

# final wild and scenic river study

july 1984



MYAKKA RIVER

FLORIDA



UNITED STATES DEPARTMENT OF THE INTERIOR/NATIONAL PARK SERVICE



As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The Department assesses our energy and mineral resources and works to assure that their development is in the best interests of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U. S. administration.

## SUMMARY

This study was undertaken at the direction of the Congress to determine the potential of the Myakka River for inclusion in the National Wild and Scenic Rivers System. The 66-mile long Myakka River is located in Manatee, Sarasota, and Charlotte Counties in southwest Florida. The study found 37 miles of the river eligible for inclusion in the National System based on its free-flowing condition and the outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values found in the river corridor. Many of these values are preserved in a 12-mile segment within the Myakka River State Park.

The study was conducted in close cooperation with federal, State, and local agencies of government, particularly the Florida Department of Natural Resources and the affected counties. The public was involved throughout the study process through public meetings, public planning workshops and numerous personal contacts and letters. Opinions expressed reflected the interests of owners of riverfront property, industry and environmental groups, and area residents.

Study participants identified outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values in a 34-mile segment from Route 780 south to the Sarasota-Charlotte County line (river mile 7.5) and a 3-mile segment from river mile 3 to the river's mouth. The segment from the Sarasota-Charlotte County line to river mile 3 possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration in this reach of the river makes it ineligible for inclusion in the National System.

Three alternatives were developed and evaluated in accordance with the National Environmental Policy Act (NEPA). Those three alternatives are designation of a portion of the river as a wild and scenic river (Alternative A), protection of the river without designation (Alternative B), and no action (Alternative C).

Alternative A is the recommended alternative and involves designation of the 12-mile segment within the Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. Additional eligible segments could be added to this designated portion of the river as local and State initiatives to provide permanent protection for the river corridor are implemented. A Myakka River Commission to represent the three-county area and composed of landowners, conservationists, business interests, and representatives of local government could be established to develop strategies for protecting the river. There are numerous ways to institute a river basin commission. Several options are discussed in this report.

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## CHAPTER I

### PURPOSE OF STUDY AND CHARACTERISTICS WHICH MAKE THE AREA A WORTHY ADDITION TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

On October 2, 1968, the Congress enacted Public Law 90-542 which established the National Wild and Scenic Rivers System. In Section 1(b) of that Act Congress stated that:

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes."

To carry out this policy, the Congress instituted the Wild and Scenic Rivers System initially composed of eight rivers which were designated in Section 3(a) of the Act. The Congress provided for additions to that System in Section 5(a) by designating 27 potential wild and scenic rivers which were to be studied. Subsequent amendments to the Act have increased the number of rivers, or segments of rivers, in the National System to 61 and the number of study rivers to 88.

The Congress authorized a study of the Myakka River in an amendment to the Wild and Scenic Rivers Act on November 10, 1978. Section 5(a) states that: "The following rivers are hereby designated for potential addition to the National Wild and Scenic Rivers System . . . (70) Myakka, Florida.--The segment south of the southern boundary of the Myakka River State Park."

Section 4(a) of the Wild and Scenic Rivers Act specifies that a study report shall accompany proposals and recommendations submitted by the President to Congress for addition to the National Wild and Scenic System. Reports must set forth:

1. The area included within the report;
2. The characteristics which do or do not make the river a worthy addition to the system;
3. The current status of landownership and use in the area;

4. The reasonably foreseeable potential uses of land and water which would be enhanced, foreclosed, or curtailed if the area were included in the National Wild and Scenic Rivers System;
5. The federal agency by which it is proposed the area, should it be added to the System, be administered;
6. The extent to which it is proposed that such administration including costs thereof, be shared by State and local agencies, and;
7. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

In accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, the impacts on the human and natural environment of the proposed action, and the alternatives considered, were assessed and are discussed in this report. This report combines the wild and scenic river study report with an environmental assessment, as is encouraged by NEPA regulations. This report also serves as a compliance document for the National Historic Preservation Act, Public Law 89-665; the Fish and Wildlife Coordination Act, Public Law 85-264 and the Floodplain and Wetlands Executive Orders (E.O. 11988 and E.O. 11990).

In evaluating the Myakka's eligibility for the National Wild and Scenic Rivers System, the authorized study area was extended to include the Myakka River State Park and river area up to the county road 780 river crossing (see Classification Map). Joint Department of Agriculture and Department of the Interior guidelines for conducting wild and scenic river studies provide for the expansion of the original study area either in length or width as may be desirable to preserve and facilitate management of river ecosystems, historic or archeological areas or other special areas. The study team's rationale for extending the study area is as follows:

1. The Myakka River State Park which encompasses approximately 12 miles of the Myakka River, immediately adjoins the authorized study area, is in public rather than private ownership, is presently managed in a protective status, and is perhaps the most outstanding natural resource area within the Myakka River system;
2. The river area immediately above the State park up to the county road 780 crossing also exhibits many of the scenic, wildlife, and recreation qualities of the state park. The County Road 780 crossing provides a readily distinguishable physical boundary for the study area.



## Findings

The study of the Myakka River and its basin produced the following findings:

1. The portion of the Myakka River upstream of county road 780 has not been studied in a comprehensive way but findings to date indicate that this segment does not possess the outstandingly remarkable values necessary to qualify a river for inclusion in the National Wild and Scenic Rivers System. However, special management of this portion of the river is necessary to assure adequate water quality and quantity for the remainder of the river downstream.
2. The following segments of the Myakka River study area meet the eligibility criteria described in the Wild and Scenic Rivers Act and, therefore, qualify for inclusion in the National Wild and Scenic Rivers System.
  - a. The river segment from county road 780 to the Sarasota/Charlotte County line (approximately 34 river miles).
  - b. The river segment beginning approximately 1/2 mile south of county road 771 (El Jobean area) to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).

The eligible river segments possess outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values. The segment from the Sarasota/Charlotte County line to the El Jobean area possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration within this river segment is judged to be inconsistent with the criteria for wild and scenic river designation.

## Proposed Action

To protect the free-flowing condition and outstandingly remarkable values of the eligible segments of the river and the system as a whole it is proposed that:

1. The 12-mile segment of the river within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic Rivers System.
2. This segment be classified as a combination of "wild" and "scenic" as is indicated on the proposed Classification Map.
3. Additional eligible segments be designated as components of the National System as local and State initiatives to provide permanent protection for the river corridor are implemented. A Myakka River

Commission could be established to coordinate efforts to conserve the remaining portions of the river.

4. The management of all segments of the river coming under special management emphasize preservation of natural values and discourage intensive recreation use.
5. Federal agencies be required to support in their planning and projects the preservation of the Myakka River as a national wild and scenic river.

#### Study Initiation

The Myakka River State Park was one of several parks created in the early 1930's by the Department of the Interior's Civilian Conservation Corps. In 1942 the Myakka River State Park became one of four State parks comprising the State of Florida's park system. The Myakka River was selected as a State park because of its exceptional natural beauty and other environmental values.

The Myakka River has remained relatively untouched by the rapid development of south Florida over the past 2 decades. However, many people have become concerned that phosphate mining and the rapid pace of urban development will adversely impact the river.

On December 16, 1975, the Sarasota County Commission adopted a resolution recognizing the outstanding values of the Myakka River and recommending that Representative L. A. "Skip" Bafalis introduce legislation to add the river to the National Wild and Scenic Rivers System.

A bill to study the Myakka River for wild and scenic river designation was first introduced to the Congress by Representative L. A. "Skip" Bafalis. The National Park and Recreation Act of 1978 (Public Law 95-625) was passed on November 10, 1978, and designated the portion of the Myakka River south of the southern boundary of the Myakka River State Park for study. Subsequently a bill was introduced by Representative Bafalis to include the remaining portion of the river in the study. The Congress has not acted on this bill.

#### Governmental and Organizational Interrelationships

The study was conducted in close cooperation with other agencies of government, particularly the Florida Department of Natural Resources and the affected counties. Prior to formal initiation of the study, the National Park Service held an organizational meeting with representatives of local, State, and federal agencies in the study area. The purpose of this meeting was to conduct joint field work and identify issues of concern as well as identify the potential roles of agencies assisting in the study.

## Citizen Participation

Public involvement is an important aspect of any study process. It is the policy of the Department of the Interior, ". . .to offer the public meaningful opportunities for participation in decisionmaking processes leading to actions and policies which may significantly affect or interest them."<sup>1/</sup> 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."<sup>2/</sup>

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

<sup>1/</sup> U.S. Department of the Interior, Departmental Manual, Part 301.

<sup>2/</sup> 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).

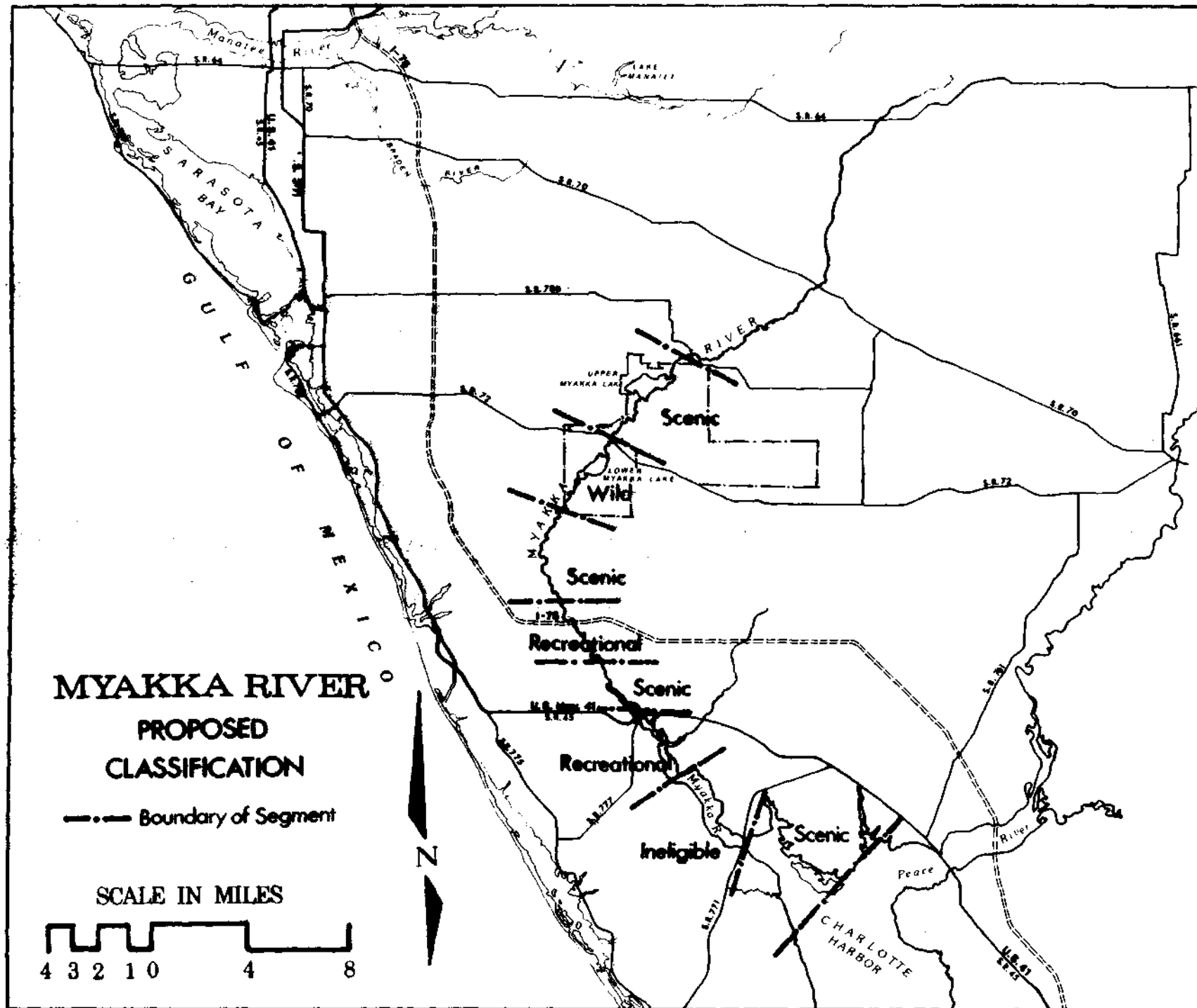
The presence of a run of the river dam near the State park boundary and cattle ranching activities along this segment make scenic the most appropriate classification for this segment of the river.

