

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 (Repealed)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 (Repealed)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.