsection e. below and the other provisions of this subsection with regard to public notification.

a. Content

All notices for public hearings and notices for setback relief in accordance with Section 2.6 of these regulations, unless expressly noted otherwise, whether by mail (written notice), publication or posting shall include the following information:

1. Petition

Identify the petition number.

2. Time and Place of Public Hearing

Indicate the date, time and place of the public hearing.

3. Location

Describe the land involved by street address, if any, or by legal description, and area of the subject parcel (except posted notice). A map may be substituted for the legal description in any mailed notice.

4. Current Zoning

Identify the current zone district designation of the land subject to the petition.

5. Describe Nature and Scope of Petition

Describe the nature, scope and purpose of the petition or proposal being advertised.

6. Describe Materials Available for Public Information

Identify the County Business Center where the petition, staff report and related materials may be inspected by the public. For all notices other than posted notices, state that information is available for public inspection during normal business hours.

7. Notify the Public Where They May Submit Written Materials

For all notices other than posted notices, include a statement describing where the public may submit written comments or evidence prior to the public hearing.

8. Notify the Public Where They May Be Heard

For all notices other than posted notices, shall include a statement stating that affected parties may appear at the public hearing, be heard and submit evidence and written comments with respect to the petition.

b. Mailed Notice

1. When the provisions of these zoning regulations require that mailed notice be provided, the Growth Management or Development Services Business Center, as appropriate, shall provide the notice and mailing addresses to the applicant. The applicant shall be responsible for copying and mailing the notice at least 15 calendar days prior to the public hearing. Notice shall be mailed to:
 - i. All property owners of the land subject to the petition for development approval whose address is known by reference to the latest *ad valorem* tax records maintained by Sarasota County;
 - ii. All property owners within 500 feet of the land subject to the petition whose address is known by reference to the latest *ad valorem* tax records. Where such land is adjacent to property in the same ownership as the land subject to petition, the distance shall be measured from the boundaries of the entire ownership. Public or private rights-of-way shall be excluded from the measurement from land subject to the petition;
 - iii. If any dwelling unit within the required notification areas is part of a property owner's association, the association must also be notified provided the property owner's association address is available to staff; and
 - iv. Any organization registered to receive notice pursuant to Section 3.1.10.f. below.
 - v. For properties requesting relief in accordance with Section 2.6 of these regulations, notice shall be given to recipients in ii and iv above, and in addition, the applicant shall mail notice to all adjacent property owners whose property abuts the Myakka River and the owner or owners of land directly across the Myakka River from the subject property. Where such land adjacent to property is in the same ownership as the land subject to the petition, the boundary of the subject property shall be the boundary of the entire ownership.
2. Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, and postage paid. An affidavit attesting to such mailing shall be submitted to the County agency responsible for the petition as set forth in Section 3.1.1.

Section 6. **Amendment to Article 3 of Sarasota County Ordinance No. 2003-052, relating to development review procedures.** Section 3.1, Administrative Adjustment, is hereby amended as follows:

3.8 Administrative Adjustment

3.8.1. Purpose

Administrative adjustments are minor specified deviations from otherwise applicable setbacks as specified below.

3.8.2. Applicability

- a. Any adjustment greater than those listed below shall be reviewed by the Board of Zoning Appeals as provided in Section 3.10, Variances.
- b. No applicant shall submit more than one administrative adjustment petition for a single parcel of land.
- c. The Zoning Administrator shall have the authority to authorize the following administrative adjustments:

1. Setbacks

- i. **Existing Encroachment.** An adjustment of up to 20 percent of the required front, side or rear yard setbacks for any encroachment existing as of October 27, 2003. Such an adjustment shall not allow the expansion of a nonconformity, except for properties located in the HPIOD.
- ii. **Relocated Historic Structure.** An adjustment of up to 20 percent of the required front, side or rear yard setbacks for structures that are located in the HPIOD when such structures are relocated on a new site.
- iii. **New Development.** An adjustment of up to six inches of the required street, side or rear yard setbacks where the applicant establishes that there were errors in construction caused solely by the contractor or surveyor of the development.
- iv. No adjustment shall be allowed for work that originally occurred without the appropriate permits.
- v. No setback adjustment shall extend into any easement without concurrent modification of the easement, vacation of the easement or a change in the recorded plat regarding the easement to accommodate the administrative adjustment.

2. Myakka River Protection Zone

- i. The following administrative adjustment shall only be available to lots platted and recorded or created by a legal and recorded lot split prior to March 18, 2003.

- ii. When an applicant demonstrates with a site plan that a total of 6,000 square feet of building coverage, including but not limited to principal and accessory structures but excluding gazebos up to 400 square feet in floor area, elevated walkways and boat docks, cannot be reasonably positioned or constructed on a property in compliance with the required setback in Section 4.10.5.e.1.i, the Zoning Administrator may grant an administrative adjustment. The extent of the adjustment shall be minimized through the relocation or redesign of the proposed structures.
- iii. The Zoning Administrator may grant an administrative adjustment in the sequential manner outlined below. If the relief provided in Subsections (a) through (d), below is sequential and cumulative. If the relief in Subsection (a) is not sufficient to build the proposed building coverage, then additional relief may be granted through Subsection (b) through (d).
- (a) One minimum side yard may be reduced to 10 feet in width.
 - (b) At least 50 percent of the street yard façade of the principal structure shall be built to a line parallel to and 25 feet from the right-of-way or street yard lot line.
 - (c) The Myakka River Area setback may be reduced to no less than 50 feet from the Myakka River Area.
 - (d) The Myakka River Area setback may be reduced to no less than 25 feet from the Myakka River Area provided a variance from the 50-foot watercourse protection buffer as required in the Land Development Regulations (Chapter 74, Sarasota County Code) is granted by the Board of County Commissioners.

Section 7. **Amendment to Article 4 of Sarasota County Ordinance No. 2003-052, relating to Zoning Districts.** Section 4.10.5, Myakka River Wild and Scenic Protection Zone, is hereby created as follows:

Myakka River Wild and Scenic Protection Zone (MRPZ)

COMMENTARY: This section was prepared based on recommendations from the Myakka River Planning Advisory Council. Three Myakka River setback standards are provided:

- 1) A required minimum setback for properties that can accommodate the construction of principal and accessory structures located more than 150 feet from the Myakka River Area;
- 2) A limited reduction in minimum setback for properties constrained by the depth and area of the Myakka River Area; and
- 3) A performance standard allowing a reduction in minimum setback for properties constrained by private legal instruments filed prior to March 18, 2003.

COMMENTARY: This is an overlay district that is in addition to the underlying or base zoning district (for example OUE-1/MRPZ). These base districts apply countywide. The base district use regulations can be found in Article 5 of the Zoning Ordinance. Other general development standards relating to parking, signs, etc. are found in Article 7.

a. Intent

The Myakka River Wild and Scenic Protection Zone and the standards as set forth in this Section are consistent with and intended to implement the following:

1. Part III, Chapter 258, Florida Statutes;
1. The Myakka River Wild and Scenic River Rule, 62D-15, Florida Administrative Code;
2. The Myakka River Wild and Scenic River Management Plan, Article XXI, Chapter 54, Sarasota County Code; and
3. The Sarasota County Myakka River Protection Plan.

b. Definition of Myakka River Area and Protection Zone

1. Myakka River Area

That corridor of land beneath and surrounding the Myakka River from river mile 7.5 to river mile 41.5, contained in Part III, Chapter 258, Florida Statutes, together with a corridor of land including the maximum upland extent of wetland vegetation as determined by the Department of Environmental Protection pursuant to Chapter 403, Florida Statutes, and Chapter 62-340, Florida Administrative Code.

2. Myakka River Wild and Scenic Protection Zone
An upland buffer that extends 220 feet on each side of the Wild and Scenic segment of the Myakka River (from river mile 7.5 to river mile 41.5) measured from the landward edge of the Myakka River Area.

c. Applicability

1. The Myakka River Use Regulations contained in Subsection d. shall apply to the portions of all lots or parcels that are determined to be within the Myakka River Wild and Scenic Protection Zone.
2. The Myakka River Development standards contained in Subsection e. shall apply to the portions of all lots or parcels that are determined to be within the Myakka River Wild and Scenic Protection Zone that have a lot area of five or more acres.
3. Any proposed improvement for which a complete building permit application has been submitted to the Development Services Business Center within three months of December 4, 2003 shall be exempt from the provisions of this Section.

COMMENTARY: Additional requirements relating to specific development within the 220-foot Myakka River Protection Zone can be found in Chapter 54, Article XVIII (Tree Protection), Chapter 54, Article XII (Earthmoving), and Chapter 74 (Land Development Regulations) of the Sarasota County Code of Ordinances.

d. Use Regulations

Permitted, Special Exception, Limited and Accessory Uses are allowed in the Myakka River Protection Zone if and only if the uses in the underlying zoning district are allowed as Permitted, Special Exception, Limited, or Accessory Uses. In the event of a conflict between these regulations and the underlying zoning district use regulations, the most restrictive of the use regulations shall apply. For example, in the event that a use is a Special Exception in the Myakka River Protection Zone and Permitted in the underlying zone district, a Special Exception is required.

1. Permitted Uses

The following uses are permitted if and only if they are permitted in the underlying zoning districts.

- i. Single family dwelling unit.
- ii. Family day care home.
- iii. Emergency services, fire, sheriff or medical station.

2. Limited Uses

The following uses shall be permitted as limited uses if and only if they are permitted or limited uses in the underlying zoning districts. These uses are also subject to use regulations contained in Section 5.3.

- i. Commercial uses in accordance with Section 5.3

- (a) Only those commercial uses legally existing prior to December 8, 2003 shall be allowed to continue.
 - (b) Expansion of such uses shall be done in accordance with Section 2.6 of this Zoning Ordinance.
- ii. Game Preserve, wildlife management area, refuge, wild animal sanctuary, water conservation area. (NAICS 71219)
 - (a) No exotic animals shall occupy or be kept in the Myakka River Protection Zone.
- iii. Campground.
 - (a) No structures shall be located in the Myakka River Protection Zone.
 - (b) Portions of campgrounds located in the Myakka River Protection Zone shall be limited to primitive camping.
 - (c) Campgrounds shall only be located on parcels with an existing river front buffer with a minimum opacity of 0.6.
 - (d) Campgrounds shall not be permitted in underlying RSF and RMF zone districts.
- iv. Day Camp.
 - (a) No structures shall be located in the Myakka River Protection Zone.
- v. Hunting and Fishing Camps and Dude Ranch.
 - (a) Only existing dude ranches on December 8, 2003 shall be permitted in the Myakka River Protection Zone.
 - (b) Hunting and fishing camps shall be limited to private, non-commercial operations. See special exception uses below for commercial hunting and fishing camps.
- vi. All agriculture.
 - (a) Only existing commercial agricultural operations classified as such by the Sarasota County Property Appraiser shall be permitted in the Myakka River Protection Zone.
- vii. Utilities.
 - (a) Only regional linear utility infrastructure (e.g. road, bridge, water or sewer main, natural gas main, etc.) approved by the Board of County Commissioners shall be permitted in the Myakka

River Protection Zone, except in cases where jurisdiction lies with state, federal, or regional agencies.

- viii. Guest House in accordance with Section 5.3.
- ix. Place of Worship in accordance with Section 5.3.

3. Special Exception Uses

The following uses shall be special exception uses in the MRPZ regardless of whether they are permitted, limited or special exception uses in the underlying zoning districts.

- i. Membership club and lodge
- ii. Commercial dock, pier in compliance with Article 20, Chapter 54, Water and Navigation Control Authority, of the Sarasota County Code, as may be amended from time to time.
- iii. Commercial or public outdoor field archery range
- iv. Riding academy in accordance with Section 5.3
- v. Public stable
- vi. Rural retreat center in accordance with Section 5.3
- vii. New Hunting and Fishing Camps.

4. Existing Structure Only

- i. Townhouse (weak-link, roof-deck and stacked) and multi-family (multiplex and apartment).
- ii. Manufactured home/subdivision.
- iii. Cemetery, columbaria, mausoleum, memorial park (NAICS 71219) in accordance with Section 5.3.
- iv. Recreational vehicle park.

5. Prohibited Uses

- i. Any use or structure not specifically permitted by the underlying district or the MRPZ is prohibited.
- ii. The following uses shall be prohibited in the MRPZ:
 - (a) Monastery, convent.
 - (b) Landfill.
 - (c) Recycling center.
 - (d) Waste treatment plant and tank.
 - (e) Jails, detention facilities or work camps.
 - (f) All light industrial services.
 - (g) All heavy industrial uses.
 - (h) All sales oriented.
 - (i) Outdoor storage yard.

- (j) Educational Facilities (NAICS 611).
- (k) Circus ground (NAICS 71119).
- (l) Winter quarters or training quarters.
- (m) Library.
- (n) City, county, state, or federal government office.
- (o) Aircraft landing strip or helicopter landing facility.
- (p) Excavation of sand, gravel or minerals, borrow pit (NAICS 21232).
- (q) Livestock auction.
- (r) Packing house for fruits and vegetables.
- (s) Processing of food and related products.
- (t) Retail or wholesale sales of agriculturally related supplies and equipment.
- (u) Animal hospital or veterinarian (NAICS 54194).
- (v) Animal boarding place.
- (w) Wild animal sanctuary.
- (x) Housing for farm or ranch labor, including mobile homes.
- (y) Childcare center, nursery school, preschool (NAICS 62441).
- (z) Hospitals, including temporary housing for relative of patients.
- (aa) Hospice, nursing or convalescent home.
- (bb) Residential assisted living facility without individual units.
- (cc) Orphanage.
- (dd) Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents.
- (ee) Group home for the physically disabled, mentally retarded, or emotionally disturbed that with 14 or more residents.
- (ff) Group home for drug and alcohol treatment, treatment center.
- (gg) Golf course/country club.
- (hh) Miniature golf facility.
- (ii) Golf driving range.
- (jj) Aquaculture.

6. Accessory Uses.

The following uses and structures shall be considered accessory uses and structures in the Myakka River Protection Zone

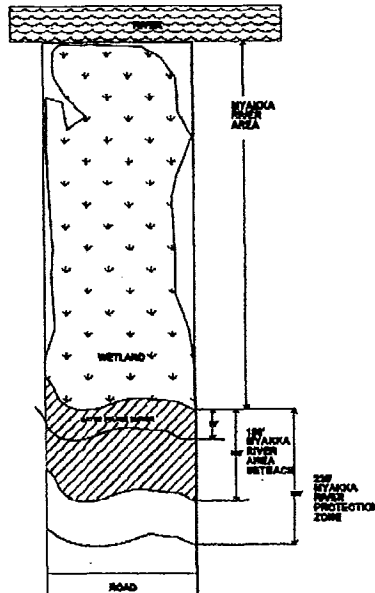
- i. Recreational trails, gazebos up to 400 square feet in floor area, boardwalks and passive recreation areas and other uses in compliance with the vegetative removal standards contained in the Land Development Regulations and in compliance with Section 5.4, Accessory Uses and Structures.
- ii. Private stable on residentially zoned properties.

e. Development Standards

1. Myakka River Area Setback

- i. All residential principal and accessory structures shall be located no closer than 150 feet measured from the Myakka River Area, except as provided below.
 - (a) Elevated patios, decks and walkways;
 - (b) Caged or non-caged swimming pools;
 - (c) Gazebos up to 400 square feet in floor area;
 - (d) Boat docks; and
 - (e) All structures more than 2200 feet from the bank of the main stem of the Myakka River.
- ii. All non-residential principal and accessory structures shall be located no closer than 220 feet measured from the Myakka River Area.
- iii. If compliance with the provisions contained in Subsection 4.10.5.e.1.i, above is not attainable, eligible applicants may seek relief from those provisions through either section 2.6 or section 3.8 of these regulations.
- iv. If compliance with the provisions contained in Subsection 4.10.5.e.1.ii, above is not attainable when expanding structures built prior to March 18, 2003, eligible applicants may seek relief from those provisions through section 2.6 of these regulations.

ILLUSTRATION OF MYAKKA PROTECTION SETBACK STANDARDS
FOR LOTS GREATER THAN 5 ACRES



2. Location of Impervious Surfaces

Driveways, tennis courts and other impervious surfaces (excluding elevated patios, gazebos up to 400 square feet in floor area, decks and walkways, and also excluding swimming pools) shall be located no closer to the Myakka River Area than the principal structure.

f. Pre-Application Conference

A pre-application conference in accordance with Section 3.1.5 is required for any development or development permit under this Section 4.10.5.

Section 8. **Conflicting Provisions.** Whenever the requirements of these zoning regulations are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirements that are most restrictive or that imposes higher standards as determined by the Zoning Administrator shall govern.

Section 9. **Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding of invalidation shall not affect the remaining portions of this Ordinance; and it shall be construed to have been the intent to adopt this Ordinance without such unconstitutional, invalid or inoperative part herein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be held valid as if such part or parts had not been included herein.

Section 10. **Filing.** The Clerk shall be and is hereby directed forthwith to send a certified copy of this Ordinance to the Department of State, 401 South Monroe Street, Elliott Building, Tallahassee, Florida 32399-0250.

Section 11. **Codification.** In this Ordinance, language added to an existing Ordinance is underscored and language deleted is typed in ~~strike-through~~ type. Sections 3 through 7 of this Ordinance shall be codified in the Code of Ordinances of Sarasota County, Florida.

Section 12. **Effective Date.** This Ordinance shall take effect upon filing with the Office of Secretary of State.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY
COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this _____ day of
_____, 2003.

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By _____
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of
the Circuit Court and Ex-Officio
Clerk of the Board of County
Commissioners of Sarasota County,
Florida

By _____
Deputy Clerk

ORDINANCE NO. 2003-089

PROPOSED ORDINANCE NO. 2003-089, ADOPTING AMENDMENT NO. 1, AMENDING SARASOTA COUNTY ORDINANCE NO. 2003-052, RELATING TO ZONING WITHIN THE UNINCORPORATED AREA OF SARASOTA COUNTY; PROVIDING FOR FINDINGS; ADDING ARTICLE 2.6, RELATING TO REVIEW OF PROPOSED DEVELOPMENT IN THE PROPOSED MYAKKA RIVER PROTECTION ZONE; AMENDING ARTICLE 3, DEVELOPMENT REVIEW PROCEDURES, SPECIFICALLY RELATING TO PUBLIC HEARING NOTIFICATION REQUIREMENTS AND ADMINISTRATIVE ADJUSTMENT PROCEDURES; AMENDING ARTICLE 4, ZONING DISTRICTS, RELATING TO PERMITTED, LIMITED, SPECIAL EXCEPTION, AND PROHIBITED USES, INTENT, AND DEVELOPMENT STANDARDS IN THE MYAKKA RIVER PROTECTION ZONE; PROVIDING FOR EFFECT ON OTHER ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA:

Section 1. **Purpose.**

A. These zoning regulations are adopted for the purpose of promoting the public health, safety, and general welfare of the citizens of Sarasota County. Specifically, these regulations provide for the designation of certain lands as the Myakka River Wild and Scenic Protection Zone, that in combination with the regulations pertaining to such districts, are designed in accordance with the Sarasota County Comprehensive Plan to achieve objectives that include, but are not limited to, the following:

1. Promote the beneficial and appropriate development of all land contained within the Myakka River Wild and Scenic Protection Zone and the most consistent use of land in accordance with the Sarasota County Comprehensive Plan;

2. Protect the character and the established pattern of compatible development in the Myakka River Wild and Scenic Protection Zone;

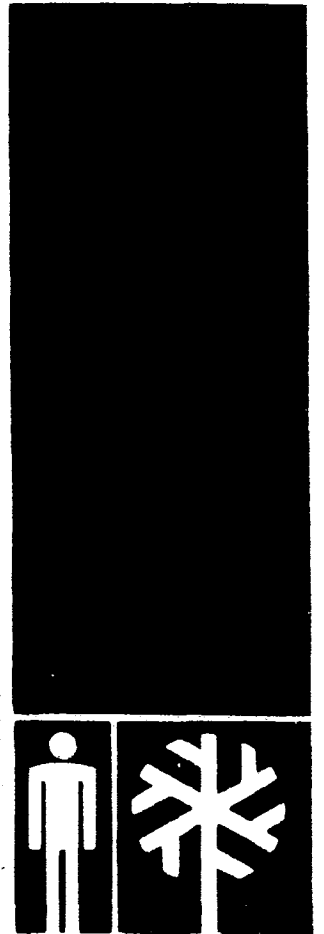
3. Minimize potential adverse physical and visual impacts on resource values in the Myakka River Area;

APPENDIX J – Myakka River, Florida – Final Wild and Scenic River Study

final wild and scenic river study
july 1984

MYAKKA RIVER

FLORIDA



UNITED STATES DEPARTMENT OF THE INTERIOR/NATIONAL PARK SERVICE



As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U. S. administration.

SUMMARY

This study was undertaken at the direction of the Congress to determine the potential of the Myakka River for inclusion in the National Wild and Scenic Rivers System. The 66-mile long Myakka River is located in Manatee, Sarasota, and Charlotte Counties in southwest Florida. The study found 37 miles of the river eligible for inclusion in the National System based on its free-flowing condition and the outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values found in the river corridor. Many of these values are preserved in a 12-mile segment within the Myakka River State Park.

The study was conducted in close cooperation with federal, State, and local agencies of government, particularly the Florida Department of Natural Resources and the affected counties. The public was involved throughout the study process through public meetings, public planning workshops and numerous personal contacts and letters. Opinions expressed reflected the interests of owners of riverfront property, industry and environmental groups, and area residents.

Study participants identified outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values in a 34-mile segment from Route 780 south to the Sarasota-Charlotte County line (river mile 7.5) and a 3-mile segment from river mile 3 to the river's mouth. The segment from the Sarasota-Charlotte County line to river mile 3 possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration in this reach of the river makes it ineligible for inclusion in the National System.

Three alternatives were developed and evaluated in accordance with the National Environmental Policy Act (NEPA). Those three alternatives are designation of a portion of the river as a wild and scenic river (Alternative A), protection of the river without designation (Alternative B), and no action (Alternative C).

Alternative A is the recommended alternative and involves designation of the 12-mile segment within the Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. Additional eligible segments could be added to this designated portion of the river as local and State initiatives to provide permanent protection for the river corridor are implemented. A Myakka River Commission to represent the three-county area and composed of landowners, conservationists, business interests, and representatives of local government could be established to develop strategies for protecting the river. There are numerous ways to institute a river basin commission. Several options are discussed in this report.

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CHAPTER I

PURPOSE OF STUDY AND CHARACTERISTICS WHICH MAKE THE AREA A WORTHY ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

On October 2, 1968, the Congress enacted Public Law 90-542 which established the National Wild and Scenic Rivers System. In Section 1(b) of that Act Congress stated that:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

To carry out this policy, the Congress instituted the Wild and Scenic Rivers System initially composed of eight rivers which were designated in Section 3(a) of the Act. The Congress provided for additions to that System in Section 5(a) by designating 27 potential wild and scenic rivers which were to be studied. Subsequent amendments to the Act have increased the number of rivers, or segments of rivers, in the National System to 61 and the number of study rivers to 88.

The Congress authorized a study of the Myakka River in an amendment to the Wild and Scenic Rivers Act on November 10, 1978. Section 5(a) states that: "The following rivers are hereby designated for potential addition to the National Wild and Scenic Rivers System . . . (70) Myakka, Florida.--The segment south of the southern boundary of the Myakka River State Park."

Section 4(a) of the Wild and Scenic Rivers Act specifies that a study report shall accompany proposals and recommendations submitted by the President to Congress for addition to the National Wild and Scenic System. Reports must set forth:

1. The area included within the report;
2. The characteristics which do or do not make the river a worthy addition to the system;
3. The current status of landownership and use in the area;

4. The reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the area were included in the National Wild and Scenic Rivers System;
5. The federal agency by which it is proposed the area, should it be added to the System, be administered;
6. The extent to which it is proposed that such administration including costs thereof, be shared by State and local agencies, and:
7. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

In accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, the impacts on the human and natural environment of the proposed action, and the alternatives considered, were assessed and are discussed in this report. This report combines the wild and scenic river study report with an environmental assessment, as is encouraged by NEPA regulations. This report also serves as a compliance document for the National Historic Preservation Act, Public Law 89-665; the Fish and Wildlife Coordination Act, Public Law 85-264 and the Floodplain and Wetlands Executive Orders (E.O. 11988 and E.O. 11990).

In evaluating the Myakka's eligibility for the National Wild and Scenic Rivers System, the authorized study area was extended to include the Myakka River State Park and river area up to the county road 780 river crossing (see Classification Map). Joint Department of Agriculture and Department of the Interior guidelines for conducting wild and scenic river studies provide for the expansion of the original study area either in length or width as may be desirable to preserve and facilitate management of river ecosystems, historic or archeological areas or other special areas. The study team's rationale for extending the study area is as follows:

1. The Myakka River State Park which encompasses approximately 12 miles of the Myakka River, immediately adjoins the authorized study area, is in public rather than private ownership, is presently managed in a protective status, and is perhaps the most outstanding natural resource area within the Myakka River system;
2. The river area immediately above the State park up to the county road 780 crossing also exhibits many of the scenic, wildlife, and recreation qualities of the state park. The County Road 780 crossing provides a readily distinguishable physical boundary for the study area.

Findings

The study of the Myakka River and its basin produced the following findings:

1. The portion of the Myakka River upstream of county road 780 has not been studied in a comprehensive way but findings to date indicate that this segment does not possess the outstandingly remarkable values necessary to qualify a river for inclusion in the National Wild and Scenic Rivers System. However, special management of this portion of the river is necessary to assure adequate water quality and quantity for the remainder of the river downstream.
2. The following segments of the Myakka River study area meet the eligibility criteria described in the Wild and Scenic Rivers Act and, therefore, qualify for inclusion in the National Wild and Scenic Rivers System.
 - a. The river segment from county road 780 to the Sarasota/Charlotte County line (approximately 34 river miles).
 - b. The river segment beginning approximately 1/2 mile south of county road 771 (El Jobean area) to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).

The eligible river segments possess outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values. The segment from the Sarasota/Charlotte County line to the El Jobean area possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration within this river segment is judged to be inconsistent with the criteria for wild and scenic river designation.

Proposed Action

To protect the free-flowing condition and outstandingly remarkable values of the eligible segments of the river and the system as a whole it is proposed that:

1. The 12-mile segment of the river within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic Rivers System.
2. This segment be classified as a combination of "wild" and "scenic" as is indicated on the proposed Classification Map.
3. Additional eligible segments be designated as components of the National System as local and State initiatives to provide permanent protection for the river corridor are implemented. A Myakka River

Commission could be established to coordinate efforts to conserve the remaining portions of the river.

4. The management of all segments of the river coming under special management emphasize preservation of natural values and discourage intensive recreation use.
5. Federal agencies be required to support in their planning and projects the preservation of the Myakka River as a national wild and scenic river.

Study Initiation

The Myakka River State Park was one of several parks created in the early 1930's by the Department of the Interior's Civilian Conservation Corps. In 1942 the Myakka River State Park became one of four State parks comprising the State of Florida's park system. The Myakka River was selected as a State park because of its exceptional natural beauty and other environmental values.

The Myakka River has remained relatively untouched by the rapid development of south Florida over the past 2 decades. However, many people have become concerned that phosphate mining and the rapid pace of urban development will adversely impact the river.

On December 16, 1975, the Sarasota County Commission adopted a resolution recognizing the outstanding values of the Myakka River and recommending that Representative L. A. "Skip" Bafalis introduce legislation to add the river to the National Wild and Scenic Rivers System.

A bill to study the Myakka River for wild and scenic river designation was first introduced to the Congress by Representative L. A. "Skip" Bafalis. The National Park and Recreation Act of 1978 (Public Law 95-625) was passed on November 10, 1978, and designated the portion of the Myakka River south of the southern boundary of the Myakka River State Park for study. Subsequently a bill was introduced by Representative Bafalis to include the remaining portion of the river in the study. The Congress has not acted on this bill.

Governmental and Organizational Interrelationships

The study was conducted in close cooperation with other agencies of government, particularly the Florida Department of Natural Resources and the affected counties. Prior to formal initiation of the study, the National Park Service held an organizational meeting with representatives of local, State, and federal agencies in the study area. The purpose of this meeting was to conduct joint field work and identify issues of concern as well as identify the potential roles of agencies assisting in the study.

Citizen Participation

Public involvement is an important aspect of any study process. It is the policy of the Department of the Interior, ". . .to offer the public meaningful opportunities for participation in decisionmaking processes leading to actions and policies which may significantly affect or interest them."^{1/} The National Park Service policy on public participation in park planning declares that, ". . .the Service will take positive actions to involve the public as individuals and through public interest groups and organizations at the earliest possible stage in the planning process before planning decisions have been made."^{2/}

The public participated throughout the study process in public meetings, public planning workshops, and by numerous personal contacts and letters. A copy of a public information brochure summarizing the results of the public planning workshops is provided in the Appendix and provides greater detail on public response to the issues raised by the study. Many of the comments and suggestions provided by the public have been incorporated in the proposed alternative.

Acknowledgements

The National Park Service has received the advice and enthusiastic assistance of the representatives of private organizations and public agencies in the preparation of this report. Most gratifying has been the interest, assistance, and support of many private individuals and groups who gave freely of their time to assist the National Park Service in its study of the river, particularly the Landowners Advisory Commission and the Myakka River Coalition. Individuals who assisted the National Park Service study effort are too numerous to list. Agencies assisting the National Park Service include the following:

Local/Regional Agencies

Charlotte County

Manatee County

Sarasota County

Tampa Bay Regional Planning Council

Southwest Florida Regional Planning Council

Southwest Florida Water Management District

Manasota Basin Board

^{1/} U.S. Department of the Interior, Departmental Manual, Part 301.

^{2/} U.S. Department of the Interior, National Park Service, Management Policies, 1978.

State Agencies

Department of Environmental Regulation

Game and Fresh Water Fish Commission

Department of Natural Resources

District VI Field Office

Department of Transportation

Office of the Attorney General

Department of Community Affairs

Division of Forestry

Division of Archives, History and Records Management

Federal Agencies

Forest Service

Southeastern Area, Atlanta

Fish and Wildlife Service

Southeast Region, Atlanta
Jacksonville Area Office
Vero Beach Field Office

Department of Housing and Urban Development

Corps of Engineers

South Atlantic Division, Atlanta
Jacksonville District

U.S. Geological Survey

Environmental Protection Agency

Eligibility

The Myakka River was designated for study of its potential for inclusion in the Wild and Scenic Rivers System through an amendment of the Wild and Scenic Rivers Act, Public Law 90-542. The Act sets forth certain criteria by which each candidate for the System is to be evaluated. In order to be eligible for inclusion in the System a river must be in free-flowing condition and must exhibit at least one of the following values to an outstandingly remarkable degree: recreation, fish and wildlife, geologic,

scenic, historic, cultural or other similar values. Outstandingly remarkable values should be of national or multistate significance, unique or very rare when compared with similar areas. The determination of whether a river area contains "outstandingly remarkable" values is a professional judgement on the part of the study team. However, the basis for this judgement is to be documented in the study report.

The river study corridor defined by Congress included only the segment south of the Myakka River State Park. During the course of this study it was determined that the most noteworthy values of the Myakka River are found within the Myakka River State Park. Therefore, the study area was extended to include the portion of the Myakka River south of county road 780. This demarcation was chosen because county road 780 is a logical physical boundary and river access point. The river area immediately above the State Park to County Road 780 also exhibits many of the scenic, wildlife and recreational qualities found in the State Park.

The National Park Service has determined that 37 miles of the Myakka River are eligible for inclusion in the National Wild and Scenic Rivers System. This is based on the free-flowing condition and the outstandingly remarkable scenic, ecological, fish and wildlife and recreational values identified during the course of this study through public planning workshops and detailed analysis.

Outstandingly Remarkable Scenic Values. Segments of the Myakka River, particularly within the Myakka River State Park, possess outstanding scenic vistas of pristine South Florida habitats. Peaceful oak and palm hammocks line the banks of the river and its expansive lakes. Oak trees overhanging the slow moving blackwater river are often laden with bromeliads, orchids, spanish moss and other air plants. Lower Myakka Lake is a prime habitat for wading birds. The visitor to this area is treated to the spectacle of a great number and variety of these in a pristine native habitat.

In the lower reaches of the river wide expanses of salt marsh along the river banks provide variety to the scenic qualities of the river. Most of the river remains in long stretches of secluded wilderness with few man made intrusions on its natural scenic qualities.

Outstandingly Remarkable Ecological Values. The Myakka River's ecological values include its function of providing habitat, the relationship of the river to Charlotte Harbor, and certain unique characteristics resulting from its location.

The Myakka River remains in a largely undeveloped and pristine natural condition. As a result the river corridor provides a diversity of habitats for wildlife in an area which is rapidly developing. The river provides an important source of freshwater to Charlotte Harbor. The bays and estuaries of the Charlotte Harbor ecosystem nourish and shelter some of the richest commercial and sport fisheries in Florida.

In relation to the rest of the United States the diversity of plant species along the Myakka River is remarkable. This is due to the overlap of subtropical and temperate plant communities in this area. Tropical vegetation such as wild coffee and leather fern can be found along with buttonbush and maples which are considered to be examples of a more northern flora.

The Myakka River, as a southern blackwater river with a diversity of habitats, would make a unique addition to the National Wild and Scenic Rivers System. All the existing components of the National System are within the temperate zone or in the State of Alaska.

Outstandingly Remarkable Fish and Wildlife Values. The expansiveness and diversity of habitats occurring on or adjacent to the river has attracted and continues to support many native and migratory species. At least eight major natural terrestrial vegetation types can be identified in the river basin. These can be subdivided into at least eighteen subtypes. The four major aquatic habitats (the river itself, small tributaries, lakes and ponds, and marshes) can also be subdivided into a variety of subtypes. Such environmental diversity favors wildlife. In addition the Myakka River is located in an area of transition between the temperate and subtropical zones. Therefore species of the temperate and subtropical zones can both occur in the area.

Outstandingly Remarkable Recreational Values. The Myakka River offers outstanding opportunities for wilderness canoeing and nature study. Within the State park, picnicking and campsites are available in certain areas. Because of the fragile nature of the environment, recreation use should be limited based on a carrying capacity. In addition, recreational use outside the State park should be at a minimal level and subject to strict controls. Riparian landowners have repeatedly voiced their opposition to opening up the river to recreation use. In the areas which may be designated outside the State park, the primary emphasis should be the permanent preservation of natural values.

Classification

Section 2(b) of the Act requires the following classifications to be made:

"Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the National Wild and Scenic Rivers System and, if included, shall be classified, designated and administered as one of the following:

1. Wild river areas--Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

2. Scenic river areas--Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
3. Recreational river areas--Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past."

Classifications and locations are shown on the proposed Classification Map on page 1-10. The basis for the classifications are as follows:

1. Section from county road 780 bridge to the State Road 72 bridge (approximately 7.5 river miles).

There are two road crossings and a powerline crossing in this segment. In addition, there is a dike paralleling the river below county road 780. Because of this existing development this portion of the river is classified as scenic.

2. Section from downstream of the State road 72 bridge to the southern boundary of the Myakka River State Park (approximately 5.5 river miles).

This section of the river is currently managed as part of a 7,500-acre wilderness preserve within the Myakka River State Park. Except for some problem exotics--feral pigs, water hyacinth and hydrilla--this area resembles Florida as it looked before the arrival of European man. Because of its pristine natural condition, this portion of the river is classified as wild.

3. Section from the southern boundary of the Myakka River State Park to approximately river mile 23 where riverfront residential development begins (approximately 5.5 river miles).

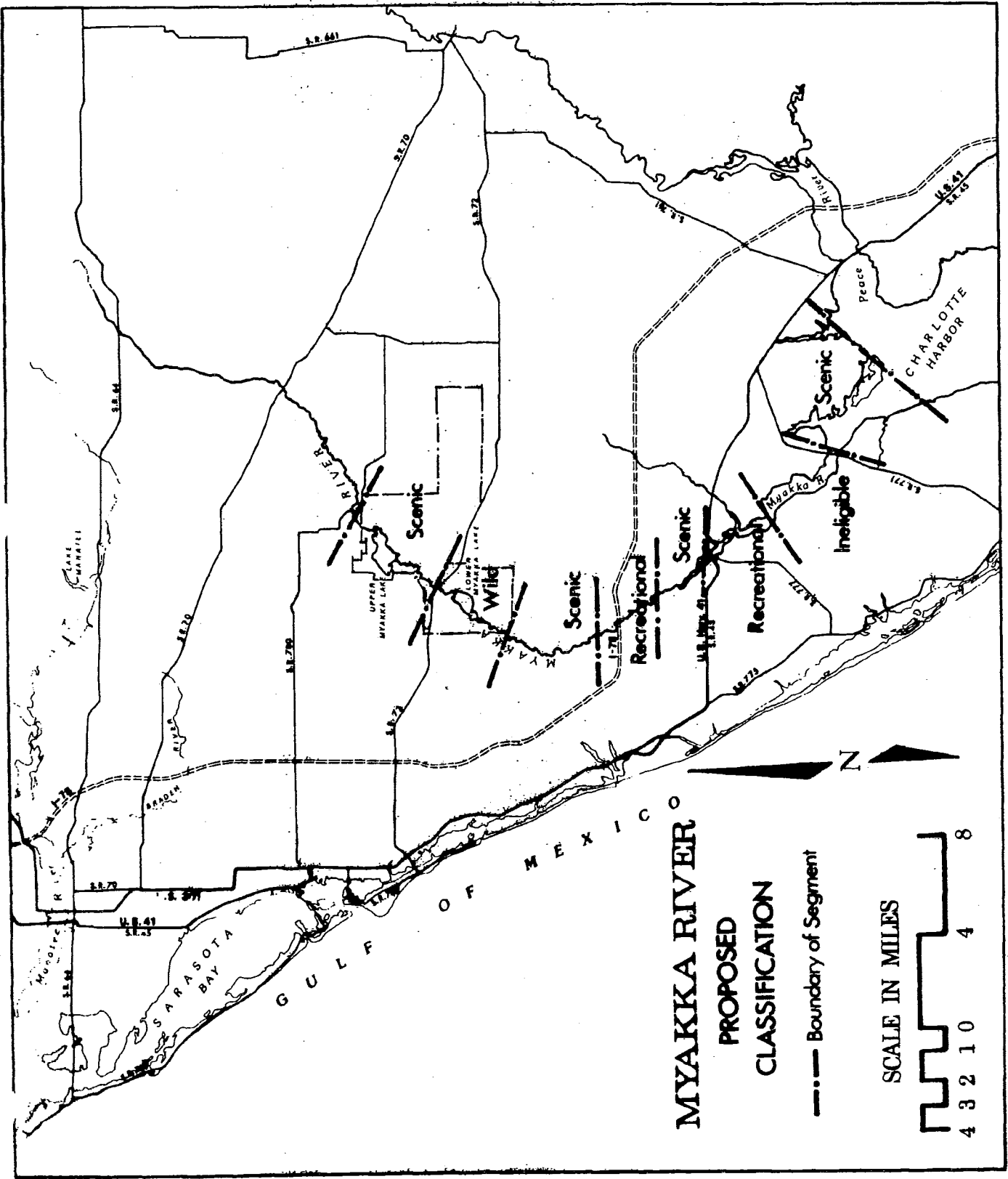
The presence of a run of the river dam near the State park boundary and cattle ranching activities along this segment make scenic the most appropriate classification for this segment of the river.

4. Section from river mile 23 to the vicinity of Snook Haven Fish Camp at approximately river mile 18 (approximately 5 river miles).

This section is largely natural in character, however, there are some concentrated areas of residential development and several highway crossings. Because of these intrusions on the natural scene this section is classified recreational.

5. Section from approximately river mile 18 to a point just upriver of the US 41 highway crossing (approximately 6 river miles).

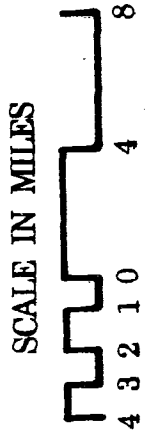
This area is largely natural with little evidence of man's activity. There is a large campground along this reach of the river near river mile 15. This segment is classified scenic.



MYAKKA RIVER

PROPOSED CLASSIFICATION

--- Boundary of Segment



6. Section from a point just upriver to the Sarasota/Charlotte county line (approximately 4.5 river miles).

Although some concentrated areas of development occur near the US 41 crossing, this segment is predominantly natural exhibiting wide expanses of productive salt marsh and mangrove habitat. Because of the highway crossing and riverside residential development this area is classified recreational.

7. Section from Sarasota/Charlotte county line to a point approximately 1/2 mile south of SR 771 at El Jobean (approximately 4.5 river miles).

The degree of development and shoreline alteration in this river segment is inconsistent with the criteria for Wild and Scenic River designation. This segment is considered ineligible.

8. Section from a point approximately 1/2 mile south of SR 771 at El Jobean to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).

The State of Florida purchased much of this area under its Environmentally Endangered Lands Program to preserve the natural character of Charlotte Harbor. This section is predominantly natural in character with a limited area of commercial (marina) development. This section is classified scenic.

Interest by the State of Florida and local governments in preservation of the Myakka River indicates that it is a potentially suitable addition to the National Wild and Scenic Rivers Systems as a State-administered component.

SUITABILITY

Extent of Public Lands in the River Area - There are no federally-owned lands within the study area. The only public lands in the study area are those areas owned by the State of Florida. This comprises 15.6 river miles or 37 percent of the length of the study area. The most significant portion of this ownership is the 12 river miles within the Myakka River State Park. The remaining 3.6 river miles of State ownership consists of scattered parcels further down the river.