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)."

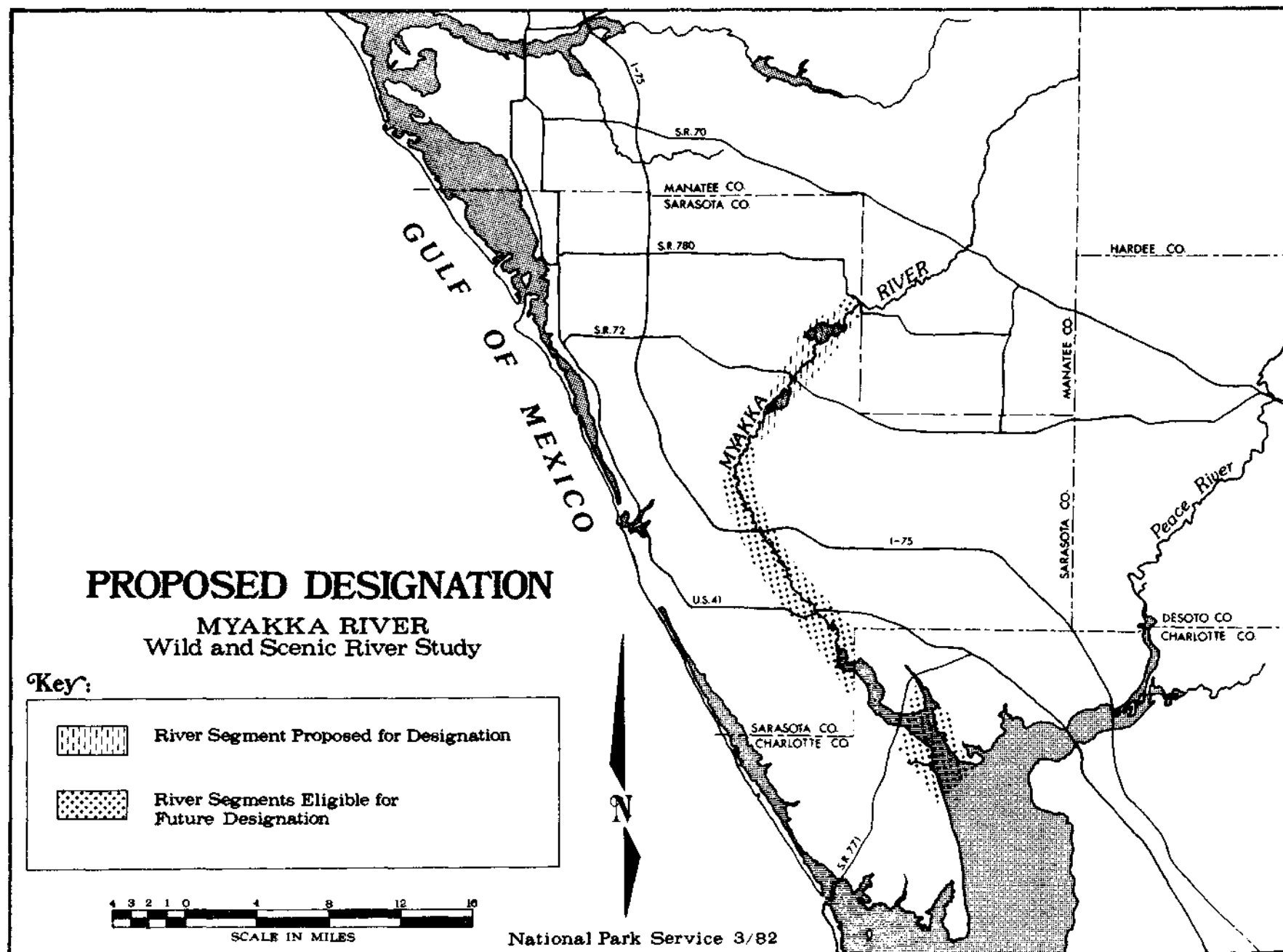
National wild and scenic river designation represents a commitment to the protection of a river and its immediate environment. The specific results of national designation include the following:

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.

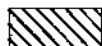
Upstream of the wilderness preserve is a development zone which includes a visitor-use area and a service area. The visitor-use area is maintained for the safety, convenience, and enjoyment of visitors. The park provides interpretive services on the natural values and history of the area. Park management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

# CONCEPT PLAN

## MYAKKA RIVER Wild and Scenic River Study



River Segments Proposed for Designation

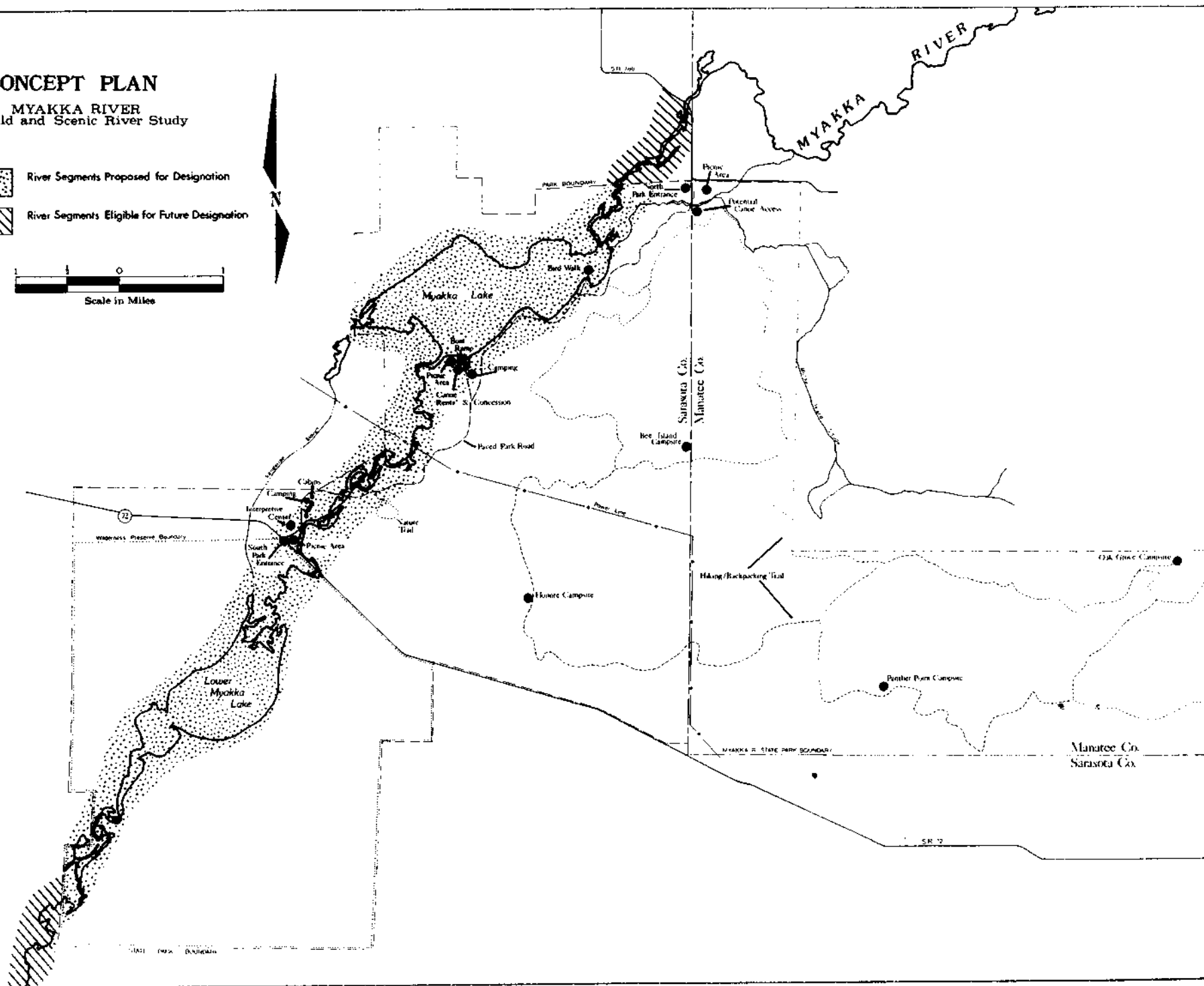


River Segments Eligible for Future Designation

NPS 5 82



Scale in Miles



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."<sup>1/</sup>
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.<sup>2/</sup>

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.

<sup>1/</sup> Sarasota Board of County Commissioners, APOXEE, March 1980, page xix.

<sup>2/</sup> 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.

