

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 # Stare*

Chairman

ATTEST:

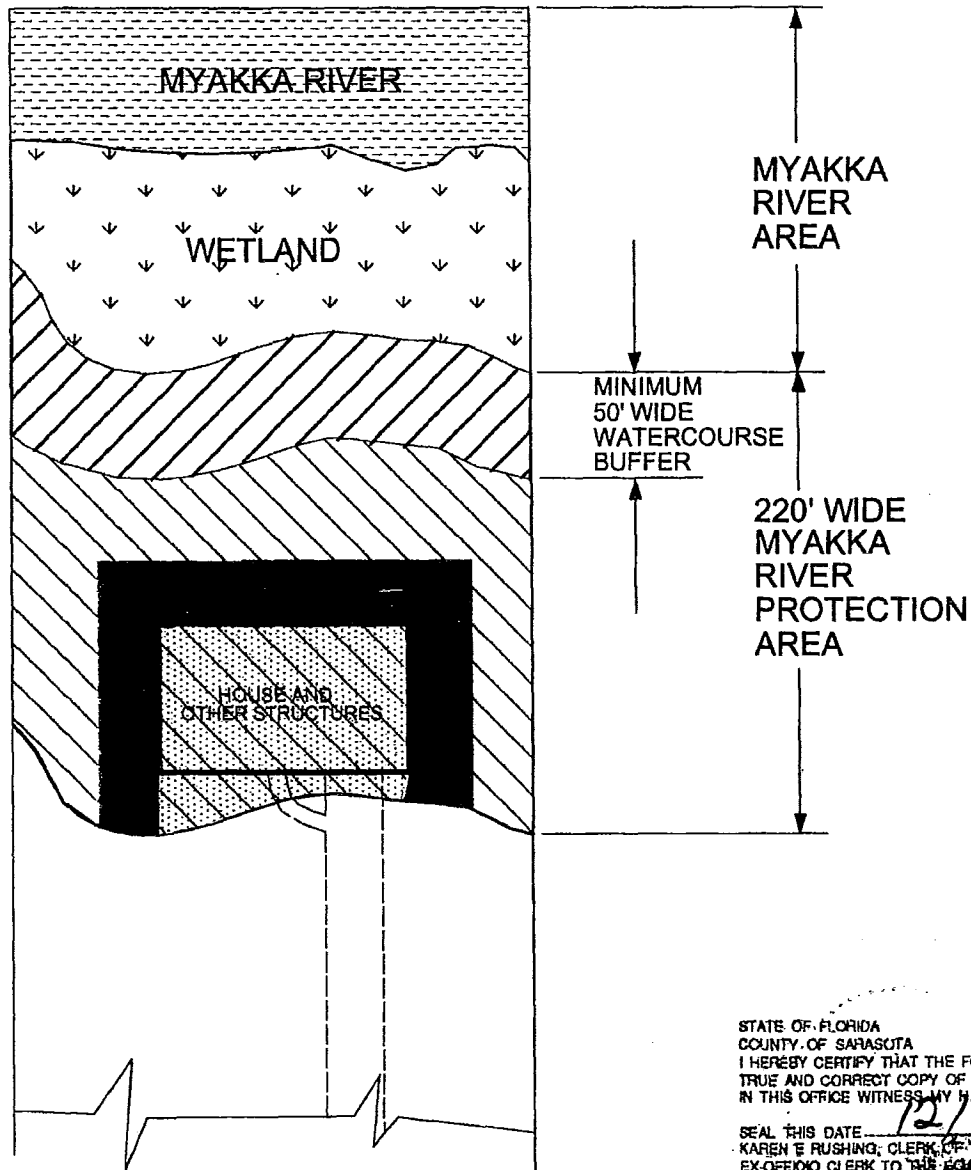
KAREN E. RUSHING, Clerk of Circuit Court
and Ex-Officio Clerk of the
Board of County Commissioners of
Sarasota County, Florida

By: *Candia G. Perote*


Deputy Clerk


APPENDIX E.1


Illustration of the Four Zones of the Vegetative Removal Standard




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

 ZONE 1 (Clear Zone for Fire Safety)

 ZONE 2 (House, Other Structures, and Street Yard)

 ZONE 3 (Conservation Area)

 ZONE 4 (Watercourse Buffer)

NOTE: ILLUSTRATION NOT TO SCALE

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**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 administering 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 2.6.2c, 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

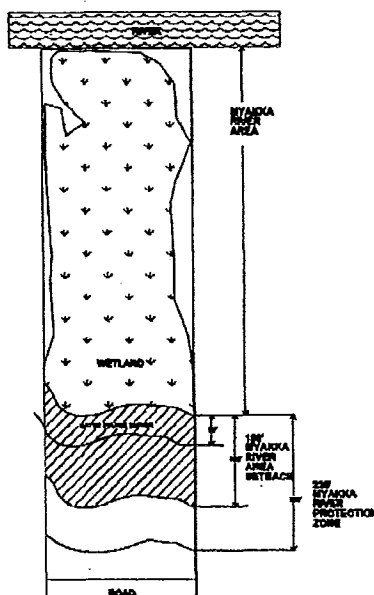
- i. Recreational trails, gazebos up to 400 square feet in floor area, boardwalks and passive recreation areas and other uses in compliance with the vegetative removal standards contained in the Land Development Regulations and in compliance with Section 5.4, Accessory Uses and Structures.
- ii. Private 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;

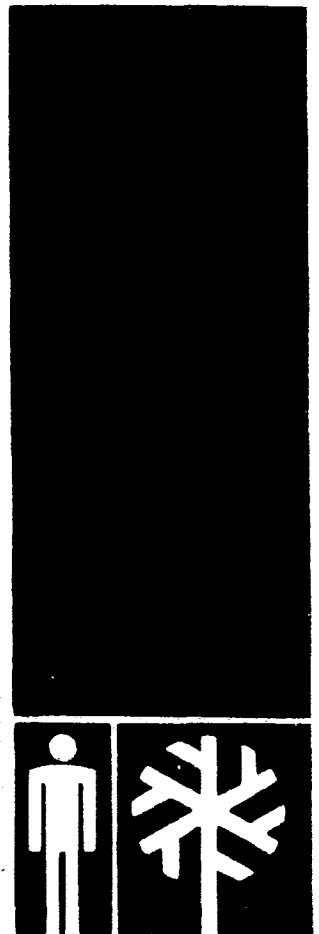
APPENDIX J – Myakka River, Florida – Final Wild and Scenic River Study

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.