Cost Required for Acquisition, Development, Management and Operation - Because the 12-mile segment within Myakka River State Park is already in public ownership, there would be no costs for acquisition for the proposal. The State of Florida estimates a 7 percent increase in operating costs at the park from 1984 to 1986.

State or Local Government Interest in Acting to Protect and Manage the River - The State of Florida is currently protecting and managing 12 miles of the 37 miles eligible for inclusion in the National Wild and Scenic Rivers System. Indications are that the Myakka River State Park and the 12 miles of river corridor within the Park are being adequately managed

and that these areas are being protected now and will continue to be protected. The State also owns scattered parcels of land along another 3.6-mile portion of the river corridor and all indications are that these areas will also be protected from further development.

Sarasota County recently passed a bond referendum toward purchase of a tract of land, called the McArthur Tract, which runs along the east side of the Myakka River below the State Park for a distance of 4.5 miles. The west side of the river would not be included in this potential protective action. The Southwest Florida Water Management District has also expressed an interest in using some of their "Save Our Rivers" monies from the State to purchase segments of the Myakka River corridor below the State Park.

However, the State and local government currently have no direct administrative authority over the eligible Myakka River corridor lands below Myakka River State Park, except for the 3.6 miles in scattered parcels mentioned previously. Private lands along the remainder of the eligible segment are owned by ranching companies, phosphate mining companies and individuals. These private companies and individuals are not favorably disposed toward public ownership of these lands. In fact, indications are that public taking would in most cases involve invoking eminent domain powers. Therefore, the remaining 21.4 miles of the Myakka which are eligible but where the adjacent lands are in private ownership are not found to be suitable for Wild and Scenic River designation at this time. However, if permanent protection is gained, they would become suitable as a State-administered component.

CHAPTER II

PROPOSAL AND ALTERNATIVES CONSIDERED

According to current policies and guidelines study reports will include an examination of alternatives. Each alternative is to be developed into a conceptual plan identifying the proposed administering agency or agencies; showing the classification of the river or river segments; delineating a generalized river area boundary; describing proposed acquisition and development and setting forth broad management objectives and strategies.

Three alternative plans for the Myakka River were developed and evaluated by the National Park Service in cooperation with State and local governments. The general public participated throughout the planning process in public meetings, public planning workshops, and by numerous contacts and letters.

ALTERNATIVE A/PROPOSED ACTION

The study of the Myakka River found the segment from State Road 780 to Charlotte Harbor (except for the 3-mile segment from the Sarasota/Charlotte county line to the El Jobean Bridge) qualified for inclusion as a State-administered component of the National Wild and Scenic Rivers System. To protect the free-flowing condition and outstandingly remarkable values of this segment and of the river system as a whole it is proposed that:

--The 12 miles of the Myakka River within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic Rivers System. Under provisions of Section 2(a)(ii) of the Wild and Scenic Rivers Act, rivers considered for inclusion in the National System by the Secretary require designation as a wild, scenic or recreational river by or pursuant to an Act of the State Legislature.

--The State of Florida continue its current management practices protecting the natural and cultural qualities of the designated segment of the Myakka River within the Myakka River State Park.

--Additional segments of the Myakka River be designated as components of the National System if State and local initiatives to provide permanent protection for the river corridor are implemented and subsequent application for designation is made to the Secretary of the Interior pursuant to Section 2(a)(ii) of the Wild and Scenic Rivers Act.

--A Myakka River commission be established to coordinate efforts to conserve the Myakka River area.

Wild and Scenic River Designation

The Wild and Scenic Rivers System was created by an Act of Congress in 1968 so that ". . . certain selected rivers of the Nation. . . shall be preserved in free-flowing condition and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations (Section 1(b), Public Law 90-542)."

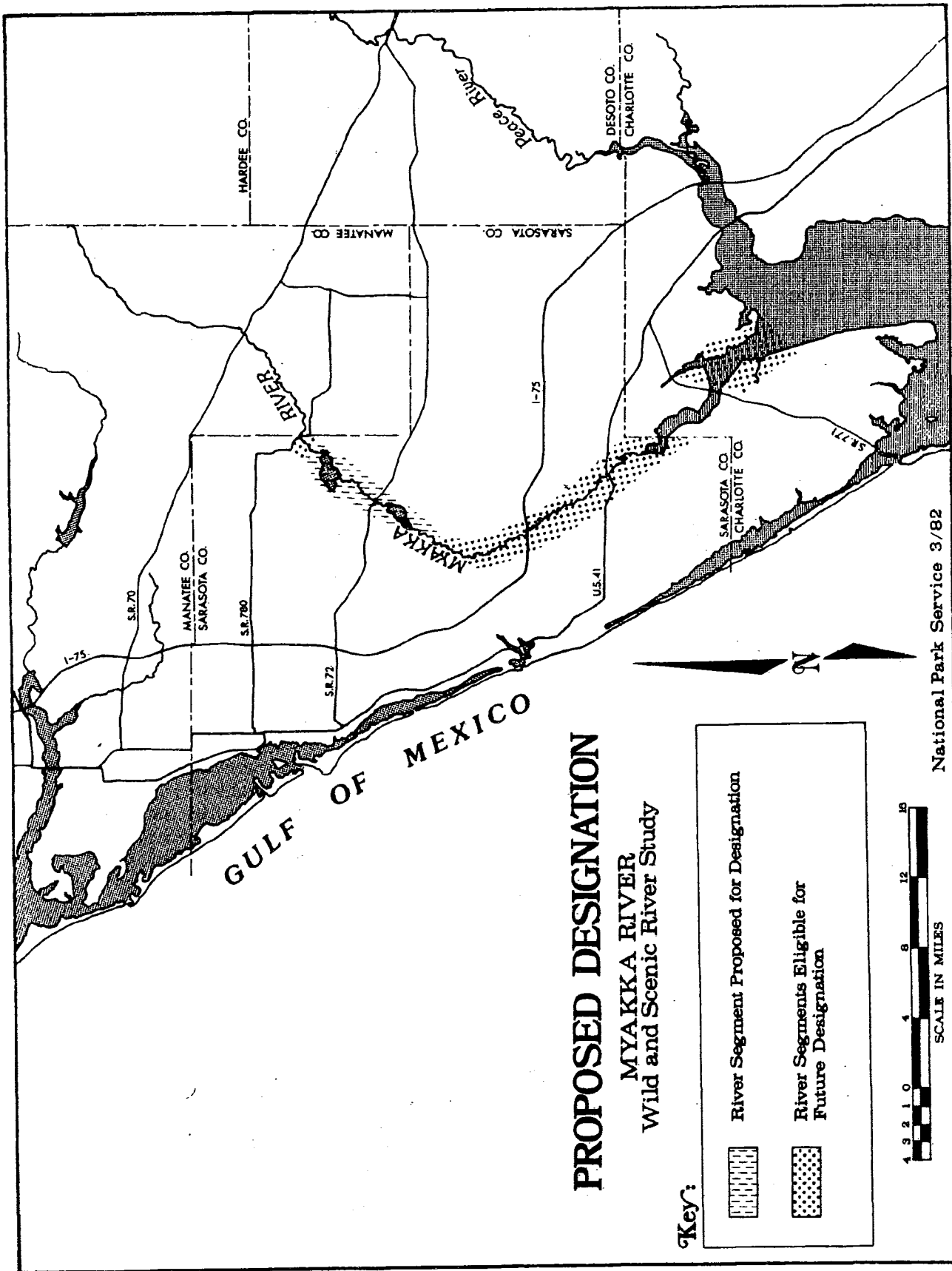
National wild and scenic river designation represents a commitment to the protection of a river and its immediate environment. The specific results of national designation include the following:

1. Protection from federally licensed or funded water resources projects, such as dams, water conduits, reservoirs, powerhouses, transmission lines and other project works. Section 7 of the Wild and Scenic Rivers Act addresses the question of water resource development restrictions and project impacts on stream segments being studied for potential inclusion or which are already included in the National Wild and Scenic Rivers System. It states that no federally assisted, licensed, or aided projects will be permitted on rivers in the National System if they "invade the area" or "unreasonably diminish" values which are present at the time of inclusion.
2. Providing added incentives to improve water quality through cooperative efforts by the managing agency, the Secretary of the Interior, the State water pollution control agencies and the Environmental Protection Agency (Section 11(c) of Public Law 90-542).
3. Providing an impetus for local action to protect the river. In addition, national designation would help ensure that the river would be protected in perpetuity. This is particularly important in plans depending on local land-use regulations to protect the river corridor.
4. Higher priority for financing from existing federal programs for compatible projects which improve the river and its watershed.

There are two methods by which the Myakka River could be included as a State-administered component of the National Wild and Scenic Rivers System:



1. By application of the State of Florida to the Secretary of the Interior pursuant to Section 2(a)(ii) of the National Wild and Scenic Rivers Act.

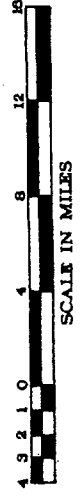
Under this option the river must be assured of permanent protection by or pursuant to State statute. To gain designation the Governor of the State of Florida submits an application to the Secretary of the Interior requesting that the river be added to the National System and documenting the State's program of action to provide permanent protection for the river.



PROPOSED DESIGNATION
MYAKKA RIVER
 Wild and Scenic River Study

Key:

	River Segment Proposed for Designation
	River Segments Eligible for Future Designation



National Park Service 3/82

2. By an Act of Congress designating the river as a State-administered component of the National System.

Under this option the Congress would designate the river and assign the responsibilities for administering the river to the State of Florida. The State of Florida would be directed to prepare a detailed management plan for the area within a specified time period, probably 1 year following designation. This option would be practical only if the State of Florida concurs.

Concept Plan

In addition to determining the segments of the Myakka River eligible for inclusion in the National Wild and Scenic Rivers System the National Park Service has developed, in cooperation with State and local governments, a conceptual management plan. The general public participated throughout the planning process in public meetings, public planning workshops, and by numerous personal contacts and letters.

Under the proposed concept plan the 12-mile segment within the Myakka River State Park would be designated as a State-administered component of the National Wild and Scenic Rivers System. The suggested methodology for designation includes application by the Governor to the Secretary as provided for by Section 2(a)(ii) of the Act. The 28,875-acre Myakka River State Park is the largest park in the Florida State Park System and provides a variety of facilities for public use (see Concept Plan Map). These facilities include campgrounds, cabins, trails, nature walks, and a canoe rental concession. National designation of the Myakka River within the State park is expected to increase public awareness and use of the State Park. It is projected that the Myakka River State Park will be able to absorb additional use resulting from national designation.

The State of Florida's Department of Natural Resources current management of the Myakka River State Park would remain largely unchanged under the proposed concept plan. Under the park's current statement for management a 7500 acre wilderness preserve has been established around lower Myakka Lake. This area is closed to motorized vehicles, except sparing use in conjunction with resource management and biological study. Visitors are limited to 30 per day. There are no facilities in the wilderness preserve and all trash must be packed out. The area is control burned to preserve its natural fire cycles. As in the rest of the park, exotic plants and animals are eliminated wherever possible. Collecting of specimens is limited to legitimate ecological studies and must be approved by the Florida Park Service's chief naturalist.

Upstream of the wilderness preserve is a development zone which includes a visitor-use area and a service area. The visitor-use area is maintained for the safety, convenience, and enjoyment of visitors. The park provides interpretive services on the natural values and history of the area. Park management objectives emphasize cleanliness of facilities, courtesy of service, and professional interpretive activities.

The service area includes residences, a shop, storage shed, and support facilities. These are maintained for the safety and convenience of the staff and are designed to intrude as little as possible into natural or visitor areas.

Management of the Myakka River State Park would have to consider increased visitor use resulting from national designation of the river. Existing limits to use of the wilderness preserve could remain unchanged and visitors directed to existing use and facility areas. Interpretive facilities currently being planned for the State park could incorporate the concept of National Wild and Scenic River designation.

Future Designation of Additional Eligible River Segments. Additional eligible segments of the Myakka River could gain national designation as initiatives to provide permanent protection for the river corridor are implemented and national designation is sought.

The segments considered eligible for future national designation include the following:

1. Section from Route 780 bridge to the northern boundary of the Myakka River State Park.
2. Section from the southern boundary of the Myakka River State Park to the Sarasota/Charlotte county line.
3. Section from a point approximately 1/2 mile south of SR 771 at El Jobean to the river's mouth in the vicinity of Hog Island.

Current criteria concerning State-administered national wild and scenic rivers state that:

"Protective devices for the river corridor may include, but shall not be limited to, fee acquisition, scenic easements or other than fee acquisition, zoning, limitations on building permits and other regulations. The intent is to provide for regulation of the use of private lands immediately abutting or affecting the river so as to preclude changes in use which would substantially alter the character of the river corridor. The State must prohibit undue adverse impacts on the river resources by its own agencies and programs and through its permitting and licensing requirements. If local zoning will be a major tool, it must either be in place or expressions of local intent must be included in the application."

Current land use regulations and development policies in Sarasota County affecting the Myakka River include the following:

1. An urban containment policy which states that, "urban development should be permitted only to the west and/or south of the proposed alignment of Interstate 75 in order to contain urban sprawl and minimize the cost and energy of providing community services."^{1/}
2. Current zoning of land along the Myakka River from the State park to US 41 restricts development to 1 unit per 5 acres.
3. The Sarasota County comprehensive plan recognizes the ecological value of natural waterways and associated habitats. It is the policy of Sarasota County to protect such resources and the county has developed strategies to prevent urban development from irreversibly damaging them.
4. Current policies adopting a revised tree protection ordinance and local regulations which specifically protect the Myakka (The Sarasota County Tree Ordinance).
5. Current policies call for the adoption of a stream protection ordinance establishing construction setbacks and prohibiting additional artificial shoreline stabilization and channelization.^{2/}

The current and proposed regulations, if adopted, should provide sufficient protection for the Myakka River to meet the requirements of the National Wild and Scenic Rivers Act. To achieve national designation for additional segments, the State of Florida would be required to adopt a program of action to provide permanent protection for segments proposed for designation. Protective measures may include fee acquisition, scenic easements, or other than fee acquisition, zoning, construction and setback lines, building permits, or other similar land use controls enacted in cooperation with local jurisdictions.

Establishing a Myakka River Commission. The preservation of the Myakka River requires a regional approach to land use, development, and water management practices. It would be desirable to form a commission to coordinate the efforts of various agencies. A similar approach has been used to protect Charlotte Harbor through the establishment of the Charlotte Harbor Technical Advisory Committee.

There are a number of ways that a commission could be established. The following options appear feasible:

1. Special Legislative Act - the State of Florida could, through special legislation, create a Myakka River Commission.
2. Existing State legislation authorizing "Resource Planning and Management Committees" could be used to create a Myakka River Commission. This method could also involve resource protection resulting from "Area of Critical State Concern" designation.

^{1/} Sarasota Board of County Commissioners, APOXEE, March 1980, page xix.
^{2/} Ibid.

3. Joint effort by the Boards of County Commissioners for the tri-county area—recognizing the need for a regional approach to planning for the Myakka, the Boards of County Commissioners for Manatee, Sarasota, and Charlotte Counties could mutually agree to create and make appointments to the Myakka River Commission. The Commission would be established through cooperation with riverfront landowners, interest groups, as well as appropriate state and federal regulatory officials.
4. Council of Governments - in this option, the Myakka River Commission could be structured as described in number Three. However, the commission would be sanctioned by State Government through existing legislation that authorizes the coalition of local governments to establish a "Council of Governments."
5. Authority of Manasota Basin Board - the Southwest Florida Water Management District through its political subdivision, the Manasota Basin Board, could request that a committee be formed to plan and monitor protective efforts for the Myakka River.

Whichever organizational format is selected, it is important that the River Commission coordinate its activities with those of the Southwest Florida Regional Planning Council, the Tampa Bay Regional Planning Council and the Southwest Florida Water Management District to ensure a uniform planning approach to the river area.

Management Objectives. National designation of the Myakka River within the Myakka River State Park and the establishment of a commission to coordinate efforts to preserve the river outside the State park is intended to achieve the following objectives:

1. Recognizing the outstandingly remarkable values of the Myakka River within the State Park as well as the entire river system.
2. Preserving areas outside the State Park in a manner that recognizes the desires of local landowners to continue their existing land uses, particularly ranching, and protecting their lands from trespass and poaching.
3. Restricting recreation use of the Myakka River to the Myakka River State Park. Although private uses of the river will continue, there may be a need to restrict motorized boats to lower segments.
4. Coordinating regional efforts to maintain the water quality of the Myakka River.

Mitigating Measures Included in the Proposed Action. National designation of the Myakka River will increase public awareness of the resource. By providing river access only in the State Park, recreation use will be concentrated there and managed to mitigate destruction of fragile resources. Since private lands will have no access provided to them, public trespass would be managed. A key component of the proposed management strategy would be the concentration of recreation use on public lands.

ALTERNATIVE B/PROTECTION WITHOUT DESIGNATION

River protection methodologies under this alternative are the same as in Alternative A, the primary difference being that the Myakka is not included in the National Wild and Scenic Rivers System. However, the Myakka could be designated as a Florida Wild and Scenic River within the State System. Regardless of the designation status it seems evident that the portion of the Myakka within Myakka River State Park will continue to be protected from all presently foreseen threats.

The primary difference between these first two alternatives is in the impact designation will have on local and State actions in protecting that portion of the river on private land. A decision by the Federal Government not to designate any portion of the Myakka as a wild and scenic river would take away part of the impetus for State and local governments to enact the protective measures mentioned in Alternative A. Federal designation would provide support encouraging local and State Governments to protect river values which may be lost without designation.

ALTERNATIVE C - NO ACTION/EXISTING TRENDS

This alternative characterizes the future conditions expected in the study area without a formal management plan or designation as a wild and scenic river. The "existing trend plan" assumes that growth and development in the river basin study area will occur as projected in existing local and regional plans. The effects of selecting this alternative are presented as a standard of reference for comparing other alternatives and as a future option which can be chosen. The plan portrays the effects likely to occur in the study area if no action is taken as a result of this study and current management continues; it thus represents the probable future environment of the study area.

There has been an interest in Manatee and Sarasota Counties in preserving the Myakka River. The Sarasota County comprehensive plan calls for the protection of the Myakka River. A stream protection ordinance has been proposed to establish construction setbacks and to prohibit artificial shoreline stabilization and channelization.

Despite local efforts to protect the Myakka River it is projected that future residential development will occur along certain segments of the river. Prime waterfront property along the bays and inland waterways in southwest Florida is becoming more scarce, making development along the Myakka River more probable. The construction of I-75 and an interchange at river mile 19.5 will spur residential and commercial development in the vicinity of the new highway. Commercial development will likely be concentrated near the I-75 interchange on River Road. The segment of the river from river mile 23 to river mile 18 has already seen some residential development and this is expected to increase with improved access. Despite the low density zoning in the area new development will likely occur along the banks of the river as people seek the most aesthetic sites for home construction. Residential development can also be expected to occur along the newly improved River Road between I-75 and U.S. 41.

It is unlikely that residential development will occur in the near future in the remaining segments between the Myakka River State Park and U.S. 41 because of present ownership patterns and natural features inhibiting development. However, in the long term these areas may also be developed as property changes ownership and the lack of developable waterfront property increases the attractiveness of the river corridor for residential development.

Whether the projected development actually occurs depends in a large measure on the actions of the Sarasota County commission in controlling growth and development in the river corridor.

PLANS DROPPED FROM CONSIDERATION

During the planning process several alternatives were developed which were eventually dropped from further consideration as candidate plans.

1. Early in the planning process consideration was given to a federal role in acquiring, administering, and managing land along the Myakka River. The river would have been included as a jointly administered component of the National Wild and Scenic Rivers System. The National Park Service was considered as the federal agency to administer and manage areas outside of the Myakka River State Park. As with other alternatives considered, emphasis would have been on resource protection rather than increased recreational use. The plan was considered infeasible because of budgetary considerations, current federal land acquisition policies, and strong landowner opposition to federal acquisition and management. It is further NPS policy that when there is no federal presence or ownership existing, a federal alternative is not suitable.

2. A plan was developed under which the entire 37-mile eligible segment would be designated as a State-administered component of the National Wild and Scenic Rivers System. The State of Florida would be required to adopt a program of action, in cooperation with local governments, to provide permanent protection of the natural and cultural qualities of the designated segments of the Myakka River. The intent of this alternative was to provide for the continuation of existing agricultural and similarly compatible uses of riparian land while acquiring the minimal interest necessary to ensure future preservation of the Myakka River corridor. The plan was considered infeasible because of current State priorities and budgetary considerations, and landowner opposition to State acquisition and management plus a lack of permanent protection outside the park at this time.

CHAPTER III

AFFECTED ENVIRONMENT

Regional Location, Access and Existing Development

The Myakka River is located in Manatee, Sarasota and Charlotte Counties in southwest Florida (see Location Map). The river originates in Manatee County near the town of Myakka Head and flows in a south to southwesterly direction for 66 miles to Charlotte Harbor.

Public road access to the vicinity of the river is provided by State Roads 64, 70, 780, and 72, U.S. Highway 41, and Interstate I-75. There are also a number of county roads which cross or parallel the Myakka River at various points.

The portion of the river upstream of the Myakka River State Park is generally undeveloped except for ranching and other agricultural activities. The only town along this reach of the river is Myakka City at river mile 52.

Within the State Park there are few intrusions on the natural scene. A powerline crosses the river at river mile 36 and State Road 72 crosses the river at river mile 34.

Between the State Park and U.S. 41 there is almost no development except for scattered residential development from river mile 23 to river mile 18. Interstate 75 crosses the river at river mile 19.5.

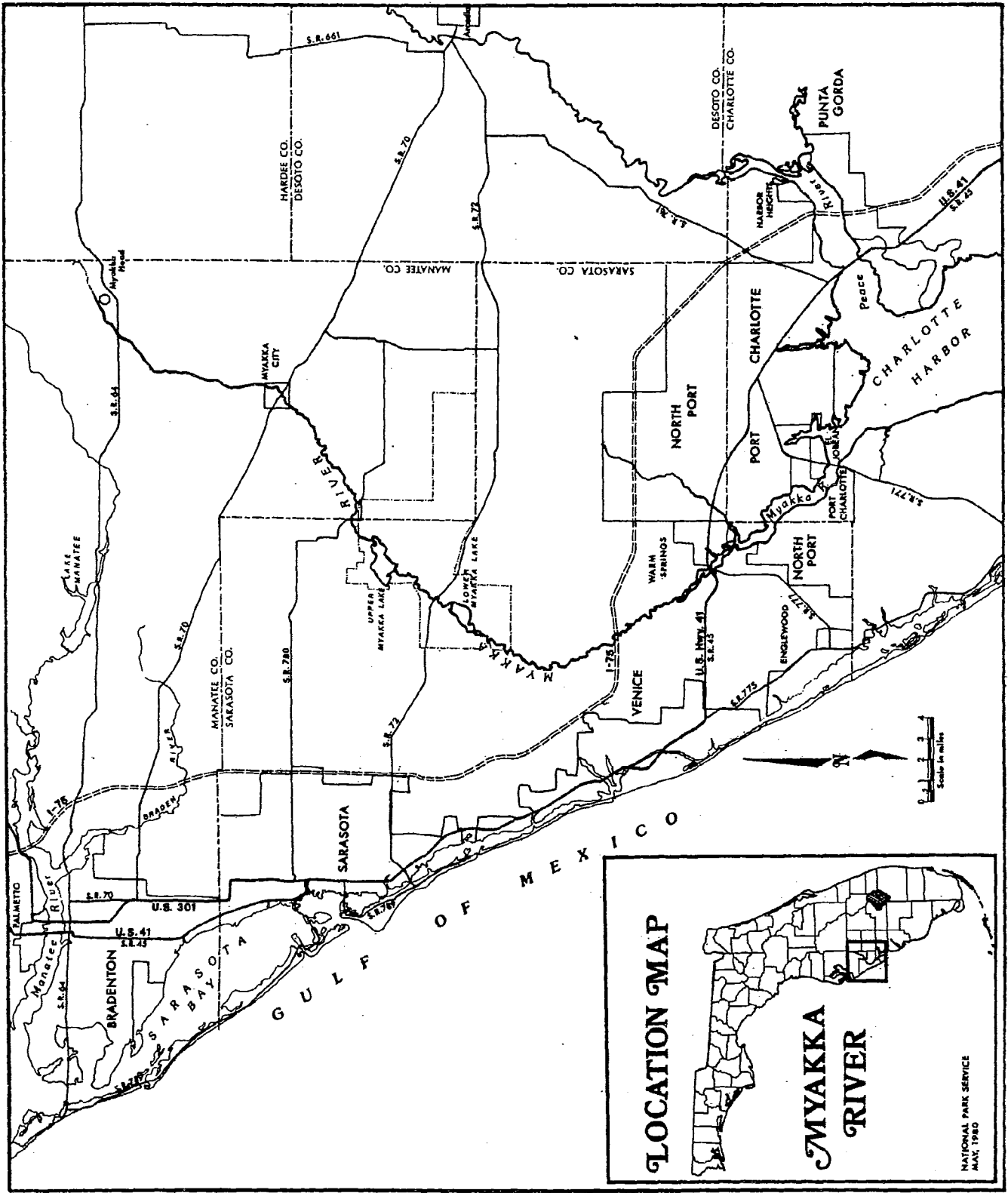
The area south of the U.S. 41 highway crossing differs drastically from the segment of the river above U.S. 41 in terms of the level of existing development. South of the U.S. 41 bridge there are numerous waterfront homes as the river flows past the communities of Playmore, Tarpon Point, North Port, Port Charlotte, and El Jobean.

Below the El Jobean bridge the river banks are undeveloped. The State of Florida purchased the shoreline in this area for preservation purposes under the Environmentally Endangered Lands program.

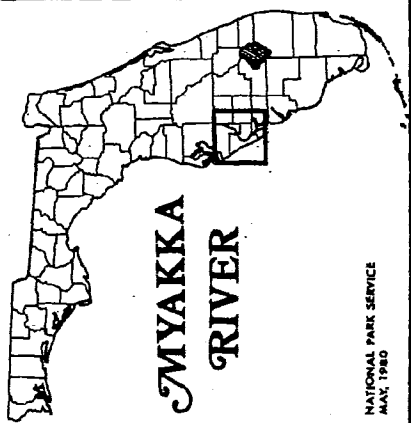
Description of the River Corridor

The Myakka River originates in a marshy area near the town of Myakka Head. From here the river flows approximately 66 miles in a generally southward direction to its mouth at Charlotte Harbor. In its meandering course the Myakka River changes its character as it increases in size, passes through several natural lakes and swamps, and different vegetative communities dominate its banks.

In the upper reaches of the river near Myakka Head the river consists of a very narrow channel resembling a small creek. The dominant habitat type in this area is pine flatwoods and the primary land use is ranching. The hammocks adjacent to the river channel in this area are mixed hardwood generally dominated by bay trees, oaks, and ash, with a fern understory.



LOCATION MAP



NATIONAL PARK SERVICE
MAY 1980

During the dry season the upper reaches of the Myakka are often completely dry with no flow. Most ranches in the area have fences running across the river eliminating canoe passage above State Road 780.

The main channel of the Myakka River is joined by Wingate Creek at river mile 60. Below river mile 59 is Flatford Swamp, a confluential swamp formed by several major tributaries to the Myakka River. Immediately below Flatford Swamp the river channel is swampy, characterized by popash and marshes.

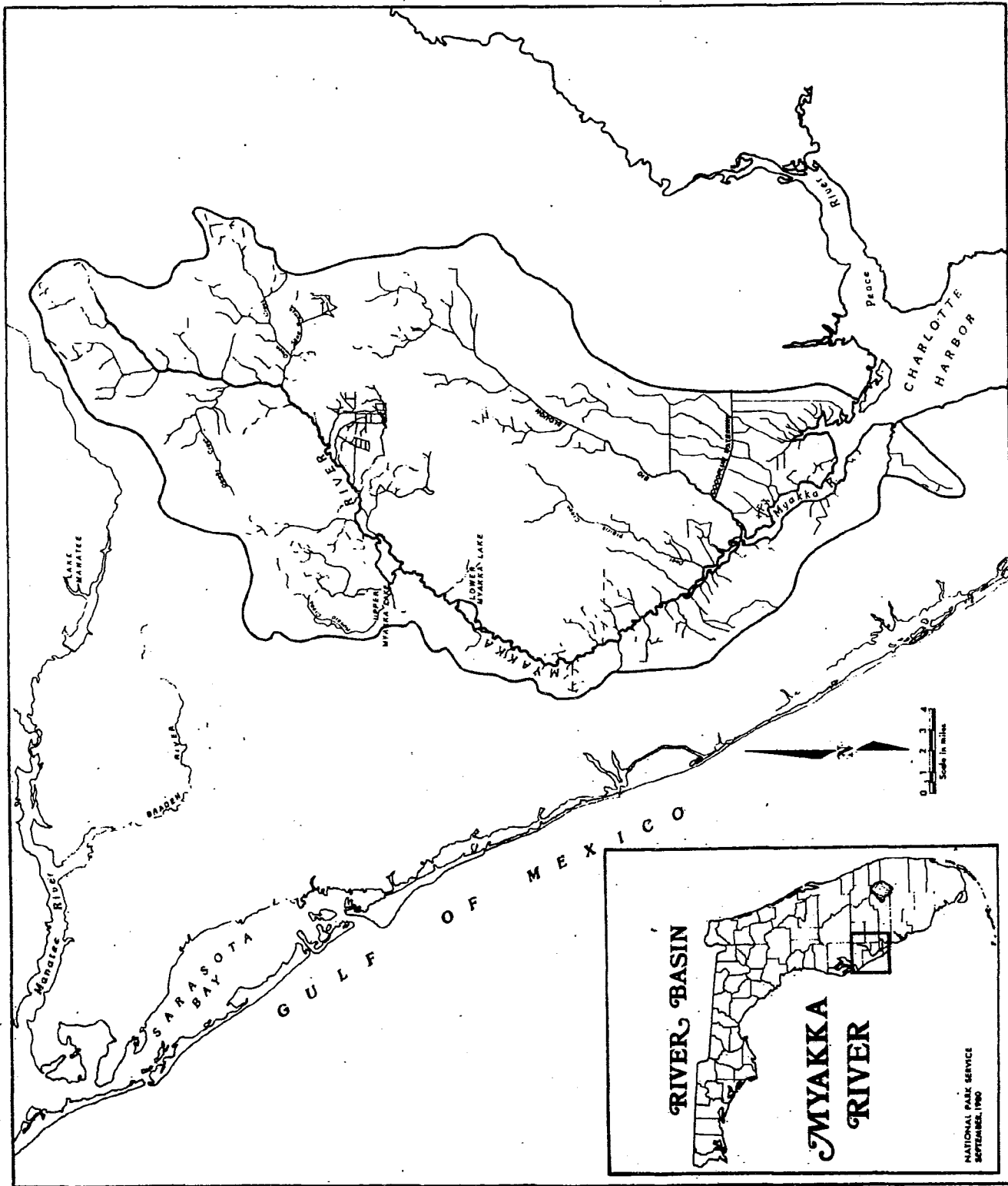
Below Myakka City at river mile 52 the river hammock changes and cabbage palm, live oak and laurel oak are the major tree species. Just above the Myakka River State Park at river mile 43 the river channel splits. The main channel of the river turns northward towards Tatum Sawgrass. Clay Gulley flows east and rejoins the main channel in the marshy area at the upper end of Upper Myakka Lake.

Between State Route 780 and Upper Myakka Lake the main channel of the Myakka River passes through a scenic marshy area. Passage through this area is difficult at certain points because of the marshy character of the river and the sometimes impregnable aquatic weed buildup. The presence of floating mats of water hyacinth and hydrilla under the surface of the water affects large areas of the river and its lakes within the State Park. Upper Myakka Lake provides a haven for numerous bird species. A bird walk has been constructed to provide an observation point for park visitors.

Upper Myakka Lake is stabilized by a low level impoundment located at the southern end of the lake. This small dam has been circumvented for some time by a set of culverts and presently does not restrict flows. The main channel of the Myakka River from Upper Myakka Lake to Lower Myakka Lake meanders through a marshy area named big flats. Originally a secondary channel passed through Vanderipe Slough. This publicly constructed dike built by the Civilian Conservation Corps in the 1930's was extended in the late 1940's at the recommendation of the Soil Conservation Service.

Below State Route 72 the Myakka River enters the Myakka River State Park wilderness preserve. Lower Myakka Lake provides prime habitat for waterfowl and the visitor to this area experiences the spectacle of a great number and variety of these in a pristine native habitat. Below Lower Myakka Lake the river hammock closes in again along the river channel. The dominant species of the river hammock in this reach of the river are laurel oak, live oak, and cabbage palms. A marker on the river bank near river mile 30 commemorates Harris Camp, a site used by early settlers in the area.

The Myakka River leaves the State park at river mile 28.5. One half mile downstream is a privately constructed dam which the proposal will not affect. The low-lying dam will remain with designation and will be left to nature requiring no maintenance. The river corridor is entirely undeveloped from this point to river mile 23. The character of this segment is much the same as above the dam with a dense cabbage palm and oak river hammock along much of the river. At certain points the river cuts through higher ground and the upland pine flatwood community



characteristic of the general area is present at the river's edge. The McArthur Tract, an undeveloped 61,475-acre holding along the southern boundary of the Myakka River State Park, includes approximately four and one half miles of river frontage along the eastern bank of this segment. Several large ranches are located along the west bank.

The first residential development along the river appears at river mile 23. From this point to the I-75 crossing at river mile 19.5 there are a number of individual cottages and several small subdivisions on the high banks along the river. Below I-75 there are only a few homesites and a fish camp, Snook Haven, which is located at river mile 18.

Occasional pockets of tidal marsh begin to appear among the cabbage palm and oak hammock near Snook Haven, indicating increasing salinity as the river nears Charlotte Harbor. Downstream the marsh becomes a continually widening strip between the hammock and the river. The only development currently found along the river between Snook Haven and U.S. 41 is the Rambler's Rest Camping resort.

The area immediately downstream of the U.S. 41 highway crossing (river mile 12) is developed on both sides of the river. Below U.S. 41 the river widens dramatically. There are several mangrove islands in the river that serve as important bird rookeries and tidal marsh characterizes the undeveloped portions of the river's banks. From river mile 7 to the El Jobean bridge at river mile 3 the natural banks of the river have been largely eliminated by the construction of numerous "finger" canals and extensive bulkheading.

Below the El Jobean bridge the river banks are natural in character. The river is over a mile wide as it flows into Charlotte Harbor. The Charlotte Harbor/Myakka River estuary presents an exceptionally scenic panorama. Much of the shoreline in this area has been protected from development through acquisition by the State of Florida. Extensive efforts by State and local governments are currently underway to protect the outstanding natural resources of the Charlotte Harbor estuary.

The River Basin

The Myakka River basin covers approximately 549-square miles (see River Basin map). The topography of the Myakka basin is characterized as low, flat land with moderate to gentle slopes limited to the peripheral areas in the northern half of the basin. Maximum elevations of approximately 100 feet above mean sea level are found in the Myakka Head area. The slope in much of the basin is so gradual that four large shallow depressions along the river's course have formed as lakes and marshes. These are Upper and Lower Myakka Lakes within the Myakka River State Park, Tatum Sawgrass, a 4,300-acre marsh, and Flatford Swamp.

Water Quality

There is no single current and comprehensive study available concerning water quality in the Myakka River. However, studies completed to date indicate water quality is generally very good. The most recent analysis of water quality in the Myakka River was prepared by the Southwest Florida Water Management District (SWFWMD). The SWFWMD study utilized recent (1978-1980) data from two monitoring stations on the Myakka River. The

first station is located at the State Road 72 bridge within the Myakka River State Park and the second station is located at Border Drive near river mile 21. According to the SWFWMD study:

"The two stations are similar with respect to several chemical characteristics. Values for turbidity, pH, calcium, magnesium, and dissolved oxygen have similar ranges at both stations. Average values for turbidity were less than 2.5 FTU in 1978-1980, while mean pH ranged between 6.6 and 7.3. Mean concentrations of calcium and magnesium did not exceed 24.4 mg/l and 10.8 mg/l, respectively. These data show only low to moderate variability, indicating that river water is stable relative to these four parameters. Mean DO (dissolved oxygen) concentrations ranged from 3.75 to 8.2 at the two stations, and inspection of the data suggest that very low DO concentrations occur at both stations with some frequency.

Nutrient (nitrogen and phosphorus compounds) concentrations are substantial at both stations. At the S.R. 72 station, total N (nitrogen) averaged between 1.17 and 1.36 mg/l for the 1978-1980 period. At the Border Drive station, mean N concentrations ranged between 1.02 and 1.27 mg/l, and, in general, concentrations at this station were less than those at the S.R. 72 station. The major component of N total in the river is organic N, and, again, concentrations at the S.R. 72 station frequently exceeded those at the downstream (Border Drive) station. Mean concentrations of ammonia-nitrogen and nitrate-nitrogen can be termed low to moderate. For the most part, values for these two parameters showed a good deal of variation, suggesting that conditions primarily affecting ammonia and nitrate concentrations occur sporadically.

At the two stations, mean concentrations of P total (phosphorus) ranged between 0.17 and 0.42 mg/l. The bulk of P total is contributed by P ortho, and, mean P total concentrations for the Border Drive station equalled or exceeded those for the upstream station (S.R. 72).

Mean concentrations of total organic carbon (TOC) ranged between 17.00 and 24.3 mg/l at the two stations. At the upstream station (S.R. 72), TOC concentrations were slightly higher than those recorded at the Border Drive Station.

Data describing the aquatic habitat were available for the Border Drive station for the period 1974-1980. (Statements concerning aquatic organisms have been prepared following a review of FDER raw data from routine sampling of the Myakka River at Border Drive.) In the vicinity of the sampling station, the river is described as being deeply incised and having a channel width of about 60 feet. Channel banks are composed of sand and limestone outcroppings and are covered by a variety of ferns, grasses, and vines. Upland from the river, the sandy soil is covered by plants and trees typical of a riverine, oak-cabbage palm hammock.

Table G-1: Data for Selected Chemical Constituents for
the Myakka River at S.R. 72, 1978-1980.

	1978			1979			1980		
	X	SDx	(N)	X	SDx	(N)	X	SDx	(N)
Turbidity (FTU)	2.2	0.92	10	1.5	0.52	12	1.70	0.68	9
D.O.	5.87	1.77	38	3.75	2.60	13	8.2	0.0	1
pH (units)	7.06	0.43	40	6.59	0.60	14	6.71	0.34	11
N-Total	1.36	0.34	10	1.26	0.26	12	1.17	0.26	9
N-Org.	1.21	0.25	11	1.22	0.27	12	1.16	0.26	9
N-NH3	0.14	0.15	11	0.05	0.06	12	0.03	0.03	9
N-NO3	0.05	0.13	11	0.02	0.01	12	0.003	0.01	9
P-Total	0.38	0.19	11	0.36	0.15	12	0.17	0.10	9
P-Ortho	0.33	0.19	11	0.32	0.14	12	0.14	0.08	9
A.O.C.	23.88	6.36	8	24.29	4.03	7	18.50	3.45	6
T.D.S.	137.55	35.49	11	159.17	46.67	12	183.22	25.79	9
Ca	13.95	5.01	11	17.75	8.53	11	21.78	4.6	9
Mg	6.53	2.28	11	8.22	3.88	11	10.81	2.18	9
S.S.	---	---	---	---	---	---	---	---	---

NOTE: All values are in mg/L unless noted. Data obtained from USGS, Reston, Virginia.

Values are expressed as means \pm standard deviation of the mean (SDx). The number of samples is indicated by (N).

Table G-2: Data for Selected Chemical Constituents for the Myakka River at Border Drive (at Southwest corner of Tract), 1978-1980.

	1978			1979			1980		
	X	SDx	(N)	X	SDx	(N)	X	SDx	(N)
D.O.	5.03	1.85	15	4.98	1.39	17	5.65	1.83	11
pH (units)	6.91	0.43	9	6.85	0.51	10	7.29	0.45	7
N-Total	1.27	0.37	11	1.18	0.17	12	1.02	0.18	8
N-Org.	1.12	0.23	11	1.14	0.14	10	0.74	0.64	3
N-NH3	0.11	0.09	12	0.09	0.03	9	0.07	0.03	3
N-NO3	0.03	0.05	12	0.07	0.08	12	0.06	0.0	8
P-Total	0.42	0.47	12	0.36	0.13	12	0.25	0.10	8
P-Ortho	---	---	---	---	---	---	0.22	0.0	1
T.O.C.	19.73	4.86	12	20.33	4.90	9	17.00	5.10	5
S.S.	8.08	15.51	12	2.70	1.06	10	2.38	2.62	8
Ca	---	---	---	24.35	16.05	2	---	---	---
Mg	---	---	---	8.70	3.39	2	---	---	---
T.D.S.	399.08	653.54	12	174.20	99.59	10	189.33	22.14	3
Turbidity (FTU)	1.85	0.93	15	1.49	0.49	15	1.50	1.15	9

NOTE: All values are in mg/L unless noted. Data obtained from FDER, Tallahassee, Florida.

Values are expressed as means \pm standard deviation of the mean (SDx). The number of samples is indicated by (N).

Table G-3: Composite Diversity Indices (D) and Mean Densities of Benthic Invertebrates from the Myakka River at Border Drive, 1973-1980.*

Date	D	Organisms/M2	Date	D	Organisms/M2
1973			1977		
November	3.21	1542	January	4.52	944
			May	4.31	1403
1974			August	3.6	2208
January	4.15	2556	October	4.23	1764
April	4.37	1931			
August	4.18	1125	1978		
November	4.14	5764	January	1.29	181
			March	3.07	1792
1975			July	2.85	2917
January	3.84	1083	December	4.24	3569
April	2.32	1819			
August	3.19	736	1979		
October	3.77	1708	February	3.82	1139
			May	3.12	7792
1976			August	2.6	8097
February	3.38	2181	November	3.13	695
April	2.14	---			
July	2.54	2181	1980		
November	3.48	806	February	4.35	3416

Note: Data obtained from FDER routine sampling of the Myakka River at Border Drive, 1973-1980.