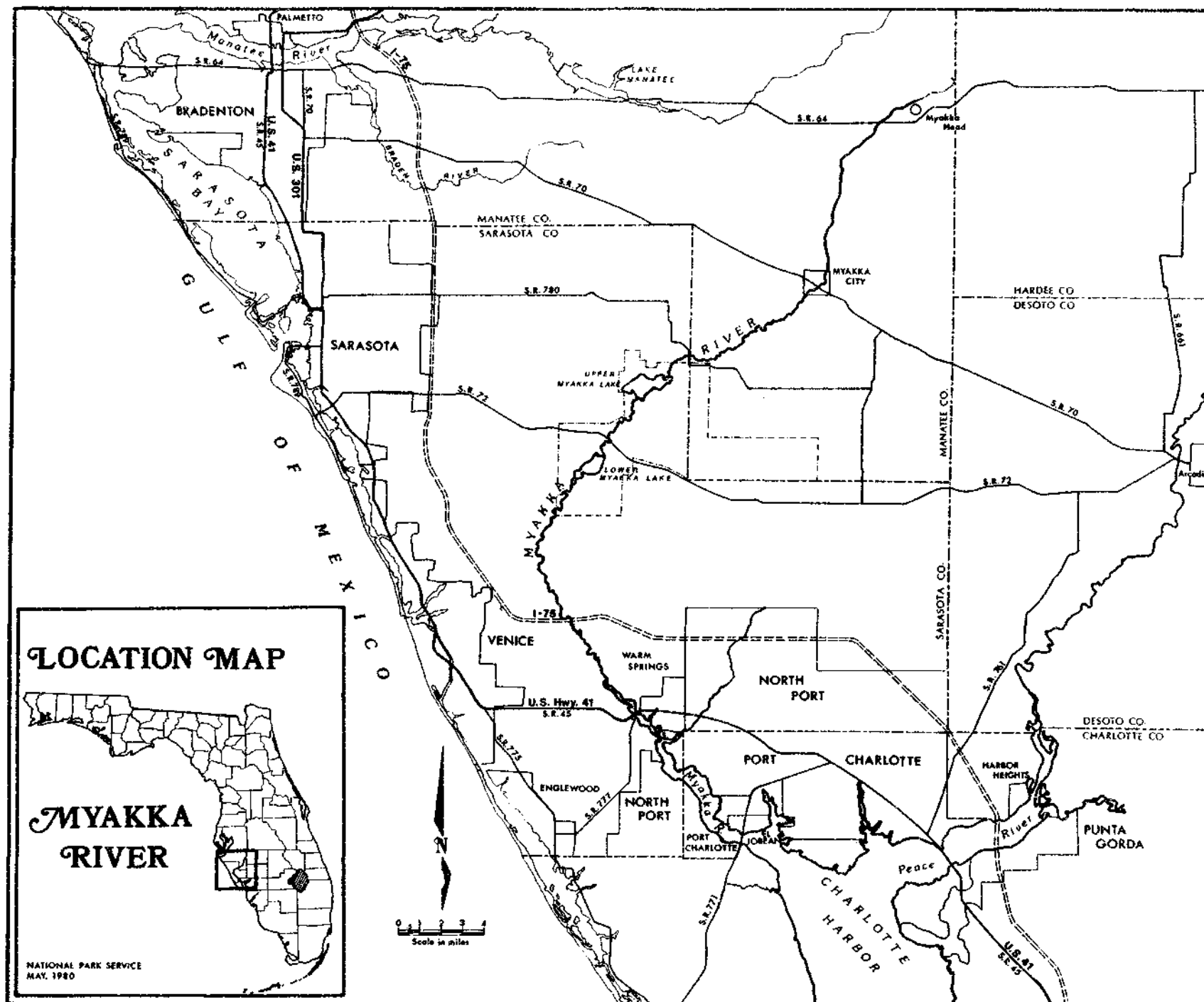
The area south of the U.S. 41 highway crossing differs drastically from the segment of the river above U.S. 41 in terms of the level of existing development. South of the U.S. 41 bridge there are numerous waterfront homes as the river flows past the communities of Playmore, Tarpon Point, North Port, 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 confluential swamp formed by several major tributaries to the Myakka River. Immediately below Flatford Swamp the river channel is swampy, characterized by popash and marshes.

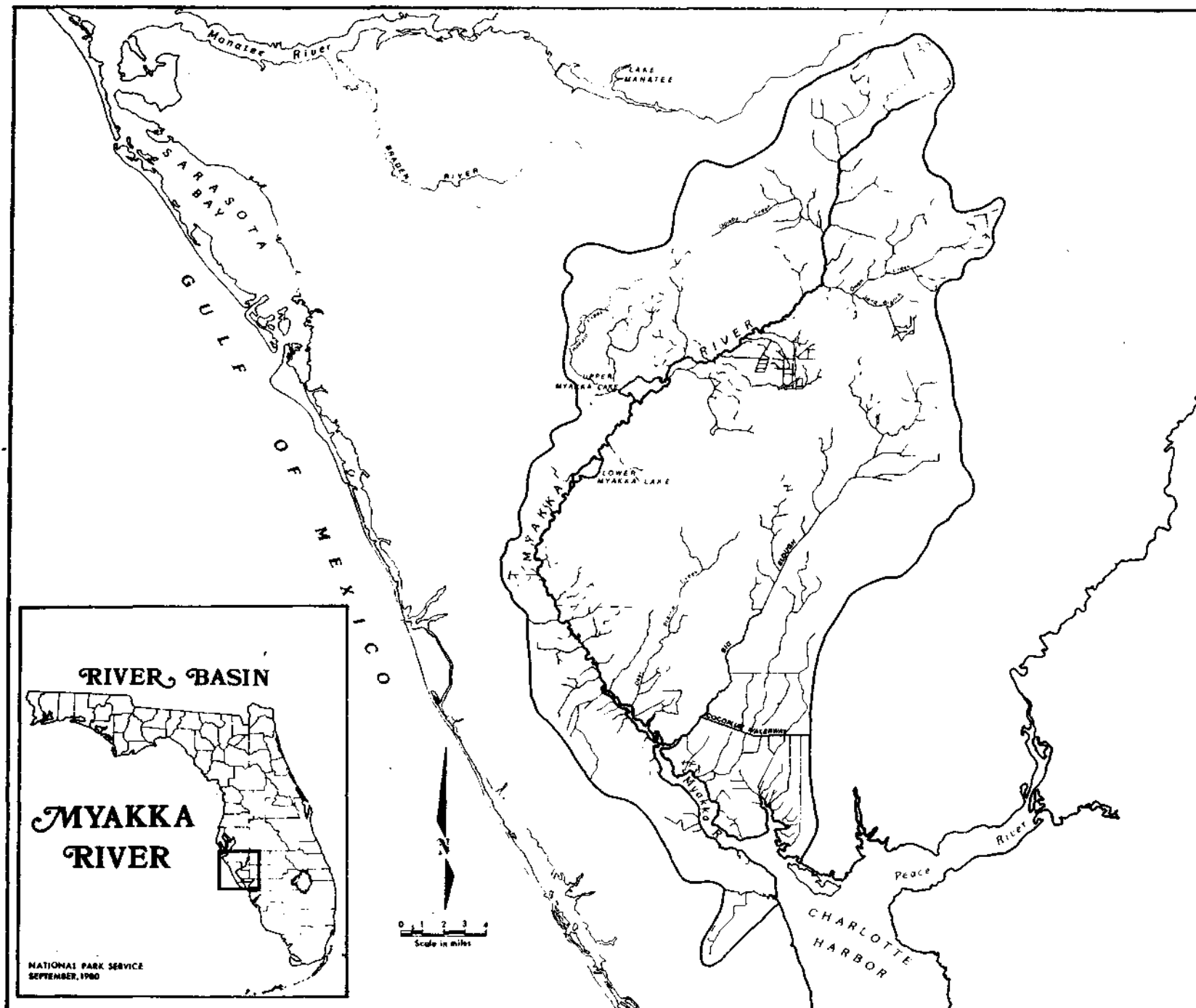
Below Myakka City at river mile 52 the river hammock changes and cabbage palm, live oak and laurel oak are the major tree species. Just above the Myakka River State Park at river mile 43 the river channel splits. The main channel of the river turns northward towards Tatum Sawgrass. Clay Gulley flows east and rejoins the main channel in the marshy area at the upper end of Upper Myakka Lake.

Between State Route 780 and Upper Myakka Lake the main channel of the Myakka River passes through a scenic marshy area. Passage through this area is difficult at certain points because of the marshy character of the river and the sometimes impregnable aquatic weed buildup. The presence of floating mats of water hyacinth and hydrilla under the surface of the water affects large areas of the river and its lakes within the State Park. Upper Myakka Lake provides a haven for numerous bird species. A bird walk has been constructed to provide an observation point for park visitors.

Upper Myakka Lake is stabilized by a low level impoundment located at the southern end of the lake. This small dam has been circumvented for some time by a set of culverts and presently does not restrict flows. The main channel of the Myakka River from Upper Myakka Lake to Lower Myakka Lake meanders through a marshy area named big flats. Originally a secondary channel passed through Vanderipe Slough. This publicly constructed dike built by the Civilian Conservation Corps in the 1930's was extended in the late 1940's at the recommendation of the Soil Conservation Service.

Below State Route 72 the Myakka River enters the Myakka River State Park wilderness preserve. Lower Myakka Lake provides prime habitat for waterfowl and the visitor to this area experiences the spectacle of a great number and variety of these in a pristine native habitat. Below Lower Myakka Lake the river hammock closes in again along the river channel. The dominant species of the river hammock in this reach of the river are laurel oak, live oak, and cabbage palms. A marker on the river bank near river mile 30 commemorates Harris Camp, a site used by early settlers in the area.

The Myakka River leaves the State park at river mile 28.5. One half mile downstream is a privately constructed dam which the proposal will not affect. The low-lying dam will remain with designation and will be left to nature requiring no maintenance. The river corridor is entirely undeveloped from this point to river mile 23. The character of this segment is much the same as above the dam with a dense cabbage palm and oak river hammock along much of the river. At certain points the river cuts through higher ground and the upland pine flatwood community





characteristic of the general area is present at the river's edge. The McArthur Tract, an undeveloped 61,475-acre holding along the southern boundary of the Myakka River State Park, includes approximately four and one half miles of river frontage along the eastern bank of this segment. Several large ranches are located along the west bank.

The first residential development along the river appears at river mile 23. From this point to the I-75 crossing at river mile 19.5 there are a number of individual cottages and several small subdivisions on the high banks along the river. Below I-75 there are only a few homesites and a fish camp, Snook Haven, which is located at river mile 18.

Occasional pockets of tidal marsh begin to appear among the cabbage palm and oak hammock near Snook Haven, indicating increasing salinity as the river nears Charlotte Harbor. Downstream the marsh becomes a continually widening strip between the hammock and the river. The only development currently found along the river between Snook Haven and U.S. 41 is the Rambler's Rest Camping resort.

The area immediately downstream of the U.S. 41 highway crossing (river mile 12) is developed on both sides of the river. Below U.S. 41 the river widens dramatically. There are several mangrove islands in the river that serve as important bird rookeries and tidal marsh characterizes the undeveloped portions of the river's banks. From river mile 7 to the El Jobean bridge at river mile 3 the natural banks of the river have been largely eliminated by the construction of numerous "finger" canals and extensive bulkheading.

Below the El Jobean bridge the river banks are natural in character. The river is over a mile wide as it flows into Charlotte Harbor. The Charlotte Harbor/Myakka River estuary presents an exceptionally scenic panorama. Much of the shoreline in this area has been protected from development through acquisition by the State of Florida. Extensive efforts by State and local governments are currently underway to protect the outstanding natural resources of the Charlotte Harbor estuary.

### The River Basin

The Myakka River basin covers approximately 549-square miles (see River Basin map). The topography of the Myakka basin is characterized as low, flat land with moderate to gentle slopes limited to the peripheral areas in the northern half of the basin. Maximum elevations of approximately 100 feet above mean sea level are found in the Myakka Head area. The slope in much of the basin is so gradual that four large shallow depressions along the river's course have formed as lakes and marshes. These are Upper and Lower Myakka Lakes within the Myakka River State Park, Tatum Sawgrass, a 4,300-acre marsh, and Flatford Swamp.