TABLE OF CONTENTS

SUMMARY

I. PURPOSE OF STUDY AND CHARACTERISTICS WHICH MAKE THE AREA A WORTHY ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM / 1-1

Findings / 1-3
Proposed Action / 1-3
Study Initiation / 1-4
Governmental and Organizational Interrelationships / 1-4
Citizen Participation / 1-5
Acknowledgements / 1-5
Eligibility / 1-6
Classification / 1-8
Suitability / 1-11

II. PROPOSAL AND ALTERNATIVES CONSIDERED / 2-1

Alternative A-Proposed Action / 2-1
Wild and Scenic River Designation / 2-2
Concept Plan / 2-4

Alternative B / 2-9
Alternative C / 2-9
Plans Dropped From Consideration / 2-10

III. AFFECTED ENVIRONMENT / 3-1

Regional Location, Access and Existing Development / 3-1

Natural Resources

Description of the River Corridor / 3-1
The River Basin / 3-5
Water Quality / 3-5
Vegetation / 3-10
Fish and Wildlife / 3-11
Threatened and Endangered Species / 3-12
Geology / 3-12

Tables

1. Data for Selected Chemical Constituents for the Myakka River at S.R.72, 1978-1980. / 3-7
2. Data for Selected Chemical Constituents for the Myakka River at Border Drive, 1978-1980. / 3-8
3. Composite Diversity indices and mean densities of Benthic Invertebrates from the Myakka River at Border Drive, 1973-1980. / 3-9
4. Population Change 1970-80, U.S. and Study Area / 3-19
5. Population Projections / 3-20

Maps

1. Proposed Classification / 1-10
2. Proposed Designation / 2-3
3. Concept Plan / 2-5
4. Location Map / 3-2
5. The River Basin / 3-4
6. Soil Associations / 3-14
7. Phosphate Company Landownership / 3-16
8. General Land Use / 3-24
9. Riverfront Zoning/Sarasota County / 3-25
10. Ten Largest Land Holdings / 3-27

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 adjoining 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).

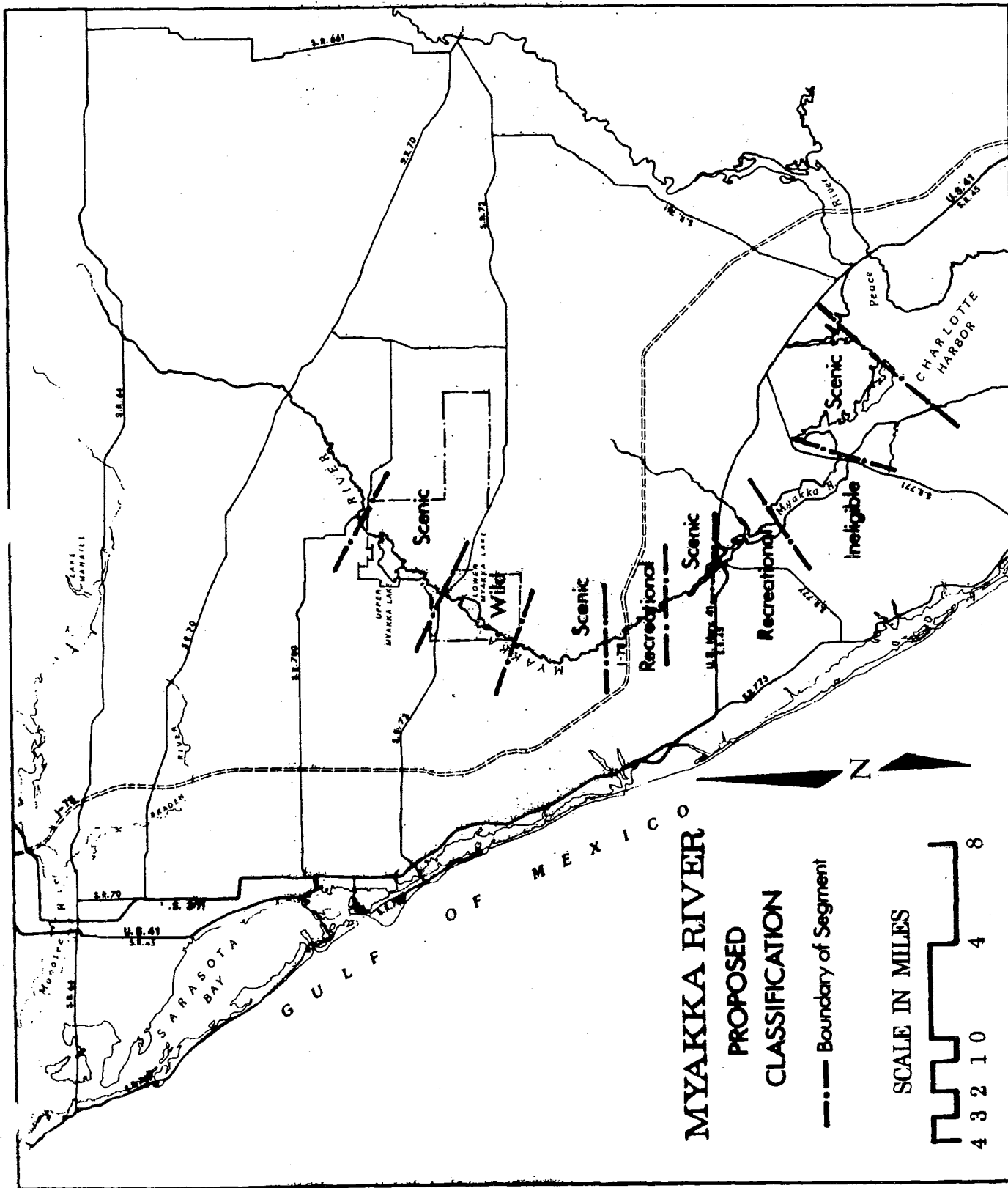
The presence of a run of the river dam near the State park boundary and cattle ranching activities along this segment make scenic the most appropriate classification for this segment of the river.