*Source: Southwest Florida Water Management District, MacArthur Tract Hydrologic and Water Supply Investigation: Phase I, 1981.

The station supports a diverse assemblage of benthic invertebrates. Invertebrate populations are dominated by freshwater organisms, but a larger number of animals characteristic of brackish and marine conditions also occur. As expected, freshwater animals are represented primarily by insect larvae, particularly members of the Chironomidae. Brackish/marine organisms are represented almost exclusively by molluscs, crustaceans, and some polychaetes. These animals were observed in most invertebrate collections made during the period 1974 to 1980, and their presence indicates significant migration of saline water up the river channel at least to the Border Drive station.

Diversity indices for benthic invertebrate populations were generally high during the period 1974 to 1980 (Table G-3), with one exception (January 1978), where indices averaged greater than 2.0; mean indices ranged as high as 4.5.

The density of benthic organisms was substantial, with the exception of the January 1978 collection, where mean densities ranged between about 0.8×10^3 organisms/m² (organisms per square meter) and 8.2×10^3 organisms/m². These data suggest that the river at the Border Drive location presents a favorable habitat for aquatic life.^{1/}

The high variability in DO and nutrient concentrations are attributed to non-point source agricultural runoff. A currently ongoing "201" study will provide additional information concerning pollution sources. A major concern expressed by many is the potential effects of phosphate mining on water quality in the Myakka River. Current regulations of phosphate mining in the area are discussed elsewhere in this report.

Vegetation

The Myakka River cuts through the pine flatwoods of eastern Sarasota and Manatee Counties. Vegetation in the river corridor varies as the river increases in size, passes through several natural lakes and swamps, and is subject to tidal influences near its confluence with Charlotte Harbor.

Oak-cabbage palm hammocks first appear along the river at Myakka City. Above that point maples, bays, and popash dominate the river tree canopy. Within the Myakka River State Park oak-cabbage palm hammocks, frequently with a saw palmetto understory, dominate the banks of the river and its lakes. The slow moving waters of the Myakka River within the Myakka River State Park are currently plagued by excessive growth of two exotic aquatic plants, the water hyacinth and the hydrilla. The hydrilla has, in the two decades since its inadvertant introduction into south Florida waters, invaded nearly 700,000 aquatic acres in the United States. The extremely rapid growth of hydrilla, once established, can soon form a thick mat over a water body. The hydrilla poses problems to management of the river in that hydrilla spreads so voraciously and uncontrollably that it can

^{1/} Southwest Florida Water Management District, MacArthur Tract Hydrologic and Water-supply Investigation: Phase I, 1981.

threaten to entirely choke out a waterway. Rapid nutrient overloading will hasten the eutrophication process. Recreational and aesthetic values of a waterway may be lost unless the aquatic weed is controlled.

Currently the Southwest Florida Water Management District is under contract with the Florida Department of Natural Resources to handle the aquatic weed problems on the Myakka River, including the Upper and Lower Myakka Lakes. The permanent protection of river values would include continued aquatic weed control.

Three types of river-related associations are found along the river from the southern boundary of the Myakka River State Park to the Sarasota/Charlotte County line: Low-Upriver Associations, Oak-cabbage Palm Hammocks, and Low Downriver Associations (Morriss and Miller, 1978).

The Low-Upriver Associations are limited in extent to low banks and islands along the river and adjacent marshes. Species include popash, buttonbush, and willows. The Florida Department of Environmental Regulation considers these species to indicate submerged and transitional lands which require a permit before alteration or development can occur.

The oak-cabbage palm hammock dominates most of the river corridor. Occasionally the river cuts through higher ground and the pine flatwoods community with a palmetto understory, characteristic of uplands in the area, is visible from the river.

The Low-downriver Associations are the salt tolerant species found on low banks and islands along the river and adjacent marshes in tidally influenced areas where saline conditions exist. The first pocket of salt marsh occurs just south of Snook Haven. The salt marsh soon becomes a widening strip along the river as the channel broadens and salinity increases. Plants normally found within the salt marsh include rushes, cordgrass, salt grasses, leather fern, and salt worts. As the river water becomes more saline, oaks drop out of the hammock and pure stands of cabbage palmetto outline the upland edge of the tidal marsh.

Below the U.S. 41 bridge the shoreline is still largely characterized by salt marsh. However, several developed areas have been bulkheaded and native vegetation has been removed. Several mangrove islands are found in this reach of the river. Between the Sarasota/Charlotte County line and the El Jobean bridge (State Route 771) almost all native vegetation has been removed as the result of extensive bulkheading and the construction of finger canals.

Below the El Jobean bridge the river banks are largely natural. This area was purchased by the State of Florida under the Environmentally Endangered Lands (EEL) Program as part of an overall program to protect the scenic and biological values of Charlotte Harbor.

Fish and Wildlife

The Myakka River, particularly within the Myakka River State Park, is noted for its impressive displays of wildlife. The canoeist in the State Park often encounters great blue herons, Louisiana herons, flocks of white ibis or other birds upon rounding each bend. Common species such as

raccoons, turtles, alligators, and an occasional deer often appear along the river as well as rare species such as the bald eagle, red-cockaded woodpecker and roseate spoonbills.

A total of 362 species of vertebrates have been recorded in the Myakka River valley. This includes 228 species of birds of which a high proportion are wetland species and waterfowl. Many of these species appear on the federal list of threatened and endangered species or the State of Florida's list of rare and endangered species.

Three factors contribute to the large number of species found in the Myakka River valley: (1) the geologic and climatic history of the area provides a variety of topographic conditions and soils creating a diversity of habitats; (2) the river basin is in an area of transition between the temperate and sub-tropical zones; (3) the area has remained largely undeveloped.

Beyond the wildlife apparent to the casual observer the Myakka River represents an ecological system which has an importance extending beyond individual habitats along the river. River (lotic) ecosystems are examples of detritus based food chains. The key element of a river's food chain are aquatic insects. These primary consumers convert plant material to animal tissue. The relatively pristine Myakka River provides a diversity of habitats for these organisms. The secondary consumers in river ecosystems include dragonfly nymphs, hellgramites, some stoneflies, some minnows and other fish. These are the "middlemen" of the river's food web, preying upon smaller animals and preyed upon by others. At the end of the food chain are tertiary consumers including many wading birds, fish and other predators drawn to the river and its ecotone (the boundary area between two ecosystems). As a result of this interdependence in the environment the Myakka River has an importance which affects wildlife in adjacent areas and the biologically rich Charlotte Harbor area.

Threatened and Endangered Species. Plants or animals included on the federal list of threatened and endangered species and known to occur as residents or migrants to the Myakka River study area are: peregrine falcon (Falco Peregrinus), red-cockaded woodpecker (Picoides borealis), bachman's warbler (Vermivora bachmanii), eastern brown pelican (Pelecanus occidentalis carolinensis), southern bald eagle (Haliaeetus leucocephalus), Florida panther (Felis concolor coryi), Atlantic leatherback (Dermochelys coriacea), American alligator (alligator mississippiensis), Atlantic ridley (Lepidochelys kempii), eastern indigo snake (Drymarchon corais couperi).

In addition, the segment downstream of the Myakka River State Park has been designated as a critical habitat for the West Indian (or Florida) manatee by the U.S. Fish and Wildlife Service.

Geology

All of Florida lies on the geologic formation known as the Florida Platform. The platform is characterized by five physiographic regions. The Myakka basin flows through the gulf coastal lowland known as the Pamlico Terrace. Topographically the coastal lowlands can be

characterized as low, flat plains with gentle slope. Throughout most of the river basin the range of elevation is only 0 to 20 feet above sea level. In the eastern and northern sections of the basin elevations reach 50 feet above sea level.

The surface and subsurface geologic features of the Myakka were formed as a result of glacier activity. The fluctuation of sea level caused by the melting and reforming of glaciers developed the Florida Platform which is a series of marine terraces. As the shallow seas covered and uncovered the marine terraces, deposits of limestone and other sedimentary rock were laid down as thick as 20,000 feet. The bedrock of the study area is basalt and was formed by submarine volcanoes. The basalt bedrock provides a very stable foundation for the marine sediments that cover it.

The limestone and sediment deposits have a honeycombed character that provides for the storage of water in the form of aquifers. The limestone karst features of the study area are a major factor in settlement and development of the region because of their capacity to store water for domestic and industrial use.

Soils

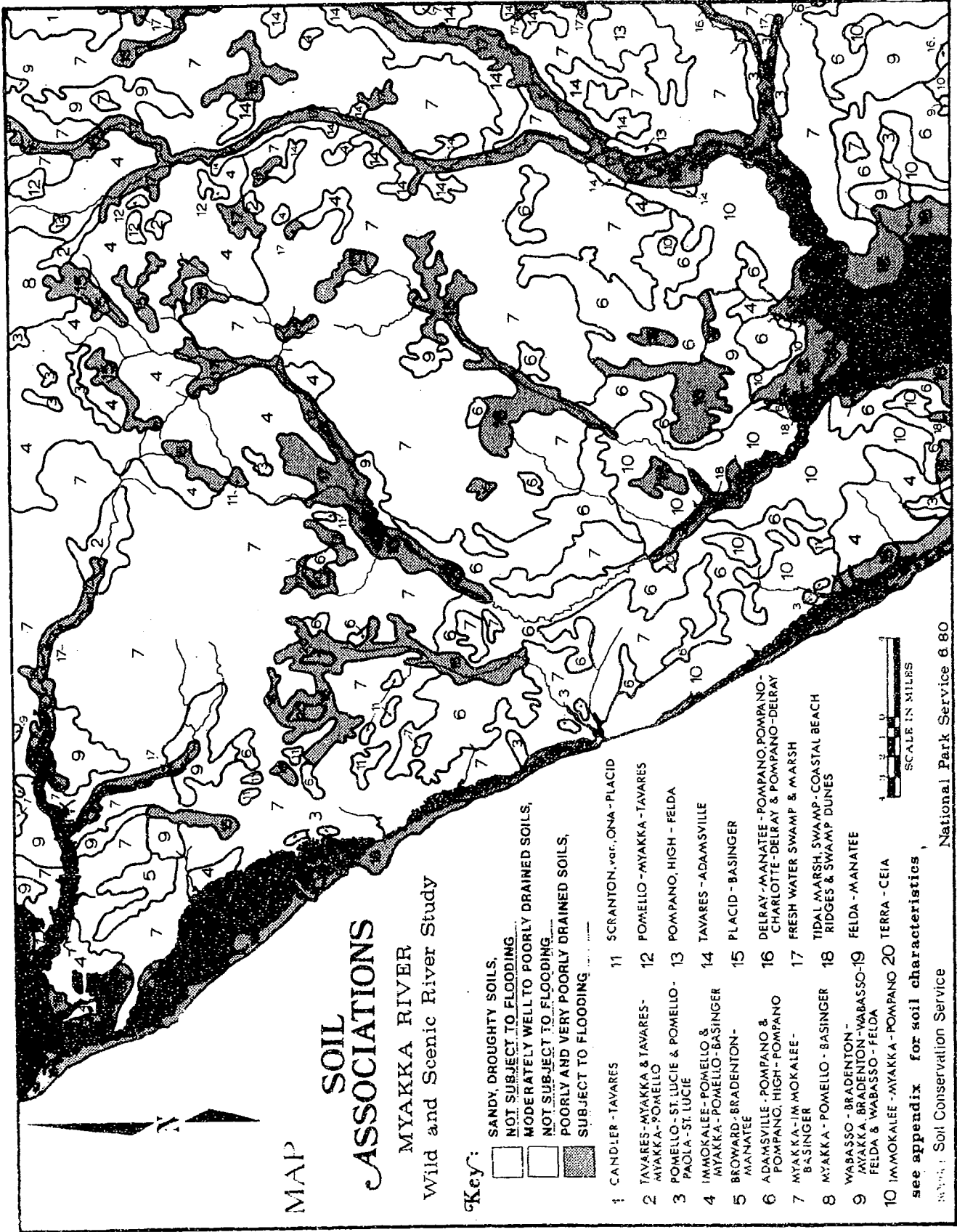
There are three basic types of soil in the study area:

1. Sandy, droughty soils not subject to flooding;
2. Moderately well to poorly drained soils not subject to flooding; and
3. Poorly and very poorly drained soils subject to flooding.

The soils map shows the general location of these soil types and groups soils types into various associations (see key). From the head waters of the Myakka through approximately the top half of Upper Myakka Lake soils of the Fresh Water Swamp and Marsh Association are dominant. These soils are nearly level poorly drained soils subject to prolonged flooding.

The Delray-Manatee-Pompano-Charlotte-Delray and Pompano-Delray Associations comprise the soil types on both sides of the river from the bottom half of the Upper Myakka Lake to roughly 2 miles below Lower Myakka Lake. These soils are nearly level poorly drained soils with thick sandy layers over loamy subsoil. From this point to the vicinity of the U.S. 41 Highway crossing the Tidal Marsh, Swamp-Coastal Beach Ridges and Swamp Dunes Associations are dominant on both banks of the river. These soils are nearly level very poorly drained soils subject to frequent flooding by tidal waters and moderately well drained soils sandy throughout. On both banks of the Myakka to the mouth of the river Immokalee-Myakka-Pompano Association soil types are dominant. These soils are nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained sandy soils throughout.

An inventory of prime and unique farmland conducted by the U.S. Department of Agriculture indicated that there are no soils within Manatee, Sarasota

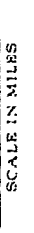


MAP
SOIL ASSOCIATIONS
 MYAKKA RIVER
 Wild and Scenic River Study

Key:

- SANDY, DROUGHTY SOILS,
NOT SUBJECT TO FLOODING.
- MODERATELY WELL TO POORLY DRAINED SOILS,
NOT SUBJECT TO FLOODING.
- POORLY AND VERY POORLY DRAINED SOILS,
SUBJECT TO FLOODING.

- 1 CANDLEY - TAVARES
- 2 TAVARES - MYAKKA & TAVARES - MYAKKA - POMELLO
- 3 POMELLO - ST. LUCIE & POMELLO - PAOLA - ST. LUCIE
- 4 IMMOKALEE - POMELLO & MYAKKA - POMELLO - BASINGER
- 5 BROWARD - BRADENTON - MANATEE
- 6 ADAMSVILLE - POMPANO & POMPANO, HIGH - POMPANO
- 7 MYAKKA - IM-HOKALEE - BASINGER
- 8 MYAKKA - POMELLO - BASINGER
- 9 WABASSO - BRADENTON - MYAKKA - BRADENTON - WABASSO - FELDA & WABASSO - FELDA
- 10 IMMOKALEE - MYAKKA - POMPANO
- 11 SCRANTON, var., ONA - PLACID
- 12 POMELLO - MYAKKA - TAVARES
- 13 POMPANO, HIGH - FELDA
- 14 TAVARES - ADAMSVILLE
- 15 PLACID - BASINGER
- 16 DELRAY - MANATEE - POMPANO, POMPANO - CHARLOTTE - DELRAY & POMPANO - DELRAY
- 17 FRESH WATER SWAMP & MARSH
- 18 TIDAL MARSH SWAMP - COASTAL BEACH RIDGES & SWAMP DUNES
- 19 FELDA - MANATEE
- 20 TERRA - CEIA



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see appendix for soil characteristics

Soil Conservation Service

or Charlotte Counties associated with the Myakka River which meet the criteria for designation as prime farmland or prime forest land.

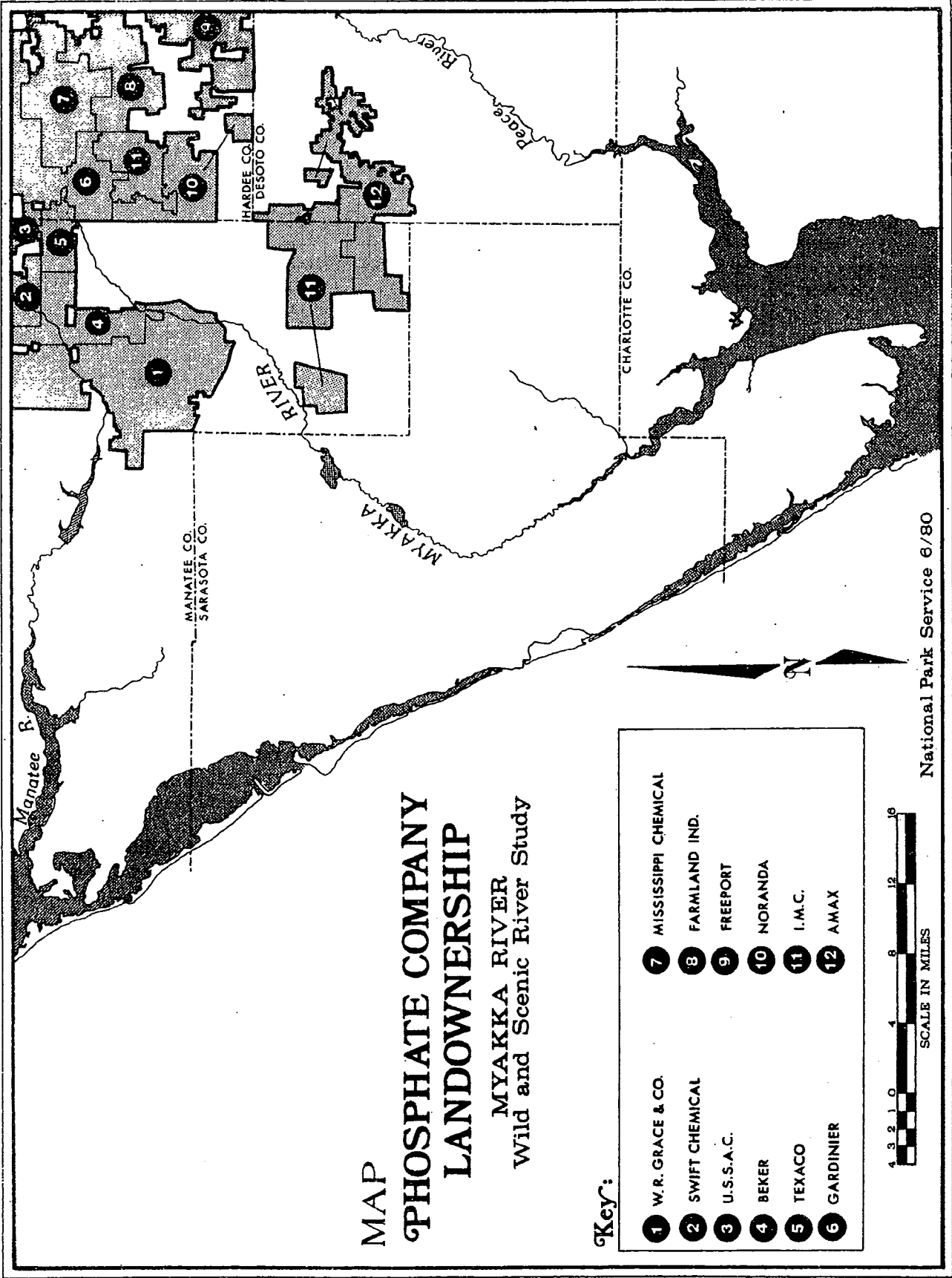
Mineral Resources

The primary commercially recoverable mineral resource in southwest Florida is phosphate. Florida is a major producer of phosphate and several areas in the State, including areas adjacent to the Myakka River basin, have seen major mining activities. Several phosphate mining companies have extensive holdings in the upper watershed of the Myakka River and there is some concern about the impact of future mining activities on the river.

Phosphate rock is a commercial term for rock containing one or more phosphate materials of sufficient grade and suitable composition to permit their use, either directly or after concentration, in the manufacture of commercial phosphate products. Phosphate rock has diverse agricultural and industrial uses, but the quantity used in agriculture has always exceeded that used for other purposes. Elementary phosphorus and phosphoric acid are used to make inorganic and organic chemicals, which are employed as leaving agents, water-softening materials, soap, insecticides, and many other products. Phosphoric acid is used in producing fertilizers, animal-feed supplement, beverages, ceramics, as a catalyst and oil refining agent, in photography, and in dental and silicate cements.

Mining of phosphate ore in Florida is presently conducted utilizing strip mining methods. The nature of these mostly unconsolidated sedimentary deposits have lent themselves to open pit mining, consisting of stripping away the overburden to expose the ore for discovery. The mining process is briefly described as follows: each dragline digs a series of parallel cuts several hundred to several thousand feet in length and 200-300 feet wide as it traverses the mining unit. The overburden is cast into the previously mined cut and transferred to a slurry pit located above ground within reach of the dragline. In the slurry pit, large water guns (monitors) deliver 10,000-12,000 gallons of water per minute at about 200 psi, to break down the ore into a slurry for pumping to the central washing unit in the mill area. Each dragline usually has its own associated pumping system. The ore is not completely recovered due to the irregularity of the contacts with the overburden or underlying bedrock and irregularity of the ore itself. Upper and lower contact losses can be significant. It is estimated that 85-90 percent of ore is physically recovered from the cut.

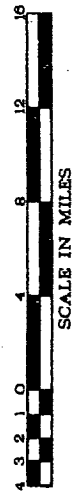
Phosphate mining is currently regulated by the State of Florida and local mining ordinances of Manatee and Sarasota Counties. These regulations require that land utilized for strip mining be restored. In addition, major mining operations are required to prepare a Development of Regional Impact (DRI) statement and comply with applicable federal and local regulations. Strip mining planned for the upper watershed of the Myakka River could permanently change the surface hydrology of the basin. However, if mined properly and existing federal, State and local regulations are followed there would be no adverse effects to river water quality or mining productivity. But it should be recognized that non-compliance may be devastating should the company not follow the rules



MAP
**PHOSPHATE COMPANY
 LANDOWNERSHIP**
 MYAKKA RIVER
 Wild and Scenic River Study

Key:

- | | | | |
|---|------------------|----|----------------------|
| 1 | W.R. GRACE & CO. | 7 | MISSISSIPPI CHEMICAL |
| 2 | SWIFT CHEMICAL | 8 | FARMLAND IND. |
| 3 | U.S.S.A.C. | 9 | FREERPORT |
| 4 | BEKER | 10 | NORANDA |
| 5 | TEXACO | 11 | I.M.C. |
| 6 | GARDINIER | 12 | AMAX |



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and regulations prescribed. Previous experience on the nearby Peace River points up the possibility of accidental spills from phosphate slurry pits which can have a devastating effect on biological and aesthetic values of natural waterways.

Air Quality

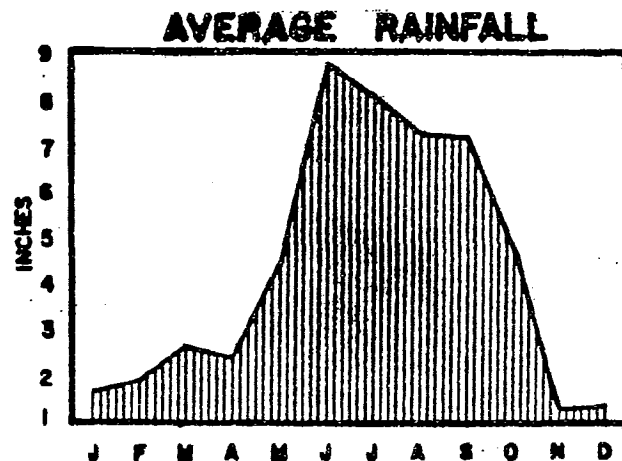
Federal air quality regulations, established in Public Law 88-206, are enforced by the U.S. Environmental Protection Agency. Chapter 17-2 of the Florida Administrative Code sets the state standards which are enforced by the Florida Department of Environmental Regulation. Sarasota County air quality standards and regulations are stated in Ordinance No. 72-37 and enforced by the Pollution Control Division of the Sarasota County Environmental Services Department.

As of 1979, Sarasota had three permanent monitoring sites for air quality. These sites are located in areas more congested than the study site, for which no data have been collected. However, in the past few years air quality has measured "very good". Sulfur dioxide and fluoride levels are almost immeasurable, and particulate levels are just a little over the natural background levels, far better than the standards. Because these data were collected under more adverse conditions than exist along the river, air quality in the river corridor is considered to be excellent.

Climate

Southwest Florida has a semi-tropical climate. Summer temperatures are usually in the low 90's with maximums rarely exceeding 95°. Sea breezes temper the summer heat. The warm water of the gulf modifies winter temperatures which rarely drop below 60° and average fewer than three frost days per year.

The area averages more than 50 inches of rain per year. As much as 70 percent of the annual rainfall occurs during the summer months from June to September. Winter rains usually occur in association with cold fronts and are often characterized by several rainy, drizzling days followed by a drop in temperature. The area has a dry spring with little or no rain.



Hurricanes are a major, though infrequent, threat to Southwest Florida. The probability of one striking the area coastline is 10 to 12 percent annually. Hurricane Donna in 1960 was the last significant tropical storm to hit the area, but the area remains susceptible to hurricane damage.

Archeology and History

Archeological evidence based on findings at Warm Mineral Springs and Little Salt Springs campsites indicates that people were present in southwest Florida over 10,000 years ago. Another site was recently located by archeologists digging in the path of the I-75 bypass east of Tampa. This campsite of prehistoric hunters who lived at least 10,000 years ago is the first Paleo Indian site found on land in Florida.

The earliest evidence of human habitation on the coast dates to about 3500 B.C. at points where the coastal streams enter the bays. Indian mounds and middens--prehistoric garbage heaps consisting mainly of oyster shells--support this theory. Eighteen historically significant sites, primarily mounds and middens, are within one-half mile of the Myakka River according to the Florida State Historic Preservation Officer. It is possible that the number is actually greater, but the area has never been subjected to a systematic, professional survey.

Juan Ponce de Leon led the first Spanish conquistadors to the area in 1513. They were attacked by Caloosa (or Calusa) Indians, the fierce tribe which then dominated southwest Florida. After this engagement Ponce de Leon returned to Puerto Rico having claimed Florida for the Spanish crown and naming it after Pascua Florida, the Feast of the Flowers at Easter time. Ponce de Leon returned to Florida in 1521 with two ships and 200 settlers to establish a colony. According to most accounts he landed at Charlotte Harbor and started to construct a settlement. The Caloosa Indians attacked the colony and killed a number of Spaniards and wounded Ponce de Leon. The Spanish colonists then fled to Cuba where Ponce de Leon died of his wounds.

Subsequent Spanish expeditions to southwest Florida were no more successful in finding gold or establishing a colony. In 1527 Panfilo de Narvaez landed in Tampa Bay and was persuaded by captured Indians that the gold he sought was to be had from the Apalachee Indians to the north. Narvaez found only an inhospitable environment and hostile Indians on his long overland journey to Appalachee Territory, the present day Tallahassee area. His ships did not arrive as planned and in desperation his party constructed crude boats to sail to Mexico. All the craft were lost in a storm. One of the few survivors was Cabeza de Vaca who finally reached Mexico City in 1536, 9 years after the expedition set out for Florida.

In 1539 Hernandes de Soto landed in Tampa Bay and found Juan Ortiz, the sole survivor of a small expedition sent to search for Narvaez. Ortiz had lived with the Indians for over 10 years and served De Soto as an interpreter and guide. De Soto's expedition, after a long trek through the southeast in search of gold, also ended in failure. Many men were lost including De Soto who died at the mouth of the Arkansas River in March 1541.

The native Timucua and Caloosa Indians of southwest Florida were never subjugated by the Spanish. However, the diseases introduced by the Spaniards decimated the native Indian population during the 17th century. English slave raiders from Georgia forced the remaining native Indians to retreat into the Everglades. In 1763, when the Spaniards ceded Florida to the British, many of the Caloosa migrated to Cuba to escape British rule. Any Timucua or Caloosa Indians which remained were probably absorbed by the Seminoles and no trace remains of these native southwest Florida Indian groups.

With the exception of a few fishermen the Myakka River area remained untouched until the Armed Occupation Act of 1842 opened the region to settlement. Twenty years later small communities such as Sarasota were forming on the elevated land along the coast. Further inland the community of Old Myakka as it is known today was established by the early settlers. Then, as now, cattle ranching was the primary occupation in the Upper Myakka River Valley.

These early settlers recognized the beauty and recreational value of the river. A marker at Harris Camp below the lower lake records the site used by the Harris family as a camp beginning in the late 19th century. In the early 20th century Anthony Weston Dimock, a naturalist, recorded experiences of his canoeing trips along the Myakka in Florida Enchantments, offered as a record for future naturalists.

Population

The Myakka River is located in a three-county area undergoing explosive population growth. The main component of this growth has been immigration by retirees and others from midwestern and northeastern states. From 1970 to 1980 as the U.S. population increased 11.4 percent, Florida's population increased 43 percent and the three-county study area consisting of Charlotte, Manatee and Sarasota increased a staggering 66.9 percent.

TABLE 4

Population Change 1970-80, U.S. and Study Area

	<u>1970</u>	<u>1980</u>	<u>% Change</u>
United States Total	203,302,000	226,504,825	+ 11.4%
Florida Total	6,791,418	9,746,324	+ 43.0%
Study Area	245,087	409,153	+ 66.9%
Manatee County	97,115	148,442	+ 52.9%
Sarasota County	120,413	202,251	+ 68.0%
Charlotte County	27,559	58,460	+112.1%

Source: 1980 U.S. Census of Housing and Population

TABLE 5 - POPULATION PROJECTIONS

	<u>1970</u>	<u>1980</u>	<u>1990</u>	<u>2000</u>	<u>2010</u>	<u>2020</u>
State of Florida	6,791,418	9,739,992	12,274,800	14,249,600	15,738,200	17,488,500
Three-County Study Area	245,087	409,808	551,400	650,800	719,000	798,800
Charlotte County	27,559	59,115	86,200	103,700	114,600	127,300
Manatee County	97,115	148,442	192,600	225,200	248,800	276,400
Sarasota County	120,413	202,251	272,600	321,900	355,600	395,100

Percentage Changes in Population

	<u>1970 - 1980</u>	<u>1980 - 2000</u>	<u>2000 - 2020</u>	<u>1980 - 2020</u>
State of Florida	+ 41%	+ 46%	+ 23%	+ 113%
Three-County Study Area	+ 67%	+ 59%	+ 23%	+ 95%
Charlotte County	+ 114%	+ 75%	+ 23%	+ 115%
Manatee County	+ 53%	+ 52%	+ 23%	+ 86%
Sarasota County	+ 68%	+ 59%	+ 23%	+ 95%

Source: University of Florida Bureau of Economic and Business Research. Projections of Florida Population by County, Bulletin 56, May 1981.

The Bureau of Economic and Business Research at the University of Florida prepares the official State population projections which are utilized by State agencies in their planning and service programming efforts. These projections indicate continued rapid growth through the year 2000. Growth is then expected to taper to a rate of about 23 percent over the next 20 years for both the State and the three-county area (see Population Projection Table).

Manatee County is expected to have an 86 percent population increase over the next 40 years. Most of this will occur along the coast and will not affect property use along the Myakka River. In Sarasota County growth will also be concentrated along the coast, but demand for development in rural areas has been accelerated as land in the urban areas has become more scarce. The population there is expected to increase 95 percent over the next 40 years. However, the county is taking steps to control the direction of its growth. Charlotte County is currently sparsely populated, but projections are for rapid growth. The expected increase over the next 40-year period is 115 percent. Much of this growth will occur along the Myakka River between the Sarasota-Charlotte County lines and State Route 771 filling in the already subdivided property with residential development.

Economy

The Myakka River flows through three counties: Manatee, Sarasota, and Charlotte. Consequently, changes in management or use of the river would have the greatest impact on the economy of these counties. The area has experienced rapid economic growth due to immigration. The counties residents in the study area are affluent, having per capita incomes above the national average. Generally, the economy is dominated by retirement and tourism.

A major factor in the region's economy is the large proportion of retirees in the population. This influence will continue if additional retirees move to the area as projected. The warm climate and abundance of natural resources in the area make tourism an important element in the economy. Tourism accounted for almost 20 percent of the total regional (Lee, Collier, Sarasota, Charlotte, and Manatee) gross sales in 1977. Tourism is most important in Sarasota County although expenditures are increasing in Charlotte County.

The age of the population affects both size of the work force and the average income levels. In Sarasota County only a third of the population is employed in the labor force, while the percentages are lower in the other two counties. The county had the second highest per capita income in Florida in 1979, yet 22 percent of all households were classified as low income. The large number of persons not receiving current incomes who rely on unearned income account for these figures. Three economic sectors, trade, finance and service industries employ 55 percent of Sarasota County's work force with an additional 14 percent in the construction industry.

In contrast to Sarasota County 70 percent of the workers in Charlotte County are employed in the private sector, primarily in trade, services and finance. Only 40 percent of all income in the county is derived from wages and salaries or other earned income sources. The agricultural sector includes 4 percent of the employed workers in Charlotte County compared to less than 1 percent of the total in Sarasota County.

The economy of Manatee County has been based largely on tourism, retirement, and agriculturally-related industries. The most important industrial groups have been retail trade, construction, and a few large manufacturers, such as Tropicana. There is a problem with unemployment during the off season. Because of this problem, Manatee County has sought new industry to broaden and stabilize the economic base. These efforts have recently borne fruit, and among the new industries planned are phosphate mining, the Utility Power Corporation steam turbine plant and the Cutler-Hamer Plant.

Land Use

Existing and projected land uses surrounding a river are important factors in assessing its qualifications as a wild and scenic river. Land use should be examined on two levels: (1) within the immediate visual corridor of the river where land use and development affects the rivers wild and scenic qualities; and (2) within the entire drainage where land use affects the hydrology and water quality of the river.

Watershed Land Use. The upper portion of the river basin above State Route 710 is predominantly agricultural with large tracts devoted to pastures for cattle ranches. Residential development is limited to the small communities of Myakka City and Myakka Head along with a few scattered farm houses. Dramatic changes in land use may occur in the upper basin area as phosphate mining commences on several large tracts currently owned by mining interests.

The central portion of the river basin is dominated by two large undeveloped areas. The 28,875-acre Myakka River State Park is a park/open space land use. The 32,608-acre MacArthur Tract is almost entirely undeveloped natural terrain/rangeland. Together these two adjacent areas comprise almost 100 square miles. Development outside of these two tracts in the central portion of the river basin is limited to a few ranches, some residential development along the Myakka River near the I-75 crossing and a small subdivision near the western boundary of the Myakka River State Park. Completion of I-75 will likely spur increased residential and commercial development in the area.

The lower basin area is the most urbanized and populous portion of the largely rural Myakka River basin. Currently residential and commercial development is concentrated along U.S. 41, State Route 771, and the Myakka River in the communities of North Port, Port Charlotte, and El Jobean. Much of the land in the lower basin area has been subdivided by large real estate development firms. Roads and other services have been provided. However, few homes have actually been constructed. These large subdivided tracts appear on the land use map as "Barren land".

River Corridor Land Use. The segment of the river corridor above the study area (above State Road 780) is almost entirely natural in character. At some points the pastures of adjacent ranches border on the river. There is no urban development along the upper portion of the river. Much of the river corridor is flood prone and swampy, inhibiting residential development.

South of State Route 780 there is only a 1/2 mile segment above the Myakka River State Park which is in private ownership. The west bank is lined with a low earthen dike which protects a small community of homes near the river. The eastern bank is very low lying, flood prone, undeveloped land which will probably remain undeveloped. The portion of the river corridor proposed for designation is entirely within the Myakka River State Park. The river corridor within the State Park is almost entirely natural except for a powerline crossing at river mile 36, the State Road 72 crossing at river mile 34, and a few minor park related developments.

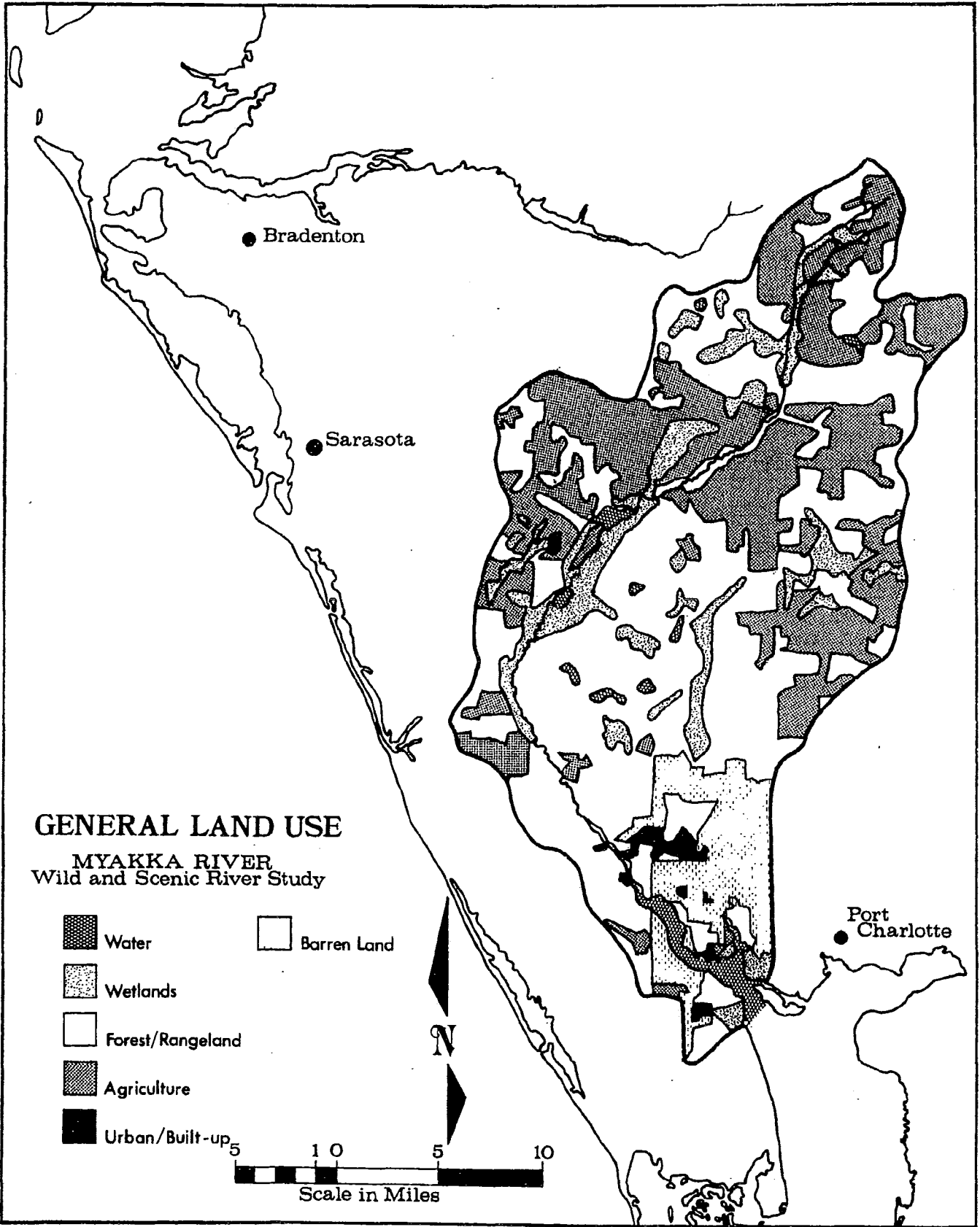
Below the State Park the river corridor remains undeveloped for a 5 mile segment which is bounded on the east by the MacArthur tract and on the west by several large ranches. Recreationists using the river do not generally see the ranching activities occurring because of vegetation screening the view from the river.

At river mile 23 the first house appears on high ground at the river's edge. From this point to the I-75 crossing at river mile 19.5 there are a number of individual cottages and several small subdivisions on the higher banks along the river. Below I-75 there are only a few homesites and a fish camp, Snook Haven, which is located at river mile 18. Between Snook Haven and U.S. 41 the river corridor remains undeveloped except for a campground at approximately river mile 16.

Below U.S. 41 the urban character of surrounding land uses is apparent from residential development along the river. Land between U.S. 41 and the El Jobean Bridge has been subdivided and development along the river will likely continue as people seek the amenity of waterfront homesites.

Below the El Jobean Bridge the shoreline is devoted to park/open space use. The State of Florida purchased this area through its Environmentally Endangered Lands (EEL) Program.

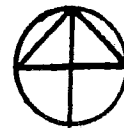
Land Use Controls. Florida's Local Government Comprehensive Planning Act of 1975 requires local governments to prepare comprehensive plans. Sarasota County's comprehensive plan entitled APOXEE, was adopted on June 30, 1981. Under the provisions of the Sarasota County comprehensive plan an urban containment policy directs growth to the areas south and west of I-75. Current zoning of the Myakka River corridor within Sarasota County is limited to very low density residential development except for the area south of U.S. 41. It is the policy of Sarasota County to preserve the values associated with the Myakka River and a stream protection ordinance has been proposed to implement this policy. Consultants have been hired to develop appropriate buffer criteria.