### Water Quality

There is no single current and comprehensive study available concerning water quality in the Myakka River. However, studies completed to date indicate water quality is generally very good. The most recent analysis of water quality in the Myakka River was prepared by the Southwest Florida Water Management District (SWFWMD). The SWFWMD study utilized recent (1978-1980) data from two monitoring stations on the Myakka River. The

first station is located at the State Road 72 bridge within the Myakka River State Park and the second station is located at Border Drive near river mile 21. According to the SWFWMD study:

"The two stations are similar with respect to several chemical characteristics. Values for turbidity, pH, calcium, magnesium, and dissolved oxygen have similar ranges at both stations. Average values for turbidity were less than 2.5 FTU in 1978-1980, while mean pH ranged between 6.6 and 7.3. Mean concentrations of calcium and magnesium did not exceed 24.4 mg/l and 10.8 mg/l, respectively. These data show only low to moderate variability, indicating that river water is stable relative to these four parameters. Mean DO (dissolved oxygen) concentrations ranged from 3.75 to 8.2 at the two stations, and inspection of the data suggest that very low DO concentrations occur at both stations with some frequency.

Nutrient (nitrogen and phosphorus compounds) concentrations are substantial at both stations. At the S.R. 72 station, total N (nitrogen) averaged between 1.17 and 1.36 mg/l for the 1978-1980 period. At the Border Drive station, mean N concentrations ranged between 1.02 and 1.27 mg/l, and, in general, concentrations at this station were less than those at the S.R. 72 station. The major component of N total in the river is organic N, and, again, concentrations at the S.R. 72 station frequently exceeded those at the downstream (Border Drive) station. Mean concentrations of ammonia-nitrogen and nitrate-nitrogen can be termed low to moderate. For the most part, values for these two parameters showed a good deal of variation, suggesting that conditions primarily affecting ammonia and nitrate concentrations occur sporadically.

At the two stations, mean concentrations of P total (phosphorus) ranged between 0.17 and 0.42 mg/l. The bulk of P total is contributed by P ortho, and, mean P total concentrations for the Border Drive station equalled or exceeded those for the upstream station (S.R. 72).

Mean concentrations of total organic carbon (TOC) ranged between 17.00 and 24.3 mg/l at the two stations. At the upstream station (S.R. 72), TOC concentrations were slightly higher than those recorded at the Border Drive Station.

Data describing the aquatic habitat were available for the Border Drive station for the period 1974-1980. (Statements concerning aquatic organisms have been prepared following a review of FDER raw data from routine sampling of the Myakka River at Border Drive.) In the vicinity of the sampling station, the river is described as being deeply incised and having a channel width of about 60 feet. Channel banks are composed of sand and limestone outcroppings and are covered by a variety of ferns, grasses, and vines. Upland from the river, the sandy soil is covered by plants and trees typical of a riverine, oak-cabbage palm hammock.

Table G-1: Data for Selected Chemical Constituents for  
the Myakka River at S.R. 72, 1978-1980.

	1978			1979			1980		
	X	SDx	(N)	X	SDx	(N)	X	SDx	(N)
Turbidity (FTU)	2.2	0.92	10	1.5	0.52	12	1.70	0.68	9
D.O.	5.87	1.77	38	3.75	2.60	13	8.2	0.0	1
pH (units)	7.06	0.43	40	6.59	0.60	14	6.71	0.34	11
N-Total	1.36	0.34	10	1.26	0.26	12	1.17	0.26	9
N-Org.	1.21	0.25	11	1.22	0.27	12	1.16	0.26	9
N-NH3	0.14	0.15	11	0.05	0.06	12	0.03	0.03	9
N-NO3	0.05	0.13	11	0.02	0.01	12	0.003	0.01	9
P-Total	0.38	0.19	11	0.36	0.15	12	0.17	0.10	9
P-Ortho	0.33	0.19	11	0.32	0.14	12	0.14	0.08	9
T.O.C.	23.88	6.36	8	24.29	4.03	7	18.50	3.45	6
T.D.S.	137.55	35.49	11	159.17	46.67	12	183.22	25.79	9
Ca	13.95	5.01	11	17.75	8.53	11	21.78	4.6	9
Mg	6.53	2.28	11	8.22	3.88	11	10.81	2.18	9
S.S.	—	—	—	—	—	—	—	—	—

NOTE: All values are in mg/L unless noted. Data obtained from USGS, Reston, Virginia.

Values are expressed as means  $\pm$  standard deviation of the mean (SDx). The number of samples is indicated by (N).

Table G-2: Data for Selected Chemical Constituents for the Myakka River at Border Drive (at Southwest corner of Tract), 1978-1980.

	1978			1979			1980		
	X	SDx	(N)	X	SDx	(N)	X	SDx	(N)
D.O.	5.03	1.85	15	4.98	1.39	17	5.65	1.83	11
pH (units)	6.91	0.43	9	6.85	0.51	10	7.29	0.45	7
N-Total	1.27	0.37	11	1.18	0.17	12	1.02	0.18	8
N-Org.	1.12	0.23	11	1.14	0.14	10	0.74	0.64	3
N-NH3	0.11	0.09	12	0.09	0.03	9	0.07	0.03	3
N-NO3	0.03	0.05	12	0.07	0.08	12	0.06	0.0	8
P-Total	0.42	0.47	12	0.36	0.13	12	0.25	0.10	8
P-Ortho	---	---	---	---	---	---	0.22	0.0	1
T.O.C.	19.73	4.86	12	20.33	4.90	9	17.00	5.10	5
S.S.	8.08	15.51	12	2.70	1.06	10	2.38	2.62	8
Ca	---	---	---	24.35	16.05	2	---	---	---
Mg	---	---	---	8.70	3.39	2	---	---	---
T.D.S.	399.08	653.54	12	174.20	99.59	10	189.33	22.14	3
Turbidity (FTU)	1.85	0.93	15	1.49	0.49	15	1.50	1.15	9

NOTE: All values are in mg/L unless noted. Data obtained from FDER, Tallahassee, Florida.

Values are expressed as means  $\pm$  standard deviation of the mean (SDx). The number of samples is indicated by (N).

Table G-3: Composite Diversity Indices (D) and Mean Densities of Benthic Invertebrates from the Myakka River at Border Drive, 1973-1980.\*

Date	D	Organisms/M2	Date	D	Organisms/M2
1973			1977		
November	3.21	1542	January	4.52	944
1974			May	4.31	1403
January	4.15	2556	August	3.6	2208
April	4.37	1931	October	4.23	1764
August	4.18	1125	1978		
November	4.14	5764	January	1.29	181
1975			March	3.07	1792
January	3.84	1083	July	2.85	2917
April	2.32	1819	December	4.24	3569
August	3.19	736	1979		
October	3.77	1708	February	3.82	1139
1976			May	3.12	7792
February	3.38	2181	August	2.6	8097
April	2.14	---	November	3.13	695
July	2.54	2181	1980		
November	3.48	806	February	4.35	3416

Note: Data obtained from FDER routine sampling of the Myakka River at Border Drive, 1973-1980.

\*Source: Southwest Florida Water Management District, MacArthur Tract Hydrologic and Water Supply Investigation: Phase I, 1981.

The station supports a diverse assemblage of benthic invertebrates. Invertebrate populations are dominated by freshwater organisms, but a larger number of animals characteristic of brackish and marine conditions also occur. As expected, freshwater animals are represented primarily by insect larvae, particularly members of the Chironomidae. Brackish/marine organisms are represented almost exclusively by molluscs, crustaceans, and some polychaetes. These animals were observed in most invertebrate collections made during the period 1974 to 1980, and their presence indicates significant migration of saline water up the river channel at least to the Border Drive station.

Diversity indices for benthic invertebrate populations were generally high during the period 1974 to 1980 (Table G-3), with one exception (January 1978), where indices averaged greater than 2.0; mean indices ranged as high as 4.5.

The density of benthic organisms was substantial, with the exception of the January 1978 collection, where mean densities ranged between about  $0.8 \times 10^3$  organisms/m<sup>2</sup> (organisms per square meter) and  $8.2 \times 10^3$  organisms/m<sup>2</sup>. These data suggest that the river at the Border Drive location presents a favorable habitat for aquatic life.<sup>1/</sup>

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

MAP

# SOIL ASSOCIATIONS

MYAKKA RIVER  
Wild and Scenic River Study

Key:

-  SANDY, DROUGHTY SOILS,  
NOT SUBJECT TO FLOODING
-  MODERATELY WELL TO POORLY DRAINED SOILS,  
NOT SUBJECT TO FLOODING
-  POORLY AND VERY POORLY DRAINED SOILS,  
SUBJECT TO FLOODING

- |   |  |
|---|--|
| 1 CANDLER - TAVARES   | 11 SCRANTON, var. ONA - PLACID   |
| 2 TAVARES - MYAKKA & TAVARES - MYAKKA - POMELLO                               | 12 POMELLO - MYAKKA - TAVARES  |
| 3 POMELLO - ST LUCIE & POMELLO - PAOLA - ST LUCIE                             | 13 POMPANO, HIGH - FELDA   |
| 4 IMMOKALEE - POMELLO & MYAKKA - POMELLO - BASINGER                           | 14 TAVARES - ADAMSVILLE  |
| 5 BROWARD - BRADENTON - MANATEE   | 15 PLACID - BASINGER   |
| 6 ADAMSVILLE - POMPANO & POMPANO, HIGH - POMPANO                              | 16 DELRAY - MANATEE - POMPANO, POMPANO - CHARLOTTE - DELRAY & POMPANO - DELRAY |
| 7 MYAKKA - IMMOKALEE - BASINGER   | 17 FRESH WATER SWAMP & MARSH   |
| 8 MYAKKA - POMELLO - BASINGER   | 18 TIDAL MARSH, SWAMP - COASTAL BEACH RIDGES & SWAMP DUNES                     |
| 9 WABASSO - BRADENTON - MYAKKA, BRADENTON - WABASSO - FELDA & WABASSO - FELDA | 19 FELDA - MANATEE   |
| 10 IMMOKALEE - MYAKKA - POMPANO   | 20 TERRA - CEIA  |

see appendix for soil characteristics

Soil Conservation Service



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

### Mineral Resources

The primary commercially recoverable mineral resource in southwest Florida is phosphate. Florida is a major producer of phosphate and several areas in the State, including areas adjacent to the Myakka River basin, have seen major mining activities. Several phosphate mining companies have extensive holdings in the upper watershed of the Myakka River and there is some concern about the impact of future mining activities on the river.

Phosphate rock is a commercial term for rock containing one or more phosphate materials of sufficient grade and suitable composition to permit their use, either directly or after concentration, in the manufacture of commercial phosphate products. Phosphate rock has diverse agricultural and industrial uses, but the quantity used in agriculture has always exceeded that used for other purposes. Elementary phosphorus and phosphoric acid are used to make inorganic and organic chemicals, which are employed as leaving agents, water-softening materials, soap, insecticides, and many other products. Phosphoric acid is used in producing fertilizers, animal-feed supplement, beverages, ceramics, as a catalyst and oil refining agent, in photography, and in dental and silicate cements.