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.



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)."

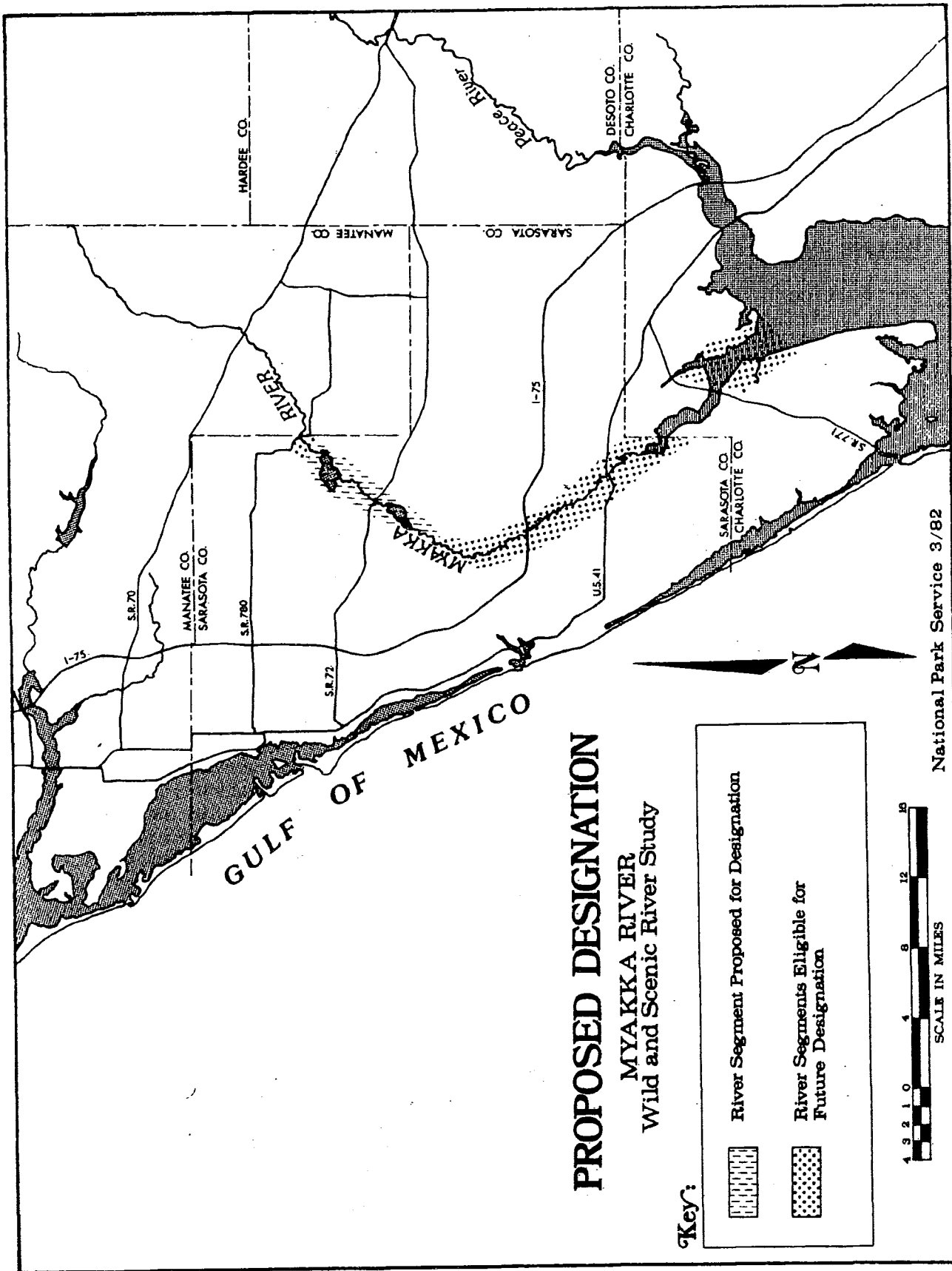
National wild and scenic river designation represents a commitment to the protection of a river and its immediate environment. The specific results of national designation include the following:

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.



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.