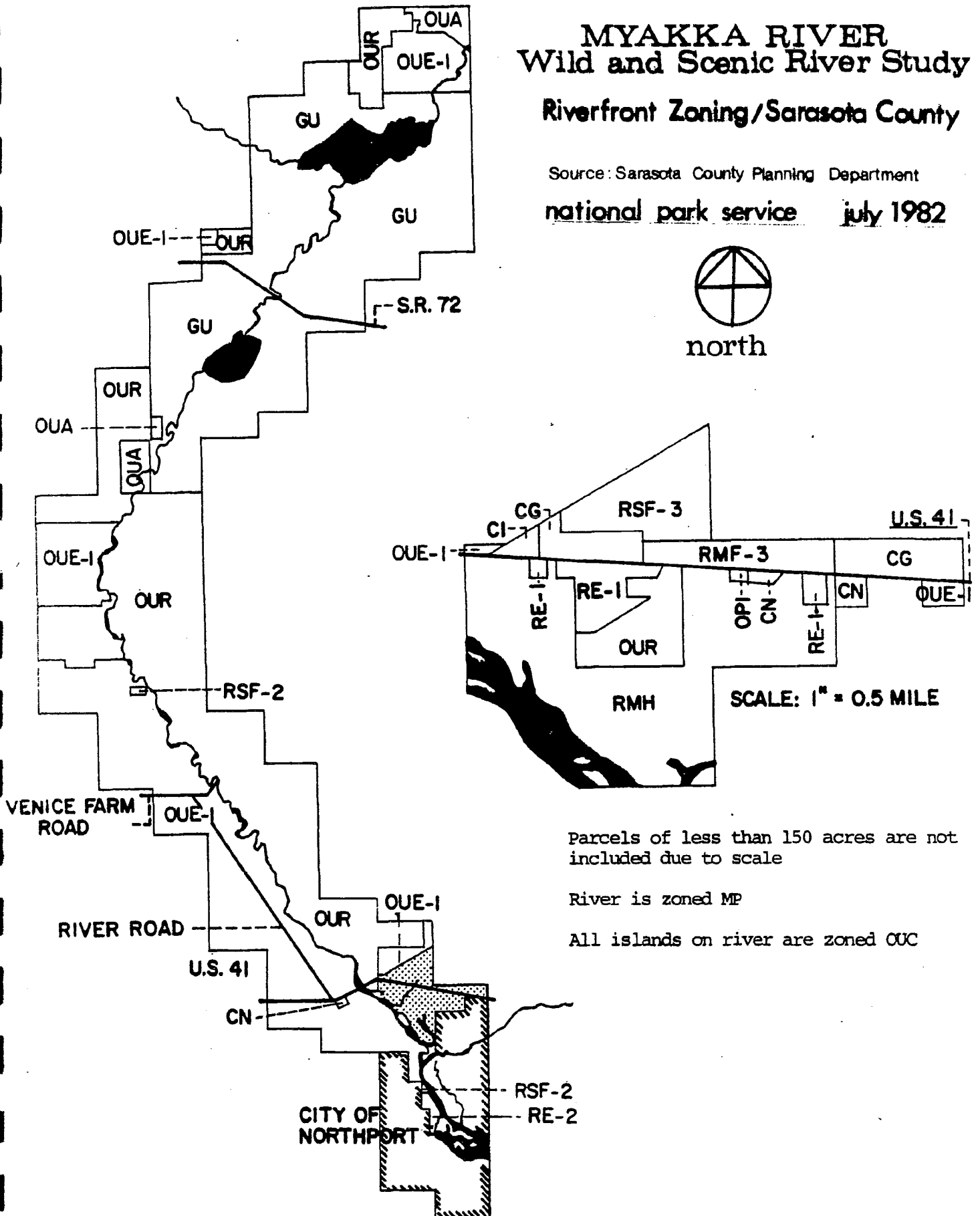
MYAKKA RIVER Wild and Scenic River Study Riverfront Zoning/Sarasota County

Source: Sarasota County Planning Department

national park service july 1982



north



Parcels of less than 150 acres are not included due to scale

River is zoned MP

All islands on river are zoned OUC

Landownership

Landownership along the Myakka River falls into three categories: State-owned public lands, privately owned large tracts and smaller privately owned riverfront lots. Beginning at the northern boundary of the study area, State Route 780, 15.6 river miles or 37 percent of the study area's length is in public ownership. This figure includes 12 river miles which lie within the Myakka River State Park. Approximately 1/2-mile of the publicly owned land consists of scattered parcels owned by the State of Florida—a rest area at the I-75 crossing and two properties with east river frontages of 1,580 feet and 500 feet near river miles 9 and 11, respectively. Further down the river the State of Florida, under the EEL program, has purchased 3 river miles beginning below State Route 771 and reaching to the river mouth at Charlotte Harbor.

The Myakka River corridor is generally in private ownership. In Manatee County above the State park, private tracts range from 600 to over 1,000 acres and primarily are used for ranching activities. Sizable tracts also owned by phosphate mining companies such as W. R. Grace Co., Beker I. M. C.

Below State Route 780 private ownership accounts for 25 river miles or 63 percent of the study area. Lands adjacent to and immediately below the State park in Sarasota County continue the large privately owned tract pattern. A large single ownership tract is located just below the park and runs for about 2 miles on the western bank. The Exchange National Bank of Tampa Trust has 6,020 acres bordering the State park on the west and approximately 2 miles of river frontage below the park. On the eastern bank, the property known as the MacArthur Tract has 4.5 miles of river frontage. This 32,608-acre property shares more than 11 miles of the State park's southern border.

Beginning below river mile 23 and stretching to I-75 (below river mile 20) some development is evident with lots ranging in size from 5 to 50 acres on the western riverbank. A short stretch of small lots with 60 foot frontages begins on the western side above river mile 22 forming a pocket of residential development above the I-75 rest area.

Between I-75 and U.S. 41 (river miles 19.5 to 12) large tracts dominate the eastern bank of the river. On the western bank below the interstate there is a section of 6-acre river front lots. Moving down river, the size increases to as much as 40 acres. At river mile 14.5 is Rambling Rest, an 80-acre camping facility. Venetia Inc. ownership begins above river mile 14 and continues on the western river bank to U.S. 41 and beyond. This tract has a total of 16,387 acres with roughly 3 miles fronting the river.

From U.S. 41 to the Charlotte County line, the Venetia property continues on the west bank to about river mile 11 and the city of North Port limits. This tract has been purchased by the Berry Investment Corporation which has 3 miles fronting the river. On the eastern bank below the highway is the Lazy River Limited property which is the site of a mobile home development.

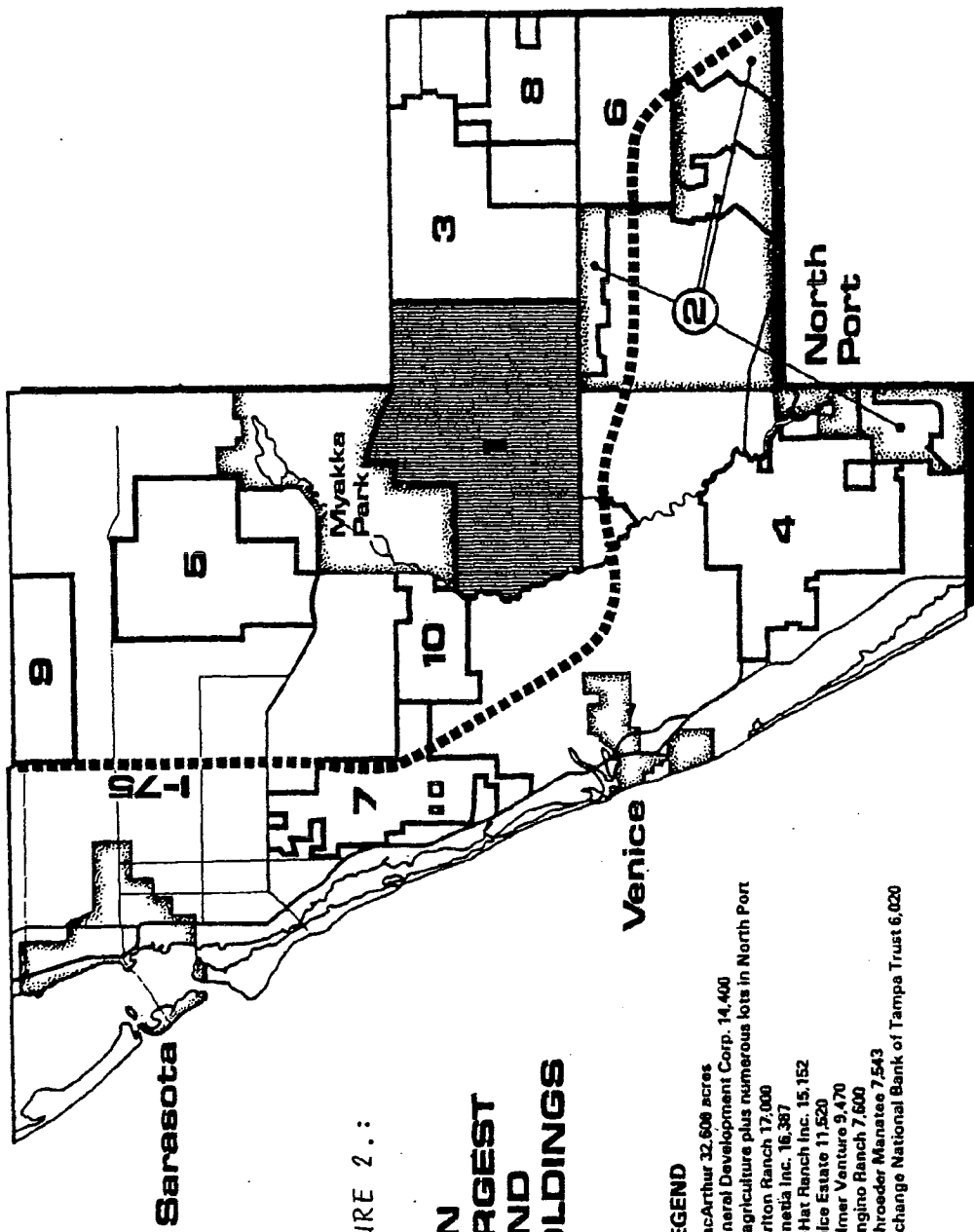


FIGURE 2.:

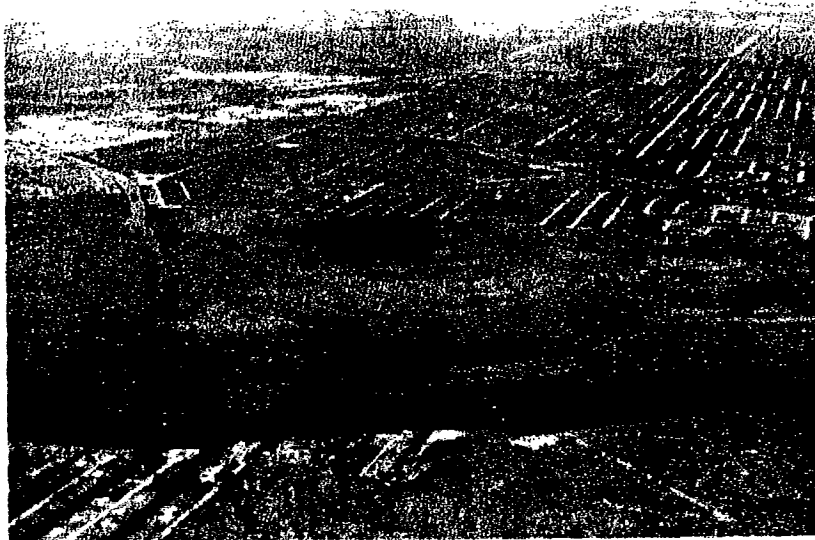
**TEN
LARGEST
LAND
HOLDINGS**

LEGEND

- 1. MacArthur 32,608 acres
- 2. General Development Corp. 14,400 in agriculture plus numerous lots in North Port
- 3. Carlton Ranch 17,000
- 4. Venetia Inc. 16,387
- 5. Hi-Hat Ranch Inc. 15,152
- 6. Kelce Estate 11,520
- 7. Palmer Venture 9,470
- 8. Longino Ranch 7,600
- 9. Schroeder Manatee, 7,543
- 10. Exchange National Bank of Tampa Trust 6,020

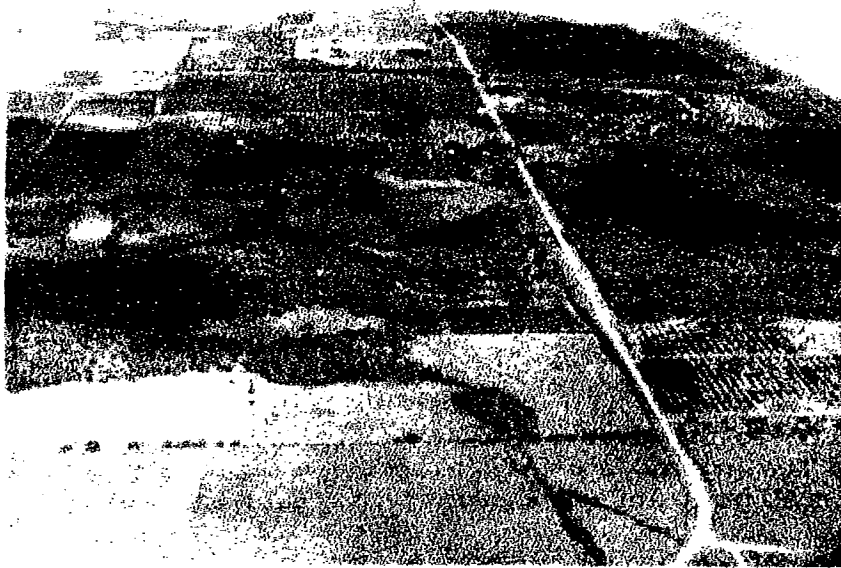


Completion of I-75 will likely spur increased residential and commercial development

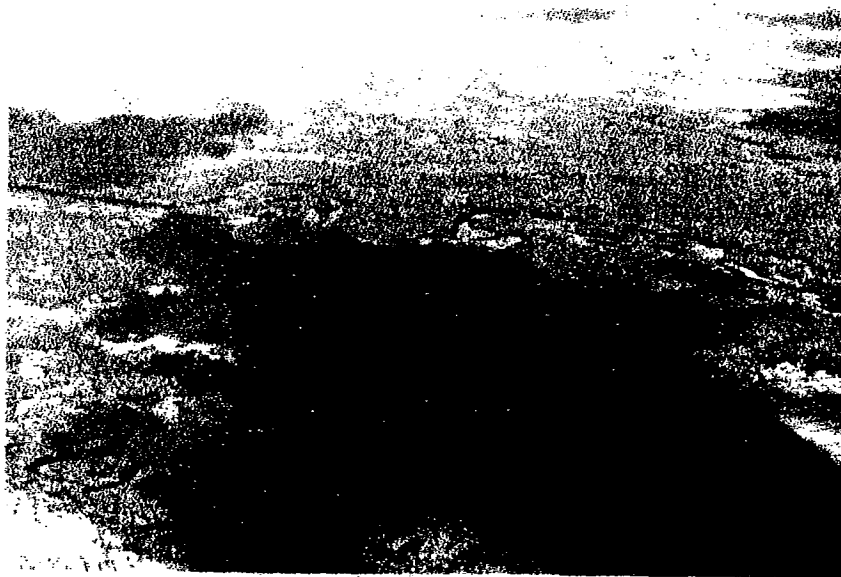


Much of the Lower basin area has been subdivided





The Primary Land Use in the Upper Watershed is Agriculture



Numerous Shallow Depressions and Wetland characterize the undeveloped McArthur Tract

Riverfront property from the Charlotte County line to El Jobean at State Route 771 is subdivided into lots averaging a quarter acre in size. Most are located on the numerous manmade canals which line this portion of the river. The majority of the lots remain undeveloped. Below State Route 771 land adjacent to the river is State owned.

Navigability and Riparian Rights

The distinction between a navigable body of water and a non-navigable one is a key issue in the law of water rights and riparian rights. Classification as a navigable water body indicates that the State of Florida holds ownership of the river bottom up to the ordinary high water line. If the river is not classified as navigable, the riparian owner holds title to the river bed to the center of the stream. Development of detailed meaning and application of the navigability question has been, for the most part, left to the courts operating on a case-by-case basis.

The test of navigability applied by Federal courts has undergone considerable change. Current opinions state that for some purposes, the federal tests look not only to whether the water body is navigable, in fact, in its natural state, but whether it can be made so by man-made improvements. The United States Supreme Court opinion in U.S. vs. Appalachian Electric Power Company 311 U.S. 377 (1940), indicated that suitability for commercial navigability can be proved by personal or private use of boats upon the water. Congress added an amendment to the Rivers and Harbors Act which stated, ". . .commerce shall include the use of waterways by seasonal passenger craft, yachts, houseboats, fishing boats, motor boats, and other similar craft, whether or not operated for hire."

Florida courts, in Baker vs. State ex rel. Jones, 87 So. 2d 497 (1956) and Lopez vs. Smith 145 So. 2d 509 (2d D.C.A. Florida 1962), have equated navigability with the possibility of use for purposes common to the public. The definition of navigability is also tied closely to the use of a water body or at least potential use for commerce at the period of statehood. There are four basic determinants of the commercial use of a waterbody.

1. The nature and character of water borne commerce during the statehood period.
2. The nature of the craft used for this purpose.
3. Size, depth, location and other physical characteristics of the water body.
4. Obstructions to navigation.

Florida courts have issued opinions indicating that current potential commercial use rather than commercial history is the test for navigability. Federal courts have traditionally granted State governments the authority to remove any obstructions to navigation.

Evidence indicating that the portion of the Myakka River in the study area is navigable includes:

1. The extent and manner of commercial use is not an issue. The river only need be capable of being used for commerce, no matter in what mode the commerce may be conducted. The Myakka River experiences a great deal of pleasure boating by tourists and local residents which courts have implied is a commercial activity or use of the water.
2. The region of Florida in which the Myakka River runs its course was dependent upon waterways for transportation before the advent of the railroads in 1880. In rivers which could not support large craft pirogues, cypress canoes, and cypress skiffs were in regular use by the military, Indians, and settlers. A reasonable conclusion may be drawn that canoes and shallow draught skiffs were a customary mode of trade and travel in the region and on the Myakka River during the statehood period.
3. The Myakka River is on the U.S. Army Corps of Engineers administrative list of navigable rivers.

Recreation Resources

Florida, perhaps more than any other State, is associated with tourism and recreation. The State is endowed with an excellent climate and an extensive coastline featuring some of the world's most scenic beaches. Tourism is Florida's largest industry with over 35 million tourists visiting the State in 1980 generating nearly \$17 billion in expenditures. Tourists generate 64 percent of the total demand for outdoor recreation activities. The resident population is also active in outdoor recreation.

The 28,875 acre Myakka River State Park is the largest park in the State of Florida park system. The primary focus of the park is the Myakka River and its adjacent prairie and marsh habitats. It is one of the most spectacular wildlife areas in the country and provides outstanding recreational opportunities in a wilderness setting. A 7500-acre wilderness preserve has been designated by the State within the park. The park also provided campgrounds, a backpacking trail, cabins, fishing, and boating. It is projected that the Myakka River State Park will meet the need for regional parks in the area well into the next century.

Wild and Scenic Rivers in Florida. As of 1982, there were no national wild and scenic rivers located in the State. One river, the Suwannee, was studied for inclusion into the National Wild and Scenic Rivers System. That study, completed by the Bureau of Outdoor Recreation in 1974, recommended the river be included in the system by State action under Section 2(a) of the Wild and Scenic Rivers Act. To date, there has been no formal State action by Florida or Georgia to designate the river as a national wild and scenic river. The Loxahatchee River, located in southeast Florida near Palm Beach is under study by the National Park Service as a possible national wild and scenic river.

Florida has enacted a Scenic and Wild Rivers Program, designed to serve outdoor recreation purposes through the preservation of exceptional river and stream corridors. To date, only a single river - the Wekiva, located near Orlando, has been granted wild river status under the State system. Currently three streams are being reviewed for inclusion in the State system: Blackwater River, Ichetucknee River, and Spruce Creek. None of these streams are located in the vicinity of the Myakka study area.

CHAPTER IV

ENVIRONMENTAL AND ECONOMIC CONSEQUENCES

The environmental and economic consequences are analyzed in relation to the three alternatives and their components. Current and reasonably foreseeable effects on the environment are included in the analysis.

A separate biological assessment as required by Section 7(c) of the Endangered Species Act of 1973, as amended in 1978, has been prepared in consultation with the U.S. Fish and Wildlife Service (See Appendix E).

A separate coastal zone management consistency determination has been made. The Florida Department of Environmental Regulation concurs that the three alternatives, as presented in this document, are consistent with the Florida Coastal Zone Management Plan (See Appendix F).

Alternative A - Proposed Action

This alternative proposes the designation of a 12-mile segment within Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System.

To gain designation as a State-administered river, the Governor must forward a letter to the Secretary of the Interior requesting that the river be added to the National System and documenting how the State will provide permanent protection for the river. This documentation provides that:

1. The values which cause the river to be qualified for the national System must be assured of permanent protection and management by or pursuant to State statute. As a means to this end, the State must adopt a program of action which will provide permanent protection for the natural and cultural qualities of the river and adjoining lands.
2. Protective devices for the river corridor may include, but shall not be limited to fee acquisition, scenic easements or other than fee acquisition, zoning, limitations on building permits and other regulations. The intent is to provide for regulation of the use of private lands immediately abutting or affecting the river so as to preclude changes in use which would substantially alter the character of the river corridor. The State must prohibit undue adverse impacts on the river resources by its own agencies and programs and through its permitting and licensing requirements. If local zoning will be a major tool, it must either be in place or expressions of local intent must be included in the application.

The following consequences are inherent in national wild and scenic river designation:

1. Section 7 of the Wild and Scenic Rivers Act imposes water resource development restrictions on stream segments included in the National Wild and Scenic Rivers System. It states that no federally assisted, licensed, or aided projects will be permitted on rivers in the National System which would "invade the area" or "unreasonably diminish" values which are present at the time of inclusion.
2. Added incentives are provided to improve water quality through cooperative efforts by the managing agency, the Secretary of the Interior, the State water pollution control agencies and the Environmental Protection Agency (Section 11(c) of Public Law 90-542).
3. National designation would help ensure that the river would be protected in perpetuity. The State of Florida would adopt a program of action to provide permanent protection for the natural and cultural qualities of the designated segment of the Myakka River. Protective measures may include fee acquisition, scenic easements, zoning, construction and setback lines or other similar land-use controls. Such mechanisms would not be necessary for the proposed 12-mile segment since it is already in public ownership.
4. A likely higher priority for financing from existing federal programs for compatible projects which improve the river and its watershed.

Land Use - The watershed area above the river segment proposed for designation is predominantly private agricultural land with large tracts devoted to cattle ranching. The farmers and ranchers presently use the river for irrigation and livestock watering purposes which the proposal will not affect. Also, sizeable tracts are owned and operated by phosphate mining companies. Designation of the 12-mile segment should have no effect on existing mining operations or water quality because, properly enforced, existing State and local regulations provide for protection of the river. The river corridor itself is primarily natural in character.

Although the Myakka River watershed area is rural at present, there is the potential for increased residential development. Sarasota has experienced the spread of low-density development throughout its urban areas, which leads to a rapid "leapfrog" encroachment of the urban setting into rural areas. The proliferation of 1- to 5-acre residential lots is responsible for the rapid depletion of rural land and the utilization of large tracts of these lands for residential development.

Alternative A (designation) could affect this land use trend by increasing commercial and residential development pressures on the remaining portions of the river; however, the extent of these pressures is difficult to assess. In effect, designation could act as a catalyst in much the same way that advertising acts as a catalyst in pointing out to users or would-be users the attractiveness of a product or resource.

The phosphate mining industry is regulated by State and local ordinance. Chapter 380, Florida Statutes, cited as "The Florida Environmental Land and Water Management Act of 1972" has the legislative intent to protect the natural resources and environment of the State. The intent of the Act is to insure a water management system that will reverse the deterioration of water quality and protect the health, welfare, safety and quality of life of State residents.

Ordinance Number 81-22 of Manatee County regulates mining and reclamation activities in that county. The ordinance provides for operating permits before mining activities can begin; provides criteria for mining activities; provides permitting procedures, reclamation requirements, enforcement procedures and many other regulatory provisions for the mining industry. The ordinance also establishes an environmental monitoring program. This program monitors surface water quality, surface water quantity, ground water quality, ground water quantity, rainfall, radiation in soils and water, and air quality.

State and local regulations such as the above place many restrictions on the phosphate mining industry. The designation of the Myakka as a wild and scenic river would not change those regulations nor materially affect their interpretation.

Fish and Wildlife - Designation of the 12-mile segment as wild and scenic river would not change fish and wildlife laws (Section 13(a) of the Wild and Scenic Rivers Act). To the extent that designation would prohibit water resource development projects, fish and wildlife resources would be protected.

Recreation Use - Increased recreational use could damage the fragile ecological values associated with the river and increase trespassing and poaching on private land. A key component of the proposed management strategy is the concentration of recreation use within existing recreation areas in the Myakka River State Park. Additional access for recreational use along private lands will not be provided and recreational use of private lands will be discouraged by river management agencies.

Since the Myakka is on the Corps of Engineers list of navigable rivers, it is included under Corps of Engineers permitting regulations. Permit applications for boat docks and other construction will, therefore, be more carefully reviewed if the Myakka is a wild and scenic river. The Myakka is not used for commercial transportation, therefore, use is for recreational purposes and construction relating to river access would be for recreation purposes. There would be no conflict within the section recommended for designation because the State park already has adequate river access. Should any future development be proposed within the river corridor of the park, consistency with wild and scenic river status would be required.

Power Generation - Designation of the Myakka as a component of the National Wild and Scenic Rivers System would preclude construction of the type of projects mentioned in Section 7(a) of the Wild and Scenic Rivers

Act. However, the topography of this area makes infeasible hydroelectric generating facilities. Therefore, this alternative would not affect energy production from water.

Section 7(a) prohibits the FERC from licensing a transmission line across a wild and scenic river. However, if the Secretary of the Interior determines that a proposed transmission facility would not adversely affect the values for which the river is designated, additional projects could be built. It is likely that additional facilities in the existing 160-foot right-of-way would be permitted.

In summary, the absence of federal lands in the river corridor would make only the provisions of Section 7(a) of the Wild and Scenic Rivers Act relevant in determining impacts of designation. Topography precludes any hydroelectric facility, and the existence of a State Park already precludes most federally permitted activities which would adversely affect natural values. No significant adverse effects can be expected if Alternative A is implemented.

Alternative B - Protection Without Designation

This alternative includes all 37 miles of river determined eligible for the Wild and Scenic Rivers System. The primary difference between Alternative A and Alternative B is that the protective restrictions included in Section 7(a) of the Wild and Scenic Rivers Act would not apply to the 12 miles of river in Alternative A. However, all State and Federal regulations would continue in effect for all 37 miles. Land purchase efforts could continue; however, the lack of national status may reduce the impetus for State and local governments to implement protective measures (legislation, zoning, acquisition, etc.).

Land Use - Local governments have several options to use in protecting the Myakka River. These include adherence to a comprehensive plan, ordinances, incentive taxation programs, transfer of development rights and acquisition.

Florida's 1975 Local Government Comprehensive Planning Act which mandates the preparation, adoption and implementation of a comprehensive plan by all units of local government, contains several sections which are pertinent to river preservation, future land use, conservation, recreation, current land use, and intergovernmental coordination elements.

Various local ordinances are another means of providing river corridor protection. A 1981 Florida Supreme Court finding upheld the right of the local government to regulate growth and protect water quality by blocking a massive development on southwest Florida wetlands. This decision may encourage local governments to take action for which they now have legally sanctioned authority. Zoning ordinances are the most prevalent means of controlling land use at the local level. Other regulatory means include flood control ordinances; subdivision regulations; building setbacks or scenic easements; watershed protection ordinances and mining ordinances. The latter measure would require cooperation of counties outside the immediate river corridor. Impact assessment procedures similar to the

State process which requires consideration of development impacts on an area, could be established by the counties. However, it should be noted that Sarasota County currently assesses development impacts through their specific habitat regulatory programs.

Transfers of Development Rights have been adopted in Sarasota County. This process permits the transferring of development rights from rural areas or those for which protection is desired to areas where higher densities are encouraged.

Direct acquisition by the local government or by the State Government is another option. The State under current laws buys its parks and preserves from willing sellers and under programs administered by the Division of State Lands. Another program is the "Save Our Rivers" law which sets up a trust for protecting river systems. This money is divided between the five State water management districts which have condemnation powers.

In addition to the existing protective measures described under Land Use for Alternative A, the Myakka could be designated as a Florida Wild and Scenic River within the State System. Regardless of the designation status it seems evident that the portion of the Myakka within Myakka River State Park will continue to be protected from all presently foreseen threats.

Fish and Wildlife - There would be very little difference in the impact on fish and wildlife habitat between Alternatives A and B for the river corridor segment within Myakka River State Park. The primary impact on wildlife habitat would be the effect designation could have on providing the impetus for additional land purchases by the public sector.

Existing laws such as those mentioned under Land Use would give some protection to fish and wildlife habitat for the present time. However, in future years designation of the river would bring increased attention to environmental problems.

Recreation Use - In the absence of a management plan, as required for a State-administered addition to the System, a river management plan would not be developed. There would probably be less use without designation, although this cannot be quantified. Existing regulations do not prohibit additional boat docks along the river. Therefore, there would be little justification for denying river access applications. Any increase in boat docks could adversely affect the scenic qualities of the river and the river corridor.

Power Generation - The protection that Section 7(a) of the Wild and Scenic Rivers Act affords to designated rivers is a formidable force for preservation that would be more effective than other existing or proposed future regulations. However, as mentioned under Alternative A, the area is so flat that a power generation dam is not feasible.

In summary, only the protections afforded by Section 7(a) of the Wild and Scenic Rivers Act would be foregone for this alternative. Given topographic considerations and protections already provided for resources in the Myakka River State Park, there are no significant differences in impacts between Alternatives A and B.

Alternative C - No Action/Existing Trends

This alternative characterizes the future conditions expected to occur in the study area without a formal management plan or designation as a wild and scenic river. The existing trend plan assumes that growth and development in the river basin study area will occur as projected in existing local and regional plans.

Land Use - Existing land use is explained in Chapter 3. As population densities increase and as the demand for goods and services increase, all areas of fast growth, such as the Myakka River watershed, will experience increased pressure for both development and for preservation of areas within the watershed and for the river itself.

Sarasota County's Comprehensive Plan, published in 1980, identifies a need to acquire river access sites for canoe trails so as to increase the recreation potential of the county's natural waterways, although the Myakka is not specifically mentioned. The plan also identifies a need to strive to conserve large tracts of undeveloped lands, such as the McArthur Tract on the Myakka River, for their environmental, recreational, and open space values.

Sarasota County's Comprehensive Plan also identifies the Myakka as a potential water supply source. The county's plan recognizes the unique riverine habitat the Myakka provides as the only river flowing through the county. Also recognized is the fact that the Myakka is the second largest individual supplier of freshwater to the Charlotte Harbor estuary. Although the County of Sarasota may purchase the McArthur Tract for conservation purposes in the future, they are in addition considering use of the tract for potential potable water supply. They are in initial thinking stages of what alternatives could be developed. However, structural development would be unlikely and may not be cost effective given corridor topography. Given the lack of plans we can not determine if a structure designed to divert water would preclude river values.

The protection afforded by the permitting and review requirements of Section 7(a) of the Wild and Scenic Rivers Act would not be available under this alternative.

Fish and Wildlife - Existing fish and wildlife conditions and threatened and endangered species are discussed in Chapter 3. Development pressures within this fast-growing area will certainly displace some wildlife habitat during the coming years. Residential development along the Myakka has already filled in some of the wetland habitat, as development has been allowed to proceed right up to the banks of the river.

Recreation Use - As stated under Alternative B it is expected that recreation use would be slightly less if the Myakka is not designated.

Power Generation - The same conditions and analysis as stated for Alternative B are applicable here.

In summary, the Myakka River would not be included in the National Wild and Scenic Rivers System but would continue to receive protection from local, State and Federal Government agencies. Increased uncontrolled recreational use and development outside the park may result in destruction of valuable natural resources. A no action alternative to the proposal may result in a laxness by State and local government officials to protect river values using existing regulations.

CHAPTER V

LIST OF PREPARERS

Sharon C. Keene, Chief, Rivers and Trails Division, National Park Service, Southeast Regional Office, responsible for overall program management.

Fred van Vonno, Outdoor Recreation Planner, National Park Service, Southeast Regional Office, study team leader 1981-1983.

Charles M. Schuler, Outdoor Recreation Planner, National Park Service, Southeast Regional Office, study team leader 1983.

Gene A. Tingle, Park Planner, National Park Service, Southeast Regional Office, study team leader 1980-1981.

Andrea R. Clute, Student Intern, National Park Service, Southeast Regional Office, research assistance.

CHAPTER VI

LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM
COPIES OF THE ASSESSMENT WERE SENT

A. Coordination in the Review of the Draft Environmental Assessment

Copies of the draft environmental assessment were sent to the following agencies, organizations, and persons for their review and comment.

Federal Agencies

Department of Energy
Department of Agriculture
Department of Defense
Environmental Protection Agency
Department of Transportation
Bureau of Reclamation
Department of the Interior
Department of Commerce
Department of Housing and Urban Development

State of Florida

Office of the Governor
Southwest Florida Water Management District
Department of Environmental Regulation
Game and Fresh Water Fish Commission
Department of Natural Resources
Department of Transportation
Office of the Attorney General
Department of Community Affairs
Division of Forestry
Division of Archives, History and Records Management

Local/Regional

Sarasota County
Manatee County
Charlotte County
Southwest Florida Regional Planning Council
Tampa Bay Regional Planning Council

Special Interest Groups and Individuals

Adjacent Landowners
Audubon Society, Inc.
Florida Wildlife Federation
Florida Defenders of the Environment
The Trust for Public Land
Florida Nature Conservancy
Sierra Club

B. Consultation and Coordination in the Development of the Proposal and in Preparation of the Environmental Assessment

The chronology of major actions is as follows:

- November 10, 1978 The Myakka River was authorized for study by the Congress to determine its potential for inclusion in the National Wild and Scenic Rivers System.
- January 18, 1979 The National Park Service held a public meeting in Sarasota, Florida, to explain what the Myakka River study would entail.
- October 26, 1979 A National Park Service press release announced the formal initiation of the study.
- April 9-10, 1980 The National Park Service held a public meeting in Sarasota, Florida, and in Punta Gorda, Florida. These meetings provided valuable information concerning the range of options concerning the Myakka.
- September 13, 1980 The National Park Service hosted a public planning workshop in Punta Gorda in cooperation with the Charlotte County/Punta Gorda Planning Commission. Approximately 50 people attended including local elected officials, representatives of various government agencies, landowners, environmental interests and other interested citizens.
- September 20, 1980 The National Park Service hosted a public planning workshop in Sarasota with the cooperation of the Sarasota County Planning Department. Over 100 people attended the workshop.

APPENDIX A

Myakka River Study Update

September, 1981

United States Department of the Interior / National Park Service



Introduction

This update provides a summary of the study team's preliminary findings and a brief description of the alternative plans being considered for the Myakka River Study Report. In the last study update (December 1980), we indicated that the next time you would be hearing from us would be on completion of the draft study report. However, considering the diverse public input received since the last update, we have decided to issue our preliminary findings before publishing them in the formal study report. Please review the preliminary alternatives and indicate which alternative plan(s) you support, and indicate any modifications you feel necessary. Your reasons for preferring one alternative over another would also be helpful in determining the attributes and deficiencies of each of the alternatives. Your comments, together with an evaluation of the river's resources, will provide the basis for selecting the alternative to be recommended to Congress.

Extension of the Study Area

In evaluating the Myakka's eligibility for the National Wild and Scenic Rivers System, the authorized study area was extended to include the Myakka River State Park and river area up to the county route 780 river crossing (see Classification Map).

Joint Department of Agriculture and Department of Interior guidelines for conducting wild and scenic river studies provide that ". . . adjacent river areas not included in the congressional mandate may be studied if their inclusion could facilitate management of the resources of the river and adjacent land areas." The guidelines also state that ". . . management of the river area may be facilitated by extension to include established or available access points not included in the mandated study segment."

The study team's rationale for extending the study area is as follows:

1. The Myakka River State Park which encompasses approximately 10 miles of the Myakka River, immediately adjoins the authorized study area, is in public rather than private ownership, is presently managed in a protective status, and is perhaps the most outstanding natural resource area within the Myakka River system;

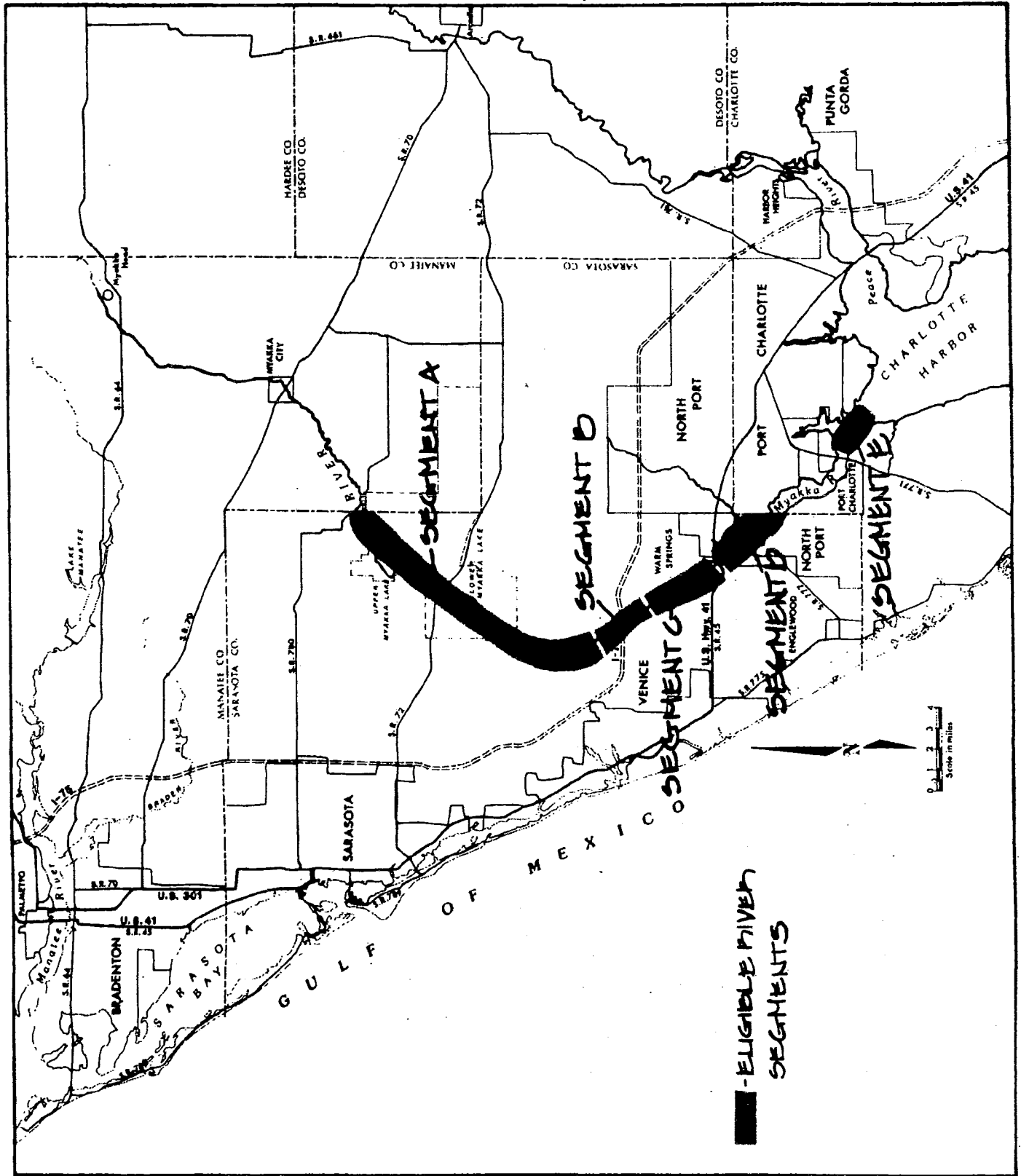
2. The river area immediately above the State park up to the county route 780 crossing also exhibits many of the scenic, wildlife, and recreation qualities of the State park. The route 780 crossing, in addition to providing a readily distinguishable boundary, provides a control point for potential access that could facilitate both resource management and public use.

Preliminary Findings - Eligibility

This section describes, in general terms, the study team's findings regarding the Myakka's eligibility for the National Wild and Scenic Rivers System. The decision whether to recommend to Congress that the Myakka be added to the system has not yet been made, therefore, discussion at this time is limited to eligibility. When a recommendation is made, it will be based on the feasibility of adding the Myakka to the System. The question is, can a suitable protective and management strategy be implemented for the Myakka that is in keeping with the provisions of the Wild and Scenic Rivers Act? Your comments regarding the alternative concept plans will help in making that determination.

1. The following segments of the Myakka River study area meet the eligibility criteria described in the Wild and Scenic Rivers Act and therefore, qualify for inclusion in the National Wild and Scenic Rivers System:
 - a. The river segment from county route 780 south to the Sarasota/Charlotte County line (approximately 34 river miles).
 - b. The river segment beginning approximately 1/2 mile south of county route 771 (EL Jobean area) to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).
2. The eligible river segments possess outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values. In addition, a preliminary evaluation of the cultural resources of the river area by the State Historic Preservation Officer of Florida indicates that "the potential for archeological and historic sites along the river is quite high" and that the more significant sites would be expected to be found "along the edges of the floodplains and sites within and near the bank areas."
3. The segment from the Sarasota/Charlotte County line to the El Jobean area possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration within this river segment is judged to be inconsistent with the criteria for Wild and Scenic River designation.
4. Although the area of consideration for inclusion in the national system is limited to the river south of Route 780, research indicates that upstream segments are integral components of the overall river system.

