

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

Manatee County



Manatee County File Photo

Charlotte County



Florida Park Service File Photo

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



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

December 27, 2007

The Honorable Charlie Crist
Governor of Florida
PL-05, The Capitol
Tallahassee, Florida 32399-0001

The Honorable Ken Pruitt
President of the Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

The Honorable Marco Rubio
Speaker of the House of Representatives
Room 420, The Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

Dear Governor Crist, President Pruitt and Speaker Rubio:

On behalf of the Myakka River Management Coordinating Council, please find enclosed the *Report Concerning the Potential Expansion of the Florida Wild and Scenic River Designation to Include the Entire Myakka River*.

The report was prepared by the Council as required by amendments to the Myakka River Wild and Scenic Designation and Preservation Act (Section 258.501, Florida Statutes), which were enacted by the 2007 Florida Legislature:

(7) MANAGEMENT COORDINATING COUNCIL.

(c) 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

The Honorable Charlie Crist
The Honorable Ken Pruitt
The Honorable Marco Rubio
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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.

The report binder and the appendices binder are both attached, as mandated. The report summarizes the public's recommendations and concerns about the potential for expanding the Myakka's Wild and Scenic River designation beyond the current area in Sarasota County to include portions of the river in Manatee County and Charlotte County. The Florida Department of Environmental Protection (DEP) conducted three local public hearings to provide opportunities for the public to express their opinions on the potential expansion. In addition, the Council conducted two public meetings where the expansion was discussed by the Council and the general public.

At the November 2, 2007, meeting, the Council voted not to endorse extending the Florida Wild and Scenic River designation into either Manatee or Charlotte Counties. The enclosed letter from Mr. Jono Miller, Chairman of the Council, further explains the Council's actions on the potential expansion of the designation.

We appreciate this opportunity to assist the Council in submitting the report and to participate in this public discussion about the River. If DEP can be of any further assistance, please contact Albert Gregory at (850) 245-3051.

Sincerely,


Michael W. Sole
Secretary

MWS/agf

Enclosure

cc: Jono Miller, Chair, Myakka River Management Coordinating Council

MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL

November 23, 2007

Secretary Mike Sole
FL Dept. of Environmental Protection
Office of the Secretary
Douglas Building, MS #10
3900 Commonwealth Boulevard
Tallahassee, FL 32399-3000

In accordance with the provisions of the Myakka River Wild and Scenic Designation and Preservation Act (Act), Section 258.501, Florida Statutes, as amended, the Myakka River Management Coordinating Council is forwarding our report prepared with the assistance of the staff of the Florida Department of Environmental Protection.

The report draft was posted online on the Council's website on October 9, 2007. On November 2, 2007, the Council met to adopt the report and to consider support extending the Florida Wild and Scenic River designation into Manatee and Charlotte counties. At that meeting, the Council declined to endorse the extension into Manatee County by adopting the following motion: **"The Council declines to endorse the extension of the Florida Wild and Scenic River designation into Manatee County at this time. The Council shall send a letter to Manatee Board of County Commissioners (BCC) encouraging coordination between the Council, the BCC, Manatee County staff, Manatee County residents and other Manatee County stakeholders to come up with conservation solutions that are agreeable to all parties."**

The Council also declined to endorse the extension into Charlotte County by passing the following motion: **"The Council declines to endorse extending the Wild and Scenic Designation into Charlotte County."**

Section 258.501 (7)(b) of the Act provides that the Council has a statutory responsibility to review and make recommendations on all proposed amendments or modifications of the Act, therefore the Council would appreciate being kept apprised of any proposed amendments to the legislation.

If I can offer any further assistance, do not hesitate to call me at 941-320-3846 or e-mail me at jonosarasota@gmail.com.

Sincerely,


Jono Miller, Chair 2007
Cc: Stacia Hetrick

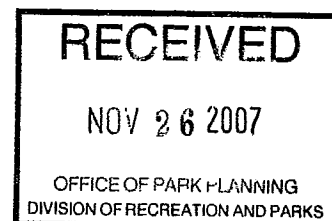


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SUMMARY

This report was undertaken at the direction of the 2007 Florida Legislature, and concerns the potential expansion of the Florida Wild and Scenic River designation to include the entire Myakka River (Chapter 2007-186, amending s. 258.501, F.S.). The 66-mile long Myakka River flows through Manatee, Sarasota, and Charlotte counties in southwestern Florida. The 34-mile segment of the Myakka River in Sarasota County was designated a Florida Wild and Scenic River in 1985 because the river "possesses outstanding remarkable ecological, fish and wildlife, and recreational values which are unique in the State of Florida" and the "values give significance to the river as one which should be permanently preserved and enhanced ..." (Act, 258.501 F.S.).