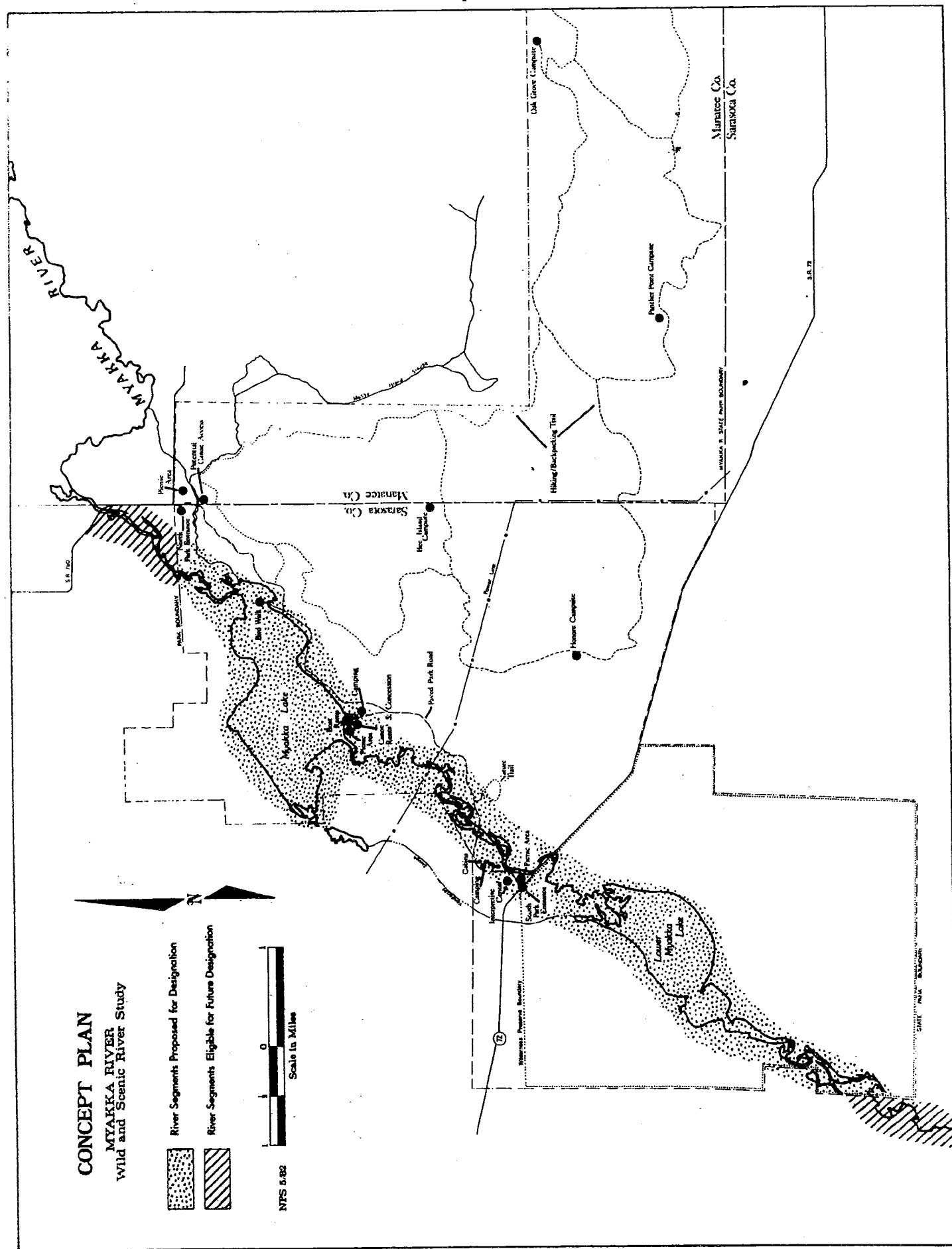
Upstream of the wilderness preserve is a development zone which includes a visitor-use area and a service area. The visitor-use area is maintained for the safety, convenience, and enjoyment of visitors. The park provides interpretive services on the natural values and history of the area. Park management objectives emphasize cleanliness of facilities, courtesy of service, and professional interpretive activities.

**MYAKKA RIVER
Wild and Scenic River Study**

River Segments Eligible for Future Designation



NPS 5,82



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.

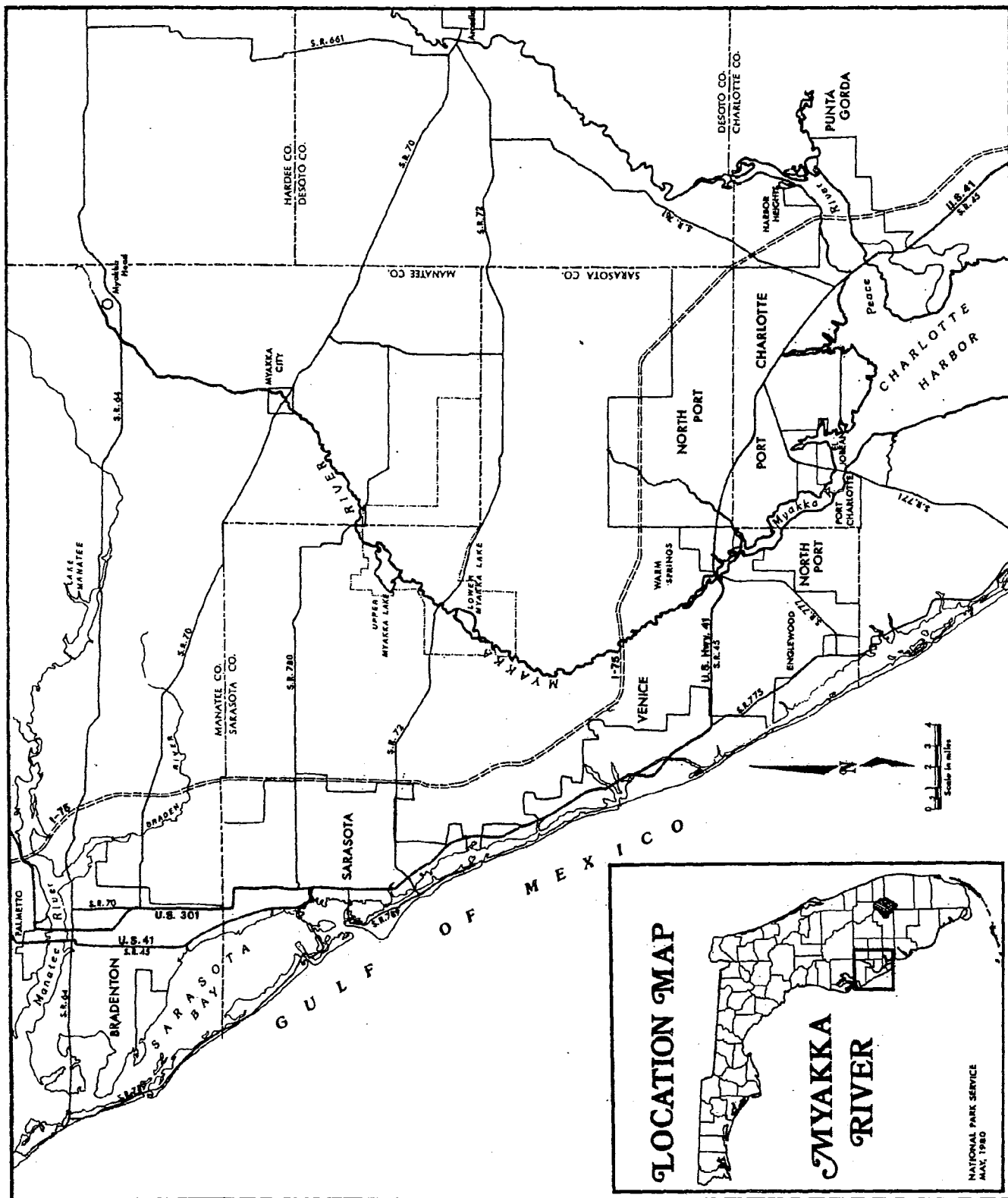
The area south of the U.S. 41 highway crossing differs drastically from the segment of the river above U.S. 41 in terms of the level of existing development. South of the U.S. 41 bridge there are numerous waterfront homes as the river flows past the communities of Playmore, Tarpon Point, North Port, 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.