CLASSIFICATION OF ELIGIBLE RIVER SEGMENTS



The upper watershed, particularly Flatford Swamp and Tatum Sawgrass Marsh contribute to the overall water quality, flood moderation, and viability of fish and wildlife resources throughout the Myakka River and Charlotte Harbor estuary.

Preliminary Findings - Classification

The Wild and Scenic Rivers Act requires the study team to classify all eligible river segments. Classification is the method of describing the physical character of the river area as it exists at the time of river study. Those areas, essentially natural in character, are classified (labeled) wild; those areas somewhat less natural are classified scenic, and those segments that are still predominately natural yet contain some development are classified recreational. It is important to note that classification is a means of describing the existing character of the river area and is not used to indicate future use of the river. For example, recreational classification does not necessarily imply increased recreational use.

Based on physiographic and man-made characteristics, the eligible segments of the Myakka are classified as follows:

Segment A: From the Route-780 crossing south to a point where riverfront residential development begins (approximately 18.5 river miles). This segment is largely natural in character with little evidence of man's activity. - - - - - SCENIC

Segment B: From the initial point of residential development south to the vicinity of Snook Haven Fish Camp (approximately 5 river miles). This area is predominantly natural in character yet exhibits some concentrated areas of residential development and highway crossings. - - - - - RECREATIONAL

Segment C: From Snook Haven Fish Camp south to a point just upriver of the U.S. 41 highway crossing (approximately 6 river miles). This area is largely natural with little evidence of man's activity. - - - - - -SCENIC

Segment D: From a point just above the U.S. 41 highway crossing downriver to the Sarasota/Charlotte County line (approximately 4.5 river miles). Although some concentrated areas of development occur near the U.S. 41 crossing, this segment is predominantly natural exhibiting wide expanses of productive salt marsh and mangrove habitat. - - - - - -RECREATIONAL

Segment E: From a point approximately 1/2 mile south of SR 771 at El Jobean to the river's mouth in the vicinity of Hog Island (approximately 3 river miles). This area is predominantly natural in character with limited areas of commercial (marina) development. - - - - - -SCENIC

Alternative Courses of Action

The alternative concept plans described in this update are based on a framework of legislative mandates, resource factors, and public concern. The alternatives offer optional strategies for the future of the Myakka River area. The alternatives present a range of protective measures, consider both designation and non-designation, and provide for administrative responsibility ranging from substantial federal involvement to alternatives that would essentially allow existing trends and conditions to continue.

Alternative One - Continuation of Existing Trends and Conditions (No Action)

In this alternative, existing trends in land use and development would continue. The Myakka would not be added to either the National Wild and Scenic Rivers System or the State Scenic and Wild River System. No action, occurring as a result of this study effort, would be initiated by Federal or State government to protect the Myakka. Protection, beyond existing statutes and ordinances, would require local initiative to institute river and land-use controls designed to preserve the river's resources.

A coalition of riverfront landowners and other concerned individuals could be formed on a voluntary basis for the purpose of encouraging local and, where appropriate, the State and Federal Governments to initiate and adequately enforce protective measures for the river.

Alternative Two - Establish a Myakka River Commission

This alternative proposes establishing a Myakka River Commission to coordinate efforts for conserving the Myakka River area. The commission would represent the tri-county area of Manatee, Sarasota, and Charlotte Counties and would be composed of landowners, conservationists, business interests, as well as appropriate representatives of local government. Technical assistance and consultation could be provided through appropriate regional, State, and federal agencies.

The commission would have two primary responsibilities:

1. To develop land use and river controls to be adopted by the appropriate local and State government for the purpose of protecting the river area from detrimental land and water uses.
2. To serve as a permanent organization having review authority of permit applications, variances, exceptions, etc., affecting the Myakka River area. The commission would develop review criteria and guidelines to ensure that its review procedures are objective, consistent, and uniformly applied.

When considering methods for creating such a commission, several options appear feasible:

1. Special Legislative Act - the State of Florida could, through special legislation, create a Myakka River Commission;

SUMMARY OF ALTERNATIVES

	ALTERNATIVES				
	1	2	3	4	5
Designation					
National	No	Optional	Not initially—could later be designated thru 2(a)(ii) process	Yes	Yes
State	No	Optional	Yes	No	No
Management					
Federal	No	No	Only if added to National System thru 2(a)(ii) process	No	Yes
State	No	No	Yes	Yes	No ^{1/}
Other	No specific river management program proposed	River Commission ^{2/}	—	—	—
Geographic Area	N/A	Determined by Commission—should include river thru tri-county area	Determined by Florida DNR	Option 1: All eligible segments Option 2: Route 780 south to US 41	Option 1: All eligible segments Option 2: Route 780 south to US 41

^{1/} Shared management with State thru Cooperative Agreement.

^{2/} If added to State or National River System, shared management with State would be necessary.



2. Existing State legislation authorizing "Resource Planning and Management Committees" could be used to create a Myakka River Commission. This method could also involve resource protection resulting from "Area of Critical State Concern" designation.

3. Joint effort by the Boards of County Commissioners for the tri-county area--recognizing the need for a regional approach to planning for the Myakka, the Boards of County Commissioners for Manatee, Sarasota, and Charlotte Counties could mutually agree to create and make appointments to the Myakka River Commission. The Commission would be established through cooperation with riverfront landowners, interest groups, as well as, appropriate State and federal regulatory officials.

4. Council of Governments - in this option, the Myakka River Commission could be structured as described in Option Three. However, the commission would be sanctioned by State government through existing legislation that authorizes the coalition of local governments to establish a "Council of Governments."

5. Authority of Manasota Basin Board - the Southwest Florida Water Management District through its political subdivision, the Manasota Basin Board, could request that a committee be formed to plan and monitor protective efforts for the Myakka River.

Whichever organizational format is selected, it is important that the River Commission coordinate its activities with those of the Southwest Florida Regional Planning Council, the Tampa Bay Regional Planning Council and the Southwest Florida Water Management District to ensure a uniform planning approach to the river area.

In this alternative, the option exists for including the Myakka in the National System. If it can be demonstrated that establishing a Commission would ensure future protection of the Myakka in a manner consistent with the provisions of the Wild and Scenic Rivers Act, the Myakka could be added to the National System. If this were to occur, the Commission rather than Federal or State Government would have primary management responsibility for the river. It would be necessary for the commission to enter into cooperative agreement with the Florida Department of Natural Resources regarding management of river segments in Myakka River State Park. Federal Government involvement would be limited to the review of proposed water resource projects as described through Section 7 of the Wild and Scenic Rivers Act.

Although management of a nationally designated river by a local or regional commission is a departure from traditional practice, this concept is receiving increased attention as a means of providing national river protection through local rather than federal control.

Alternative Three - State Action to Include the Myakka River in the Florida Scenic and Wild River System

In this alternative, the Myakka would be included in the Florida Scenic and Wild River System rather than the National Wild and Scenic Rivers System.

The State, in cooperation with local government, would determine the protective techniques necessary for the river corridor.

Administration and management of the river would be the responsibility of State government. There would be no federal involvement in either administration or management of the river. The State, through cooperative agreement, could share its management role with local government. Cooperative management would be advisable in protecting river areas lying outside the Myakka River State Park. The geographic area to be included in the State System would be determined by the Florida Department of Natural Resources.

If after inclusion in the State System, the State wishes to gain additional protection through national designation, the Governor of Florida may apply for national designation according to the provisions of Section 2(a)(ii) of the Wild and Scenic River Act. Section 2(a)(ii) provides that upon application by the Governor, the Secretary of Interior can designate a river as part of the National System provided the river has already been included in the State River System by an act of State legislature. The river must also meet the eligibility requirements for the National System, and a program of action must be prepared indicating that the river, now and in the future, will be administered by the State in a manner that ensures the protection of the values that qualify the river for the National System.

Alternative Four - Include the Myakka in the National Wild and Scenic River System and provide Protection through State Acquired Interest in Riparian Land

This alternative would designate the Myakka as a national wild and scenic river and would preserve the river corridor by establishing a "buffer zone" along the river in which building, vegetation removal, and site alteration would be prohibited. To establish the buffer, the State of Florida would negotiate for easement acquisition (purchase or transfer of development rights), donation, or similar methods appropriate to the given landownership situation. The buffer width would be the minimal distance necessary to protect the visual corridor as seen from the river, as well as, protecting the natural features of the shoreline. Where necessary, a selected site(s) would be acquired as a day use canoe rest area. The MacArthur Tract, immediately south of the Myakka River State Park, could provide the limited space necessary for such a site. No interference with Sarasota County's plans for potable water withdrawal from the MacArthur Tract would occur.

The intent of this alternative is to provide for the continuation of existing agricultural and similarly compatible uses of riparian land while acquiring the minimal interest necessary to ensure the future preservation of the Myakka River corridor. No restrictions of the existing rights of riverfront landowners to control access, trespass, etc., would occur.

Interpretive programs regarding the river area would be conducted at the Myakka River State Park. These programs would describe the ecological significance of the Myakka and the background and purpose of the Wild and Scenic Rivers System. These programs would also emphasize the responsibility of river users to adhere to regulations protecting the river's resources and the rights of those owning land along its banks.

The Florida Department of Natural Resources would have primary administrative and management responsibility for the eligible portions of the Myakka. The river area through Myakka River State Park will continue to be administered and managed by the Florida Division of Recreation and Parks. On request, the Department of Interior could provide technical assistance to the Florida Department of Natural Resources in preparation of the management plan for the Myakka River.

At the time of designation, an advisory committee should be established to provide input into management policies and procedures for the Myakka. The committee would advise Florida State Parks in preparing the Myakka River Management Plan, as well as, providing periodic review and recommendation regarding changes in management practices or river and land use that may adversely affect the river's resources.

Alternative Five - Include the Myakka in the National Wild and Scenic Rivers System and Provide Protection Through Federal Acquired Interest in Riparian Land

This alternative would include the Myakka in the National Wild and Scenic Rivers System and would place primary responsibility for land protective measures and administration with federal rather than State government. As described in Alternative Four, this alternative would also establish a protective buffer zone along the shoreline and where necessary, acquire a day use rest stop for canoeists.

The National Park Service would have primary administrative and management responsibility for the eligible portions of the Myakka River. The river area through Myakka State Park would be administered and managed through cooperative agreement between Federal and State Government with primary management responsibility resting with Florida's Division of Recreation and Parks. Interpretive programs as described in Alternative Four would also occur under this plan.

It is the intent of this alternative to also allow the continuation of existing compatible land use as described in Alternative Four. As with other alternatives, emphasis is placed on resource protection rather than increased recreational use.

Two options appear feasible in determining the geographic area of designation:

Option One - All eligible portions of the study area (SR 780 down river to the Sarasota/Charlotte County line plus the river segment beginning approximately 1/2 mile south of SR 771 down river to the river's mouth in the vicinity of Hog Island - approximately 37 river miles).

Option Two - Continuous river segment beginning at SR 780 down river to the US 41 bridge crossing at Playmore - approximately 34 river miles. The option of excluding the river segments below US 41 (Option Two) is being considered due to increased density in land use and ownership resulting in increased per unit and total acquisition costs as well as probable increases in management complexity and access control. Also, the overall character of the shoreline below US 41, although qualified, is less in keeping with the

naturalness criteria established for the national wild and scenic river system.

Management Recommendations

The Myakka River Landowners Advisory Committee and the Myakka River Coalition as well as other organizations and individuals have provided the study team with numerous recommendations regarding protection of the river area. Although many of the comments focus on broad administrative and management options, most comments recommend the adoption of specific management and law enforcement practices along the river. Comments regarding river designation and administrative options have been used to develop the alternative concept plans presented in this update. The specific management and enforcement comments will be used to prepare the "Management Recommendations" section of the draft study report. The draft report is scheduled for completion later this fall.

Where Do We Go From Here?

After receiving your comments, necessary changes to the alternative concept plans will be made. At that time, a preferred alternative to recommend to the Congress will be selected. The recommendation could be one of the alternatives described in this update, or a possible modification or combination thereof. Conceivably, if comments to this update produce a strategy not yet considered, this too could form the basis of our recommendation.

Following selection of a preferred alternative, the study team will complete the combined draft study report/environmental impact statement (EIS). The draft report will include our findings and recommendation to the Congress, a more detailed description of the alternative concept plans and their impacts as well as a required description of the study area. The draft report will undergo formal public and intergovernmental review. Because of decreasing funds, we can print and distribute only a limited number of copies of the completed draft report. However, we will mail a summary of that report to everyone on our mailing list. A limited number of copies of the draft report will be available at locations throughout the study area as well as upon request to our Atlanta office.

Feedback To National Park Service

The cooperation and assistance received thus far from interested citizens, private corporations, special interest groups and government representatives has been invaluable to the Myakka River planning effort. We are particularly grateful for the assistance of the Myakka River Coalition and the recently formed Myakka River Landowners Advisory Committee. We hope that the relationship with these individuals and organizations continues and that anyone having questions or comments will feel free to contact us at anytime during the course of our study.

It is necessary that we receive your comments by October 16, 1981. If convenient, please use the postage paid mail-back sheet for your response. Additional sheets can be attached to the mail-back sheet if needed. All comments and points of view will be considered carefully in preparing our draft report.

Feedback to NPS

Dear NPS:

Re: The Myakka River Study

Please fold, staple, and mail back to NPS. Postage paid.

DE UNITED STATES
PARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
SOUTHEAST REGION
75 SPRING STREET, S.W.
ATLANTA, GEORGIA 30303

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

National Park Service
Resource Area Studies
75 Spring Street, S.W.
Suite 1046
Atlanta, Georgia 30303
Attention: Gene Tingle

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF THE INTERIOR
MT-417



(FOLD HERE)



APPENDIX B

Public Law 90-542
(16 U.S.C. 1271 et seq.)
WILD AND SCENIC RIVERS ACT
as amended
through P.L. 96-580, December 23, 1980

AN ACT

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line. Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated

under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas--Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas--Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas--Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.--The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.--The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.--The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.--The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON.--The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.--The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: Provided, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act. A one-thousand-three-hundred-and eighty-acre portion of the area commonly known as the Velie Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled "Boundary Map/Velie Estate--Saint Croix National Scenic Riverway", dated September 1980, and numbered 630-90,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.--From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.--From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.--The segment between the dam near Taylors Falls and its confluence with the Mississippi River: Provided, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of

an application for such designation made by the Governors of the States of Minnesota and Wisconsin.

(NOTE: The indented portion that follows was included in the Legislation adding the Lower Saint Croix River to the System (P.L. 92-560), but not as an amendment to P.L. 90-542.)

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: Provided, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have

initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than \$2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA.--The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled "Proposed Wild and Scenic Chattooga River and Corridor Boundary", dated August 1973; to be administered by the Secretary of Agriculture: Provided, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (10): Provided further, That for the purposes of this river, there are authorized to be appropriated not more than \$5,200,000 for the acquisition of lands and interests in lands and not more than \$809,000 for development.

(11) RAPID RIVER, IDAHO.--The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

(12) SNAKE, IDAHO AND OREGON.--The segment from Hell's Canyon Dam downstream to Pittsburgh Landing, as a wild river; and the segment from Pittsburgh Landing downstream to an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, as a scenic river.

(13) FLATHEAD, MONTANA.--The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence to the South Fork; and the South Fork from its origin to the Hungry Horse Reservoir, as generally depicted on the map entitled "Proposed Flathead Wild and Scenic River Boundary Location" dated February 1976; to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) of this section shall be taken within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than \$6,719,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(14) MISSOURI, MONTANA.--The segment from Fort Benton one hundred and forty-nine miles downstream to Robinson Bridge, as generally depicted on the boundary map entitled "Missouri Breaks Freeflowing River Proposal", dated October 1975, to be administered by the Secretary of the Interior. For the

purposes of this river, there are authorized to be appropriated not more than \$1,800,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(NOTE: The indented portion that follows was included in the legislation adding the Missouri River to the System (P.L. 94-486), but not as an amendment to P.L. 90-542.)

SEC. 202. After consultation with the State and local governments and the interested public, the Secretary shall, pursuant to section 3(b) of the Wild and Scenic Rivers Act and within one year of enactment of this Act--

(1) establish detailed boundaries of the river segment designated as a component of the National Wild and Scenic Rivers System pursuant to section 1 of this Act (hereinafter referred to as the "river area"): Provided, That the boundaries of the portion of the river area from Fort Benton to Coal Banks Landing and the portion of the river area within the boundaries of the Charles M. Russell National Wildlife Range shall be drawn to include only the river and its bed and exclude all adjacent land except significant historic sites and such campsites and access points as are deemed necessary by the Secretary, and to which the Secretary finds no reasonable alternative, as set forth in the management plan required pursuant to clause (2) of this section; and

(2) determine, in accordance with the guidelines in section 2(b) of the Wild and Scenic Rivers Act, which of the three classes--wild river, scenic river, or recreation river--best fit portions of the river segment, designate such portions in such classes, and prepare a management plan for the river area in accordance with such designation.

SEC. 203. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall manage the river area pursuant to the provisions of this Act and the Wild and Scenic Rivers Act, and in accordance with the provisions of the Taylor Grazing Act (48 Stat. 1269), as amended (43 U.S.C. 315), under principles of multiple use and sustained yield, and with any other authorities available to him for the management and conservation of natural resources and the protection and enhancement of the environment, where such Act, principles, and authorities are consistent with the purposes and provisions of this Act and the Wild and Scenic Rivers Act.

(b)(1) The Secretary may acquire land and interests in land only in accordance with the provisions of this Act and the Wild and Scenic Rivers Act and the limitations contained in section 6 of that Act and only: (A) at Fort Benton for the visitor facility as provided in subsection (g)(2) of this section; (B) at the site of Fort McKenzie; (C) in that portion of the river area downstream

from Fort Benton to Coal Banks Landing for historic sites, campsites, and access points in accordance with section 202(1) of this Act; and (D) in that portion of the river area downstream from Coal Banks Landing so as to provide, wherever practicable and necessary for the purposes of this Act and the Wild and Scenic Rivers Act, rim-to-rim protection for such portion.

(2) In accordance with section 6(b) of the Wild and Scenic Rivers Act, the Secretary shall not acquire fee title to any lands by condemnation under the authority of that Act or this Act, except that the Secretary may use condemnation when necessary and within the limitations on acquisition set forth in clause (1) of this subsection to clear title, acquire scenic easements, or acquire such other easements as are reasonably necessary to give the public access to the river segment within the river area and to permit its members to traverse the length of said river area or of selected portions thereof.

(3) The Secretary shall, to the extent feasible, give priority in expenditure of funds pursuant to this Act for the acquisition and development of campsites and historic sites, including the site of the visitor center at Fort Benton and the site of Fort McKenzie.

(c) Consistent with the provisions of this Act and the Wild and Scenic Rivers Act, the Secretary may issue easements, licenses, or permits for rights-of-way through, over, or under the lands in Federal ownership within the river area, or for the use of such lands on such terms and conditions as are in accordance with the provisions of this Act, the Wild and Scenic Rivers Act, and other applicable law.

(d) The Secretary is authorized to permit the construction of a bridge across the river in the general vicinity of the community of Winifred, Montana, in order to accommodate the flow of north-south traffic. Such construction shall be in accordance with a plan which is mutually acceptable to the Secretary and State and local highway officials, and which is consistent with the purposes of this Act and the Wild and Scenic Rivers Act.

(e) To the extent and in a manner consistent with the purposes of the Wild and Scenic Rivers Act the Secretary shall permit such pumping facilities and associated pipelines as may be necessary to assure the continuation of an adequate supply of water from the Missouri River to the owners of lands adjacent to the river and for future agricultural use outside the river corridor. The Secretary is authorized to permit such pumping facilities and associated pipelines for use for fish, wildlife, and recreational uses outside the river corridor.

(f) The Secretary shall permit hunting and fishing in the river area in accordance with applicable Federal and State laws, except that he may designate zones where, and periods when, no

hunting or fishing shall be permitted for reasons of public safety or administration.

(g)(1) The Secretary, acting through the Bureau of Land Management, shall exercise management responsibilities in the river area for:

- (A) the grazing of livestock;
- (B) the application of the United States mining and mineral leasing laws;
- (C) the management of fish and wildlife habitat;
- (D) the diversion and use of water for agricultural and domestic purposes;
- (E) the acquisition of lands and interests therein;
- (F) the administration of public recreational uses of, and any historic sites and campsites in, the river area; and
- (G) all other management responsibilities except those set forth in paragraph (2) of this subsection.

(2) The Secretary, acting through the National Park Service, shall be responsible for the construction, operation, and management of any visitor facility in or near Fort Benton which is found necessary in accordance with the management plan developed pursuant to section 202 and the provision, at such facility, of interpretive services for the historic, archeological, scenic, natural, and fish and wildlife resources of the area.

(15) OBED, TENNESSEE.--The segment from the western edge of the Catoosa Wildlife Management Area to the confluence with the Emory River; Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River; and the Emory River from the confluence with the Obed River to the Nemo bridge as generally depicted and classified on the stream classification map dated December 1973. The Secretary of the Interior shall take such action, with the participation of the State of Tennessee as is provided for under subsection (b) within one year following the date of enactment of this paragraph. The development plan required by such subsection (b) shall include cooperative agreements between the State of Tennessee acting through the Wildlife Resources Agency and the Secretary of the Interior. Lands within the Wild and Scenic River boundaries that are currently part of the Catoosa Wildlife Management Area shall continue to be owned and managed by the Tennessee Wildlife Resources Agency in such a way as to protect the wildlife resources and primitive character of the area, and without further development of roads, campsites, or associated recreational facilities unless deemed necessary by that agency for wildlife management practices. The Obed Wild and Scenic River shall be managed

by the Secretary of the Interior. For the purposes of carrying out the provisions of this Act with respect to this river, there are authorized to be appropriated such sums as may be necessary, but not to exceed \$2,000,000 for the acquisition of lands or interests in lands and not to exceed \$400,000 for development. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(16) PERE MARQUETTE, MICHIGAN.--The segment downstream from the junction of the Middle and Little South Branches to its junction with United States Highway 31 as generally depicted on the boundary map entitled "Proposed Boundary Location, Pere Marquette Wild and Scenic River,"; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is provided for under subsection (b) with respect to the segment referred to in this paragraph within one year from the date of enactment of this paragraph. Any development or management plan prepared pursuant to subsection (b) shall include (a) provisions for the dissemination of information to river users and (b) such regulations relating to the recreational and other uses of the river as may be necessary in order to protect the area comprising such river (including lands contiguous or adjacent thereto) from damage or destruction by reason of overuse and to protect its scenic, historic, esthetic and scientific values. Such regulations shall further contain procedures and means which shall be utilized in the enforcement of such development and management plan. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$8,125,000 for the acquisition of lands or interests in lands and \$402,000 for development.

(17) RIO GRANDE, TEXAS.--The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior. The Secretary shall, within two years after the date of enactment of this paragraph, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by such subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) shall be construed to be a general management plan only for the United States side of the river and such plan shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile. Nothing in this Act shall be construed to be in conflict with--

(A) The commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

(B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not more than \$1,650,000 for the acquisition of lands and interests in lands and not more than \$1,800,000 for development.

(18) SKAGIT, WASHINGTON.--The segment from the pipeline crossing at Sedro-Woolley upstream to and including the mouth of Bacon Creek; the Cascade River from its mouth to the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the boundary of the Glacier Peak Wilderness Area at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the boundary of the Glacier Peak Wilderness Area; as generally depicted on the boundary map entitled "Skagit River--River Area Boundary"; all segments to be administered by the Secretary of Agriculture. Riprapping related to natural channels with natural rock along the shorelines of the Skagit segment to preserve and protect agricultural land shall not be considered inconsistent with the values for which such segment is designated. After consultation with affected Federal agencies, State and local government and the interested public, the Secretary shall take such action as is provided for under subsection (b) with respect to the segments referred to in this paragraph within one year from the date of enactment of this paragraph; as part of such action, the Secretary of Agriculture shall investigate that portion of the North Fork of the Cascade River from its confluence with the South Fork to the boundary of the North Cascades National Park and if such portion is found to qualify for inclusion, it shall be treated as a component of the Wild and Scenic Rivers System designated under this section upon publication by the Secretary of notification to that effect in the Federal Register. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated not more than \$11,734,000 for the acquisition of lands or interest in lands and not more than \$332,000 for development.

(19) UPPER DELAWARE RIVER, NEW YORK AND PENNSYLVANIA.--The segment of the Upper Delaware River from the confluence of the East and West branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York, as depicted on the boundary map entitled "The Upper Delaware Scenic and Recreational River", dated April 1978; to be administered by the Secretary of the Interior. Subsection (b) of this section shall not apply, and the boundaries and classifications of the river shall be as specified on the map referred to in the preceding sentence, except to the extent that such boundaries or classifications are modified pursuant to section 704(c) of the National Parks and Recreation Act of 1978. Such boundaries and classifications shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated such sums as may be necessary.

(NOTE: The indented portion that follows was included in the legislation adding the Upper Delaware River to the System (P.L. 95-625), but not as an amendment to P.L. 90-542.)

(b)(1) Notwithstanding any requirement to the contrary contained in section 6(c) of the Wild and Scenic Rivers Act, within one hundred and eighty days after the date of enactment of this Act, the Secretary shall publish in the Federal Register general guidelines for land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania (hereinafter referred to as the "directly affected States"), by the local political subdivisions, and by the Delaware River Basin Commission (hereinafter referred to as the "Commission"). The Secretary shall provide for participation in the development of the said general guidelines by all levels of State, county, and local government, and concerned private individuals and organizations, and also shall seek the advice of the Upper Delaware Citizens Advisory Council established in subsection (f) (hereinafter referred to as the "Advisory Council"). In each of the directly affected States, prior to publication of such general guidelines, public hearings shall be conducted by the Secretary or his designee, in the region of the Upper Delaware River designated by subsection (a) (hereinafter in this section referred to as the "Upper Delaware River").

(2) The Secretary may from time to time adopt amended or revised guidelines and shall do so in accordance with the provisions of paragraph (1) hereof.

(c)(1) Within three years from the date of the enactment of this Act, the Secretary, in cooperation with the Commission, the Advisory Council, the directly affected States and their concerned political subdivisions and other concerned Federal agencies, shall develop, approve, and submit to the Governors of the directly affected States a management plan (hereinafter in this section referred to as the "management plan" or "the plan") for the Upper Delaware River which shall provide for as broad a range of land and water uses and scenic and recreational activities as shall be compatible with the provisions of this section, the Wild and Scenic Rivers Act, and the general guidelines for land and water use controls promulgated by the Secretary under the provisions of subsection (b).

(2) The plan shall apply to the Upper Delaware River and shall set forth--

(A) a map showing detailed final landward boundaries, and upper and lower termini of the area and the specific segments of the river classified as scenic and recreational, to be administered in accordance with such classifications;

(B) a program for management of existing and future land and water use, including the application of available management techniques;

(C) an analysis of the economic and environmental costs and benefits of implementing the management plan including any impact of the plan upon revenues and costs of local government;

(D) a program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, regional, State, and local levels; and

(E) such other recommendations or provisions as shall be deemed appropriate to carry out the purposes of this section.

(3) Immediately following enactment of this Act, the Secretary, through the National Park Service or such other designee, shall develop and implement such interim programs as he shall deem necessary and appropriate to protect the Upper Delaware River and its environs and to protect the public health and safety. Such interim programs shall include provisions for information to river users, education and interpretation activities, and regulation of recreational use of the river.

(4) To enable the directly affected States and their political subdivisions to develop and implement programs compatible with the management plan, the Secretary shall provide such technical assistance to the said States and their political subdivisions as he deems appropriate.

(5) The Secretary shall promote public awareness of and participation in the development of the management plan, and shall develop and conduct a concerted program to this end. Prior to final approval of the management plan, the Secretary shall hold two or more public hearings in the Upper Delaware River region of each directly affected State.

(6) Upon approval of the management plan by the Secretary, it shall be published in the Federal Register and shall not become effective until ninety days after it shall have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The plan shall be administered by the Secretary in accordance with the provisions of this section and the Wild and Scenic Rivers Act. The Secretary is hereby granted such authority as may be required to implement and administer said plan.

(d) Notwithstanding any provision of the Wild and Scenic Rivers Act, the Secretary may not acquire more than a total of

four hundred and fifty acres of land and interests in land for access, development sites, the preservation of scenic qualities, or for any other purposes: Provided, That the Secretary may acquire additional land and interests in land for such purposes not in excess of one thousand acres if such additional acquisition is recommended and provided for in the management plan as finally approved by the Secretary. The limitations contained in this section shall not apply under the circumstances set forth in subsection (e)(4) of this section. Prior to acquisition of any land or interests in land which has been used for business purposes during the annual period immediately preceding the date of the enactment of this Act, the Secretary shall first make such efforts as he deems reasonable to acquire easements or restrictive covenants, or to enter into any other appropriate agreements or arrangements with the owners of said land, consistent with the purposes of this section.

(e)(1) For the purpose of protecting the integrity of the Upper Delaware River, the Secretary shall review all relevant local plans, laws, and ordinances to determine whether they substantially conform to the approved management plan provided for in subsection (c) and to the general guidelines promulgated by the Secretary pursuant to subsection (b). Additionally, the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including but not limited to review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances.

(2) The purpose of such reviews shall be to determine the degree to which actions by local governments are compatible with the purposes of this section. Following the approval of the management plan and after a reasonable period of time has elapsed, but not less than two years, upon a finding by the Secretary that such plans, laws, and ordinances are nonexistent, are otherwise not in conformance with the management plan or guidelines, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary may exercise the authority available to him under the provisions of paragraph (4) hereof.

(3) To facilitate administration of this section, the Secretary may contract with the directly affected States or their political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of relevant local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring of the enforcement thereof by local governments having jurisdiction over any area in the region to which the management plan applies. The Secretary shall notify the appropriate State or local officials as to the results of his review under

this section within forty-five days from the date he receives notice of the local government action.

(4) In those sections of the Upper Delaware River where such local plans, laws, and ordinances, or amendments thereto or variances therefrom, are found by the Secretary not to be in conformance with the guidelines or the management plan promulgated pursuant to subsections (b) and (c) of this section, respectively, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary is hereby authorized to acquire land or interests in land in excess of the acreage provided for in subsection (d) of this section. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the said guidelines or management plan, and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for protection of the objectives of this Act. The total acreage of land and interests in land acquired pursuant to this subsection shall not in any event exceed the limitations contained in section 6(a) of the Wild and Scenic Rivers Act. This subsection shall apply notwithstanding the first sentence of section 6(c) of the Wild and Scenic Rivers Act. Notwithstanding any limitation on amounts authorized to be appropriated for acquisition of land and interests in land which is contained in section 3(a)(21) of the Wild and Scenic Rivers Act or in any other provision of law, there are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f)(1) At the earliest practicable date following enactment of this Act, but no later than one hundred and twenty days thereafter, there shall be established an Upper Delaware Citizens Advisory Council. The Advisory Council shall encourage maximum public involvement in the development and implementation of the plans and programs authorized by this section. It shall report to the Commission and the Secretary from time to time during preparation of the management plan. Following completion of the management plan, it shall report to the Secretary and the Governors of the directly affected States no less frequently than once each year its recommendations, if any, for improvement in the programs authorized by this Act, or in the programs of other agencies which may relate to land or water use in the Upper Delaware River region.

(2) Membership on the Advisory Council shall consist of seventeen members appointed as follows: there shall be--

(A) six members from each of the directly affected States appointed by the Secretary from nominations submitted by the legislatures of the respective counties and appointed such that two members shall be from each of Orange, Delaware, and Sullivan Counties, New York, and

three members shall be from each of Wayne and Pike Counties, Pennsylvania (at least one appointee from each county shall be a permanent resident of a municipality abutting the Upper Delaware River);

(B) two members appointed at large by each Governor of a directly affected State; and

(C) one member appointed by the Secretary.

The Secretary shall designate one of the aforesaid members to serve as Chairperson of the Advisory Council who shall be a permanent resident of one of the aforementioned counties. Vacancies on the Advisory Council shall be filled in the same manner in which the original appointment was made. Members of the Advisory Council shall serve without compensation as such, but the Secretary is authorized to pay expenses reasonably incurred by the Advisory Council in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(g) With respect to the land and water in areas which are not owned by the United States but which are within the boundaries of the segment of the Delaware River designated as a wild and scenic river under subsection (a), the Secretary is authorized to enter into contracts with the appropriate State or political subdivisions thereof pursuant to which the Secretary may provide financial assistance to such State or political subdivision for purposes of--

(1) enforcing State and local laws in such areas, and

(2) removing solid waste from such areas and disposing of such waste.

(h) Nothing in this section shall be construed as limiting the right to fish and hunt on any of the lands or waters within the boundaries of the Upper Delaware River in the manner provided in section 13 of the Wild and Scenic Rivers Act.

(i) There are hereby authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

(j) Where any provision of the Wild and Scenic Rivers Act is inconsistent with any provisions of this section, the provision of this section shall govern. In applying the provisions of section 6(g)(3) of the Wild and Scenic Rivers Act, with regard to "improved property", the date specified therein, shall, for purposes of the river designated in this Act, be the date of enactment of this Act (rather than January 1, 1967).

(20) DELAWARE, NEW YORK, PENNSYLVANIA, AND NEW JERSEY.--The segment from the point where the river crosses the northern boundary of the Delaware Water

...to the point where the river crosses the southern boundary of such recreation area; to be administered by the Secretary of the Interior. For purposes of carrying out this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary. Action required to be taken under subsection (b) of this section with respect to such segment shall be taken within one year from the date of enactment of this paragraph, except that, with respect to such segment, in lieu of the boundaries provided for in such subsection (b), the boundaries shall be the banks of the river. Any visitors facilities established for purposes of use and enjoyment of the river under the authority of the Act establishing the Delaware Water Gap National Recreation Area shall be compatible with the purposes of this Act and shall be located at an appropriate distance from the river.

(21) AMERICAN, CALIFORNIA.--The North Fork from a point 0.3 mile above Heath Springs downstream to a point approximately 1,000 feet upstream of the Colfax-Iowa Hill Bridge, including the Gold Run Addition Area, as generally depicted on the map entitled "Proposed Boundary Maps" contained in Appendix I of the document dated January 1978 and entitled "A Proposal: North Fork American Wild and Scenic River" published by the United States Forest Service, Department of Agriculture; to be designated as a wild river and to be administered by agencies of the Departments of Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) shall be taken within one year after the date of the enactment of this paragraph; in applying such subsection (b) in the case of the Gold Run Addition Area, the acreage limitation specified therein shall not apply and in applying section 6(g)(3), January 1 of the calendar year preceding the calendar year in which this paragraph is enacted shall be substituted for January 1, 1967. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$850,000 for the acquisition of lands and interests in land and not more than \$765,000 for development.

(22) MISSOURI RIVER, NEBRASKA, SOUTH DAKOTA.--The segment from Gavins Point Dam, South Dakota, fifty-nine miles downstream to Ponca State Park, Nebraska, as generally depicted in the document entitled "Review Report for Water Resources Development, South Dakota, Nebraska, North Dakota, Montana", prepared by the Division Engineer, Missouri River Division, Corps of Engineers, dated August 1977 (hereinafter in this paragraph referred to as the "August 1977 Report"). Such segment shall be administered as a recreational river by the Secretary. The Secretary shall enter into a written cooperative agreement with the Secretary of the Army (acting through the Chief of Engineers) for construction and maintenance of bank stabilization work and appropriate recreational development. After public notice and consultation with the State and local governments, other interested organizations and associations, and the interested public, the Secretary shall take such action as is required pursuant to subsection (b) within one year from the date of enactment of this section. In administering such river, the Secretary shall, to the extent, and in a manner, consistent with this section--

(A) provide (i) for the construction by the United States of such recreation river features and streambank stabilization structures as the

Secretary of the Army (acting through the Chief of Engineers) deems necessary and advisable in connection with the segment designated by this paragraph, and (ii) for the operation and maintenance of all streambank stabilization structures constructed in connection with such segment (including both structures constructed before the date of enactment of this paragraph and structures constructed after such date, and including both structures constructed under the authority of this section and structures constructed under the authority of any other Act); and

(b) permit access for such pumping and associated pipelines as may be necessary to assure an adequate supply of water for owners of land adjacent to such segment and for fish, wildlife, and recreational uses outside the river corridor established pursuant to this paragraph.

The streambank structures to be constructed and maintained under subparagraph (A) shall include, but not be limited to, structures at such sites as are specified with respect to such segment on pages 62 and 63 of the August 1977 Report, except that sites for such structures may be relocated to the extent deemed necessary by the Secretary of the Army (acting through the Chief of Engineers) by reason of physical changes in the river or river area. The Secretary of the Army (acting through the Chief of Engineers) shall condition the construction or maintenance of any streambank stabilization structure or of any recreational river feature at any site under subparagraph (A)(i) upon the availability to the United States of such land and interests in land in such ownership as he deems necessary to carry out such construction or maintenance and to protect and enhance the river in accordance with the purposes of this Act. Administration of the river segment designated by this paragraph shall be in coordination with, and pursuant to the advice of a Recreational River Advisory Group which shall be established by the Secretary. Such Group may include in its membership, representatives of the affected States and political subdivisions thereof, affected Federal agencies, and such organized private groups as the Secretary deems desirable. Notwithstanding the authority to the contrary contained in subsection 6(a) of this Act, no land or interests in land may be acquired without the consent of the owner: Provided, That not to exceed 5 per centum of the acreage within the designated river boundaries may be acquired in less than fee title without the consent of the owner, in such instance of the Secretary's determination that activities are occurring, or threatening to occur thereon which constitute serious damage or threat to the integrity of the river corridor, in accordance with the values for which this river was designated. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not to exceed \$21,000,000, for acquisition of lands and interests in lands and for development.

(23) SAINT JOE, IDAHO.--The segment above the confluence of the North Fork of the Saint Joe River to Spruce Tree Campground, as a recreational river; the segment above Spruce Tree Campground to Saint Joe Lake, as a wild river, as generally depicted on the map entitled "Saint Joe River Corridor Map" on file with the Chief of the Forest Service and dated September 1978; to be administered by the Secretary of Agriculture. Notwithstanding any other provision of law, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary

of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across that portion of the Saint Joe designated as a 'recreational river' under this paragraph. Dredge or placer mining shall be prohibited within the banks or beds of the main stem of the Saint Joe and its tributary streams in their entirety above the confluence of the main stem with the North Fork of the river. Nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the Saint Joe River and its tributaries within the river corridor by or under the authority of any public body or its agents for the purposes of construction or maintenance of roads. The Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than \$1,000,000 for the acquisition of lands or interest in lands.

(24)(A) SALMON, IDAHO.--The segment of the main river from the mouth of the North Fork of the Salmon River downstream to Long Tom Bar in the following classes:

(i) the forty-six-mile segment from the mouth of the North Fork of the Salmon River to Corn Creek as a recreational river; and

(ii) the seventy-nine-mile segment from Corn Creek to Long Tom Bar as a wild river; all as generally depicted on a map entitled "Salmon River" dated November 1979, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

(B) This segment shall be administered by the Secretary of Agriculture: Provided, That after consultation with State and local governments and the interested public, the Secretary shall take such action as is required by subsection (b) of this section within one year from the date of enactment of this paragraph.

(C) The use of motorboats (including motorized jetboats) within this segment of the Salmon River shall be permitted to continue at a level not less than the level of use which occurred during calendar year 1978.

(D) Subject to existing rights of the State of Idaho, including the right of access, with respect to the beds of navigable streams, tributaries or rivers, dredge and placer mining in any form including any use of machinery for the removal of sand and gravel for mining purposes shall be prohibited within the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph; within the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River; and within the Middle Fork of the Salmon River; and its tributary streams in their entirety: Provided, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the River of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the Middle Fork and its tributaries for the purposes of construction or maintenance of public roads: Provided further, That this paragraph shall not apply to

any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980.

(E) The provisions of section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines or other project works, shall apply to the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

(F) For the purposes of the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph, there is hereby authorized to be appropriated from the Land and Water Conservation Fund, after October 1, 1980, not more than \$6,200,000 for the acquisition of lands and interests in lands.

(25) ALAGNAK, ALASKA.--That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Preserve; to be administered by the Secretary of the Interior.

(26) ALATNA, ALASKA.--The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(27) ANIAKCHAK, ALASKA.--That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and National Preserve; to be administered by the Secretary of the Interior.

(28) CHARLEY, ALASKA.--The entire river, including its major tributaries, Copper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior.

(29) CHILIKADROTNA, ALASKA.--That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(30) JOHN, ALASKA.--That portion of the river within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(31) KOBUK, ALASKA.--That portion within the Gates of the Arctic National Park and Preserve; to be administered by the Secretary of the Interior.

(32) MULCHATNA, ALASKA.--That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(33) NOATAK, ALASKA.--The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

(34) NORTH FORK OF THE KOYUKUK, ALASKA.--That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(35) SALMON, ALASKA.--That portion within the Kobuk Valley National Park; to be administered by the Secretary of the Interior.

(36) TINAYGUK, ALASKA.--That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(37) TLIKAKILA, ALASKA.--That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior.

(38) ANDREAFSKY, ALASKA.--That portion from its source, including all headwaters, and the East Fork, within the boundary of the Yukon Delta National Wildlife Refuge; to be administered by the Secretary of the Interior.

(39) IVISHAK, ALASKA.--That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.

(40) NOWITNA, ALASKA.--That portion from the point where the river crosses the west limit of township 18 south, range 22 east, Kateel River meridian, to its confluence with the Yukon River within the boundaries of the Nowitna National Wildlife Refuge; to be administered by the Secretary of the Interior.

(41) SELAWIK, ALASKA.--That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; within the Selawik National Wildlife Refuge to be administered by the Secretary of the Interior.