Mining of phosphate ore in Florida is presently conducted utilizing strip mining methods. The nature of these mostly unconsolidated sedimentary deposits have lent themselves to open pit mining, consisting of stripping away the overburden to expose the ore for discovery. The mining process is briefly described as follows: each dragline digs a series of parallel cuts several hundred to several thousand feet in length and 200-300 feet wide as it traverses the mining unit. The overburden is cast into the previously mined cut and transferred to a slurry pit located above ground within reach of the dragline. In the slurry pit, large water guns (monitors) deliver 10,000-12,000 gallons of water per minute at about 200 psi, to break down the ore into a slurry for pumping to the central washing unit in the mill area. Each dragline usually has its own associated pumping system. The ore is not completely recovered due to the irregularity of the contacts with the overburden or underlying bedrock and irregularity of the ore itself. Upper and lower contact losses can be significant. It is estimated that 85-90 percent of ore is physically recovered from the cut.

Phosphate mining is currently regulated by the State of Florida and local mining ordinances of Manatee and Sarasota Counties. These regulations require that land utilized for strip mining be restored. In addition, major mining operations are required to prepare a Development of Regional Impact (DRI) statement and comply with applicable federal and local regulations. Strip mining planned for the upper watershed of the Myakka River could permanently change the surface hydrology of the basin. However, if mined properly and existing federal, State and local regulations are followed there would be no adverse effects to river water quality or mining productivity. But it should be recognized that non-compliance may be devastating should the company not follow the rules

# MAP PHOSPHATE COMPANY LANDOWNERSHIP

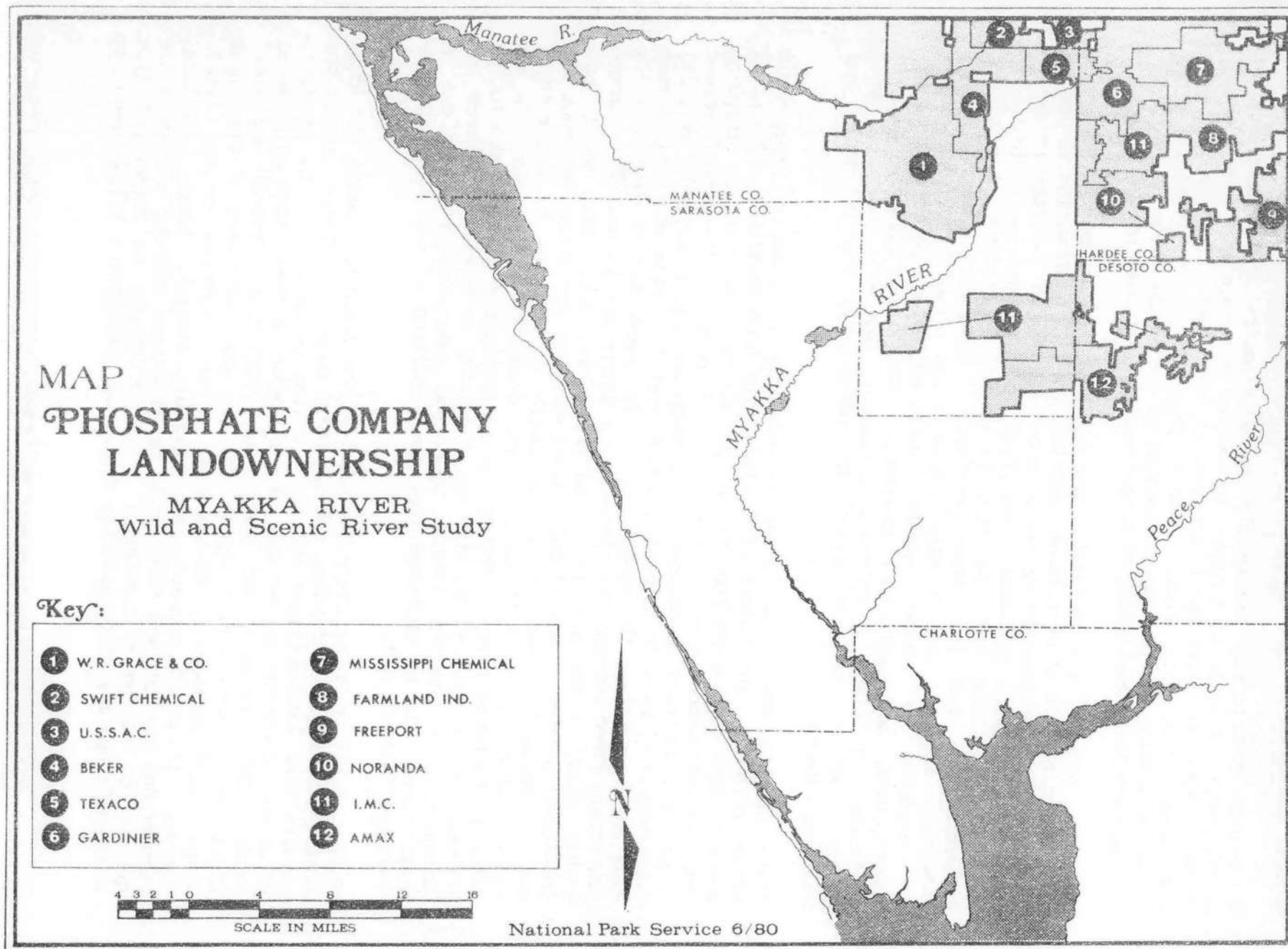
MYAKKA RIVER  
Wild and Scenic River Study

## Key:

- |                    |                        |
|--------------------|------------------------|
| ① W.R. GRACE & CO. | ⑦ MISSISSIPPI CHEMICAL |
| ② SWIFT CHEMICAL   | ⑧ FARMLAND IND.        |
| ③ U.S.S.A.C.       | ⑨ FREEPORT             |
| ④ BEKER            | ⑩ NORANDA              |
| ⑤ TEXACO           | ⑪ I.M.C.               |
| ⑥ GARDINIER        | ⑫ AMAX                 |



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and regulations prescribed. Previous experience on the nearby Peace River points up the possibility of accidental spills from phosphate slurry pits which can have a devastating effect on biological and aesthetic values of natural waterways.

### Air Quality

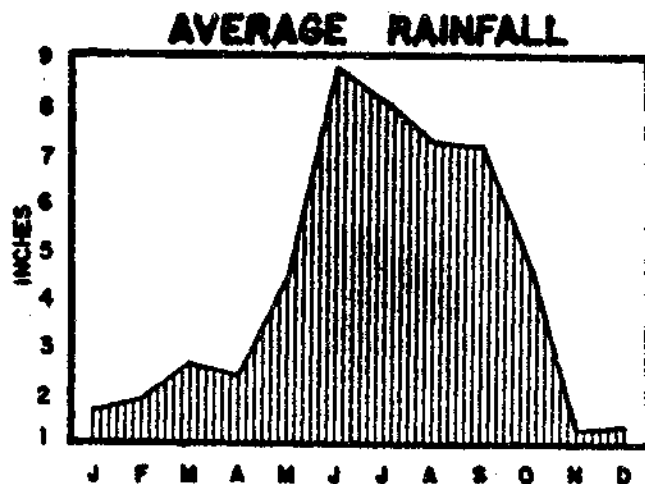
Federal air quality regulations, established in Public Law 88-206, are enforced by the U.S. Environmental Protection Agency. Chapter 17-2 of the Florida Administrative Code sets the state standards which are enforced by the Florida Department of Environmental Regulation. Sarasota County air quality standards and regulations are stated in Ordinance No. 72-37 and enforced by the Pollution Control Division of the Sarasota County Environmental Services Department.

As of 1979, Sarasota had three permanent monitoring sites for air quality. These sites are located in areas more congested than the study site, for which no data have been collected. However, in the past few years air quality has measured "very good". Sulfur dioxide and fluoride levels are almost immeasurable, and particulate levels are just a little over the natural background levels, far better than the standards. Because these data were collected under more adverse conditions than exist along the river, air quality in the river corridor is considered to be excellent.

### Climate

Southwest Florida has a semi-tropical climate. Summer temperatures are usually in the low 90's with maximums rarely exceeding 95°. Sea breezes temper the summer heat. The warm water of the gulf modifies winter temperatures which rarely drop below 60° and average fewer than three frost days per year.

The area averages more than 50 inches of rain per year. As much as 70 percent of the annual rainfall occurs during the summer months from June to September. Winter rains usually occur in association with cold fronts and are often characterized by several rainy, drizzling days followed by a drop in temperature. The area has a dry spring with little or no rain.



Hurricanes are a major, though infrequent, threat to Southwest Florida. The probability of one striking the area coastline is 10 to 12 percent annually. Hurricane Donna in 1960 was the last significant tropical storm to hit the area, but the area remains susceptible to hurricane damage.

### Archeology and History

Archeological evidence based on findings at Warm Mineral Springs and Little Salt Springs campsites indicates that people were present in southwest Florida over 10,000 years ago. Another site was recently located by archeologists digging in the path of the I-75 bypass east of Tampa. This campsite of prehistoric hunters who lived at least 10,000 years ago is the first Paleo Indian site found on land in Florida.

The earliest evidence of human habitation on the coast dates to about 3500 B.C. at points where the coastal streams enter the bays. Indian mounds and middens--prehistoric garbage heaps consisting mainly of oyster shells--support this theory. Eighteen historically significant sites, primarily mounds and middens, are within one-half mile of the Myakka River according to the Florida State Historic Preservation Officer. It is possible that the number is actually greater, but the area has never been subjected to a systematic, professional survey.

Juan Ponce de Leon led the first Spanish conquistadors to the area in 1513. They were attacked by Caloosa (or Calusa) Indians, the fierce tribe which then dominated southwest Florida. After this engagement Ponce de Leon returned to Puerto Rico having claimed Florida for the Spanish crown and naming it after Pascua Florida, the Feast of the Flowers at Easter time. Ponce de Leon returned to Florida in 1521 with two ships and 200 settlers to establish a colony. According to most accounts he landed at Charlotte Harbor and started to construct a settlement. The Caloosa Indians attacked the colony and killed a number of Spaniards and wounded Ponce de Leon. The Spanish colonists then fled to Cuba where Ponce de Leon died of his wounds.

Subsequent Spanish expeditions to southwest Florida were no more successful in finding gold or establishing a colony. In 1527 Panfilo de Narvaez landed in Tampa Bay and was persuaded by captured Indians that the gold he sought was to be had from the Apalachee Indians to the north. Narvaez found only an inhospitable environment and hostile Indians on his long overland journey to Appalachee Territory, the present day Tallahassee area. His ships did not arrive as planned and in desperation his party constructed crude boats to sail to Mexico. All the craft were lost in a storm. One of the few survivors was Cabeza de Vaca who finally reached Mexico City in 1536, 9 years after the expedition set out for Florida.

In 1539 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 MacAuthur 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.