This report was prepared by the Myakka River Management Coordinating Council in close cooperation with the Florida Department of Environmental Protection's (DEP) Division of Recreation and Parks (DRP), as well as Manatee and Charlotte County staff. A preliminary draft report was taken before the Myakka River Management Coordinating Council (Council) on October 5, 2007 and approved with revisions. The preliminary draft report was then distributed to the Council and interested parties and posted online prior to the public hearings that were held in Manatee, Sarasota, and Charlotte counties. Following the public hearings, the report was revised and taken before the Council on November 2, 2007 and approved for submittal to the Legislature. The report was then submitted through the Florida Department of Environmental Protection (Department) to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Notices for the public hearings were emailed and mailed to the Council members and interested parties (those that provided their email and/or mailing address). Notices were also mailed to property owners within 300 feet of the mainstem of the Myakka River in Manatee and Charlotte counties and property owners within the 220-foot Myakka River wild and scenic protection zone in the designated segment of the river in Sarasota County. The addresses were acquired using the County's Property Appraiser's GIS parcel information. In total, 1,397 notices were mailed. The hearings were also noticed in three local newspapers (one in each county) and in the Florida Administrative Weekly.

Chapter I of this report is an overview of the existing designated segment of the Myakka River in Sarasota County and a description of state versus federal designation.

Chapters II and III of this report contain descriptions of the Myakka River area in Manatee and Charlotte counties, respectively, that may be covered under an expanded designation. Alternative starting and stopping points were identified for the potential expanded designation. Starting point alternatives on the Myakka River in Manatee County include the beginning of the Myakka River, the State Road 64 Bridge, the Taylor Road Bridge, the Wauchula Road Bridge, and the State Road 70 Bridge. Ending point alternatives on the Myakka River in Charlotte County include the El Jobean Bridge and Cattle Dock Point (river mile 0).

Chapter IV of this report contains a summary of comments and recommendations about expanding the wild and scenic designation that were received from stakeholders (affected parties and other interests). This summary includes written comments received via mail, email and hand-delivery, as well as comments received during public hearings that were held in Manatee, Sarasota, and Charlotte counties on October 16, 17, and 18, 2007, respectively.

AMENDMENTS TO SECTION 258.501, FLORIDA STATUTES

CHAPTER 2007-186

Committee Substitute for
Committee Substitute for Senate Bill No. 2346

An act relating to the Myakka River; amending s. 258.501, F.S.; requiring the Myakka River Management Coordinating Council to prepare a report; providing report requirements; requiring public hearings; requiring the council to submit the report to the Governor and the Legislature; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (c) and (d) of subsection (7) of section 258.501, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added to that subsection, to read:

258.501 Myakka River; wild and scenic segment.

(7) MANAGEMENT COORDINATING COUNCIL.-

(c) 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.

Section 2. This act shall take effect July 1, 2007.

Approved by the Governor June 19, 2007.

Filed in Office Secretary of State June 19, 2007.

CODING: Words stricken are deletions; words underlined are additions.

MYAKKA RIVER MANAGEMENT COORDINATING COUNCIL MEMBERS AND ALTERNATES

State and Regional Agencies/Organizations

Florida Department of Environmental Protection

Peggy Morgan

Charles Kovach- Alternate

Florida Department of Transportation

Manon Lavoie

Frank Meares- Alternate

Florida Fish and Wildlife Conservation Commission

Paul Thomas

Kevin Kemp- Alternate

Florida Department of Community Affairs

Barbara Lenczewski

Richard Deadman- Alternate

Department of Agricultural and Consumer Services, Division of Forestry

Tom Williams

Don Hughes- Alternate

Department of State, Division of Historical Resources

Jeff Thirlwall

Southwest Florida Water Management District

Dianne Davies

Terri Behling- Alternate

Southwest Florida Regional Planning Council

Jim Beaver

Jason Utley- Alternate

Peace River/Manasota Regional Water Supply Authority

Susan Hochuli

Mike Coates- Alternate

Mote Marine Laboratory

Dr. Selvakumaran Mahadevan

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Tampa Bay Regional Planning Council