(42) SHEENJEK, ALASKA.--The segment within the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(43) WIND, ALASKA.--That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(44) ALAGNAK, ALASKA.--Those segments or portions of the main stem and Nonvianuk tributary lying outside and westward of the Katmai National Park/Preserve and running to the west boundary of township 13 south, range 43 west; to be administered by the Secretary of the Interior.

(45) BEAVER CREEK, ALASKA.--The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered by the Secretary of the Interior.

(46) BIRCH CREEK, ALASKA.--The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian, downstream to the south side of the Steese Highway in township 10 north, range 16 east; to be administered by the Secretary of the Interior.

(47) DELTA, ALASKA.--The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be administered by the Secretary of the Interior.

(48) FORTYMILE, ALASKA.--The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek, Franklin Creek, Uhler Creek, Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchison Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior.

(49) GULKANA, ALASKA.--The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

(50) UNALAKLEET, ALASKA.--The segment of the main stem from the headwaters in township 12 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, (except where a different date is provided in subsection (a)) establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4.(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a)(1) through (27) of this Act no later

than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1952 et seq.).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5.(a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

- (1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.
- (2) Bruneau, Idaho: The entire main stem.
- (3) Buffalo, Tennessee: The entire river.
- (4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.
- (5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.
- (6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.
- (7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.
- (8) Gasconade, Missouri: The entire river.
- (9) Illinois, Oregon: The entire river.
- (10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.
- (11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.
- (12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.
- (13) Missouri, Montana: The segment between Fort Benton and Ryan Island.
- (14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.
- (15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.
- (16) Penobscot, Maine: Its east and west branches.
- (17) Pere Marquette, Michigan: The entire river.

- (18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville.
- (19) Priest, Idaho: The entire main stem.
- (20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: Provided, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.
- (21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.
- (22) Saint Joe, Idaho: The entire main stem.
- (23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.
- (24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.
- (25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.
- (26) Upper Iowa, Iowa: The entire river.
- (27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Conneville, Pennsylvania.
- (28) American, California: The North Fork from the Cedars to the Auburn Reservoir.
- (29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.
- (30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.
- (31) Cache la Poudre, Colorado: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

(32) Cahaba, Alabama: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

(33) Clarks Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

(34) Colorado, Colorado and Utah: The segment from its confluence with the Dolores River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

(35) Conejos, Colorado: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, excluding Platoro Reservoir.

(36) Elk, Colorado: The segment from its source to Clark.

(37) Encampment, Colorado: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

(38) Green, Colorado: The entire segment within the State of Colorado.

(39) Gunnison, Colorado: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

(40) Illinois, Oklahoma: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Barren Fork Creeks.

(41) John Day, Oregon: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

(42) Kettle, Minnesota: The entire segment within the State of Minnesota.

(43) Los Pinos, Colorado: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

(44) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

(45) Nolichucky, Tennessee and North Carolina: The entire main stem.

(46) Owyhee, South Fork, Oregon: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

(47) Piedra, Colorado: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160.

- (48) Shepaug, Connecticut: The entire river.
- (49) Sipsy Fork, West Fork, Alabama: The segment, including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.
- (50) Snake, Wyoming: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.
- (51) Sweetwater, Wyoming: The segment from Wilson Bar downstream to Spring Creek.
- (52) Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.
- (53) Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.
- (54) Wisconsin, Wisconsin: The segment from Prairie de Sac to its confluence with the Mississippi River at Prairie du Chien.
- (55) Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.
- (56) Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2 township 38 north, range 16 west, NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River.
- (57) Snake, Washington, Oregon, and Idaho: The segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.
- (58) Housatonic, Connecticut: The segment from the Massachusetts-Connecticut boundary downstream to its confluence with the Shepaug River.
- (59) Kern, California.--The main stem of the North Fork from its source to Isabella Reservoir excluding its tributaries.
- (60) Loxahatchee, Florida.--The entire river including its tributary, North Fork.
- (61) Ogeechee, Georgia.--The entire river.
- (62) Salt, Arizona.--The main stem from a point on the north side of the river intersected by the Fort Apache Indian Reservation boundary (north of Buck Mountain) downstream to Arizona State Highway 288.

(63) Verde, Arizona.--The main stem from the Prescott National Forest boundary near Paulden to the vicinity of Table Mountain, approximately 14 miles above Horseshoe Reservoir, except for the segment not included in the national forest between Clarkdale and Camp Verde, North segment.

(64) San Francisco, Arizona.--The main stem from confluence with the Gila upstream to the Arizona-New Mexico border, except for the segment between Clifton and the Apache National Forest.

(65) Fish Creek, New York.--The entire East Branch.

(66) Black Creek, Mississippi.--The segment from Big Creek Landing in Forrest County downstream to Old Alexander Bridge Landing in Stone County.

(67) Allegheny, Pennsylvania.--The main stem from Kinzua Dam downstream to East Brady.

(68) Cacapon, West Virginia.--The entire river.

(69) Escatawpa, Alabama and Mississippi.--The segment upstream from a point approximately one mile downstream from the confluence of the Escatawpa River and Jackson Creek to a point where the Escatawpa River is joined by the Yellowhouse Branch in Washington County, Alabama, near the town of Deer Park, Alabama; and the segment of Brushy Creek upstream from its confluence with the Escatawpa to its confluence with Scarsborough Creek.

(70) Myakka, Florida.--The segment south of the southern boundary of the Myakka River State Park.

(71) Soldier Creek, Alabama.--The segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east, which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the county of Baldwin, State of Alabama.

(72) Red, Kentucky.--The segment from Highway numbered 746 (also known as Spradlin Bridge) in Wolf County, Kentucky, downstream to the point where the river descends below seven hundred feet above sea level (in its normal flow) which point is at the Menifee and Powell County line just downstream of the iron bridge where Kentucky Highway numbered 77 passes over the river.

(73) Bluestone, West Virginia.--From its headwaters to its confluence with the New.

(74) Gauley, West Virginia.--Including the tributaries of the Meadow and the Cranberry, from the headwaters to its confluence with the New.

(75) Greenbrier, West Virginia.--From its headwaters to its confluence with the New.

(76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.

- (77) Colville, Alaska.
- (78) Etivluk-Nigu, Alaska.
- (79) Utukok, Alaska.
- (80) Kanektok, Alaska.
- (81) Kisarialik, Alaska.
- (82) Melozitna, Alaska.
- (83) Sheenjek (lower segment), Alaska.
- (84) Situk, Alaska.
- (85) Porcupine, Alaska.
- (86) Yukon (Ramparts section), Alaska.
- (87) Squirrel, Alaska.
- (88) Koyuk, Alaska.

(b)(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: Provided, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier.

(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.

(3) The studies of the rivers named in paragraphs (59) through (76) of subsection (a) shall be completed and reports submitted thereon not later than five full fiscal years after the date of the enactment of this paragraph. The study of rivers named in paragraphs (62) and (64) of subsection (a) shall be completed and the report thereon submitted by not later than April 1981.

(4) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$4,060,000. There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (59) through (76) such sums as may be necessary.

(4) The studies of the rivers in paragraph (77) through (88) shall be completed and reports transmitted thereon not later than three full fiscal years from date of enactment of this paragraph. For the rivers listed in paragraphs (77), (78), and (79) the studies prepared and transmitted to the Congress pursuant to section 105(c) of the Naval Petroleum Reserves Production

Act of 1976 (Public Law 94-258) shall satisfy the requirements of this section.

(5) Studies of rivers listed in paragraphs (80) and (81) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g)(1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given

reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river) together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

Any license heretofore or hereafter issued by the Federal Power Commission affecting the New River of North Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 2 of this Act and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval--

(i) during the ten-year period following enactment of this Act or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: Provided, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides for a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and (ii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section (2)(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a) are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that--

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources

as are reasonably required to carrying or prospecting operations, and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or banks or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or banks or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion, in accordance with section 2(a)(ii), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans,

affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers for which approval has been granted under section 2(a)(ii). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made

by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 14A. (a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers System and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States.

SEC. 15. Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (38) through (50) of section 3(a) of this Act--

(1) the boundary of each such river shall include an average of not more than six hundred and forty acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands; and

(2) the withdrawal made by paragraph (iii) of section 9(a) shall apply to the minerals in Federal lands which constitute the bed or bank or are situated within one-half mile of the bank of any river designated a wild river by the Alaska National Interest Lands Conservation Act.

SEC. 16. As used in this Act, the term--

(a) "River" means a flowing body of water or estuary or, a section, portion, tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

SEC. 17. There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers described in section 3(a) of this Act:

Clearwater, Middle Fork, Idaho, \$2,909,800;
Eleven Point, Missouri, \$10,407,000;
Feather, Middle Fork, California, \$3,935,700;
Rio Grande, New Mexico, \$253,000;
Rogue, Oregon, \$15,147,000;
St. Croix, Minnesota and Wisconsin, \$21,769,000;
Salmon, Middle Fork, Idaho, \$1,837,100; and
Wolf, Wisconsin, \$142,150.

NOTE: The following amendments have been made to P.L. 90-542 through December 23, 1980:

P.L. 92-560
P.L. 93-279
P.L. 93-621
P.L. 94-199
P.L. 94-407
P.L. 94-486
P.L. 95-625
P.L. 96-87
P.L. 96-199
P.L. 96-487
P.L. 96-580

APPENDIX C

KEY: SOIL ASSOCIATION MAP, MYAKKA RIVER

I. AREA DOMINATED BY SANDY, DROUGHTY SOIL, NOT SUBJECT TO FLOODING

1. Candler-Tavares Association: nearly level to sloping excessively drained soils with very thick sandy layers over thin loamy or sandy loam and moderately well drained soils, sandy throughout.

II. AREAS DOMINATED BY MODERATELY WELL TO POORLY DRAINED SOILS, NOT SUBJECT TO FLOODING

2. Tavares-Myakka and Tavares-Myakka-Pomello Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoils and moderately well drained soils, sandy throughout.
3. Pomello-St. Lucie and Pomello-Paola-St Lucie Association: nearly level to sloping moderately well drained sandy soils with weakly cemented sandy subsoil and excessively drained soils, sandy throughout.
4. Immokalee-Pomello and Myakka-Pomello-Basinger Association: nearly level to gently sloping poorly and moderately drained soils with weakly cemented sandy subsoils.
5. Broward-Brandenton-Manatee Association: nearly level poorly drained sandy soils underlain by limestone; poorly drained soils with thin sandy layers over loamy subsoil underlain by marly material; and very poorly drained sandy soils with loamy subsoils.
6. Adamsville-Pompano and Pompano, High-Pompano Association: nearly level somewhat poorly and poorly drained soils, sandy throughout.
7. Myakka-Immokalee-Basinger Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained soils sandy throughout.
8. Myakka-Pomillo-Basinger Association: nearly level to gently sloping poorly and moderately well drained sandy soils with weakly cemented sandy subsoil and poorly drained soils, sandy throughout.
9. Wabasso-Bradenton-Myakka, Bradenton-Wabasso-Felda and Wabasso-Felda Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil layer underlain by loamy subsoil; poorly drained soils with thin sandy layers over loamy subsoil and poorly drained soils weakly cemented sandy subsoil.
10. Immokalee-Myakka-Pompano Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained sandy soils throughout.
11. Scanton, var.-Ona-Placid Association: nearly level somewhat poorly drained, dark surface soil, sandy throughout; poorly drained soils with thin sandy layers over weakly cemented sandy subsoil and very

very poorly drained sandy throughout.

12. Pomello-Myakka-Tavares Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoil and moderately well drained soils, sandy throughout.
13. Pomello, High-Felda Association: nearly level, poorly drained soils, sandy throughout.
14. Travares-Adamville Association: nearly level to gently sloping, moderately well and somewhat poorly drained soils, sandy throughout.

AREA DOMINATED BY POORLY AND VERY POORLY DRAINED SOILS SUBJECT TO FLOODING

15. Placid-Basenger Association: nearly level, poorly drained soils, sandy throughout.
16. Delray-Manatee-Pompano, Pompano-Charlotte-Delray and Pompano-Delray Association: nearly level, poorly drained soils with thick sandy layers over loamy subsoil.
17. Fresh Water Swamp and Marsh Association: nearly level, poorly drained soils subject to prolonged flooding.
18. Tidal Marsh, Swamp-Coastal Beach Ridges and Swamp Dunes Association: nearly level, very poorly drained soils subject to frequent flooding by tidal waters and moderately well drained soils, sandy throughout.
19. Felda-Manatee Association: nearly level, poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil.
20. Terra-Ceia Association: nearly level, very poorly drained, well decomposed organic soils 16 to 36 inches thick over loamy material.

APPENDIX D

APPENDIX D

Written comments on the Myakka Wild and Scenic River Study and Environmental Assessment were received from the following agencies and organizations.

State of Florida

Governor of Florida

State Agencies

Florida Department of Natural Resources

Executive Director
Bureau of Recreation and Parks

Florida Game and Fresh Water Fish Commission

Florida Department of Agriculture and Consumer Affairs

Florida Archives, History and Records Management

Local Governments

County of Sarasota
County of Manatee
City of Orlando

Local Planning Agencies

Southwest Florida Water Management District
Southwest Florida Regional Planning Council
Florida Natural Areas Inventory

Quasi Public Agencies

Florida Power and Light Company

Conservation and Private Organizations

Sarasota County Audubon Society
General Development Corporation
Property Owners of Gulf Cove, Inc.

Federal Agencies

Department of Agriculture

Soil Conservation Service

Federal Agencies (Cont'd)

Department of the Army

Corps of Engineers

Environmental Protection Agency



BOB GRAHAM
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE 32301

January 23, 1984

Mr. G. Ray Arnett
Assistant Secretary
Fish and Wildlife and Parks
United States Department of
the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

Thank you for your letter and the Environmental Impact Statement regarding the Myakka Wild and Scenic River Study. We have reviewed this document and proposal by the National Park Service for designating the River as a component of the National Wild and Scenic River System, and we believe that a national designation affords us the opportunity to preserve this river's natural and cultural values.

Such a goal could best be accomplished by coordinating public and private actions which affect the river. Your suggested Myakka River Study Committee or a similar body may provide the needed planning coordination to ensure that the efforts of concerned governmental entities and the affected private sector managing river resources are brought together in a forum that achieves a level of preservation compatible to their mutual interest.

Our Department of Natural Resources will be requested to initiate an interagency study effort designed to satisfy federal, state and local concerns that may ultimately lead to a national designation protecting this unique Florida River.

Your giving us the opportunity to comment on your proposal is appreciated. We look forward to a cooperative effort in developing a management plan that achieves our common objectives.

With kind regards,

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Graham", written over a horizontal line.

Governor

BG/rkb



State of Florida
DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER
Executive Director
Marjory Stoneman Douglas Building
1900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM
Governor
GEORGE FIRESTONE
Secretary of State
JIM SMITH
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

September 30, 1983

Ms. Sharon C. Keene
Chief, Rivers & Trails Division
Southeast Region
National Park Service
75 Spring Street, SW
Atlanta, Georgia 30303

Dear Ms. Keene:

Reference is made to the draft environmental impact statement prepared by the National Park Service concerning the proposed designation of the Myakka River as a component of the National Wild and Scenic River System.

The Department of Natural Resources supports the designation of the Myakka along the lines set forth in Alternative A. It is our opinion that, short of acquiring an adequate river corridor, preservation of the river's natural and cultural values can best be accomplished by properly coordinating the public and private actions which affect the river. The proposed Myakka River Commission, or a similar appropriate body, could provide the needed coordination and help ensure that the efforts of the various levels of government involved in managing the river, as well as those of the private sector, are brought to bear in a manner best calculated to protect the river and its associated natural values.

Thank you for this opportunity to comment on the study. We look forward to continuing our work with you toward achieving this important designation for the Myakka River.

Sincerely,

Elton J. Gissendanner
Executive Director

EJG/wpb



State of Florida
DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER
Executive Director
Marjory Stoneman Douglas Building
1900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM
Governor
GEORGE FIRESTONE
Secretary of State
JIM SMITH
Attorney General
GERALD A. LEWIS
Comptroller
BILL GUNTER
Treasurer
DOYLE CONNER
Commissioner of Agriculture
RALPH D. TURLINGTON
Commissioner of Education

Myakka River State Park
Rt 1, Box 72
Sarasota FL 33583

October 14, 1983

Mr. Robert M. Baker
Regional Director
National Park Service
75 Spring Street S.W.
Atlanta GA 30303

Dear Mr. Baker:

Thank you for the provision of the latest draft of the Myakka River "Draft Wild and Scenic Study/Environmental Assessment".

Designation, Alternative A, continues to be the only action which I believe will provide the necessary protection and recognition which the Myakka River deserves. It is doubtful that designation would precipitate any commercial or residential development pressures as noted in the draft. The river is already a nationally recognized resource owing to its natural beauty and the abundant wildlife - both of which are admirably documented in the draft. My knowledge of Florida's growth rate and economic priorities cause me to adhere to "Alternative A" to ensure that the umbrella of protection offered by "Wild and Scenic" designation comes to fruition.

If a "Myakka River commission" is established at some point in time it would be beneficial to have the park manager of Myakka River State Park; or, the Division of Recreation and Parks, District VI Biologist sit on this committee. Perhaps future drafts could include suggested committee members.

Other comments which I have concerning the last draft are directed at corrections needed - most are typographical in nature but some are corrections which are needed to rectify errors.

Mr. Robert M. Baker
10/14/83
page two

Corrections needed are:

- Page 1 - 2, 2nd sentence. Reads - "The eastern side of the river...". This should read "The western side...." As the MacArthur tract is wholly on the east side of the river and the west side will not be included if this purchase is made.
- Page 2 - 4, Map shows Bog Island Campsite and should read Bee Island Campsite.
- Page 3 - 3, 3rd paragraph, 4th line - Glay Gully needs to be changed to Clay Gully.
5th paragraph - this paragraph states that Upper Myakka Lake is stabilized by a low level impoundment which restricts flow only at times of very low water levels. This weir has been circumvented for some time by a set of culverts and presently does not restrict any flow. In this same paragraph Vanderipe Slough is spelled as "van der Ripe Slough" two times. The privately constructed dike referred to was constructed by the Civilian Conservation Corps in the late 1930's with an extension added on in the late 1940's at the recommendation of the Soil Conservation Service.
- Page 3 - 12, 4th paragraph, 8th line - helgramites, not helgramits.
- Page 3 - 15, 3rd paragraph, 5th line - agriculture, not argiculture.
- Page 3 - 17, Last paragraph, 3rd line - hurricane, not hurrican.
- Page 3 - 23, 1st paragraph, 2nd line - State Road 780, not 730.
- Figure 2 (follows page 3 - 26) - It would be preferable if the proper name of the park, Myakka River State Park, would be used rather than Myakka State Park.

Again, thank you for providing a copy of the draft. If I can be of further assistance please advise.

Sincerely,



Captain Robert Dye
Park Manager

RD/bh

cc: Major John Baust, District VI Manager
Captain Ken Alvarez, District VI Biologist
Park file

FLORIDA GAME AND FRESH WATER FISH COMMISSION

WILLIAM G. BOSTICK, JR.
Chairman, Winter Haven

CECIL C. BAILEY
Vice Chairman, Jacksonville

C. TOM RAINEY D.V.M.
Miami

THOMAS L. HIRES SR.
Tampa

J.H. BAROCO
Pensacola

ROBERT M. BRANTLY, Executive Director
F. G. BANKS, Assistant Executive Director



FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, Florida 32301

November 22, 1983

Ms. Sharon C. Keene, Chief
Rivers and Trails Division
Southeast Region
United States Department of the Interior
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Re: Draft Myakka Wild and Scenic
River Study L58-(SER-PT)

Dear Ms. Keene:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the Draft Wild and Scenic River Study for the Myakka River, and recommends implementation of Alternative A. This proposal would designate, as a state-administered component of the National Wild and Scenic River System, the 12-mile river segment within Myakka River State Park. Such designation would further recognize the outstanding natural resources of this river, and compliment the management practices currently exercised within the park by the Florida Department of Natural Resources. National designation may also provide greater impetus to state and local programs for river corridor acquisition or additional resource protection along portions of the river outside of the state park. We endorse the establishment of a Myakka River Commission as outlined, and would be glad to provide additional input or assistance upon request.

Please call me if we may be of further assistance.

Sincerely,

Colonel Robert M. Brantly
Executive Director

RMB/RF/ms

STATE OF FLORIDA



FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

DOYLE CONNER, COMMISSIONER * 3125 CONNER BLVD. TALLAHASSEE 32301

FM
OSL
Myakka
River

September 16, 1983

Ms. Sharon C. Keene, Chief
Rivers and Trails Division
U. S. Department of the Interior
Southeast Regional Office
75 Spring Street, S. W.
Atlanta, Georgia 30303

Dear Ms. Keene:

This is in reference to your letter of September 2, 1983, concerning the Draft Myakka Wild and Scenic River Study and Environmental Assessment.

We have reviewed the draft study report and feel it provides the necessary information for a report of this type. It is well done, and we do not have any significant revisions. When considering the history and location of the Myakka River, and after reviewing the draft study, it is our recommendation that Alternative B be pursued. Designation as a Florida Wild and Scenic River would seem appropriate since the twelve miles to be designated initially are within the boundaries of Myakka River State Park.

Please recontact us if you need additional information.

Sincerely,

John M. Bethea
Director
Division of Forestry
904/488-4274



FLORIDA DEPARTMENT OF STATE

George Firestone
Secretary of State

DIVISION OF ARCHIVES,
HISTORY AND RECORDS MANAGEMENT
The Capitol, Tallahassee, Florida 32301

September 30, 1983

(904) 488-1480

In Reply Refer To:

Mr. Frederick P. Gaske
Historic Sites Specialist
(904) 487-2333

Mr. Walter O. Kolb
Office of the Governor
The Capitol
Tallahassee, Florida 32301

RE: Your Memorandum and Attachment of September 19, 1983
Cultural Resource Assessment Request
SAI FL8309070306; Draft Wild and Scenic Study/Environmental
Assessment for Myakka River, Florida

Dear Mr. Kolb:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Procedures for the Protection of Historic and Cultural Properties"), we have reviewed the above referenced project for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authorities for these procedures are the National Historic Preservation Act of 1966 (Public Law 89-665) as amended by P.L. 91-243, P.L. 93-54, P.L. 94-422, P.L. 94-458 and P.L. 96-515, and Presidential Executive Order 11593 ("Protection and Enhancement of the Cultural Environment").

In our letter of June 1, 1981 (see enclosure), we identified archaeological and historic resources located within the study area. Since the area would be managed for preservation purposes, the inclusion of the Myakka River in the National Wild and Scenic Rivers System would afford protection for any cultural resources located within the area proposed for such designation.

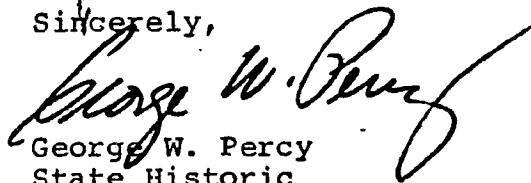
It is, therefore, the opinion of this office that the proposed action would have no adverse effect on any sites listed, or eligible for listing, on the National Register of Historic Places, or otherwise of national, state or local significance.

If you have any questions concerning our comments, please do not hesitate to contact us.

Mr. Walter O. Kolb
September 30, 1983
Page Two

Your interest and cooperation in helping to protect Florida's
archaeological and historical resources are appreciated.

Sincerely,



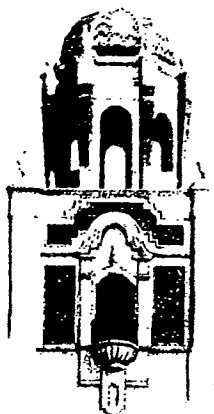
George W. Percy
State Historic
Preservation Officer

GWP:Geb

cc: Sharon C. Keene

Enclosure

#3



COUNTY OF SARASOTA

F L O R I D A

BOARD OF COMMISSIONERS

COMMISSIONERS:

JERRY L. HENTE · DISTRICT 1
JIM GREENWALD · DISTRICT 2
MABRY CARLTON, JR. · DISTRICT 3
JEANNE MC ELMURRAY · DISTRICT 4
ROBERT L. ANDERSON · DISTRICT 5
ED MARONEY · COUNTY ADMINISTRATOR

P.O. BOX 8
SARASOTA, FLA. 33578
PHONE: 613/365-1000

October 12, 1983

Robert M. Baker, Regional Director
U.S. National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Baker:

Sarasota County can support Alternative "A" of the draft Wild & Scenic Study - Myakka River. We feel that designating the twelve-mile segment within Myakka River State Park as a state-administered component of the National Wild & Scenic Rivers System and opening the door for additional eligible segments of the river as components of the National System in response to local and state initiatives, would be a proper action.

As you probably know, Sarasota County has taken many steps to afford the Myakka River meaningful protection. For your review and consideration, I am enclosing Ordinance #82-94/Resolution #82-200 (i.e. environmental covenants for the Ringling-MacArthur Reserve), our new mining ordinance, a proposed amendment to the Environmental Section of APOXSEE, the recently-adopted transfer of development rights ordinance, the Environmental Element of APOXSEE which protects every wetland habitat adjacent to the Myakka, the newly-adopted tree protection ordinance, and a proposed new wetlands protection ordinance.

At the same time, the Board of County Commissioners has a responsibility to provide Sarasota County with a dependable and safe supply of potable water. This past November, the citizens of Sarasota County voted (with a margin of 2-to-1) for a \$30 million bond issue to purchase the Ringling-MacArthur tract for water, recreation and open space. After extensive studies, the Ringling-MacArthur tract was identified as a source of economically-treatable water, which would help meet our burgeoning needs well into the 21st century. One of the considerations that made the Ringling-MacArthur tract attractive was it's juxtaposition to the Myakka River. Our engineers and environmental consultants indicate that the

- continued -

Robert M. Baker
October 12, 1983
Page 2

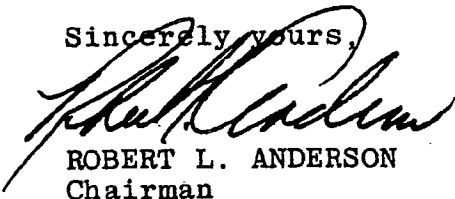
excess floodwaters from the Myakka River may be a possible source of water to be used in conjunction with the surficial water on the adjacent Ringling-MacArthur tract. Before making that decision, however, extensive environmental reviews would have to be completed. We may or may not be able to utilize the river as a source of potable water. In addition, the Water Management District may or may not permit us to utilize the river. However, we could not support Alternative "A" if that would preclude us from even considering the Myakka River as a source of potable water. If we did use it, we would not be considering any kind of a dam as a part of that process. At this point, the worst case scenario would include an unobtrusive, environmentally-acceptable, off-stream reservoir and/or possibly a subterranean hydrological connection (perhaps using existing sands) between the well-field and the Myakka River.

In giving you our support of Alternative "A", we do so assuming that there will be no impact of Alternative "A" on the above potable water considerations.

For your use, please find attached our staff's review of your draft document. As you can see, we are very interested in seeing this document be the very best product possible. I think you will find that the comments reflect an indepth review of the draft. Should you have any technical/scientific questions, please contact Dr. Lincer (813) 365-1000 Ext. 2403.

If we can be of any further assistance, please let me know. I look forward to seeing the final report.

Sincerely yours,



ROBERT L. ANDERSON
Chairman

RLA/JLL/tdd

cc: Dr. Lincer, Scientific Advisor
Mr. Dye, Superintendent, M.R.S.P.

R E V I E W

of the

National Park Service's
DRAFT WILD AND SCENIC RIVER STUDY:

THE MYAKKA RIVER

by

Sarasota County Staff

October 13, 1983
Date

Jeffrey L. Lincer, Ph.D.
Coordinator

INTRODUCTORY COMMENTS

In response to the Board's request for a review of the National Park Service's document, entitled "Draft Wild and Scenic Rivers Study: Myakka River", the County Scientific Advisor coordinated said review. Chapters and subject matter were divided according to established responsibilities and skills (see attached matrix - Appendix A).

The review is divided into general comments, specific/technical comments and attachments.

GENERAL COMMENTS

Staff agrees with Alternative A (discussed on pages 1-3 and 1-4). Basically, the proposed action is that the twelve-mile segment of the river within the Myakka River State Park be included as a state-administered component of the National Wild and Scenic Rivers System; this section be classified as a combination of "wild" and "scenic", and; if additional segments of the river become eligible, as local and state initiatives to provide permanent protection of the river corridor are implemented, those segments would be designated as components of the national system. To help coordinate these efforts, a Myakka River Commission could be established. Finally, the management of all segments of the river coming under special management should emphasize preservation of natural values and discourage intensive recreational use and federal agencies would be required to support, in their planning and projects, the preservation of the Myakka River, as a National Wild and Scenic River.

Staff feels that this alternative could be supported as long as the limited designation within the state park would not, in any way, preclude the county from considering the feasibility of using excess floodwaters from the Myakka River as part of the MacArthur tract well-field. Clearly, the County of Sarasota has taken the lead in protecting the Myakka River (see Appendix B - Ordinance #82-94/Resolution #82-200, new mining ordinance, amendment to APOXSEE, TDR ordinance, Environmental Element of APOXSEE, new tree protection ordinance, and proposed new wetlands protection ordinance). In fact, Sarasota County initiated the study of the Myakka River for possible inclusion in the Federal Wild and Scenic Rivers Program.

Although the proposed Alternative A is a long way from U. S. Representative Bafalis' nomination of the entire 66-mile length of the Myakka for Wild and Scenic River designation, the designation of the 12 miles of the river already within the state park does provide some real potential benefits. The need for regional perspective in protecting the Myakka, involving upstream (Manatee County) and downstream (Charlotte County) areas as well as Sarasota County is recognized throughout the draft study. The recommended alternative provides for the establishment of a Myakka River Commission to represent the three-county Myakka River area. This commission would be represented by a cross section of the various communities and special interests groups, much like the Governor's Charlotte Harbor Resource and Planning Management Committee. Given the success of that committee, and a similar one working on the Loxahatchee (Palm Beach County), there is reason for optimism relative to the Myakka River Commission.

Designation may also offer some upstream protection for the Myakka from phosphate mining in Manatee County. However, designation could possibly create difficulties in considering the Myakka River as part of a potable water source program in Sarasota County. Although both issues are touched upon in the draft study, no definitive statements are made by the Park Service. Should designation inhibit or preclude considering the Myakka in connection with the Ringling-MacArthur tract, as a potable water supply, a conflict with the Sarasota County Potable Water Plan, included in the County Comprehensive Plan, would result.

SPECIFIC/TECHNICAL COMMENTS

Page 1-1, Finding 1 - Staff disagrees with the statement that ... "Myakka River upstream of county road 780 does not possess the outstanding remarkable values". This portion of the river provides fish and wildlife habitat, especially for the threatened Florida Sandhill Crane. It is historically valuable because it represents the original waterway and meanders through two extensive native habitats (i.e. Flatford Swamp and Tatum Sawgrass). Local citizens and governments have expressed concern about the phosphate mining interests along this stretch of the river and references to the necessity "to assure adequate water quality and quantity for the remainder of the river downstream" should be expanded to explain what kinds of special management are contemplated and who would develop and implement such special management measures. Additional comprehensive study is apparently needed prior to deciding whether the Myakka River north of State Route 780 should be included in or deleted from the National Wild and Scenic Rivers designation.

Page 1-3, Proposed Action 3 - Relative to the establishment of a Myakka River Commission, it is important to recognize the key role that Sarasota County could play in such a commission. This local government has completed a comprehensive review of scientific and technical studies involving the Myakka River, has hosted several workshops and through its own efforts, actually initiated consideration of this river for Wild and Scenic status.

Page 1-8, Outstandingly Remarkable Recreational Values - Staff agrees, wholeheartedly, that recreation on the river should be limited by carrying capacity and is particularly pleased to see that the concerns of riparian landowners has been highlighted in this section.

Page 1-12, Paragraph 1 - On lines two and four, reference is made to the Ringling-MacArthur tract running along the west side of the Myakka River and the eastern side of the river not being included in this tract. In fact, the Ringling-MacArthur tract runs along the east side of the Myakka River and the western side of the river would not be included in this tract.

Page 1-12, Paragraph 2, last sentence - Perhaps reference to the "state-administrative component" should be expanded to include likely roles of the county and/or a multi-agency commission.

Page 2-2, Paragraph 3 - Reference is made to the protective role of Section 7 of the Wild & Scenic Rivers Act, as it relates to stream segments being studied for potential inclusion or which have already been included in the National Wild & Scenic Rivers System. As staff and others have indicated to the National Park Service, the Ringling-MacArthur tract, after successful condemnation, will be developed as a source of potable water and, in addition, for recreation and open space. As part of the development of a water supply on the Ringling-MacArthur Reserve, it is anticipated that the Myakka River will be, at least, considered as part of a comprehensive water management and supply system. Although the river would not be utilized if unacceptable environmental impact were identified, staff would like a clarification on what, if any, impact designation of the river within the Myakka River State Park would have on the county's ability to, at least, consider the Myakka as part of this water supply development.

Page 2-4, Paragraph 4, last two sentences - It should be recognized that any possible increase in use of the state park will probably be more than offset by the development of the Ringling-MacArthur Reserve, as a recreational area.

Page 2-7, Current Land Use Regulation 4 - This paragraph should be updated to address the adoption of the revised tree protection ordinance (Ordinance #83-44; see Appendix B). Footnote #2, referencing APOXSEE as the source of the possible 200-foot vegetation buffer should be corrected. While a 200-foot "no clearing of vegetation zone" is a commendable idea, it does not appear in APOXSEE. This section on development policy should also be revised to include the environmental management guidelines (V B.1.2.) which specifically address the Myakka River and other sections which address all the native habitats along the river (see Appendix B).

Page 2-8, Management Objective #2 - Staff proposes that this objective be expanded to consider restricting recreational access of boats on the upper Myakka River to the Myakka River State Park. Further, consideration should be given to restricting motorized boats to some appropriate section of the river, perhaps below river mile #18 (Snook Haven) or river mile #23 (First Residential Development).

Page 3-5, Water Quality - Staff recommends that the Federal 201 Study of Myakka Lake, just completed by the Mote Marine Laboratory, be used to update analysis of Myakka River water quality.

Page 3-7, Table G-1 - The County's Pollution Control Division has a great deal of chemical data not included in this table that would be made available upon request.

Page 3-5, Paragraph 4 - There are many mangrove islands in the river, south of river mile #12 (U.S. Highway 41 crossing) that serve as important bird rookeries for herons, egrets and ibis in the Sarasota-Charlotte County coastal areas. Mention should be made of this. The County Historian has access to a turn-of-the-century photo that could be made available for the final report (see Appendix C).

Page 3-11, Paragraphs 3, 4, 5, and 6 - These vegetated associations, that line the river, are protected, very specifically, by the Environmental Element of APOXSEE. Reference is only made to state protection by the Florida DER. In actuality, more specific and greater protection is provided by Sarasota County regulations (see Appendix B).

Page 3-12, Threatened and Endangered Species - See Appendix D for table, entitled "Sarasota County's Special Species and Their Preferred Habitat". For cross-reference to federal and state protective status of these species, a second table, entitled "Sarasota County's Special Species and Their Status" is also in Appendix D.

Page 3-15, Paragraph 5 - Reference is made to the State of Florida regulating the phosphate mining. It should be noted that the local mining ordinance of Manatee and Sarasota County are far more stringent than the state regulations. It should also be noted that repeated water quality violations and spills are recorded at the Beker Mine. Unfortunately, the initiation of the Beker Mine preceded some of the more recent environmentally-protective regulations.

Page 3-18, Paragraphs 1 & 2 - Considerations, involving historical and archaeological aspects, are lacking in many ways. There is not nearly enough emphasis placed on the great potential for locating archaeological sites along the shoreline of the Myakka River. No mention is even made of the important Little Salt and Warm Mineral Springs, which are nearby.

Page 3-19, Paragraph 2 - There is no mention of the river's original name, "Asternal River". Similarly, there is no mention of the legendary "Miakka Gold Hole", the Knights, the Handcocks, the Murphys or others who grazed cattle in large numbers on both sides of the Myakka, beginning as early as 1860. There is no mention of Jesse Knight's famous cattle pen, bordered on the east by the Myakka River for nearly three miles.

Page 3-19, Paragraph 2 - There is a distinct error in this paragraph. The early community that is described is not Myakka City; it is Miakka, known today as Old Miakka. Myakka City is a town established by the railroad around 1915, clearly 50 years after the first settlers founded Miakka.

Page 3-19, Population - The demographic data included in Table 4 does not correspond to the final 1980 U.S. Census Counts. Corrections are provided (see next page). These corrections are based upon the latest U.S. Census data we have available.

Page 3-20, Table 5 (Population Projections) - The University of Florida publishes revised population projections each year. Since the 1983 addition is now available, we would recommend that Table 4 and the relevant text be updated accordingly. Note that APOXSEE utilized the University of Florida populations projections published in 1978 and these were lower than the later University of Florida projections.

Table 4

Population Change 1970-80, U.S. and Study Area

	<u>1970</u>	<u>1980</u>	<u>% Change</u>
United States Total	203,302,000	224,478,000 226,504,825	+ 10.9% + 11.4%
Florida Total	6,791,418	9,579,965 9,746,324	+ 41.0% + 43.0%
Study Area	245,087	409,808 409,153	+ 67.0%
Manatee County	97,115	148,442	+ 52.9%
Sarasota County	120,413	202,251	+ 68.0%
Charlotte County	27,559	59,115 58,460	+114.5% +112.1%

Source: 1980 U.S. Census of Housing and Population

Page 3-21, Economy - The statement that Sarasota County had the highest per capita income in Florida in 1979 is not valid. According to APOXSEE's Economy Chapter (page 323), in 1977, Sarasota had the highest per capita income based upon U.S. Department of Commerce data published in 1979. In actuality, Palm Beach County had the highest per capita income in 1979, with Sarasota County coming in second.

Page 3-23, Land Use Controls - The second sentence should be amended to read that APOXSEE was adopted June 30, 1981, by the Sarasota County Board of County Commissioners (County Ordinance #81-30). In addition, the last sentence should be altered to indicate the consultants have been hired to develop the appropriate buffer criteria.

Page 3-25, Riverfront Zoning/Sarasota County - A key to the zoning ordinance district acronyms and the maximum densities allowed in each zoning district should be provided if this graphic is to be meaningful. Also, similar information and maps for Charlotte and Manatee counties would seem appropriate.

Page 3-26, Land Ownership - The purchase of the Venetia tract by the Berry Investment Group is significant enough to justify an update of this section of the draft study since: 1) this tract has three miles fronting the Myakka River, and; 2) a preapplication meeting for an Application for Master Development Approval (AMDA) has been held although Berry Investments has withdrawn the original proposal.

Some misspellings - Glay Gulley should be Clay Gulley; van der Ripe Slough should be Vanderipe Slough, and: McArthur Tract should be MacArthur tract.

Page 4-1, Alternative A Proposed Action - Paragraph 1 - Again, staff requests clarification on the impact of designating the river within the State Park on considering the downstream portion of the Myakka River as part of a comprehensive, and environmentally-acceptable, potable water source development program (i.e. on the Ringling-MacArthur Reserve).

Page 4-5, Paragraph 1 - The last sentence indicates that the counties could adopt impact assessment procedures similar to those of the state. In fact, this is already being done in Sarasota County through the Environmental Element of APOXSEE (copy attached). All development proposals (whether rezoning, special exception, site and development review, preliminary plat, sector plans, etc.) are reviewed through a specific habitat-based regulatory program.

Page 4-5, Paragraph 2 - To update this paragraph, it should be mentioned that the transfer of development rights ordinance has already been adopted by the Board of County Commissioners (copy attached - see Appendix B).

Page 4-5, Fish and Wildlife - Staff disagrees that there would be very little difference in the impact on fish and wildlife habitat between Alternatives A and B for the river corridor segment within the state park. This is primarily because of the increased protection we would hope to get from upstream land use changes, in particular phosphate mining and large developments. In addition, designation itself would provide: 1) impetus for other protective mechanisms, and; 2) a springboard for the ultimate inclusion of other sections of the river, hopefully including upstream portions.

Page 4-7, Paragraph 2, line 2 - As indicated, the County's Comprehensive Plan identified the Myakka as a potential water supply source. In that it is just a potential, staff suggests that the next sentence be changed to read "...a reservoir might be constructed to capture the excess flow".

General comments on this chapter - None of the scenarios seem to address the main water quality problems identified on page 3-10 or prevent future water quality problems from urban development. Nor do Alternatives A or B address the potential impact on the county's needs to develop the Ringling-MacArthur Reserve as a multiple-use wellfield, which would include considering the Myakka River as an adjunct potable water source.

Additional County Input

Although all county staff would certainly be available, for additional assistance, our County Historian, John McCarthy, is especially anxious to work with the National Park Service staff in an effort to provide additional and necessary input on the historical and archaeological aspects of the river. We anticipate that such a review will be supplied to the National Park Service by early November.