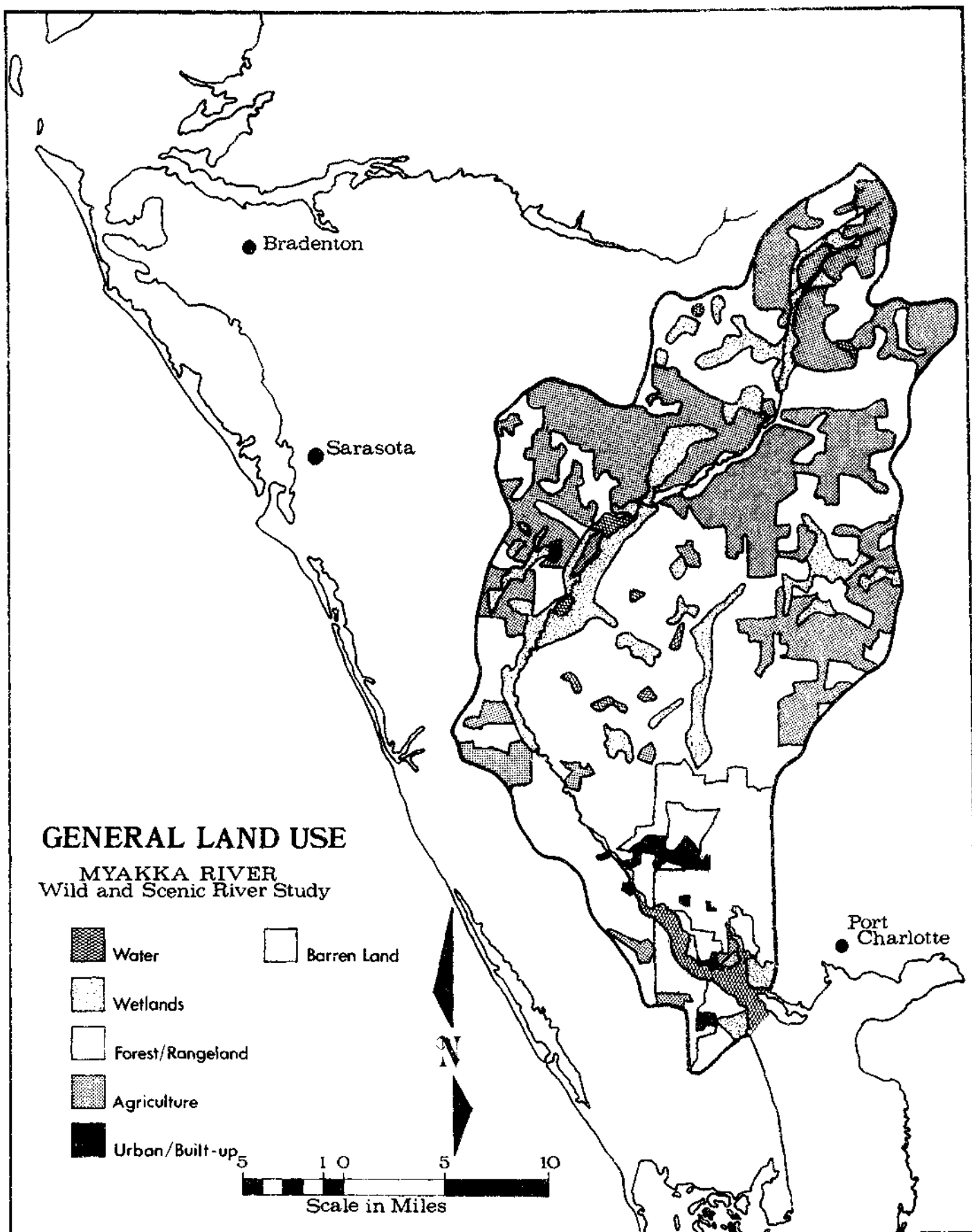
Below the State Park the river corridor remains undeveloped for a 5 mile segment which is bounded on the east by the MacArthur tract and on the west by several large ranches. Recreationists using the river do not generally see the ranching activities occurring because of vegetation screening the view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



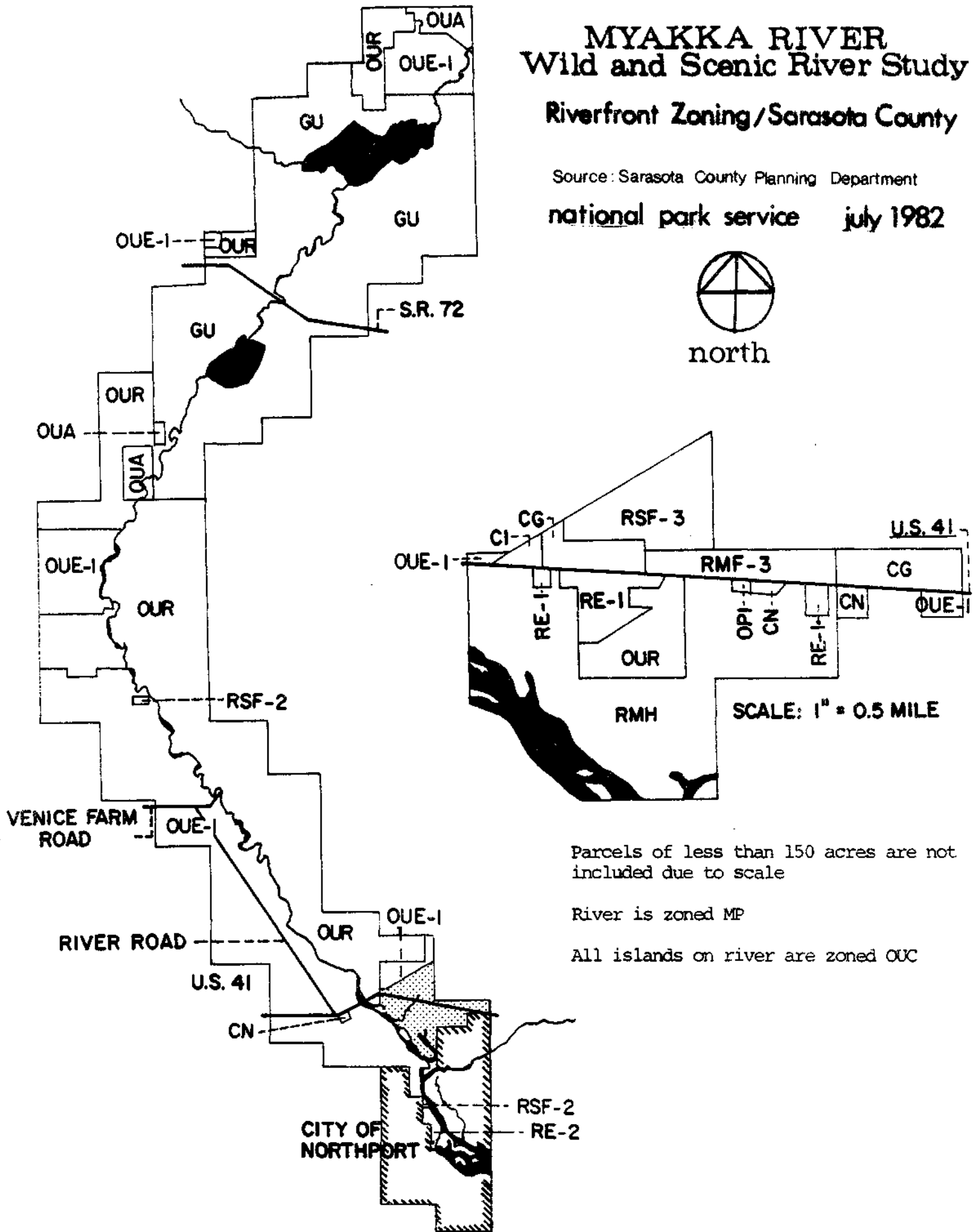
# MYAKKA RIVER Wild and Scenic River Study Riverfront Zoning/Sarasota County

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.

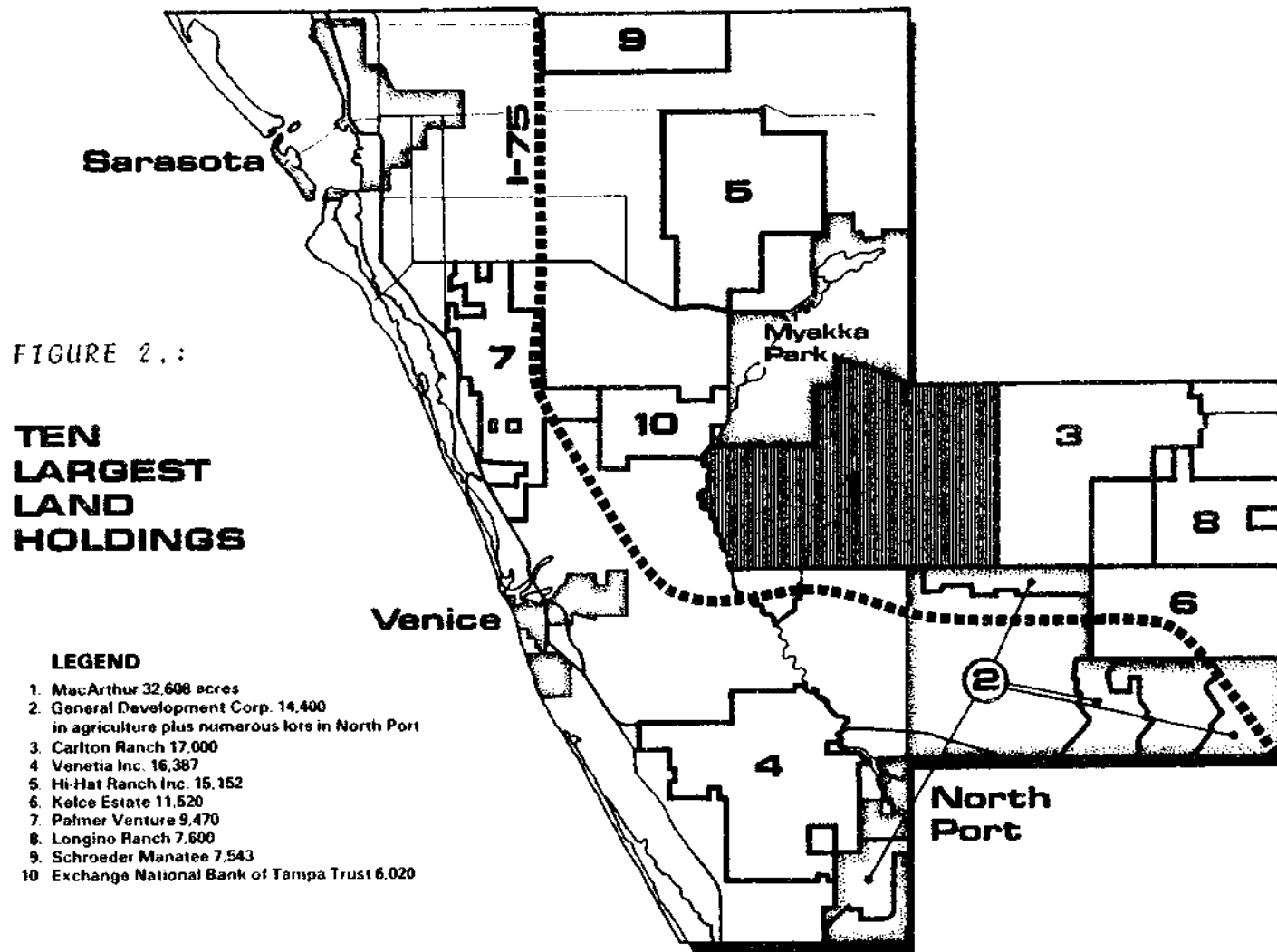
The Myakka River corridor is generally in private ownership. In Manatee County above the State park, private tracts range from 600 to over 1,000 acres and primarily are used for ranching activities. Sizable tracts also owned by phosphate mining companies such as W. R. Grace Co., Beker I. M. C.