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 confluent 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 (SFWMD). The SFWMD 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 November	3.21	1542	1977 January	4.52	944
1974 January	4.15	2556	May	4.31	1403
April	4.37	1931	August	3.6	2208
August	4.18	1125	October	4.23	1764
November	4.14	5764	1978 January	1.29	181
1975 January	3.84	1083	March	3.07	1792
April	2.32	1819	July	2.85	2917
August	3.19	736	December	4.24	3569
October	3.77	1708	1979 February	3.82	1139
1976 February	3.38	2181	May	3.12	7792
April	2.14	---	August	2.6	8097
July	2.54	2181	November	3.13	695
November	3.48	806	1980 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 (Morris 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

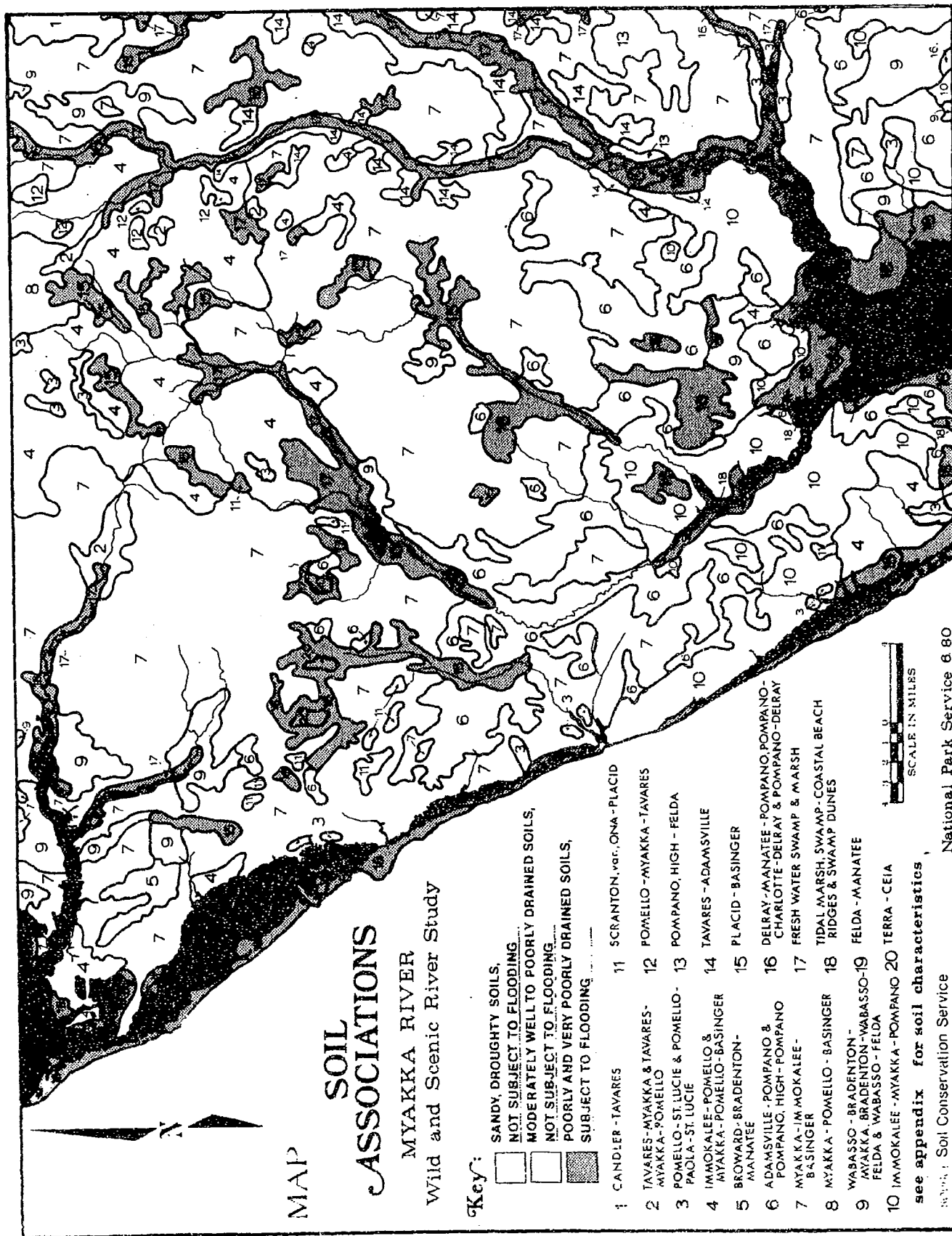
There are three basic types of soil in the study area:

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



or Charlotte Counties associated with the Myakka River which meet the criteria for designation as prime farmland or prime forest land.