Suzanne Cooper

Charlotte Harbor National Estuary Program

Maran Hilgendorf

Lisa Beaver- Alternate

Counties

Manatee County

Greg Blanchard

Sarasota County

Belinda Perry

Brooke Elias- Alternate

Charlotte County

Bill Byle

Tina Powell- Alternate

Cities

City of Sarasota

Pam Keyes

Javier Vargas- Alternate

City of Venice

Marty Black

Don Caillouette- Alternate

City of North Port

Teresa Payne

Brett Harrington- Alternate

Other Interests

Sarasota County Farm Bureau

Rory Martin

Timothy Mitchell- Alternate

Don & Roberts Bay Environmental Society

Terry Green

Jill Green- Alternate

Environmental Confederation of Southwest Florida

Becky Ayeach

Clarke Keller- Alternate

Friends of Myakka, Inc. - Citizens Support Organization

Dr. Mary Jelks

ManaSota-88

Gregory Nowaski

Glenn Compton- Alternate

Save Our Bays Association

Gaines Finley

Robert Johnson- Alternate

Sierra Club

Jonathon Miller

Rancher

C. H. Downs Jr.

Michael Downs- Alternate

Homeowner

Marlene Guffy

Venice Campground, Inc.

Thomas Moralee

Harry Brown- Alternate

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LIST OF ACRONYMS AND ABBREVIATIONS

| | |
|-----------------|-----------------------------------------------------------------------------------------|
| Act | Myakka River Wild and Scenic Designation and Preservation Act, 258.501, Florida Statute |
| Council | Myakka River Management Coordinating Council |
| DCA | Florida Department of Community Affairs |
| DEP | Florida Department of Environmental Protection |
| DRP | Florida Department of Environmental Protection, Division of Recreation and Parks |
| Plan | Myakka Wild and Scenic River Management Plan |
| Protection Zone | Myakka Wild and Scenic Protection Zone |
| Rule | Myakka River Wild and Scenic River Rule, 62D-15, Florida Administrative Code |
| SWFWMD | Southwest Florida Water Management District |
| SWIM | Surface Water Improvement and Management |

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United States Fish and Wildlife Service (n.d.). Florida- Critical Habitat. *Trichechus manatus*. "Florida Manatee". Retrieved on November 2, 2007 from the U.S. Fish and Wildlife Service Website:
<http://www.fws.gov/northflorida/Manatee/manatees.htm>.

CHAPTER 1 ~ INTRODUCTION



Florida Park Service File Photo

Canoeing the Myakka River at Myakka River State
Park

CHAPTER I

INTRODUCTION

The Myakka River is primarily located in Manatee, Sarasota, and Charlotte counties in southwestern Florida (see Figure 1). Small portions of the basin lie in DeSoto and Hardee counties. The river originates in marshes near Myakka Head in Manatee County and flows in a roughly southwesterly direction to about the latitude of Oscar Scherer State Park, before turning more southeastward and ending in the Charlotte Harbor estuary. The lands surrounding the river corridor are predominantly rural, with many of the natural riparian communities intact. The Myakka River basin covers approximately 600 square miles (see Figure 2). Approximately 287 square miles, including headwaters, lie within Manatee County, while approximately 254 square miles lie in Sarasota County and 35 square miles lie within Charlotte County.

A. Overview of the Florida Wild and Scenic River Designation of the Myakka River in Sarasota County

The 34-mile segment of the Myakka River within Sarasota County was designated a Florida Wild and Scenic River by the Florida legislature in 1985 through the passage of the Myakka River Wild and Scenic Designation and Preservation Act (Act), 258.501, Florida Statute (see Figure 3; Appendix A). The Legislature declared that the Myakka River “possesses outstanding remarkable ecological, fish and wildlife, and recreational values which are unique in the State of Florida” and the “values give significance to the river as one which should be permanently preserved and enhanced for the citizens of the State of Florida...” (Act, 258.501 F.S.). Figure 4 shows the timeline of events following the designation in Sarasota County. The Act created the Myakka River Management Coordinating Council (Council) to provide interagency and intergovernmental coordination in the management of the river. The Act also provided for the permanent preservation, management, and administration of the designated segment of the Myakka River through development of a management plan, which was not part of the original legislation, but developed afterwards through a local public process.