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.





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



Much of the Lower basin area has been subdivided





The Primary Land Use in the Upper Watershed is Agriculture



Numerous Shallow Depressions and Wetland characterize the undeveloped McArthur Tract

Riverfront property from the Charlotte County line to El Jobean at State Route 771 is subdivided into lots averaging a quarter acre in size. Most are located on the numerous manmade canals which line this portion of the river. The majority of the lots remain undeveloped. Below State Route 771 land adjacent to the river is State owned.

#### Navigability and Riparian Rights

The distinction between a navigable body of water and a non-navigable one is a key issue in the law of water rights and riparian rights. Classification as a navigable water body indicates that the State of Florida holds ownership of the river bottom up to the ordinary high water line. If the river is not classified as navigable, the riparian owner holds title to the river bed to the center of the stream. Development of detailed meaning and application of the navigability question has been, for the most part, left to the courts operating on a case-by-case basis.

The test of navigability applied by Federal courts has undergone considerable change. Current opinions state that for some purposes, the federal tests look not only to whether the water body is navigable, in fact, in its natural state, but whether it can be made so by man-made improvements. The United States Supreme Court opinion in U.S. vs. Appalachian Electric Power Company 311 U.S. 377 (1940), indicated that suitability for commercial navigability can be proved by personal or private use of boats upon the water. Congress added an amendment to the Rivers and Harbors Act which stated, "...commerce shall include the use of waterways by seasonal passenger craft, yachts, houseboats, fishing boats, motor boats, and other similar craft, whether or not operated for hire."

Florida courts, in Baker vs. State ex rel. Jones, 87 So. 2d 497 (1956) and Lopez vs. Smith 145 So. 2d 509 (2d D.C.A. Florida 1962), have equated navigability with the possibility of use for purposes common to the public. The definition of navigability is also tied closely to the use of a water body or at least potential use for commerce at the period of statehood. There are four basic determinants of the commercial use of a waterbody.

1. The nature and character of water borne commerce during the statehood period.
2. The nature of the craft used for this purpose.
3. Size, depth, location and other physical characteristics of the water body.
4. Obstructions to navigation.

Florida courts have issued opinions indicating that current potential commercial use rather than commercial history is the test for navigability. Federal courts have traditionally granted State governments the authority to remove any obstructions to navigation.

Evidence indicating that the portion of the Myakka River in the study area is navigable includes:

1. The extent and manner of commercial use is not an issue. The river only need be capable of being used for commerce, no matter in what mode the commerce may be conducted. The Myakka River experiences a great deal of pleasure boating by tourists and local residents which courts have implied is a commercial activity or use of the water.
2. The region of Florida in which the Myakka River runs its course was dependent upon waterways for transportation before the advent of the railroads in 1880. In rivers which could not support large craft pirogues, cypress canoes, and cypress skiffs were in regular use by the military, Indians, and settlers. A reasonable conclusion may be drawn that canoes and shallow draught skiffs were a customary mode of trade and travel in the region and on the Myakka River during the statehood period.
3. The Myakka River is on the U.S. Army Corps of Engineers administrative list of navigable rivers.

#### Recreation Resources

Florida, perhaps more than any other State, is associated with tourism and recreation. The State is endowed with an excellent climate and an extensive coastline featuring some of the world's most scenic beaches. Tourism is Florida's largest industry with over 35 million tourists visiting the State in 1980 generating nearly \$17 billion in expenditures. Tourists generate 64 percent of the total demand for outdoor recreation activities. The resident population is also active in outdoor recreation.

The 28,875 acre Myakka River State Park is the largest park in the State of Florida park system. The primary focus of the park is the Myakka River and its adjacent prairie and marsh habitats. It is one of the most spectacular wildlife areas in the country and provides outstanding recreational opportunities in a wilderness setting. A 7500-acre wilderness preserve has been designated by the State within the park. The park also provided campgrounds, a backpacking trail, cabins, fishing, and boating. It is projected that the Myakka River State Park will meet the need for regional parks in the area well into the next century.

Wild and Scenic Rivers in Florida. As of 1982, there were no national wild and scenic rivers located in the State. One river, the Suwannee, was studied for inclusion into the National Wild and Scenic Rivers System. That study, completed by the Bureau of Outdoor Recreation in 1974, recommended the river be included in the system by State action under Section 2(a) of the Wild and Scenic Rivers Act. To date, there has been no formal State action by Florida or Georgia to designate the river as a national wild and scenic river. The Loxahatchee River, located in southeast Florida near Palm Beach is under study by the National Park Service as a possible national wild and scenic river.

Florida has enacted a Scenic and Wild Rivers Program, designed to serve outdoor recreation purposes through the preservation of exceptional river and stream corridors. To date, only a single river - the Wekiva, located near Orlando, has been granted wild river status under the State system. Currently three streams are being reviewed for inclusion in the State system: Blackwater River, Ichetucknee River, and Spruce Creek. None of these streams are located in the vicinity of the Myakka study area.

## CHAPTER IV

### ENVIRONMENTAL AND ECONOMIC CONSEQUENCES

The environmental and economic consequences are analyzed in relation to the three alternatives and their components. Current and reasonably foreseeable effects on the environment are included in the analysis.

A separate biological assessment as required by Section 7(c) of the Endangered Species Act of 1973, as amended in 1978, has been prepared in consultation with the U.S. Fish and Wildlife Service (See Appendix E).

A separate coastal zone management consistency determination has been made. The Florida Department of Environmental Regulation concurs that the three alternatives, as presented in this document, are consistent with the Florida Coastal Zone Management Plan (See Appendix F).

#### Alternative A - Proposed Action

This alternative proposes the designation of a 12-mile segment within Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System.

To gain designation as a State-administered river, the Governor must forward a letter to the Secretary of the Interior requesting that the river be added to the National System and documenting how the State will provide permanent protection for the river. This documentation provides that:

1. The values which cause the river to be qualified for the national System must be assured of permanent protection and management by or pursuant to State statute. As a means to this end, the State must adopt a program of action which will provide permanent protection for the natural and cultural qualities of the river and adjoining lands.
2. Protective devices for the river corridor may include, but shall not be limited to fee acquisition, scenic easements or other than fee acquisition, zoning, limitations on building permits and other regulations. The intent is to provide for regulation of the use of private lands immediately abutting or affecting the river so as to preclude changes in use which would substantially alter the character of the river corridor. The State must prohibit undue adverse impacts on the river resources by its own agencies and programs and through its permitting and licensing requirements. If local zoning will be a major tool, it must either be in place or expressions of local intent must be included in the application.

The following consequences are inherent in national wild and scenic river designation:

1. Section 7 of the Wild and Scenic Rivers Act imposes water resource development restrictions on stream segments included in the National Wild and Scenic Rivers System. It states that no federally assisted, licensed, or aided projects will be permitted on rivers in the National System which would "invade the area" or "unreasonably diminish" values which are present at the time of inclusion.
2. Added incentives are provided to improve water quality through cooperative efforts by the managing agency, the Secretary of the Interior, the State water pollution control agencies and the Environmental Protection Agency (Section 11(c) of Public Law 90-542).
3. National designation would help ensure that the river would be protected in perpetuity. The State of Florida would adopt a program of action to provide permanent protection for the natural and cultural qualities of the designated segment of the Myakka River. Protective measures may include fee acquisition, scenic easements, zoning, construction and setback lines or other similar land-use controls. Such mechanisms would not be necessary for the proposed 12-mile segment since it is already in public ownership.
4. A likely higher priority for financing from existing federal programs for compatible projects which improve the river and its watershed.

Land Use - The watershed area above the river segment proposed for designation is predominantly private agricultural land with large tracts devoted to cattle ranching. The farmers and ranchers presently use the river for irrigation and livestock watering purposes which the proposal will not affect. Also, sizeable tracts are owned and operated by phosphate mining companies. Designation of the 12-mile segment should have no effect on existing mining operations or water quality because, properly enforced, existing State and local regulations provide for protection of the river. The river corridor itself is primarily natural in character.

Although the Myakka River watershed area is rural at present, there is the potential for increased residential development. Sarasota has experienced the spread of low-density development throughout its urban areas, which leads to a rapid "leapfrog" encroachment of the urban setting into rural areas. The proliferation of 1- to 5-acre residential lots is responsible for the rapid depletion of rural land and the utilization of large tracts of these lands for residential development.

Alternative A (designation) could affect this land use trend by increasing commercial and residential development pressures on the remaining portions of the river; however, the extent of these pressures is difficult to assess. In effect, designation could act as a catalyst in much the same way that advertising acts as a catalyst in pointing out to users or would-be users the attractiveness of a product or resource.

The phosphate mining industry is regulated by State and local ordinance. Chapter 380, Florida Statutes, cited as "The Florida Environmental Land and Water Management Act of 1972" has the legislative intent to protect the natural resources and environment of the State. The intent of the Act is to insure a water management system that will reverse the deterioration of water quality and protect the health, welfare, safety and quality of life of State residents.

Ordinance Number 81-22 of Manatee County regulates mining and reclamation activities in that county. The ordinance provides for operating permits before mining activities can begin; provides criteria for mining activities; provides permitting procedures, reclamation requirements, enforcement procedures and many other regulatory provisions for the mining industry. The ordinance also establishes an environmental monitoring program. This program monitors surface water quality, surface water quantity, ground water quality, ground water quantity, rainfall, radiation in soils and water, and air quality.

State and local regulations such as the above place many restrictions on the phosphate mining industry. The designation of the Myakka as a wild and scenic river would not change those regulations nor materially affect their interpretation.

Fish and Wildlife - Designation of the 12-mile segment as wild and scenic river would not change fish and wildlife laws (Section 13(a) of the Wild and Scenic Rivers Act). To the extent that designation would prohibit water resource development projects, fish and wildlife resources would be protected.

Recreation Use - Increased recreational use could damage the fragile ecological values associated with the river and increase trespassing and poaching on private land. A key component of the proposed management strategy is the concentration of recreation use within existing recreation areas in the Myakka River State Park. Additional access for recreational use along private lands will not be provided and recreational use of private lands will be discouraged by river management agencies.

Since the Myakka is on the Corps of Engineers list of navigable rivers, it is included under Corps of Engineers permitting regulations. Permit applications for boat docks and other construction will, therefore, be more carefully reviewed if the Myakka is a wild and scenic river. The Myakka is not used for commercial transportation, therefore, use is for recreational purposes and construction relating to river access would be for recreation purposes. There would be no conflict within the section recommended for designation because the State park already has adequate river access. Should any future development be proposed within the river corridor of the park, consistency with wild and scenic river status would be required.

Power Generation - Designation of the Myakka as a component of the National Wild and Scenic Rivers System would preclude construction of the type of projects mentioned in Section 7(a) of the Wild and Scenic Rivers

Act. However, the topography of this area makes infeasible hydroelectric generating facilities. Therefore, this alternative would not affect energy production from water.