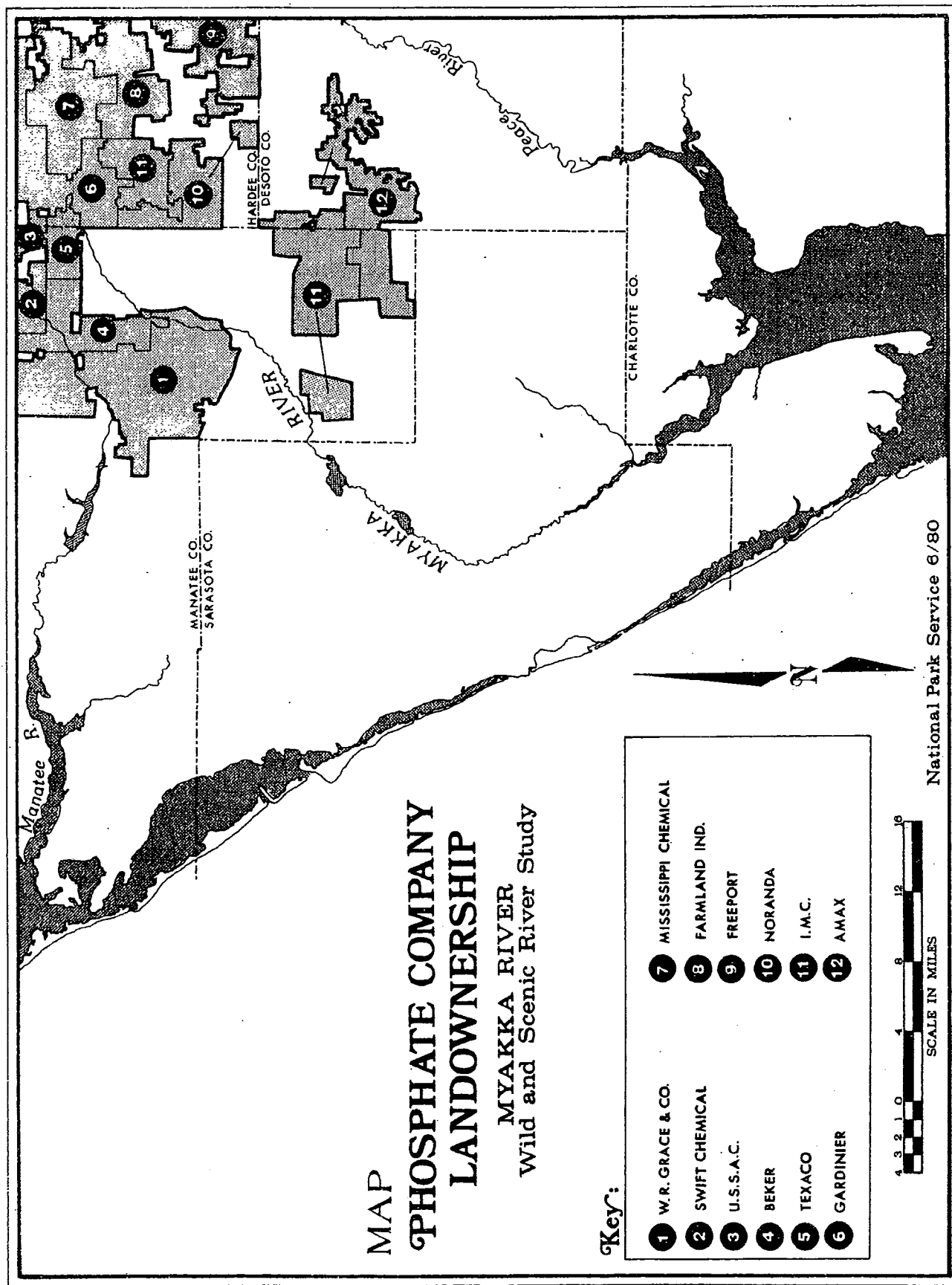
Mineral Resources

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



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

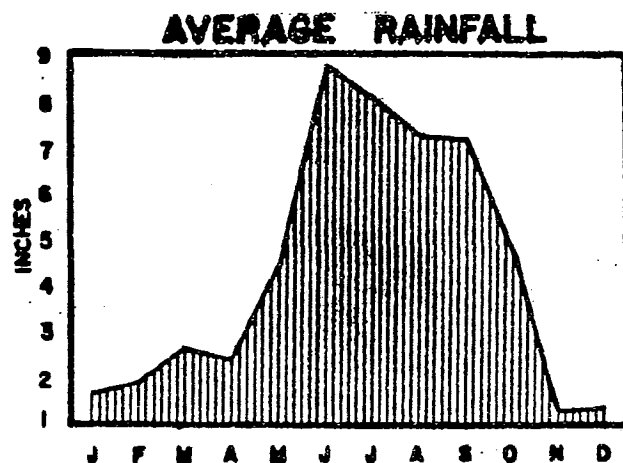
Federal air quality regulations, established in Public Law 88-206, are enforced by the U.S. Environmental Protection Agency. Chapter 17-2 of the Florida Administrative Code sets the state standards which are enforced by the Florida Department of Environmental Regulation. Sarasota County air quality standards 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 Hernandez 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.