APPENDIX A

Matrix of Staff Input vs. Subject Area

<u>DEPARTMENT</u>						<u>CHAPTER</u>	<u>SUBJECT(S)</u>	<u>PAGES</u>
Planning						I	All	1-1 thru 1-12
Environmental Services	X	X	X	X	X	II	All	2-1 thru 2-10
Natural Resources Mgmt.	X	X	X	X	X	III	Reg. Loc.	3-1
Scientific Advisor	X					III	Descrip. of River Corridor	3-1 thru 3-5
Parks & Recreation			X			III	River Basin	3-5
County Historical				X		III	Water Qual.	3-5 thru 3-10
	X					III	Vegetation	3-10 thru 3-11
			X			III	Fish-Wild.	3-11 thru 3-12
			X			III	End. Spp.	3-12
			X			III	Geology	3-12 thru 3-13
	X					III	Soils	3-13 thru 3-15
	X					III	Min. Res.	3-15 thru 3-16
						III	Air Qual.	3-17
	X					III	Climate	3-17
				X		III	Arch & Hist.	3-18 thru 3-19
	X					III	Population	3-19 thru 3-21
	X					III	Economy	3-21 thru 3-22
	X		X			III	Land Use	3-22 thru 3-25
	X		X			III	Ownership	3-26 thru 3-30
			X			III	Navig. & Rip. Rights	3-30 thru 3-31
				X		III	Rec. Res's.	3-31
	X	X	X	X	X	IV	Only pertinent portions	4-1 thru 4-7



MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

November 22, 1983

Mr. Robert M. Baker, Regional Director
U.S. National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Baker:

The Manatee County Board of County Commissioners has considered the alternative actions for designation of a section of the Myakka River as a Wild and Scenic River as presented in the July, 1983 draft report by the National Park Service. It is the opinion of this Board and our staff that the optimum protection of the Myakka River can be accomplished through Alternative B. This alternative includes the same protective measures as Alternative A except that the Myakka would not be included in the National System.

An important reason for our choice of Alternative B over Alternative A is our observation that efforts of State and local governments to protect water resources in Manatee County and the Tampa Bay Region have been much more effective than any federal actions. For example, the recent designation of the Little Manatee River as an Outstanding Florida Water and the reclassification of the entire Lake Manatee Watershed as Class IA waters represented significant steps to protect those waterbodies. The same kind of joint local, regional, and state effort which made those accomplishments possible can be applied to the Myakka River most effectively through Alternative B.

We appreciate the opportunity to comment on the draft report and look forward to seeing the final report.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

Edward W. Chance

Edward W. Chance
Chairman

EWC:RME:jk

cc: Dick Eckenrod
Phosphate Mining Coordinator



City of Orlando

649 W. LIVINGSTON STREET
ORLANDO, FLORIDA
32801 - 1497

TELEPHONE
(305) 849-2288

OFFICE OF
BUREAU OF RECREATION

September 20, 1983

Sharon C. Keene, Chief
Rivers and Trails Division -
Southeast Region
U. S. Department of the Interior
National Park Service
Southeast Regional Office
75 Spring Street, Southwest
Atlanta, Georgia 30303

Dear Ms. Keene:

We have received the draft copy of the Myakka Wild and Scenic River Study and Environmental Assessment which you forwarded for our review. Due to Orange County/City of Orlando being so far removed from the study subject area and our staff being unfamiliar with the site, the bureau does not feel that a feasible and justifiable review can be made. We are, therefore, returning the study for your future use and distribution.

We would appreciate the opportunity to assist the Department of the Interior in the future with any project relative to the Orlando/Orange County area.

Most cordially,

Don W. Wilson, Bureau Chief
Bureau of Recreation

DWW:st

Enclosure

cc: Tom Farnsworth, Director of Parks and Recreation
William Haycock, Assistant Bureau Chief of Recreation
File

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 33512-9712
PHONE (904) 796-7211 SUNCOM 684-0111

• BRUCE A. SAMSON, *Chairman, Tampa* • Wm. O. STUBBS, JR., *Vice Chairman, Dade City* •
• JAMES H. KIMBROUGH, *Secretary, Brooksville* • RONALD B. LAMBERT, *Treasurer, Wakuchula* •
• DONALD R. CRANE, JR., *Assistant Secretary, St. Petersburg* • MARY A. KUMPE, *Assistant Treasurer, Sarasota* •
• WALTER H. HARKALA, *Plant City* • JACK STRAUGHN, *Winter Haven* • MICHAEL ZAGORAC, JR., *Belleair* •
• GARY W. KUHL, *Executive Director* • STEPHEN A. WALKER, *General Counsel* •
• JAMES M. HARVEY, *Deputy Executive Director* •



November 15, 1983

Mr. Robert M. Baker
Regional Director
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

SUBJECT: Myakka River; Draft Wild & Scenic River Study

Dear Mr. Baker:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the above referenced Draft Wild & Scenic River Study for the Myakka River. Based on this review, the SWFWMD has no adverse comments on the study as presented.

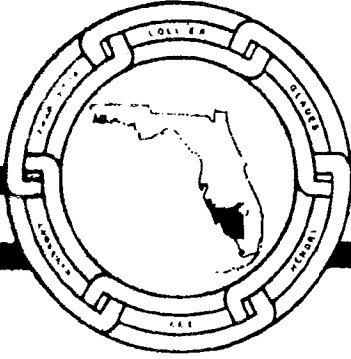
Please be advised that this review reflects staff opinion only and not that of the District Governing Board.

Thank you for this opportunity to participate in this review; and if I can be of further assistance, please feel free to contact me.

Sincerely,

PHILLIP W. WALDRON, Planner
Planning & Performance Evaluation

PWW:kag



Southwest Florida Regional Planning Council

2121 West First Street, Fort Myers, Florida 33901

(813)334-7382

October 25, 1983

Mr. Robert M. Baker,
Regional Director
National Park Service
75 Spring Street, S.W.
Atlanta, GA 30303

RE: IC&R project #83-185 Draft Myakka Wild and Scenic River
D.O.I. #L58(SER-PT) Study and Environmental Assessment

Dear Mr. Baker:


In accordance with the Florida Intergovernmental Coordination and Review process, and the Council's adopted regional clearinghouse review procedures (Chapter 29I-5, F.A.C.), the above-referenced draft study has been reviewed by this office and determined to be regionally significant.

The Council staff supports Alternative "A" recommended in the study, provided this alternative does not preclude the use of the Myakka River, by Sarasota County, as a supplemental potable water supply source if this is found to be environmentally feasible. The enclosed comments from Sarasota County also indicate support of this alternative.

This recommendation will be discussed at the next scheduled Council meeting. Should Council action differ from the staff recommendation, you will be notified.

Sincerely,

SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL


Wayne E. Daltry
Executive Director

WED/BD:vg

Enclosure

FLORIDA NATURAL AREAS INVENTORY

254 East Sixth Avenue • Tallahassee, Florida 32303 • (904) 224-8207

November 29, 1983

Robert M. Baker
Regional Director
National Park Service
75 Spring Street, SW
Atlanta, Georgia 30303

Dear Mr. Baker:

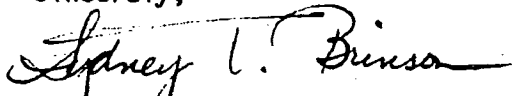
I have reviewed the Draft Wild and Scenic Study/Environmental Assessment for the Myakka River and would like to offer comments in behalf of the Florida Natural Areas Inventory.

Although the Myakka River is not entirely pristine, much of the river remains in its natural state as a lotic system unique to Florida. For this reason I would offer support for Alternative A to designate the 12-mile segment within Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. I would also support the inclusion of additional eligible segments, based on the importance of upstream areas in maintaining the integrity of the lower reaches of a riverine system.

From my past experience in restoring degraded water bodies within the state, I can attest that any costs incurred in establishing the Myakka River as a Wild and Scenic River would be but a fraction of the cost required to attempt restoration of such a system once it was degraded or to perform, artificially, the natural functions which the river now provides. Therefore, from an economic standpoint as well as from an ecologic and aesthetic standpoint, Wild and Scenic status of the Myakka River is justified.

Thank you for the opportunity to provide comments on this important matter. If our office can be of assistance in the designation, please let me know.

Sincerely,



Sydney T. Brinson
Marine/Aquatic Ecologist

STB/bjm



October 19, 1982

Mr. Robert M. Baker
Regional Director
National Park Service
75 Spring Street
SW Atlanta, Georgia 30303

RE: MYAKKA RIVER DRAFT WILD AND SCENIC STUDY/ENVIRONMENTAL
ASSESSMENT

Dear Mr. Baker:

Florida Power & Light Company would like to comment on the National Park Services' proposal to include a portion of the Myakka River in the National Wild and Scenic Rivers System. It is our understanding that the designation would initially encompass only that portion of the River which is within the Myakka River State Park, but that additional segments could be added later.


Florida Power & Light is an electric utility serving Charlotte, Manatee, Sarasota and 32 other Counties in Florida. Thus we have a major interest in proposals affecting the future growth and development of this area, and which could potentially represent a restrictive influence on the siting of electrical service facilities. As you may know we currently own and operate a transmission line that crosses the Myakka River in the Myakka River State Park on a 160 foot wide right-of-way. This line is a vital part of our transmission system, and as such must be maintained, and if necessary, upgraded. FPL's continued use of this line and its right-of-way should not be restricted in any way by the designation. Moreover, although we currently have no plans for additional transmission facilities that would cross the Myakka River, such a future possibility cannot be ruled out. In addition, future development in the eastern part of Sarasota County may necessitate the construction of distribution facilities in the River corridor. At present we recognize the future need to provide electrical service to Sarasota County's proposed public water supply development on the 33,000 acre McArthur tract which lies east of the Myakka River and south of SR 72. We are concerned that the proposed River corridor may result in an unintended barrier to essential utility facilities should the Wild and Scenic River protection program not recognize this possibility and provide for such facilities.

We would like to stress that at present FPL has no specific plan to expand its facilities in or near the Park. Further, we recognize that the Myakka River has many outstanding environmental attributes that may qualify it for Wild and Scenic River status. Our comments should in no way be construed as opposing the designation. Rather, we would like to see a clarification in the program that the designation would not interfere with the issuance of permits for utility facilities.

Mr. Robert M. Baker
Page Two
October 19, 1983

Thank you for this opportunity to comment on the proposed Scenic River designation. If you have any questions concerning our comment, please do not hesitate to contact me.

Yours very truly,



Thomas R. Fair, Manager
Environmental Planning and Projects

TRF:bh

3130 Riviera Drive
Sarasota, Florida 33582

November 30, 1983

United States Dept. of the Interior
National Park Service
Southeast Regional Office
75 Spring Street, S.W.
Atlanta, Georgia 30303

Re: Myakka Wild and Scenic River Study
L58 (SER-PT)

Attention: Sharon C. Keene
Chief Rivers and Trails Division

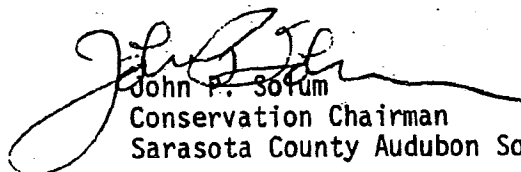
Dear Ms. Keene:

The Conservation Committee of the Sarasota County Audubon Society has completed its review of the Parks Services draft of the Wild and Scenic River study completed in July 1983. The Sarasota Audubon Society strongly recommends inclusion of the Myakka River as part of the Wild and Scenic River system.

We feel that this will provide the necessary protection for this important waterway in our County and provide the necessary habitat protection for the flora and fauna that abounds in this area. It is doubly important that this action be taken at this time, due to the tremendous growth which we are experiencing in this County. Development on the lower section of the Myakka river continues and will soon be encroaching on the recommended sectors of the river should this proposal not be adopted with all due speed.

In conclusion, we strongly support the recommendations of the National Park Service in this endeavor.

Sincerely Yours,


John P. Sotum
Conservation Chairman
Sarasota County Audubon Society

General Development Corporation

Wayne L. Allen
Senior Vice President and
General Counsel

October 28, 1983

Mr. Robert M. Baker, Regional Director
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Baker:

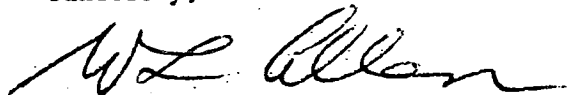
We have reviewed your agency's draft Myakka Wild and Scenic River Study and support inclusion of the 12-mile segment within the Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. We do, however, have some concerns and comments about your proposal to designate additional segments of the river in the future. Areas of particular concern to General Development Corporation are (1) the portion of the river designated eligible for future inclusions that lies in Sections 1,2,11,12, and 13, Township 40S, Range 20E in the City of North Port, Sarasota County; and (2) the portion of the river designated eligible for future inclusion that extends from El Jobean to the river's mouth in Charlotte County. The reasons for our concern and specific comments on the draft study are discussed below.

1. The General Land Use Map on page 3-24 of the study should be modified to show General Development Corporation lands in the City of North Port and Charlotte County as urban uses rather than barren. While some areas may not have large numbers of homes constructed at present, most areas do have road and drainage infrastructure in place and local government comprehensive plans designate these areas for residential and commercial uses. The lots in this area have been sold to numerous individual lot purchasers. Urban growth is expected to take place in these areas.

2. In the first paragraph on page 3-30, the report states that "Below State Route 771 land adjacent to the river is State-owned." It is true that most of the land along the shore is in state ownership as General Development Corporation sold it to the Trust for Public Lands in the early 1970s. Nevertheless, General Development still owns approximately 450 acres of unplatted land in this area as well as the Gulf Cove Marina. This land is planned for residential and commercial development, some of which will take place around the Marina. We request, therefore, that this portion of the river be classified as recreational on the map on page 1-10 rather than scenic as the map currently shows.

Thank you for the opportunity to provide comments on the study.

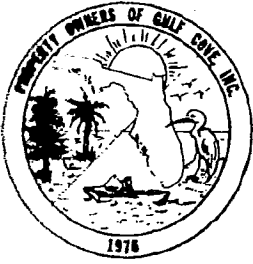
Sincerely,



Wayne Allen
Senior Vice President
General Counsel

WA/tm

cc: Margaret Gentle, Mayor, City of North Port
Steve Bostwick, Chairman, Charlotte County Commission



Property Owners of Gulf Cove, Inc.

Port Charlotte, Florida 33953

October 5, 1983

Mr. Robert M. Baker, Regional Director
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia, 30303

Dear Mr. Baker:

You have asked for comments on the draft study of the Myakka River preparatory to its inclusion into the National Wild and Scenic Rivers System.

Although our Association comprises a group of folks who live in a segment along the river where development and shoreline alteration has made that piece ineligible for inclusion in the National System, we are wholeheartedly and unanimously behind the attempt to see that those segments that do qualify for inclusion in the system, be included as rapidly as possible.

We represent a group of homeowners 285 strong who have, to a man, expressed their strong desire to stand with the study group for Alternative A; that is, designation of the 12-mile segment within the Myakka River State Park as a state-administered component of the National Wild and Scenic River System; that the State of Florida continue its current management practices protecting the natural and cultural qualities of the designated segment of the river within the Myakka River State Park; that the 37 miles of additional segments of the river be designated as components of the National System as soon as is possible; and, that a river commission be established to coordinate efforts to conserve the Myakka River area.

We are vitally interested in securing this river as a part of the National River System without delay.

We would like to commend the five-member team of preparers who obviously worked very hard and thoroughly on the study. It is a fine job and is valuable to us all. We can only hope that the people will succeed in this case over land-developers and the phosphate mining industry in the battle for nature over dollars, to preserve this marvelous free-flowing river for all of us and for those yet to come.

Thank you for considering the Myakka River remarkable enough to qualify for this program. We, who have seen the manatee, heron, otter, eagle, and osprey along its banks, know what a treasure it is!

Sincerely yours,


Joseph Dickerson, President

JD/h.



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

DEC 30 1983

Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
Department of the Interior
Washington, D.C. 20240

Dear Mr. Arnett:

We appreciate the opportunity to review your draft wild and scenic study/environmental assessment for the Myakka River in Florida.

We concur with the proposed action that a 12-mile segment within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic River System. We agree with the findings that the 12-mile section contains outstandingly remarkable ecological, fish, wildlife and recreation values which make this river segment a worthy addition to the system.

One of the main concerns that we have is the way recreation has been addressed (outside the State Park). The objective seems to be to discourage and control, or even prohibit recreation activities by using the restrictive powers of the Wild and Scenic Rivers Act. This is somewhat contrary to the purpose of the Act. If trespass and poaching are a problem on the private lands adjacent to the river, better management is needed, rather than prohibition or restrictions on use. Restrictions should be used to limit deterioration of the river values which made it eligible for wild and scenic river status.

The report seems somewhat biased toward the private landowners, giving them exclusive rights to the river if it is designated, and denying public access to the river through private lands. There is no specific indication of the need for zoning, acquisition, or other controls on private landowners (perhaps the State has this power).

The description of the river corridor and watershed is well done. We would suggest adding a more thorough discussion of the carrying capacity and fragile nature of the river corridor. Include an evaluation of the relationship between river values, recreation use, and private land developments.

There is very little mention about fishing on the river; what species, how much fishing, potential, etc. We would suggest that additional information be included since it is listed as one of the outstandingly remarkable values.

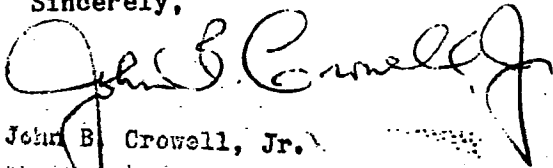
Honorable G. Ray Arnett

2

There is no economic analysis in the report. It would help to include an estimate of costs to manage the river as a wild and scenic river, and an indication of values that may be foregone. This would be particularly important if additional segments of the Myakka River are proposed for designation as components of the national system (outside of the Myakka River State Park).

We have listed some suggested editorial modifications for the study report on the enclosed pages. Also enclosed are comments from the SCS State Conservationist office in Gainesville, Florida, which were sent to our Forest Service regional office.

Sincerely,



John B. Crowell, Jr.
Assistant Secretary for
Natural Resources & Environment

Enclosures



United States
Department of
Agriculture

Soil
Conservation
Service

State Office
401 S.E. First Avenue, Rm 248
Gainesville, FL 32601

October 31, 1983

2370
Mr. John E. Alcock
Regional Forester
USDA-Forest Service
1720 Peachtree Rd., NW Suite 820
Atlanta, GA 30367

Dear Mr. Alcock:

We have reviewed the draft of the Myakka River Wild and Scenic River Study report as requested in your September 30, 1983 correspondence. Our comments are as follows:

1. The river is presently being used by farmers and ranchers for irrigation and livestock watering. The Land Use portion of this report (page 4-1) is inadequate. It does not describe the effects to farmers and ranchers with properties along the river. There would be detrimental effects to them and to those not directly on the river but who use water from the river for livestock water, irrigation, and freeze protection to citrus.
2. The third paragraph on page 3-23 is an inadequate statement regarding the river corridor use. A forage use inventory is needed to analyze the livestock use of the land. Without such an inventory, a true use and effect determination cannot be made.
3. This report is unclear, especially chapter III with its many references to river mile numbers which are not identified on any of the maps. Other features referred to that should be identified on the location map are Myakka River State Park, Wingate Creek, Flatford Swamp, Tatum Sawgrass, Glay Gully, etc. Without locating the points of discussion, the reader cannot accurately determine the affected environment, as intended in this chapter.
4. Page 3-3 (last paragraph). There is mention of a privately constructed dam one-half mile below the Myakka River State Park, but there is no indication if this proposal would affect this dam. This report should state if the dam would be maintained, removed, or left to nature. It should also state the expected environmental effect. The report should also state the present purpose of the dam.

-MORE-



The Soil Conservation Service
is an agency of the
Department of Agriculture

11/3/83

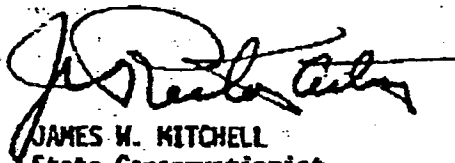
Mr. John E. Alcock

2

5. Page 3-10 (beginning with last paragraph). There is a discussion regarding the problem presented by the hydrilla growing within the waters and that it can entirely choke out the waterway. The first paragraph on the following page explains that this weed problem is presently being handled. This chapter should explain the effect this proposal will have. Will the weed control program continue or be abandoned? If abandoned, what will be the effects?

Thank you for giving us the opportunity to review this report.

Sincerely,



JAMES W. MITCHELL
State Conservationist

cc:
Elmer Sauer, AC, Palmetto AO
Anthony Polizoos, DC, Palmetto FO



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON, DC 20310

5 DEC 1983

Honorable G. Ray Arnett
Assistant Secretary for Fish
and Wildlife and Parks
U. S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Arnett:

This is in response to your recent letter, requesting Department of the Army views on the draft report and environmental assessment on the Myakka Wild and Scenic River Study, Charlotte, Manatee, and Sarasota Counties, Florida.

We have reviewed these documents and conclude that the several segments of the Myakka River identified in the report can be included in the National Wild and Scenic Rivers System as such action will not conflict with nor adversely affect flood control, navigation, or other programs or projects of the Corps of Engineers. In addition, we note that due to the nature of this action, no regulatory programs of the Corps of Engineers will need to be addressed.

Thank you for the opportunity to review this draft report.

Sincerely,

A handwritten signature in cursive script that reads "William R. Gianelli".

William R. Gianelli
Assistant Secretary of the Army
(Civil Works)



DEPARTMENT OF THE ARMY

SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS

510 TITLE BUILDING, 30 PRYOR STREET, S.W.

ATLANTA, GEORGIA 30303

October 13, 1983

REPLY TO
ATTENTION OF:

Environmental Resources Branch

Ms. Sharon C. Keene, Chief,
Rivers and Trails Division
Department of the Interior
National Park Service
Southeast Regional Office
75 Spring Street Southwest
Atlanta, Georgia 30303

Dear Ms. Keene:

I am writing in response to your request of September 2, 1983 for comments on the Draft Myakka Wild and Scenic River Study, Florida.

We concur that the several segments of the Myakka River identified in the report meet the eligibility for inclusion in the National Wild and Scenic Rivers System. Inclusion of the segments in the system will not adversely impact any existing or proposed Corps of Engineers projects.

We appreciate the opportunity to review this report.

Sincerely,


Dan M. Mauldin
Chief, Planning Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

SEP 22 1983

4PM-EA/CJD

Mr. Robert M. Baker
Regional Director
National Park Service
Southeast Regional Office
75 Spring Street, S.W.
Atlanta, Georgia 30303

Dear Mr. Baker:

We have completed our review of the Myakka River Draft Wild and Scenic Study/Environmental Assessment, Charlotte, Manatee, and Sarasota Counties, Florida.

Based on our review, we support the inclusion into the National Wild and Scenic River System of those segments of the Myakka River specified in Alternative "A", with the provisions outlined on pages 21 through 28. We agree that the proposed plan offers the best opportunity of retaining the present conditions in the remaining undeveloped river system and will preserve water quality and wildlife values, which would otherwise be lost to the area, for future generations.

If we may be of additional assistance, please contact us.

Sincerely yours,

Sheppard N. Moore
Sheppard N. Moore, Chief
Environmental Review Section
Environmental Assessment Branch

APPENDIX E

BIOLOGICAL ASSESSMENT

1. Describe the proposed project:

The Myakka Wild and Scenic River Study was conducted pursuant to the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The National Park Service considers 37 miles of the river eligible for inclusion in the National System based on its outstandingly remarkable scenic, ecological, fish and wildlife, and recreational values. The National Park Service proposes that, (1) the 12-mile segment within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic Rivers System; and (2) additional eligible segments of the Myakka River be designated as components of the National System as local and State initiatives to provide permanent protection for the river corridor are implemented.

State/County: Florida/Charlotte, Manatee and Sarasota

2. Was an environmental assessment (EA) prepared for this project? Yes or No.

a. If yes, was an Environmental Impact Statement (EIS) required? Yes or No.

1. In process - expected completion date _____.

2. Draft complete: _____
Date Document Number

3. Final complete: _____
Date Document Number

b. Were endangered species mentioned as being located within the project area? Yes or No. If yes, list them.

Red-cockaded woodpecker
Eastern brown pelican
Southern bald eagle
Peregrine falcon
Bachman's warbler
Florida panther

c. Were threatened species mentioned as being located within the project area? Yes or No. If yes, list them.

American alligator
Eastern Indigo snake

d. Did the project area encroach on a designated or proposed critical habitat? Yes or No. Explain.

There would be no habitat loss.

3. Has the project been specifically discussed with the U.S. Fish and Wildlife Service concerning compliance with the Endangered Species Act of 1973, as amended? Yes or No.

a. Date of discussion and evidence of documentation (attach all correspondence to this Biological Assessment).

March 6, 1984

b. Fish and Wildlife Service contact person Mr. David Smith, Endangered Species Coordinator, Vero Beach Office.

4. When is the project scheduled to start?

N/A.

(Filled out by Region)

1. Verification with USFWS:

a. Date March 19, 1984.

b. Contacted Mr. David Smith.

2. Impact of project on endangered species, threatened species as critical habitat:

a. No effect

b. Positive effect

c. Negative effect

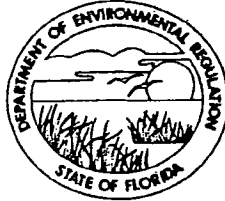
3. Signature Trish Patterson.

4. Comments:

APPENDIX F

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING
1600 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM
GOVERNOR
VICTORIA J. TSCHINKEL
SECRETARY

May 3, 1984

Mr. Neal G. Guse
Acting Regional Director
Southeast Region
United States Department of the Interior
National Park Service
75 Spring Street, S.W.
Atlanta, Georgia 30303

RE: Myakka River Wild and Scenic River Study/Environmental Assessment (WSRS/EA)

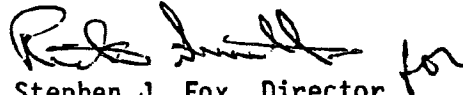
SAI: FL8403221017C

Dear Mr. Guse:

The State of Florida hereby concurs with your consistency determination. This concurrence is based on information set forth in the notification of proposed federal action and State agency comments thereon. Future consistency determinations may be required as more information is developed. 15 CFR 930.37. Subsequent State consistency evaluations, if needed, will take previous State agency comments (attached) into account. Finally, failure to object should not be construed to mean the State agrees with the sufficiency of this or subsequent consistency determinations.

Thank you for the opportunity to review your project for consistency with Florida's Coastal Management Program.

Sincerely,


Stephen J. Fox, Director
Division of Permitting

SJF/RSD

Attachment

**APPENDIX K – Written Correspondence (October 9, 2007 through
October 25, 2007)**

Hetrick, Stacia

From: Grant, Michael [Michael.Grant@myfloridahouse.gov]
Sent: Monday, October 08, 2007 10:58 AM
To: Hetrick, Stacia
Cc: Grant, Michael
Subject: FW: Myakka Wild and Scenic Extension in Charlotte County

Stacia-
Public comment sent to our office instead of to you. Please include in your comment file for the Charlotte public hearing.
Thank you
Maureen Garrard LA for
Representative Michael Grant, District 71

From: Christie Carlomany [mailto:christie.carlomany@coldwellbankerflorida.com]
Sent: Sun 10/7/2007 2:17 PM
To: Christie@CCLists.com
Subject: Myakka Wild and Scenic Extension in Charlotte County

I am writing to you to voice my concerns about the Charlotte county portion of the Myakka River to Cattedock Point going Wild and Scenic. First of all I am outraged that this continues to be revisited on a regular basis.

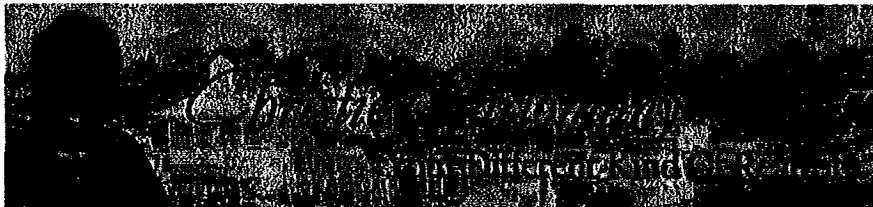
I am a Gulf Cove resident. We moved here, specifically, because it has "open water" access to the Gulf of Mexico. Of course we are avid boaters. We could afford this area, at the time. Since we bought and contracted to build, the taxes and insurance has increased so much that we would never be able to afford to buy here now, but that is another story. The property values, though, have decreased due to those escalating costs, which is why I mentioned the taxes and insurance. Now, if you make the river "wild and scenic" it leaves it open to government funds. Now that may not seem like a bad thing to you, but it could stomp out our rights as boaters and property owners here!

*There is NO **FLORIDA** definition for "Wild and Scenic"! We have been told that you are not going by the Federal definition. So where is the definition that spells out your intent? How can you*

mandate something as something not yet even defined? Aren't you putting the cart before the horse?

Also, as you can see I am already a starving Realtor. Are you trying to stop growth here? Do you want to KILL the economy here, even more? Clean up river first. That is where the problem lies any way (Phosphorous mine). From looking at some of the committee minutes.... it surely looks like the protection of the animals will also be a concern. I, frankly want someone in the government office that wants to look out for ME, US, THE PEOPLE, THE VOTER.... When is that going to happen? I am truly tired of my government working for everyone (thing) else.... illegals included.

I will be out of town for the meeting, for my mother-in-law's 92nd birthday is that weekend so we have to go up to Maryland. I did, however, want my voice to be heard once again! I have never been politically attuned, but since you are trying to tear my whole retirement dream life apart, at the seams.....



*It's A Great Day To Buy SW/FL Real Estate!
Thanks And Have A Great Day!*

Christie

941-875-3887 Cell

800-955-3540 Toll Free

941-697-9800 Fax

800-679-8525/941-697-8525 Office

www.CCLists.com

<mailto:Christie@CCLists.com>

Top Producer, Quality Service and Rising Star Awards Recipient

Hetrick, Stacia

From: Jono Miller [jonosarasota@gmail.com]
Sent: Friday, October 12, 2007 6:05 PM
To: Tom and Ginny Black
Cc: Hetrick, Stacia
Subject: Re: Federal manatee designation

Tom... I can't get to your Riverwood question right now, but I think we are essentially in agreement about Federal critical habitat designation -- it does exist, and doesn't seem to have much bearing unless a federal project would be involved. I don't think I claimed otherwise and I believe I pointed out that there is no follow-on manatee protection plan in Charlotte (and I'm not arguing for one).

Correct me if I'm wrong, but I think Lee and Sarasota have manatee protection plans. I sense some might be tempted to view this as a sort of ominous vice that is putting the big squeeze on Charlotte from North and South, but I view this situation as a major factor reducing the likelihood that Charlotte will need to implement more stringent manatee protection. If Lee and Sarasota do the heavy lifting to reduce manatee mortality then there may not be any need to ramp anything up in Charlotte.

I think it should be obvious that if, for whatever reason, there is a significant uptick in Manatee mortality anywhere in Charlotte County that increased scrutiny will be brought to bear regardless of what is designated what. It really has to do with how manatees are fairing locally and statewide and not what rivers are wild and scenic.

I can't speak for others, but I've never viewed extending the designation in Charlotte County as a back-door, or stalking horse for increased manatee protection. Nor do I have any evidence anyone else is.

People whose big issue is manatees know the appropriate venue is the state wildlife commission and if you know someone whose goal it is to thwart additional manatee protection in Charlotte County they would be well advised to monitor that arena and not get distracted by the Wild and Scenic efforts.

Your contention seems to boil down to the notion that it may be misleading to mention the critical habitat designation if it has such little bearing on most Myakka issues in Charlotte. Since I suspect the MRMCC will be reluctant to remove the first fact (as they declined to do so when we last met) perhaps you could offer additional language that would temper the implications you perceive by clarifying that the federal designation only pertains to federal projects. No promises, but my guess is that would be accepted.

Jono

On 10/12/07, Tom and Ginny Black <retblack@yahoo.com> wrote:

> Jono, the document that you pointed me toward that delineates the
> Critical Habitat designations for Florida also has one small paragraph
> that describes what they consider to be " Critical Habitat ". I have
> included a copy from the same web page and section 17.95 below.
> 17.95 Critical habitat-fish and wildlife .

>
> The following areas (exclusive of those existing man made structures
> or settlements which are not necessary to the normal needs or survival
> of the species) are Critical Habitat for the Species indicated.
> Pursuant to Section 7 of the Act,
> all Federal agencies must insure that actions authorized, funded, or
> carried out by them do not result-in the destruction or adverse
> modification of these areas :

>
> The last portion of the definition (reference to section 7) would lead
> me to believe that Critical Habitat has no direct bearing on the Wild
> and Scenic question posed by the Fla State legislature. Since the

> MRMCC does not get funding from a Federal agency to manage the Myakka
> River, the Manatee Critical Habitat verbiage is superfluous, and will
> only tend to mislead a legislator. The last two sentences on page 28,
> should be deleted from the report as they only add confusion and
> indirectly takes a shot at Charlotte County's lack of a Manatee
> Protection Plan. Which Charlotte County is not required to produce.
>
> In that light, The Florida Manatee Recovery Plan ranks this as a
> priority task important to the recovery of the species. In October,
> 1989, the Governor and Cabinet directed 13 "key" counties to develop
> manatee protection plans. Charlotte County is not one of the 13.
>
>
> The following url seems to further define what the term Critical
> Habitat means to the US Fish and Wildlife Service should you need to
> refresh your memory.
>
> <http://www.fws.gov/endangered/listing/index.html#CH> at the bottom of
> the page there is a subject titled about Critical Habitat and the
> first listing under it is a pdf file titled " Critical Habitat, What is it?
> " the following is the url
> http://www.fws.gov/endangered/pdfs/listing/Critical_Habitat_12_05.pdf
> I have copied a couple of paragraphs as shown below.
>
> "What is the purpose of designating critical habitat?"
> "Federal agencies are required to consult with us on actions they
> carry out, fund, or authorize to ensure that their actions will not
> destroy or adversely modify critical habitat. In this way, a critical
> habitat designation protects areas that are necessary for the
> conservation of the species."
> "A critical habitat designation has no effect on situations where a
> Federal agency is not involved—for example, a landowner undertaking a
> project on private land that involves no Federal funding or permit."
> "Do listed species in critical habitat areas receive more protection?"
> "An area designated as critical habitat is not a refuge or sanctuary
> for the species.
> Listed species and their habitat are
> protected by the Act whether or not they are in an area designated as
> critical habitat. To understand the additional protection that
> critical habitat provides to an area, it is first necessary to
> understand the protection afforded to any endangered or threatened
> species, even if critical habitat is not designated for it."
>
> Jono, and Stacia, thanks for indulging me. In addition to the above,
> there does not seem to be a clear picture of the Myakka River south of
> Sarasota County to the EL Jobean Bridge. Inserting reasons that we
> would like to see have some effect, is not forthright and can be
> construed as an attempt to sway the legislature.
> Along those lines the description of the Eastern bank in the
> vicinity of Riverwood would seem to connote that there is extensive wetland communities.
> What would your estimate be as to how many miles of this bank is
> extensive wetland, or would it be better described in yards?
>
> Tom Black
> 941-697-7921
> retblack@yahoo.com
>
>
> Check out the hottest 2008 models today at Yahoo! Autos.
>
>

Hetrick, Stacia

From: Jono Miller [jonosarasota@gmail.com]
Sent: Wednesday, October 10, 2007 6:02 PM
To: retblack@yahoo.com
Cc: Hetrick, Stacia
Subject: Federal manatee designation

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: US Fish and Wildlife Website.tiff; 42 FR 47840 47845 9_22_77.tiff; All Critical Habitat Documents- Manatee.tiff; North florida field office.tiff



US Fish and Wildlife Website.tiff; 42 FR 47840 47845 9_22_77.tiff; All Critical Habitat Documents- Manatee.tiff; North florida field office.tiff..

Mr. Black

Stacia forwarded a copy of your email to me for consideration.

I'm sorry this manatee stuff is so confusing. Part of the function of the Council is to cut through some of the fog and I am working with Stacia in an attempt to develop a graphic that will clarify the situation prior to the hearings.

The Federal government graphics that accompanied the Critical Habitat designation are an embarrassment as you will see when you open the version that features the crude map (as opposed to the Federal Register with no map). But you may not be able to because (at least right now) I can't.

The Myakka River in Charlotte County was designated as Critical Habitat by the U.S. Fish and Wildlife Service in the 70's. If you wish to view the document where this is stated, see

<http://ecos.fws.gov/speciesProfile/SpeciesReport.do;jsessionid=A1997760F83DE73D9329B4031030D05C?spcode=A007#crithab>

Part of that page should look like the file I labeled US Fish and Wildlife Website.If you click on Final Correction and Augmentation... you should see the Federal Register language (attached).

If you click on View All Critical Habitat Documents, you should see something like what I labeled All Critical Habitat Documents-Manatee.

If you go to <http://www.fws.gov/northflorida/>

Then click on Florida Manatee, you should see

<http://www.fws.gov/northflorida/Manatee/manatees.htm>

Then you'll see a North Florida Field Office page that promises a Manatee-Critical Habitat - PDF. It's not opening for me today, but it did yesterday and the lower Myakka was a big black blob. Maybe they are improving their artwork.

I hope this helps. Between State and Federal actions, this is a confusing body of regulation. For instance, it is Federally Designated Critical Habitat, but (as far as I can tell) NOT a Manatee Protection Area (another link describes those). We're all learning.

Sincerely,

Jono Miller

PS. I guess it is for others to decide if I am over-zealous, I don't see myself that way. I can tell you I will not deliberately misrepresent the facts in an effort to protect the Myakka.

Hetrick, Stacia

From: Tom and Ginny Black [retblack@yahoo.com]
Sent: Tuesday, October 09, 2007 7:21 PM
To: Hetrick, Stacia
Subject: Re: Myakka River- Preliminary Draft Report available

Stacia, I am still troubled by a statement that is made in the last paragraph on page #28, which is the fifth paragraph of the Description of the Myakka River in Charlotte County.

I have put in about 5 to 6 hours of searching on the Internet and the only place that I have found that would be considered close to Charlotte County in the way of a Manatee Critical Habitat would be on a Florida Fish and Wildlife Conservation Commission map and it stops at the Sarasota County /Charlotte County line.

The US Fish and Wildlife sites that I have reviewed do not have a reference to any "Critical Habitat in Charlotte County other than "Lemon Bay area and the area North East of US HWY 41 on the Peace River.

I believe this it is in fact misleading and incorrect to include this statement in this document as all it does is to take away from truthfulness of this document. At the review meeting, you said you would put the map that officially designates this a Critical Habitat in the Draft. I cannot find it. Does such map really exist? or is this just smoke being blown by an over zealous environmentalist in order to prove their point. Facts should be facts, especially when it is our State Government that is presenting them.

Tom Black
retblack@yahoo.com
941-697-7921 or cell 941-830-0637

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10/23/2007

Hetrick, Stacia

From: Corrine Lawman [rinron@verizon.net]
Sent: Monday, October 15, 2007 9:11 PM
To: Margie Oriorden; Hetrick, Stacia
Subject: Re: Myakka Wild and Scenic River Designation

Excellent, Margie. As a native, I know all this in my head, I just cant formulate the words as beautifully as you do. Thanks for speaking for all of us. Corrine

----- Original Message -----

From: Margie Oriorden
To: stacia.hetrick@dep.state.fl.us
Sent: Monday, October 15, 2007 8:41 PM
Subject: Myakka Wild and Scenic River Designation

October 15, 2007

Stacia Hetrick, Environmental Specialist,
Myakka Wild and Scenic River Management Program,
1843 South Tamiami Trail,
Osprey, Florida 34229

Re: Designation of the Myakka River as Wild and Scenic

To the Council:

I would like this letter to be part of the official records.

I strongly believe the Myakka River must be protected to the maximum extent possible.

My husband and I lived and farmed on 373 acres near Old Miakka for seventeen years. Not only do we love the land and rivers of Florida, but we realize their value as essential for undisturbed drainage for aquifer renourishment, microclimate stability, sustainable agricultural and Gulf fishery uses.

Without pristine rivers and land, mankind everywhere faces an uncertain future --- the earth supports us. We claim to care about future generations, but Florida's recent developmental history belies that claim. Our elected representatives have, for the most part, chosen to favor big business and fast growth over cautionary planning that could retain the best of Florida that brought most of us here in the first place.

I do not like the phosphate industry's attempts to boondoggle the average resident. I know that most of Florida's phosphate is shipped to China. I have seen the terrible scrub wastelands that are so-called reclaimed phosphate mines. I see Piney Point and other potential Piney Points every time I fly across the State. And I know that tomatoes taste better without the use of fertilizer.

And for those who are indifferent to nature, I say: fine. Stop breathing, because the wetlands and forests produce oxygen. Stop drinking and bathing, because the water comes from the aquifers. Stop eating, because your food comes from the land. And stop your petulant whining about Florida's heat, hurricanes, insects and environmentalists, and leave. Go back to whatever city you came from. Even

better, go live in Beijing where pollution will give you something to really whine about.

As a commercial pilot for forty years, I am dismayed at the change in Florida's scenery as seen from the air. It is more of a roofscape, mallscape and Interstate-scape than landscape. Where does a Florida child go to learn about nature or fishing? Certainly not their backyards because most backyards have no trees or gardens or wildlife. Every bit of Florida that you, our elected representatives, can save, is immensely more valuable than the biggest and most upscale development or business because it will benefit both current families and future generations forever.

Please save the Myakka.

Yours very truly,

Marguerite O'Riorden
4931 Bay Shore Road
Sarasota, Florida 34234
941-351-3252

Hetrick, Stacia

From: Trish and Tony [bordercollesar@comcast.net]
Sent: Tuesday, October 16, 2007 10:04 AM
To: 'Margie Oriorden'; Hetrick, Stacia
Subject: RE: Myakka Wild and Scenic River Designation

Well said Margie! The problem is not limited to Florida. The drive for short term profits to satisfy the short term stock market investment culture, and the drive for bigger, more and showier in our consumption driven culture is everywhere, and it is wrong in Florida, and wrong out here in the Northwest. The specific symptoms are just different...the result everywhere will be the same; a world that we will find increasingly unpalatable as we humans become increasingly neurotic in our search for ever more elusive happiness.