The *Myakka Wild and Scenic River Management Plan* (Plan) was developed jointly by the Florida Department of Natural Resources (now FDEP) and the Council (Appendix B). There was significant public involvement, including two public hearings on the proposed plan, prior to the Plan being adopted. The Plan provided an assessment of the river’s resources, public access and recreational use, and identified the river’s resource values, issues, and problems. The Plan also described the river management program, including specific management objectives and actions.

As a result of the Plan, the Myakka River Wild and Scenic River Rule, 62D-15 F.A.C. (Appendix C), was adopted to regulate activities that may adversely affect resource values in the river area (river and contiguous wetlands, but excluding tributaries or canals). The Rule described those activities that are prohibited in the river area, activities

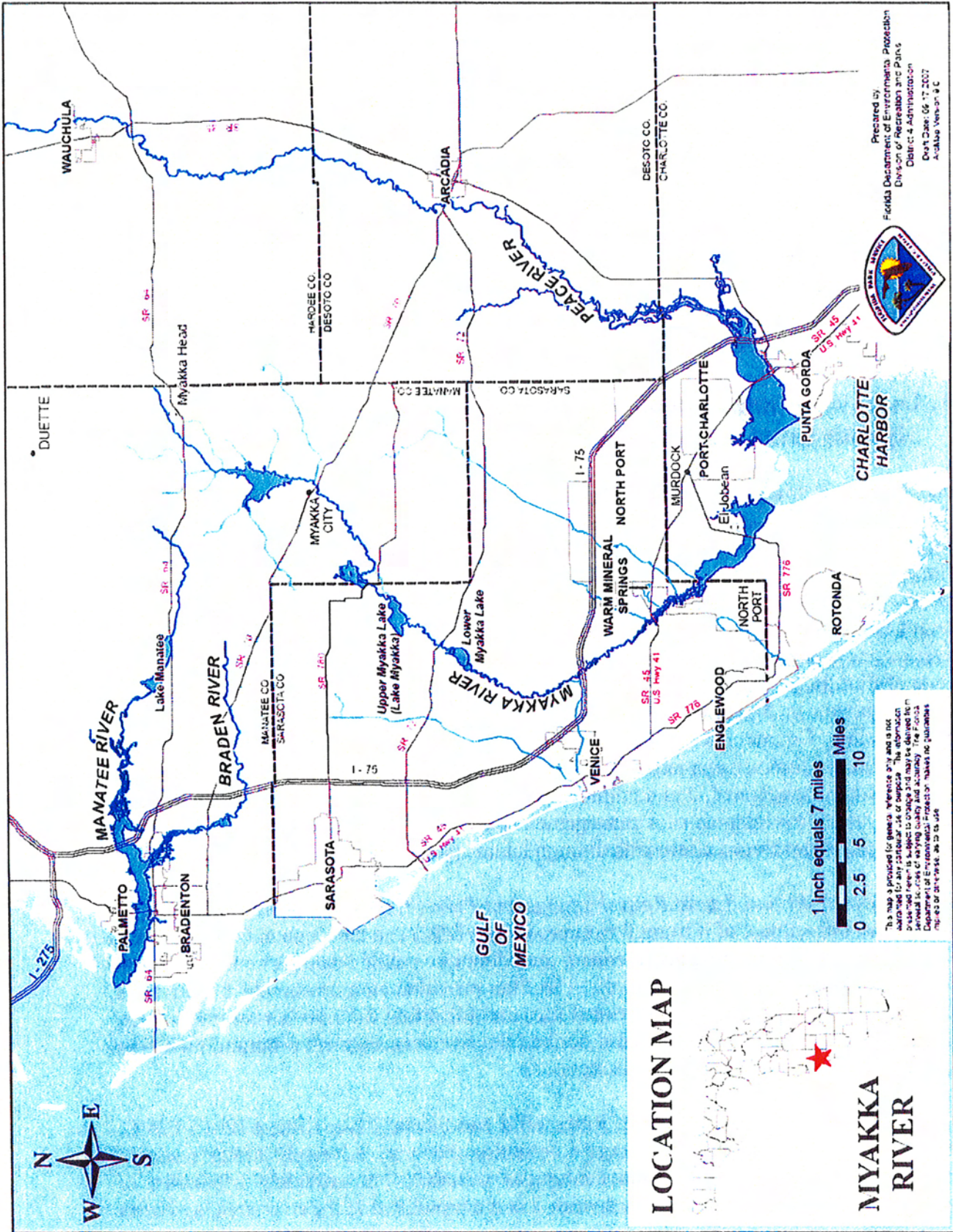


Figure 1. Location Map