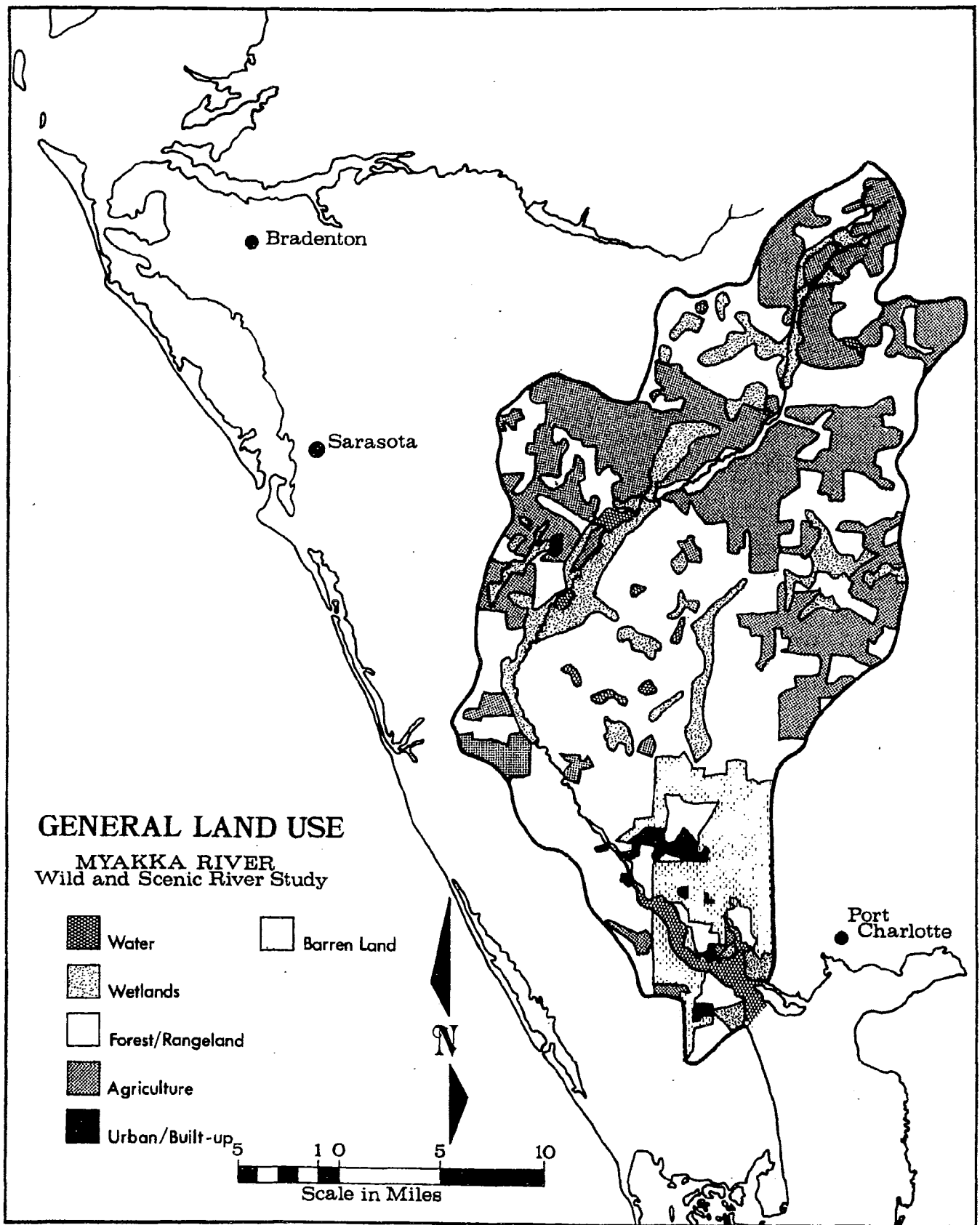
Below the State Park the river corridor remains undeveloped for a 5 mile segment which is bounded on the east by the MacArthur tract and on the west by several large ranches. Recreationists using the river do not generally see the ranching activities occurring because of vegetation screening the view 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.

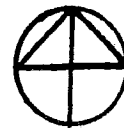
Land Use Controls. Florida's Local Government Comprehensive Planning Act of 1975 requires local governments to prepare comprehensive plans. Sarasota County's comprehensive plan entitled APOXEE, was adopted on June 30, 1981. Under the provisions of the Sarasota County comprehensive plan an urban containment 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.



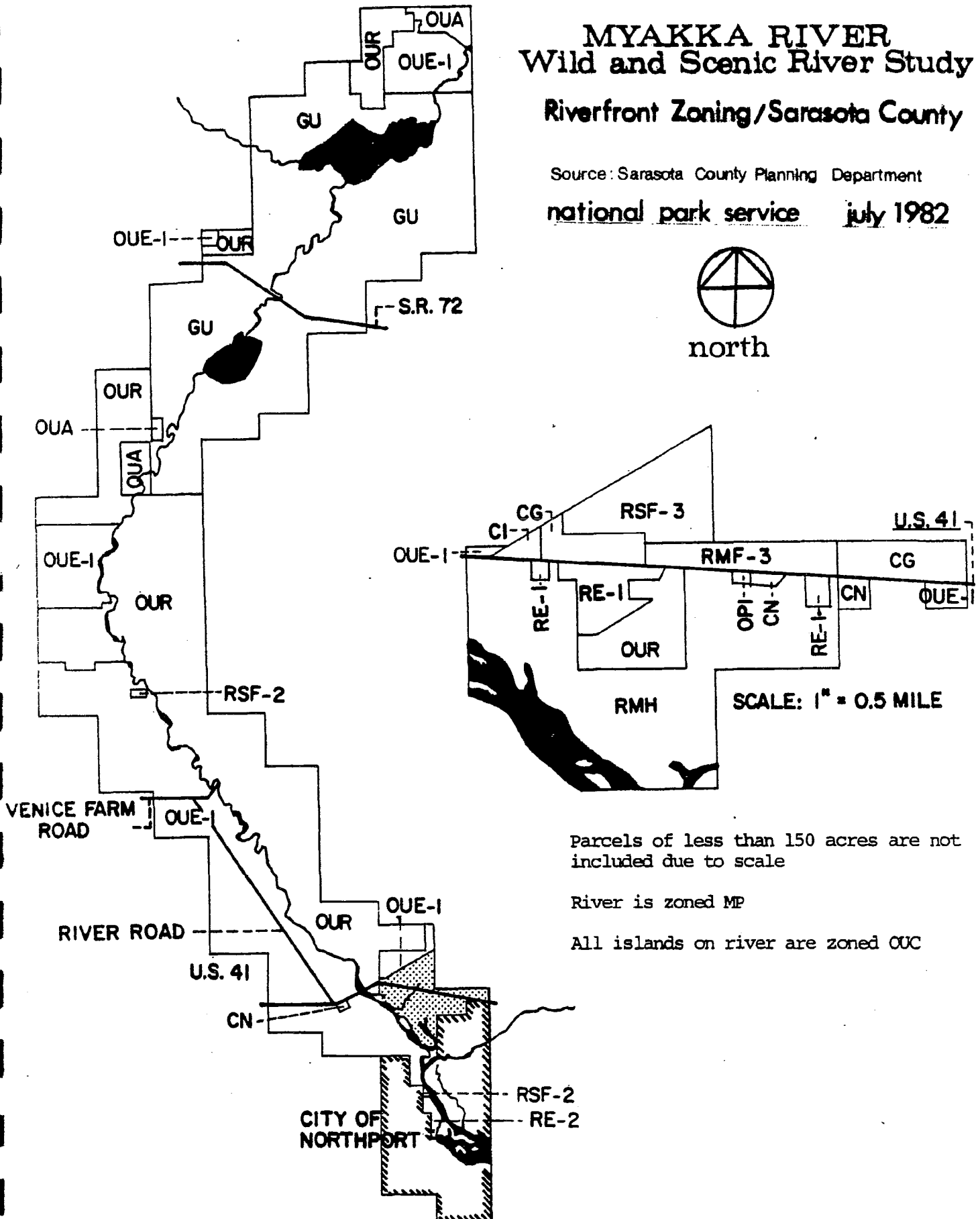
MYAKKA RIVER Wild and Scenic River Study Riverfront Zoning/Sarasota County

Source: Sarasota County Planning Department

national park service july 1982



north



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.