Tony

"Lord grant me the company of those who seek truth, and protect me from those who have found it." - Sir Thomas More

*Trish, Tony, and
Darby, Anna, and Rio
(425) 644-8512*

From: Margie Oriorden [mailto:browndogsmom@gmail.com]
Sent: Monday, October 15, 2007 5:42 PM
To: stacia.hetrick@dep.state.fl.us
Subject: Myakka Wild and Scenic River Designation

October 15, 2007

Stacia Hetrick, Environmental Specialist,
Myakka Wild and Scenic River Management Program,
1843 South Tamiami Trail,
Osprey, Florida 34229

Re: Designation of the Myakka River as Wild and Scenic

To the Council:

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Without pristine rivers and land, mankind everywhere faces an uncertain future --- the earth

10/16/2007

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I do not like the phosphate industry's attempts to boondoggle the average resident. I know that most of Florida's phosphate is shipped to China. I have seen the terrible scrub wastelands that are so-called reclaimed phosphate mines. I see Piney Point and other potential Piney Points every time I fly across the State. And I know that tomatoes taste better without the use of fertilizer.

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As a commercial pilot for forty years, I am dismayed at the change in Florida's scenery as seen from the air. It is more of a roofscape, mallscape and Interstate-scape than landscape. Where does a Florida child go to learn about nature or fishing? Certainly not their backyards because most backyards have no trees or gardens or wildlife. Every bit of Florida that you, our elected representatives, can save, is immensely more valuable than the biggest and most upscale development or business because it will benefit both current families and future generations forever.

Please save the Myakka.

Yours very truly,

Marguerite O'Riorden
4931 Bay Shore Road
Sarasota, Florida 34234
941-351-3252

Hetrick, Stacia

From: Hetrick, Stacia
Sent: Tuesday, October 16, 2007 10:34 AM
To: 'Benjamin Henry'
Subject: RE: Myakka River

Mr. Henry,

I am helping to compile the public comment (recommendations and concerns of affected parties and other interests) for the Council's report that is being submitted to the Governor and Legislature on the potential Wild and Scenic designation extension.

If you wish to provide public comment for the report, you can email or mail me a letter with your comments/recommendations. The letter should be addressed to the Myakka River Management Coordinating Council. The comments are due by October 25, 2007.

To view a preliminary draft of the report, see www.myakkarivermanagement.org . Please let me know if you have further questions.

Stacia Hetrick , Environmental Specialist II
Myakka Wild and Scenic River Management Program
1843 South Tamiami Trail
Osprey FL 34229
(941) 486-2052, Cell (941) 915-7820
SC 516-1324
Fax (941) 483-5941
email: stacia.hetrick@dep.state.fl.us

From: Benjamin Henry [<mailto:bhenry@lamar.com>]
Sent: Tuesday, October 16, 2007 8:06 AM
To: Hetrick, Stacia
Subject: FW: Myakka River

Ben Henry-Real Estate Manager
Lamar Advertising of Fort Myers
17660 East Street
N. Fort Myers, FL 33917
239-543-3002 Office
239-543-8079 Fax
239-940-9793 Cell

From: Benjamin Henry [<mailto:bhenry@lamar.com>]
Sent: Tuesday, October 16, 2007 7:02 AM
To: 'bennett.mike.web@flsenate.gov'
Subject: Myakka River

I noticed an article in the Charlotte Herald Tribune about the Myakka River.

I am in favor of extending the Wild and Scenic designation South into Charlotte County and North into Manatee.

10/16/2007

Unfortunately, I am unable to attend either of the public hearings, but I would like my voice to be heard.

If there is a mailing list or a petition to sign, please let me know. If there is an individual or an organization that I should write to show my support, please forward their information to me. The Myakka is a resource for the entire state of Florida and it must be protected for future generation.

Thank you for your time and I appreciate anything that you can do.

Ben Henry
11538 Lake Cypress Loop
Fort Myers, FL 33913

Hetrick, Stacia

From: Peace River Valley Citrus Growers Association [oj@prvcitrus.org]
Sent: Wednesday, October 17, 2007 2:20 PM
To: Hetrick, Stacia
Subject: Myakka Wild & Scenic Designation
Attachments: image001.jpg; Myakka MCC.doc

Please direct the attached letter from Mrs. Barbara Carlton, Executive Director for the Peace River Valley Citrus Growers Association to the Honorable Amy Stein, Chair, Manatee County Board of County Commissioners.

Thank You,

Christa Strauss
Communications Assistant

Peace River Valley Citrus Growers Association



10 East Oak Street, Suite B
Arcadia, FL 34266
(863) 494-0061, (863) 773-2644
Fax (863) 494-4976
Email: oj@prvcitrus.org; Website: www.prvcitrus.org



10 East Oak Street
Arcadia, FL 34266
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oj@prvcitrus.org, www.prvcitrus.org

October 16, 2007

The Honorable Amy E. Stein, Chair
Manatee County Board of Commissioners
P. O. Box 1000
Bradenton, FL 34206

Dear Commissioner Stein:

The Board of Peace River Valley Citrus Growers Association has voted in opposition of expanding the "Wild & Scenic" designation for the Myakka River.

Three specific items are of concern. First, the plan calls for additional regulation through ordinances which will be conceived after the designation expansion is agreed upon. There is no guidance for these ordinances and no way for growers, farmers and ranchers to know if their production agriculture operations will be impacted by these yet to be written ordinances.

Secondly, the establishment of a 220 foot building buffer from the river will impact property values and is simply an encroachment on basic property rights without compensation. State legislation exists through the Bert J. Harris Private Property Rights Protection Act (ss. 70.001 and 166.031, Fla. Stat.) to prevent taking without compensation.

Finally, with the increasing population expected in Florida brings concerns there will be enough potable water for the population. This designation would halt the possibility future public water supplies are available from flood waters of the Myakka River. This is a concern to growers because our production water supply is a common target for other water users. Should agriculture lose its water supply, production agriculture will no longer contribute to the economic well being of Florida. The result would be large tracts of land converting from agriculture to development, threatening green space and water recharge areas now available in rural areas.

We ask you to oppose expansion of the "Wild & Scenic" designation in Manatee County.

Sincerely,

Barbara Carlton
Executive Director

Hetrick, Stacia

From: Hetrick, Stacia
Sent: Wednesday, October 17, 2007 3:43 PM
To: 'DJNoles92'
Subject: RE: Questions regarding the Expansion of the FL Wild and Scenic River Designation

Mr. Young,

Thank you for your email. I would like to be able to address all of your questions, although most of your questions do not have a short, simple answer. Please call me or provide me with your phone number so that we may discuss your questions further. In response to a few of your questions, the Florida Wild and Scenic River designation will not allow the public to have access to private property and the designation will not take your private property from you. I hope to hear from you soon.

Stacia Hetrick , Environmental Specialist II
Myakka Wild and Scenic River Management Program
1843 South Tamiami Trail
Osprey FL 34229
(941) 486-2052, Cell (941) 915-7820
SC 516-1324
Fax (941) 483-5941
email: stacia.hetrick@dep.state.fl.us

From: DJNoles92 [<mailto:DJNoles92@cfl.rr.com>]
Sent: Tuesday, October 16, 2007 9:55 PM
To: Hetrick, Stacia
Cc: ronyoung3@verizon.net
Subject: Questions regarding the Expansion of the FL Wild and Scenic River Designation

Stacia,

My name is Jason Young and I am a third generation land owner along the Myakka River approximately 1 mile above the Myakka State Park. My family has owned our 5 acre plot since the 1960's when my grandfather purchased the property. I generally feel that my family would support this designation but there are concerns and questions we would like answered. First, how does this designation affect our current land ownership? We have a well maintained cabin along the river bank and obviously would not want this altered. In addition, we would like to know the limitations to further enhancing our property going forward. Another concern, how much involvement would the state of Florida have in maintaining the river? Would they have rights to our property for maintenance of the river and would our annual costs increase in the way of higher taxes or maintenance fees? Also, would the designation open the river to potentially increased public use? As I mentioned, my family sees benefits in designating the river. Over the years the potential encroachment from developers and general lack of upkeep from adjacent land owners has caused me a few restless nights sleep. It would be nice to leverage to improve the quality of the land in our surrounding area. Needless to say, we really care about this land. Any answers you can provide to ease our concerns would be much appreciated.

Sincerely,

Jason Young

Hetrick, Stacia

From: Dennis Curtis [dcurtis@ewol.com]
Sent: Saturday, October 20, 2007 9:15 PM
To: Hetrick, Stacia
Cc: Michael.Grant@myfloridahouse.gov; Keith.Fitzgerald@myfloridahouse.gov; Charlie Crist; bennett.mike.web@flsenate.gov
Subject: Wild and Scenic from Dennis Curtis - Charlotte County, South Gulf Cove
Attachments: Myakka wild and scenic.doc



Myakka wild
d scenic.doc (2⁴

Stacia,

I'm the President of the South Gulf Cove Homeowners Association in Charlotte County. Our community has over 14,000 lots with over 5,000 of those lots on water. We are very proud of our community and we care about the environment along with the river. We protect our waters and Charlotte Harbor in every way we can but we can not, in any form, support this extension for the "Wild and Scenic" into our waters.

I've attached the soft copy of the paper I gave you at the Charlotte County meeting, so, you would have it in an easy to use form.

I must say I'm very disappointed in the half truths that were provided in that meeting. Particularly where the presentation group, you included, said the Manasota-88 group had asked Rep. Fitzgerald for this designation be added to the rest of the river, not the MRMCC. However, in looking at the make up of the MRMCC I see where Manasota-88 (Greg Nowaski) is part of the MRMCC. Shame on you and Jono for misleading the people in that manner. I really do not like half-truths, the statement "we (MRMCC) did not ask for this" is misleading by omission.

Denny Curtis

South Gulf Cove, Charlotte County

(941) 626-2248

Dennis Curtis
9348 Spring Circle, South Gulf Cove, Florida 33981

First, let me say that this effort is not well received by myself or other property owners that live along, or require access, to the Myakka River. This is like asking us to sign a check and give it to you with no idea of what you plan to do with it, or, how much it will cost! How could any reasonable person give their rights to any state agency without prior knowledge of the final plans?

The Charlotte County board has voted to opt out of this Myakka designation legislation and the Manatee County commission has also rescinded their support of the bill. While you are not obligated to follow our directions I want to make it known, in a very loud voice and as clear as I possibly can that we do not want the "Wild and Scenic" additional oversight of the river. In fact, I applaud and support the decision of the Charlotte and Manatee County commissioners in stating that this bill must not go any further into our counties. Their concern for future water supply, private property rights and confusion of what the designation would mean to the counties should be enough to keep this from going forward. I urge you to heed their decision, and our overwhelming objections, when you report to the legislature. This bill is not in the best interest of the communities along the Myakka River and we don't want it!

I was not present at the Sarasota meeting but I was told that riparian rights, overzealous park patrols and lack of consideration for property owner rights are high on their concerns. Several stories of land rights abuse were also reported. One example had a woman that has lost use of 50 feet of her land! Constant patrols of the river on land, air and water provide constant harassment to homeowners living on, or near, the water already under this act. One person was even cited for removing poison Ivy and pepperbushes! One Grandmother was even forced to remove a swing set, used by her small Grandchildren! Multiple horror stories were related to you in Sarasota and they are all unacceptable. The fact you acted with surprise is not a good thing either! You should be aware of this abuse and the fact you did not stop it does not hold well for anyone else coming under this act. It appears this is not about wild and scenic, but it is about control of the river by abusive extreme environmental activists.

The state and county already own 56.4% of the Charlotte County Myakka River borderland. The remaining 43.6% are private lands, already plotted and developed. This is not an area where wild and scenic should even be considered. The state is already protecting over half of this land already! Why make laws that would affect private property that do not need a wild and scenic designation, as it simply does not apply. Remember, this legislation was to keep the river looking wild and scenic and not to be used to control the river!

The Clean Water Act for the Charlotte estuary already protects the area in Charlotte County. The lower part, past the El Jobean bridge, is covered under the Florida aquatic preserve/ (Outstanding Florida Waters) OFW. The upper part of the Charlotte River (north of the ElJobean Bridge) is also protected by OFW and SWFWMD (Southwest Florida water management district). Having multiple agencies doing, essentially, the same thing is unneeded.

I know that many people will talk about their Riparian rights but I also want to talk about the 5th amendment of the US Constitution. While the 5th amendment is usually associated with self-incrimination it also states that the power of state and federal governments to impinge on the riparian rights of landowners by enactment of any laws or regulations that amount to the "taking" of private property is unconstitutional. Laws and regulations that deprive a riparian owner of legally cognizable water rights constitute an illegal governmental taking of private property for Fifth Amendment purposes.

The Environmental Dispute Resolution Act (the "Dispute Resolution Act"), Chapter 95-181, Laws of Florida, states that any governmental entity that unreasonably or unfairly burdens the use of the owner's real property shall be subject to litigation, or mediation. The burden for this state agency would be to prove that the action of a "Wild and Scenic" designation would be for the public health, safety and welfare, which would be difficult as the Myakka River is already covered under other restrictions already in force that provide that protection, additional laws and restrictions are unnecessary.

I'm, personally, very angry about this effort. I came here from Iowa where the people are known to be stewards of the land. I hold the environment, as do most Iowans, very high on my list of things to protect. What this effort has done is place me in a difficult position of having to choose between the extreme environmentalist positions and common sense. I've made the decision to use common sense and to reject this madness. This legislative act was unnecessary and it has done nothing but make former supporters of environmental issues into adversaries.

Common sense should prevail here and the madness of over protection needs to stop! The people, and elected officials, in Manatee and Charlotte have made it clear we do not want to be included in this designation and we hope the legislature understands this is not what we want as part of our future. We want to keep the usage of the land in our local governments jurisdiction and not hand it over to abusive environmental extremists!

Hetrick, Stacia

From: Mjelks99@cs.com
Sent: Saturday, October 20, 2007 11:30 PM
To: Hetrick, Stacia
Subject: You did the best in difficult conditions.
Follow Up Flag: Follow up
Flag Status: Green

Comments on Myakka River Wild and Scenic River Designation Hearing

Mary L. Jelks, M.D.
1930 Clematis St.
Sarasota FL 34239-3813
ph:941 366 0446
Email mjelks99@cs.com

The water quality and quantity is dependent on the activities along the entire river and the watershed. The Manatee section has a phosphate mining operation which could have a bad impact if the operation is not meeting the regulations required. The Manatee section of the Myakka River has intense agricultural activities with irrigation methods that in the past have caused 1000 trees to die from flooding. There has been some correction of this situation but not entirely. Best management practices only work if the people involved really care about the river.

The Charlotte County has so much development along the river with boating being a major source of speeding and careless dumping of garbage and fishing lines along the shore. Without a feeling of pride of a wild and scenic designation, they will no doubt continue in their abuse of the river. I am saddened that wildlife will not fare as well where there is this attitude.

Hetrick, Stacia

From: Dennis Curtis [dcurtis@ewol.com]
Sent: Saturday, October 20, 2007 5:51 PM
To: Randy Roberson; Hetrick, Stacia
Cc: Nancy Detert; Grant, Michael; Charlie Crist; Jono Miller
Subject: RE: Statement of opposition to the proposed expansion of the Myakka River Wild and Scenic River Act

To all,

I echo Randy's opposition to the proposed extension. I believe this law is being used by a few extremist to abuse private property rights and to control the river. The overkill in Sarasota is just an example of how this designation is out of control and being used to harass people that love the river and protect it. In the end, it has caused more harm than good as people are starting to create a backlash over it. I would also agree with Randy in asking that the Myakka River Management Coordinating Council be abolished. I know that suggestion may not be well received but it's obvious that the ordinary people, and homeowners, are not represented on this council and that needs to stop! We have more than enough protection for the river and adding this only seems to be overkill.

I would also ask that someone look into this harassment of people that live on the water. To require a Grandmother to remove a swing set or to get a citation for removing pepper bushes and poison ivy or for planting a blueberry bush on their own property is unacceptable. (This is just a few of the horror stories presented during the meetings by people currently living under this law in Sarasota.) This is where the opposition comes from, and to be frank about it; rightly so. This is still America and this type of abuse needs to be stopped right now!

Denny Curtis

South Gulf Cove

-----Original Message-----

From: Randy Roberson [mailto:fishamingo@comcast.net]
Sent: Saturday, October 20, 2007 4:47 PM
To: Stacia Hetrick
Cc: Nancy Detert; Grant, Michael; Gov. Charlie Crist; Jono Miller
Subject: Statement of opposition to the proposed expansion of the Myakka River Wild and Scenic River Act

October 20, 2007

To the Florida State Legislators:

Please consider this as my statement of opposition to the proposed extension of the State Wild and Scenic designation into Charlotte and Manatee Counties.

Because the Myakka River Coordinating Council failed to give measurable benefits of this designation to the citizens or even be able to define it or to give it's rules or regulations, I am vehemently opposed to the designation into Charlotte County and, after hearing heart wrenching stories from Sarasota resident's about how they have been treated by members and affiliates of the MRCC, I also oppose the designation for Manatee County.

10/22/2007

I have attended all the meetings and public hearings concerning this topic, but they all pale into comparison to the October 18 public hearing held here in Charlotte County. We had people travel all the way from Sarasota County to give us their warning about what could happen to the citizens of Charlotte if this designation is allowed to pass by the state legislation. After at least a partial testimony from them, Jono Miller was asked what benefit's the citizens who live along the Myakka in Sarasota County have received over the 20 some years of their oversight or management. The only benefits that he could remember even after scratching his head for a few moments was that the MRCC was instrumental in getting a highway rest stop closed that had become a field of drug use and transactions and sexual activity. He also took credit for having a large pipe moved that spanned the river in it's upper reaches. There was no testimony from any of the council members, when this question was asked, about improved water quality, less harm to any of the mammals, birds or fish that live on or within the river. There was no mention of dwindling populations of any fish, bird or mammal increasing because of their oversight. Over the twenty some years of MRCC oversight, we citizens have been spent, through this program, several million dollars. All to the best of our knowledge only to have a pipe moved and a rest stop closed.

Therefore, in addition to asking for the designation to cease and desist, I strongly recommend that the Florida State Legislature **abolish** the Myakka River Management Coordinating Council in totality.

Randy Roberson
13487 Hopewell Ave
Port Charlotte, Florida 33981
941-270-6065
Email: fishamingo@comcast.net

!DSPAM:4749,471a696542594751374330!

Hetrick, Stacia

From: Hetrick, Stacia
Sent: Monday, October 22, 2007 9:20 AM
To: 'Tom McGhee'
Subject: RE: Myakka River W & S R designation

Mr. McGhee,

Thank you for your email. In response to your first question, the protections that were put into place for Sarasota County are the Myakka River Wild and Scenic River Rule (which applies to the actual river and contiguous wetlands) and 4 Sarasota County Ordinance amendments (which apply to the 220-foot Protection Zone). All 5 of these documents are available as Appendices of the preliminary draft report, which can be obtained at www.myakkarivermanagement.org. Please know that these protections were put into place specifically for the Sarasota County segment of the river. Also, they were put into place in order to follow through with the intent of the Designation Act, which states that river's resource values should be "preserved and enhanced for the citizens of the State of Florida".

In response to your second question, the Wild and Scenic River program that exists in Sarasota County involves almost daily clean-ups of the river by the river ranger. It's amazing how much trash, fishing line, etc. that he cleans up. Also, larger scale volunteer clean-ups are conducted once or twice a year and numerous clean-ups of the high-use areas (such as bridges) are conducted by the Friends of Myakka group every year. The concentration is on the river in Sarasota County because this is the segment that is designated as Wild and Scenic. If the segment of the river in Charlotte County were designated, I am confident that there would be much more attention focused on river clean-up in Charlotte County.

Please let me know if you have further questions and please don't hesitate to call me if you would like more detailed information.

Stacia Hetrick , Environmental Specialist II
Myakka Wild and Scenic River Management Program
1843 South Tamiami Trail
Osprey FL 34229
(941) 486-2052, Cell (941) 915-7820
SC 516-1324
Fax (941) 483-5941
email: stacia.hetrick@dep.state.fl.us

From: Tom McGhee [<mailto:tomnor6@comcast.net>]
Sent: Saturday, October 20, 2007 3:18 PM
To: Hetrick, Stacia
Subject: Myakka River W & S R designation

Ms. Hetrick and Mr. Miller,

Thank you for the work you put into the Charlotte County meeting on October 18th. My wife, Noreen McGhee, and I attended the meeting. If the public had known that Mr. Miller was a volunteer their comments may have been softer in tone.

I think a lot of concerns were the result of confusion of the W & S R restrictions. Where can I find what the restrictions are currently?

I personally feel we could improve the river quality by dredging a 6 foot channel so boaters do not meander into sensitive areas to find navigable depth. Also, could the DEP sponsor a group of volunteers to pick up debris from the river on a quarterly basis? My wife and I, twice a year by kayaks, help North Port clean our Myakkahatchee

Creek and always have picked up several bags of debris.

I liked Mr. Miller's comment about trying to coordinate all agencies to inspect any project for permit approvals together to speed up approval times.

Thanks for listening,
Tom McGhee
tomnor6@comcast.net
941 426-5191

Hetrick, Stacia

From: John Barbour [jbarbour@embarqmail.com]
Sent: Monday, October 22, 2007 10:51 AM
To: Hetrick, Stacia
Subject: Re: Thanks For Hostessing the Thursday Session at Edison College

He did indeed call and give me his perspective.

Thanks for your followup, JohnB

— Original Message —

From: Hetrick, Stacia
To: John Barbour
Sent: Monday, October 22, 2007 8:15 AM
Subject: RE: Thanks For Hostessing the Thursday Session at Edison College

Mr. Barbour,
I forwarded your email to Jono Miller. I understand that he has responded to you. Please let me know if you have further questions.

Stacia Hetrick, Environmental Specialist II
Myakka Wild and Scenic River Management Program
1843 South Tamiami Trail
Osprey FL 34229
(941) 486-2052, Cell (941) 915-7820
SC 516-1324
Fax (941) 483-5941
email: stacia.hetrick@dep.state.fl.us

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Michael W. Sole is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Simply click on [this link to the DEP Customer Survey](#). Thank you in advance for completing the survey.

From: John Barbour [mailto:jbarbour@embarqmail.com]
Sent: Friday, October 19, 2007 10:53 AM
To: Hetrick, Stacia
Cc: Tom and Ginny Black; Strong, Carl(POGC); Randy Roberson; Ohm, Bob&Patti; Greene, John&Millie; Garrard, Maureen; Denny Curtis
Subject: Thanks For Hostessing the Thursday Session at Edison College

I mis-managed my three minutes a bit. The lady, former member of SWFWMD, touched on the topic I had to omit.

It seems that that SWFWMD clearly has Myakka River basin-wide authority and responsibility for water quality. DEP, of course, has special control regarding phosphate activities. Why doesn't the Council's River Management Plan aggressively support the SWFWMD CWM(Comprehensive Watershed Management) Plan? Given the appropriate water quality concerns in Sarasota County and all along the Myakka River, it would seem meritorious for your plan to pro-actively endorse and support SWFWMDs efforts.

Any clarification, context, etc. would be appreciated.

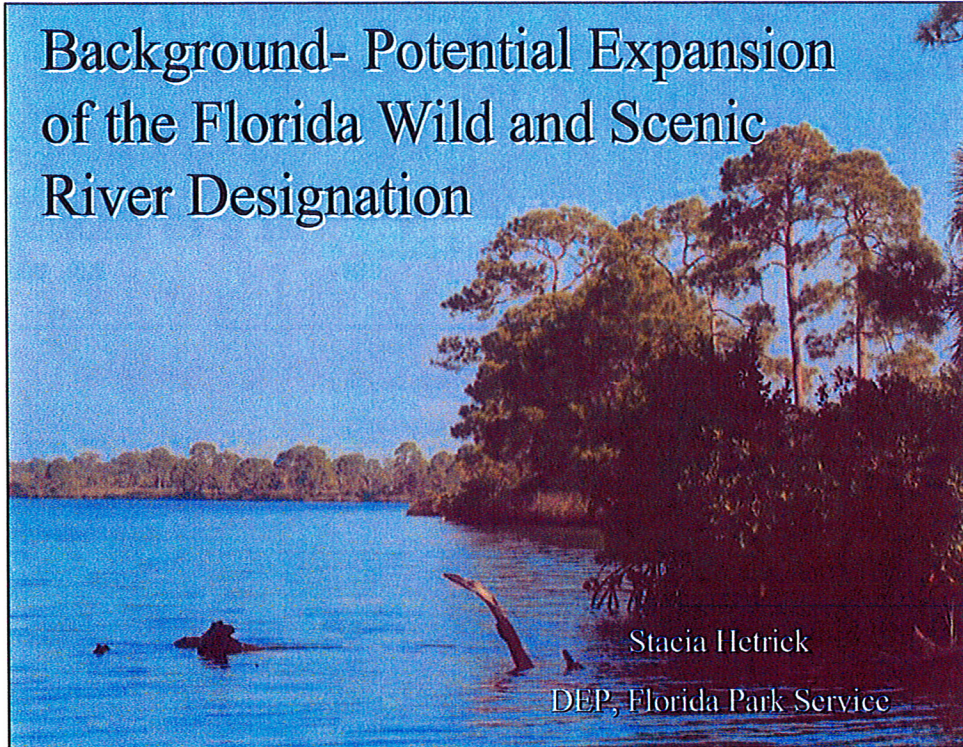
Regards, JohnB 941.697.5669

No virus found in this incoming message.
Checked by AVG Free Edition.

10/22/2007

**APPENDIX L – Presentation Given at Public Hearings – “Background-Potential
Expansion of the Florida Wild and Scenic River Designation**

Slide 1



Slide 2

Legislation Passed

The Myakka River Management Coordinating Council shall prepare a report concerning the potential expansion of the Florida Wild and Scenic River designation to include the entire Myakka River.

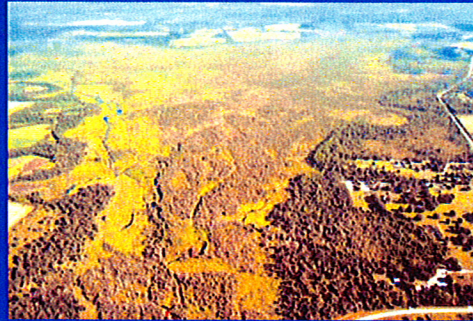
At a minimum, the report shall include a description of the extent of the Myakka River area that may be covered under the expanded designation and any recommendations or concerns of affected parties or other interests.

During the development of the report, at least one public hearing shall be held in each of the affected areas of Manatee, Sarasota, and Charlotte counties. The report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1, 2008.

Slide 3

Outline

- Florida Wild and Scenic Designation
- Florida vs. National
- Designation Process
- Description of the River



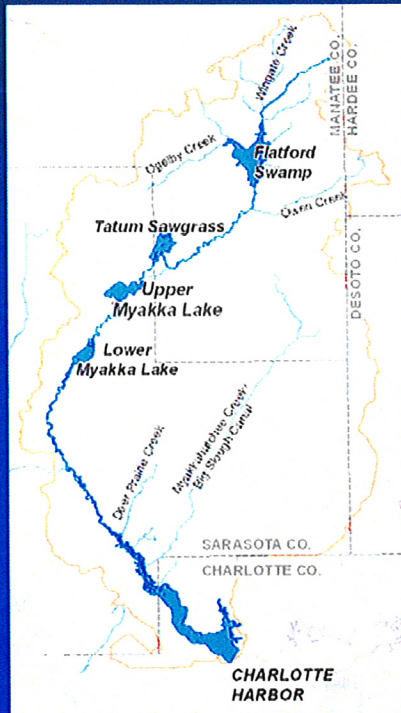
Flatford Swamp, Manatee County

Slide 4



Slide 5

Myakka River Basin



Slide 6

Designated Segment
Florida Wild and Scenic River - Myakka River

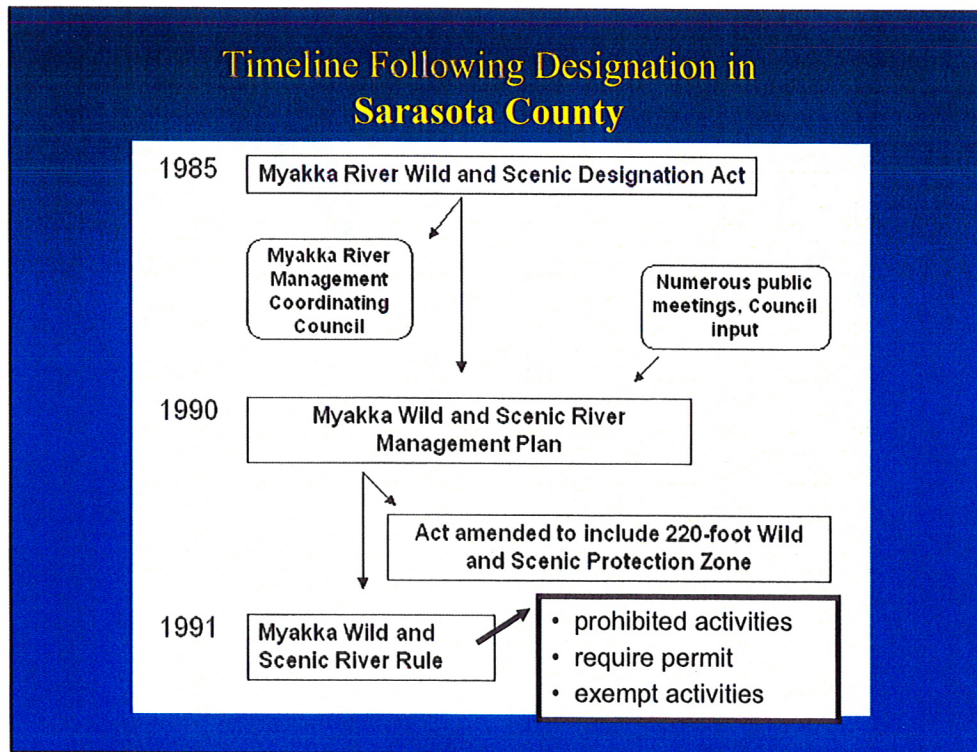
Designated Myakka River Area

The map shows the designated segment of the Myakka River, with a legend for various land use categories and county boundaries for Manatee, Sarasota, and Charlotte counties. A north arrow and scale are also present.

Slide 7

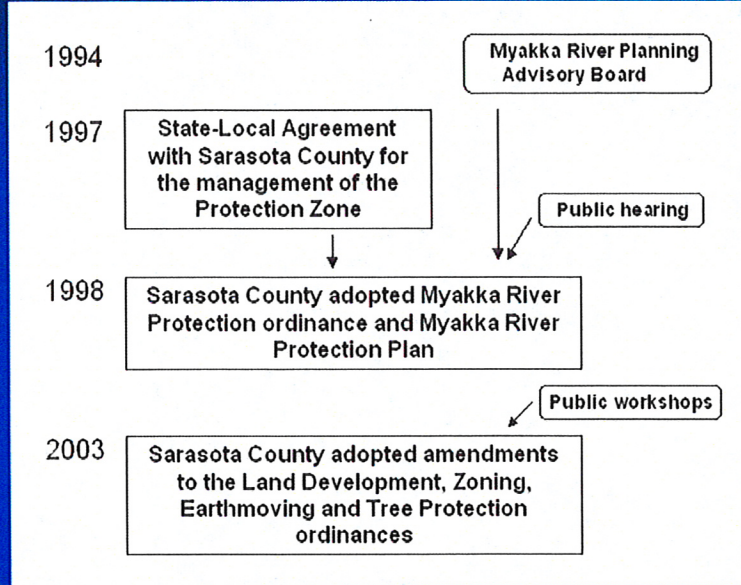


Slide 8



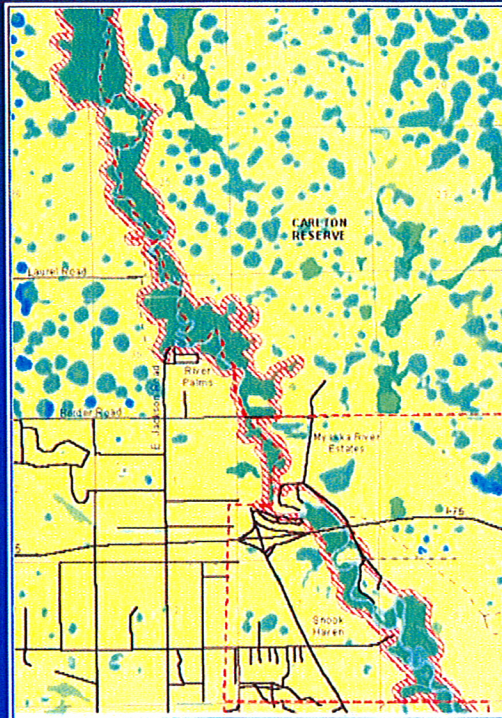
Slide 9

Timeline Following Designation in Sarasota County



Slide 10

Protection Zone- Sarasota County



Slide 11

Florida vs. National Wild and Scenic River Designation

Florida

- Florida Legislature
- no specific established eligibility criteria
- no Federal involvement

National

- Congress, Sec. of Interior
- specific eligibility criteria- Wild and Scenic Rivers Act
- Federal government oversees management

Slide 12

Florida vs. National Wild and Scenic River Designation

- Myakka River studied for inclusion in the *National* Wild and Scenic River System
- 1984- *Myakka River- Final Wild and Scenic River Study*
- 1985- designated a *Florida* Wild and Scenic River



Slide 13

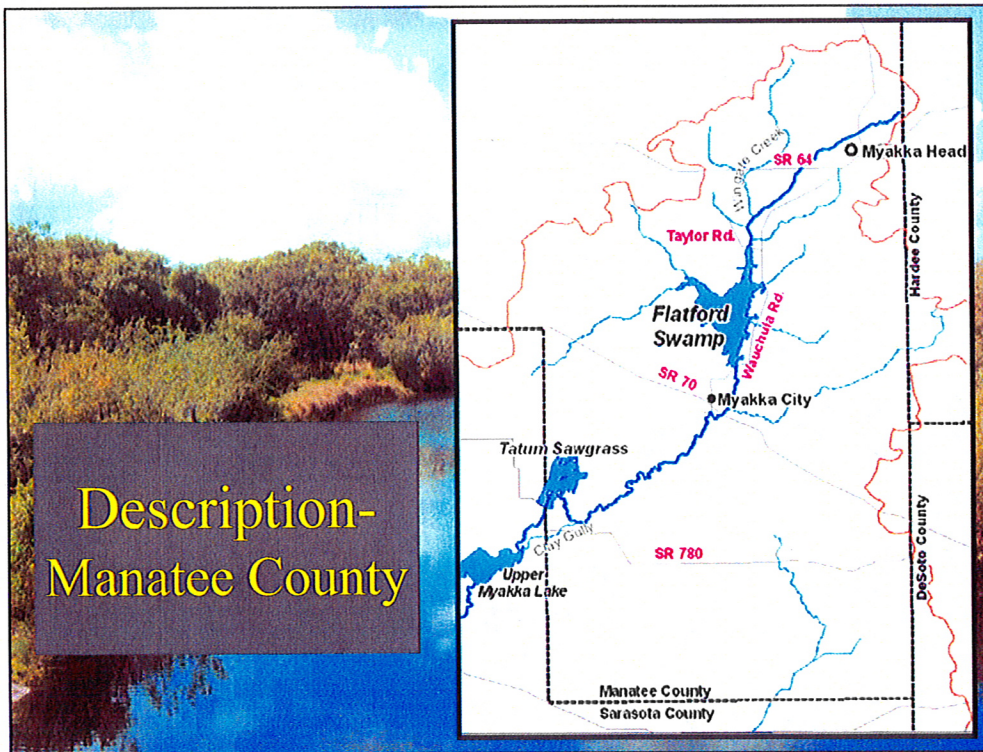
Florida Wild and Scenic River Designation Process

- Action of Florida Legislature to expand
- Legislation would determine process
- Parallel process that followed original designation?



Charlotte County

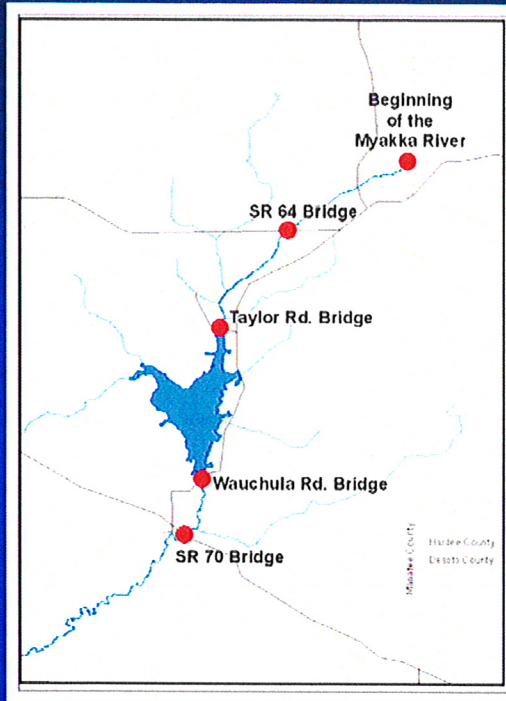
Slide 14



Slide 15

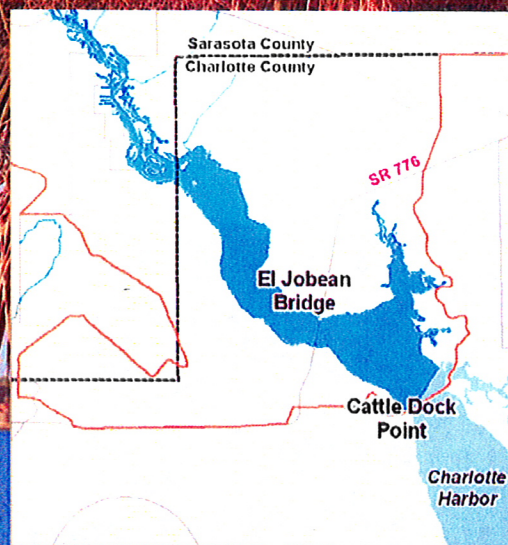
Alternative Starting Locations for Designation

Manatee County



Slide 16

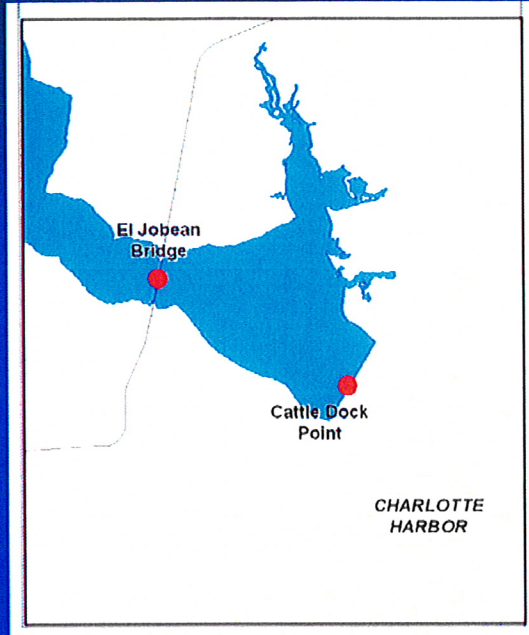
Description- Charlotte County



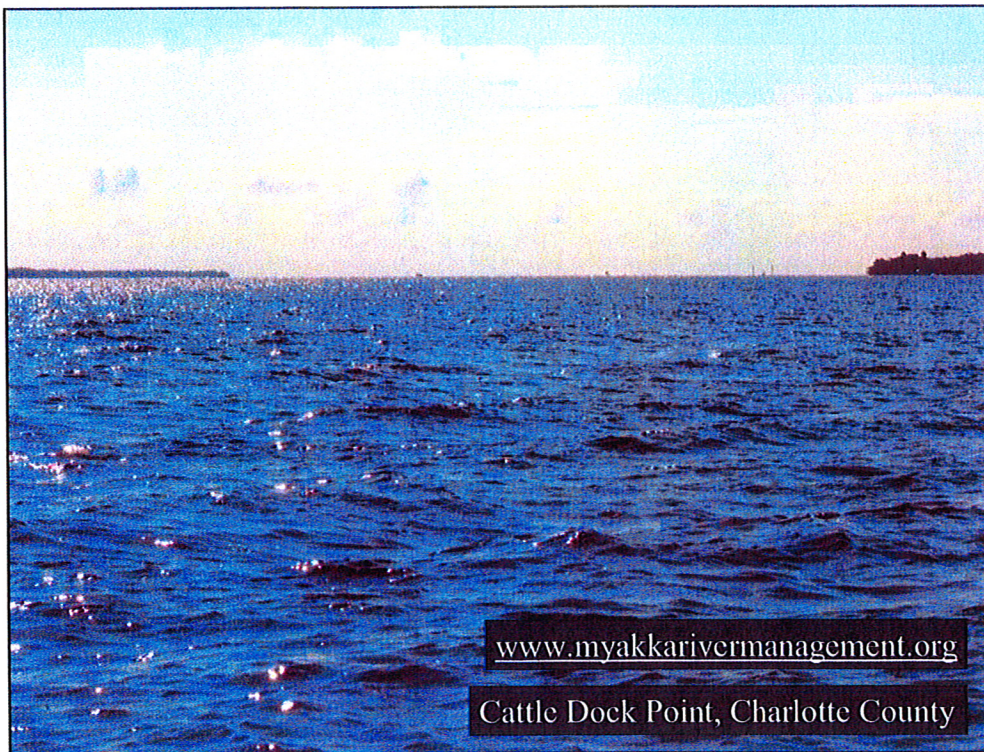
Slide 17

Alternative Ending Locations for Designation

Charlotte
County



Slide 18



www.myakkarivermanagement.org

Cattle Dock Point, Charlotte County