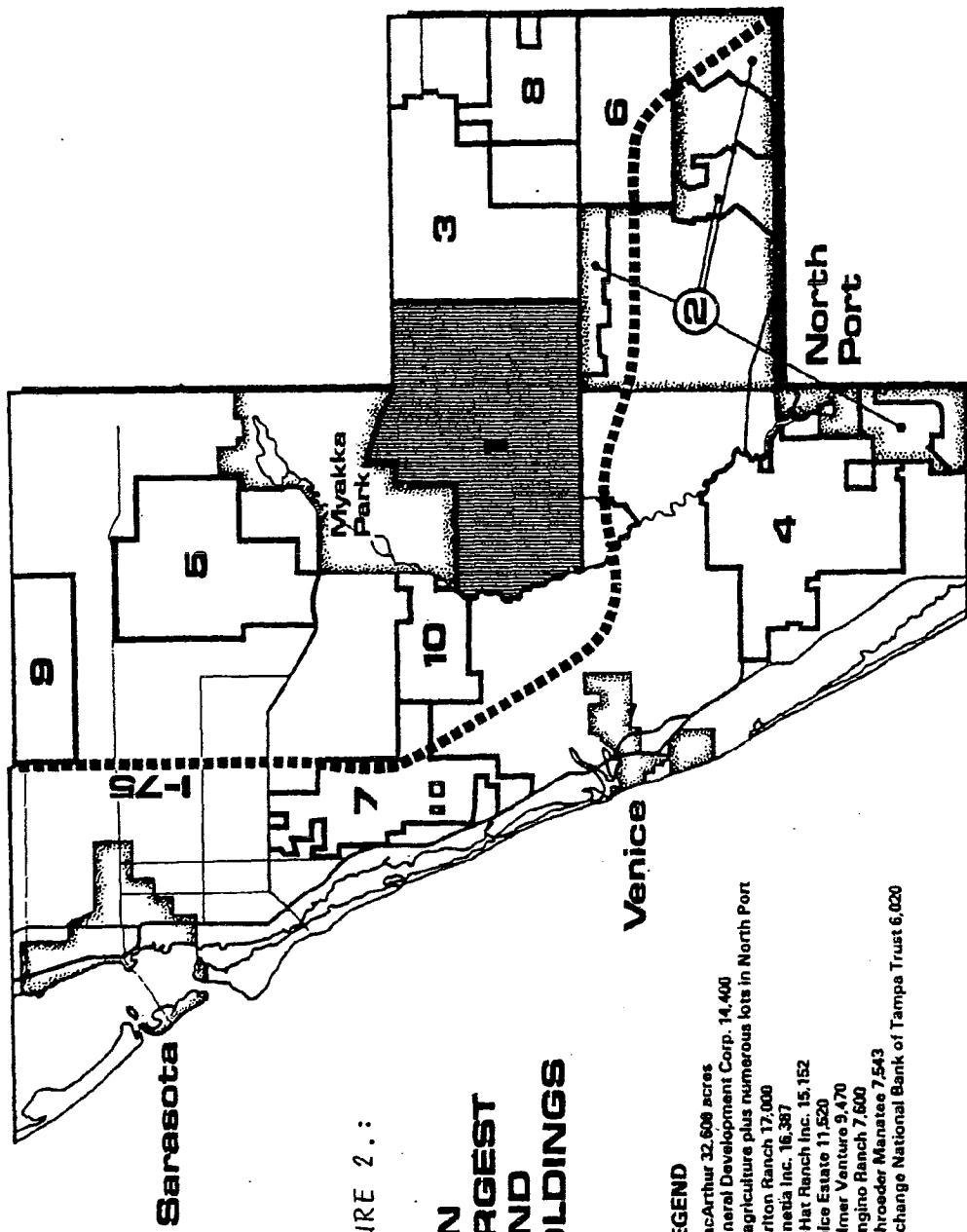


FIGURE 2.:

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

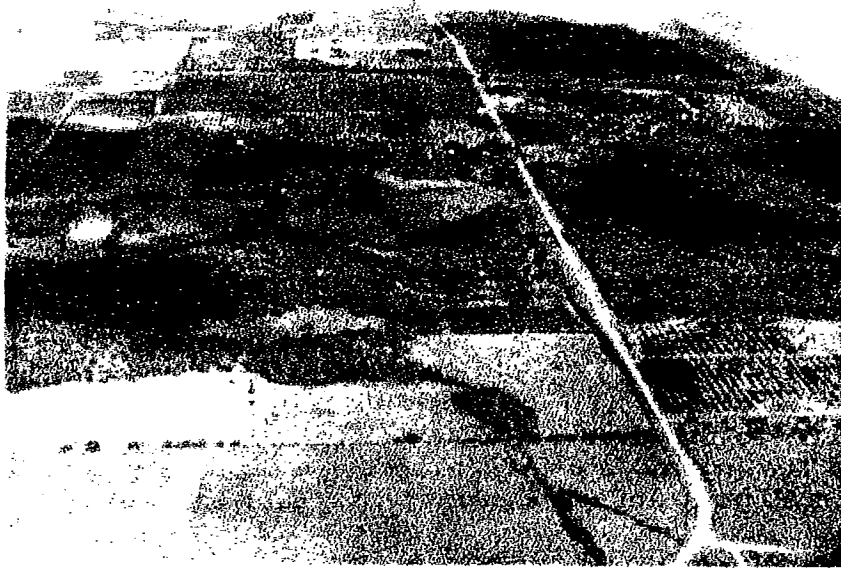


Completion of I-75 will likely spur increased residential and commercial development



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