Section 7(a) prohibits the FERC from licensing a transmission line across a wild and scenic river. However, if the Secretary of the Interior determines that a proposed transmission facility would not adversely affect the values for which the river is designated, additional projects could be built. It is likely that additional facilities in the existing 160-foot right-of-way would be permitted.

In summary, the absence of federal lands in the river corridor would make only the provisions of Section 7(a) of the Wild and Scenic Rivers Act relevant in determining impacts of designation. Topography precludes any hydroelectric facility, and the existence of a State Park already precludes most federally permitted activities which would adversely affect natural values. No significant adverse effects can be expected if Alternative A is implemented.

#### Alternative B - Protection Without Designation

This alternative includes all 37 miles of river determined eligible for the Wild and Scenic Rivers System. The primary difference between Alternative A and Alternative B is that the protective restrictions included in Section 7(a) of the Wild and Scenic Rivers Act would not apply to the 12 miles of river in Alternative A. However, all State and Federal regulations would continue in effect for all 37 miles. Land purchase efforts could continue; however, the lack of national status may reduce the impetus for State and local governments to implement protective measures (legislation, zoning, acquisition, etc.).

Land Use - Local governments have several options to use in protecting the Myakka River. These include adherence to a comprehensive plan, ordinances, incentive taxation programs, transfer of development rights and acquisition.

Florida's 1975 Local Government Comprehensive Planning Act which mandates the preparation, adoption and implementation of a comprehensive plan by all units of local government, contains several sections which are pertinent to river preservation, future land use, conservation, recreation, current land use, and intergovernmental coordination elements.

Various local ordinances are another means of providing river corridor protection. A 1981 Florida Supreme Court finding upheld the right of the local government to regulate growth and protect water quality by blocking a massive development on southwest Florida wetlands. This decision may encourage local governments to take action for which they now have legally sanctioned authority. Zoning ordinances are the most prevalent means of controlling land use at the local level. Other regulatory means include flood control ordinances; subdivision regulations; building setbacks or scenic easements; watershed protection ordinances and mining ordinances. The latter measure would require cooperation of counties outside the immediate river corridor. Impact assessment procedures similar to the



State process which requires consideration of development impacts on an area, could be established by the counties. However, it should be noted that Sarasota County currently assesses development impacts through their specific habitat regulatory programs.

Transfers of Development Rights have been adopted in Sarasota County. This process permits the transferring of development rights from rural areas or those for which protection is desired to areas where higher densities are encouraged.

Direct acquisition by the local government or by the State Government is another option. The State under current laws buys its parks and preserves from willing sellers and under programs administered by the Division of State Lands. Another program is the "Save Our Rivers" law which sets up a trust for protecting river systems. This money is divided between the five State water management districts which have condemnation powers.

In addition to the existing protective measures described under Land Use for Alternative A, the Myakka could be designated as a Florida Wild and Scenic River within the State System. Regardless of the designation status it seems evident that the portion of the Myakka within Myakka River State Park will continue to be protected from all presently foreseen threats.

Fish and Wildlife - There would be very little difference in the impact on fish and wildlife habitat between Alternatives A and B for the river corridor segment within Myakka River State Park. The primary impact on wildlife habitat would be the effect designation could have on providing the impetus for additional land purchases by the public sector.

Existing laws such as those mentioned under Land Use would give some protection to fish and wildlife habitat for the present time. However, in future years designation of the river would bring increased attention to environmental problems.

Recreation Use - In the absence of a management plan, as required for a State-administered addition to the System, a river management plan would not be developed. There would probably be less use without designation, although this cannot be quantified. Existing regulations do not prohibit additional boat docks along the river. Therefore, there would be little justification for denying river access applications. Any increase in boat docks could adversely affect the scenic qualities of the river and the river corridor.

Power Generation - The protection that Section 7(a) of the Wild and Scenic Rivers Act affords to designated rivers is a formidable force for preservation that would be more effective than other existing or proposed future regulations. However, as mentioned under Alternative A, the area is so flat that a power generation dam is not feasible.

In summary, only the protections afforded by Section 7(a) of the Wild and Scenic Rivers Act would be foregone for this alternative. Given topographic considerations and protections already provided for resources in the Myakka River State Park, there are no significant differences in impacts between Alternatives A and B.

#### Alternative C - No Action/Existing Trends

This alternative characterizes the future conditions expected to occur in the study area without a formal management plan or designation as a wild and scenic river. The existing trend plan assumes that growth and development in the river basin study area will occur as projected in existing local and regional plans.

Land Use - Existing land use is explained in Chapter 3. As population densities increase and as the demand for goods and services increase, all areas of fast growth, such as the Myakka River watershed, will experience increased pressure for both development and for preservation of areas within the watershed and for the river itself.

Sarasota County's Comprehensive Plan, published in 1980, identifies a need to acquire river access sites for canoe trails so as to increase the recreation potential of the county's natural waterways, although the Myakka is not specifically mentioned. The plan also identifies a need to strive to conserve large tracts of undeveloped lands, such as the McArthur Tract on the Myakka River, for their environmental, recreational, and open space values.

Sarasota County's Comprehensive Plan also identifies the Myakka as a potential water supply source. The county's plan recognizes the unique riverine habitat the Myakka provides as the only river flowing through the county. Also recognized is the fact that the Myakka is the second largest individual supplier of freshwater to the Charlotte Harbor estuary. Although the County of Sarasota may purchase the McArthur Tract for conservation purposes in the future, they are in addition considering use of the tract for potential potable water supply. They are in initial thinking stages of what alternatives could be developed. However, structural development would be unlikely and may not be cost effective given corridor topography. Given the lack of plans we can not determine if a structure designed to divert water would preclude river values.

The protection afforded by the permitting and review requirements of Section 7(a) of the Wild and Scenic Rivers Act would not be available under this alternative.

Fish and Wildlife - Existing fish and wildlife conditions and threatened and endangered species are discussed in Chapter 3. Development pressures within this fast-growing area will certainly displace some wildlife habitat during the coming years. Residential development along the Myakka has already filled in some of the wetland habitat, as development has been allowed to proceed right up to the banks of the river.

Recreation Use - As stated under Alternative B it is expected that recreation use would be slightly less if the Myakka is not designated.

Power Generation - The same conditions and analysis as stated for Alternative B are applicable here.

In summary, the Myakka River would not be included in the National Wild and Scenic Rivers System but would continue to receive protection from local, State and Federal Government agencies. Increased uncontrolled recreational use and development outside the park may result in destruction of valuable natural resources. A no action alternative to the proposal may result in a laxness by State and local government officials to protect river values using existing regulations.

## CHAPTER V

### LIST OF PREPARERS

Sharon C. Keene, Chief, Rivers and Trails Division, National Park Service, Southeast Regional Office, responsible for overall program management.

Fred van Vonno, Outdoor Recreation Planner, National Park Service, Southeast Regional Office, study team leader 1981-1983.

Charles M. Schuler, Outdoor Recreation Planner, National Park Service, Southeast Regional Office, study team leader 1983.

Gene A. Tingle, Park Planner, National Park Service, Southeast Regional Office, study team leader 1980-1981.

Andrea R. Clute, Student Intern, National Park Service, Southeast Regional Office, research assistance.

## CHAPTER VI

### LIST OF AGENCIES, ORGANIZATIONS, AND PERSONS TO WHOM COPIES OF THE ASSESSMENT WERE SENT

#### A. Coordination in the Review of the Draft Environmental Assessment

Copies of the draft environmental assessment were sent to the following agencies, organizations, and persons for their review and comment.

##### Federal Agencies

Department of Energy  
Department of Agriculture  
Department of Defense  
Environmental Protection Agency  
Department of Transportation  
Bureau of Reclamation  
Department of the Interior  
Department of Commerce  
Department of Housing and Urban Development

##### State of Florida

Office of the Governor  
Southwest Florida Water Management District  
Department of Environmental Regulation  
Game and Fresh Water Fish Commission  
Department of Natural Resources  
Department of Transportation  
Office of the Attorney General  
Department of Community Affairs  
Division of Forestry  
Division of Archives, History and Records Management

##### Local/Regional

Sarasota County  
Manatee County  
Charlotte County  
Southwest Florida Regional Planning Council  
Tampa Bay Regional Planning Council

##### Special Interest Groups and Individuals

Adjacent Landowners  
Audubon Society, Inc.  
Florida Wildlife Federation  
Florida Defenders of the Environment  
The Trust for Public Land  
Florida Nature Conservancy  
Sierra Club

B. Consultation and Coordination in the Development of the Proposal and in Preparation of the Environmental Assessment

The chronology of major actions is as follows:

November 10, 1978	The Myakka River was authorized for study by the Congress to determine its potential for inclusion in the National Wild and Scenic Rivers System.
January 18, 1979	The National Park Service held a public meeting in Sarasota, Florida, to explain what the Myakka River study would entail.
October 26, 1979	A National Park Service press release announced the formal initiation of the study.
April 9-10, 1980	The National Park Service held a public meeting in Sarasota, Florida, and in Punta Gorda, Florida. These meetings provided valuable information concerning the range of options concerning the Myakka.
September 13, 1980	The National Park Service hosted a public planning workshop in Punta Gorda in cooperation with the Charlotte County/Punta Gorda Planning Commission. Approximately 50 people attended including local elected officials, representatives of various government agencies, landowners, environmental interests and other interested citizens.
September 20, 1980	The National Park Service hosted a public planning workshop in Sarasota with the cooperation of the Sarasota County Planning Department. Over 100 people attended the workshop.

## APPENDIX A

# Myakka River Study Update

## September, 1981

united states department of the interior / national park service



### Introduction

This update provides a summary of the study team's preliminary findings and a brief description of the alternative plans being considered for the Myakka River Study Report. In the last study update (December 1980), we indicated that the next time you would be hearing from us would be on completion of the draft study report. However, considering the diverse public input received since the last update, we have decided to issue our preliminary findings before publishing them in the formal study report. Please review the preliminary alternatives and indicate which alternative plan(s) you support, and indicate any modifications you feel necessary. Your reasons for preferring one alternative over another would also be helpful in determining the attributes and deficiencies of each of the alternatives. Your comments, together with an evaluation of the river's resources, will provide the basis for selecting the alternative to be recommended to Congress.

### Extension of the Study Area

In evaluating the Myakka's eligibility for the National Wild and Scenic Rivers System, the authorized study area was extended to include the Myakka River State Park and river area up to the county route 780 river crossing (see Classification Map).

Joint Department of Agriculture and Department of Interior guidelines for conducting wild and scenic river studies provide that "... adjacent river areas not included in the congressional mandate may be studied if their inclusion could facilitate management of the resources of the river and adjacent land areas." The guidelines also state that "... management of the river area may be facilitated by extension to include established or available access points not included in the mandated study segment."

The study team's rationale for extending the study area is as follows:

1. The Myakka River State Park which encompasses approximately 10 miles of the Myakka River, immediately adjoins the authorized study area, is in public rather than private ownership, is presently managed in a protective status, and is perhaps the most outstanding natural resource area within the Myakka River system;



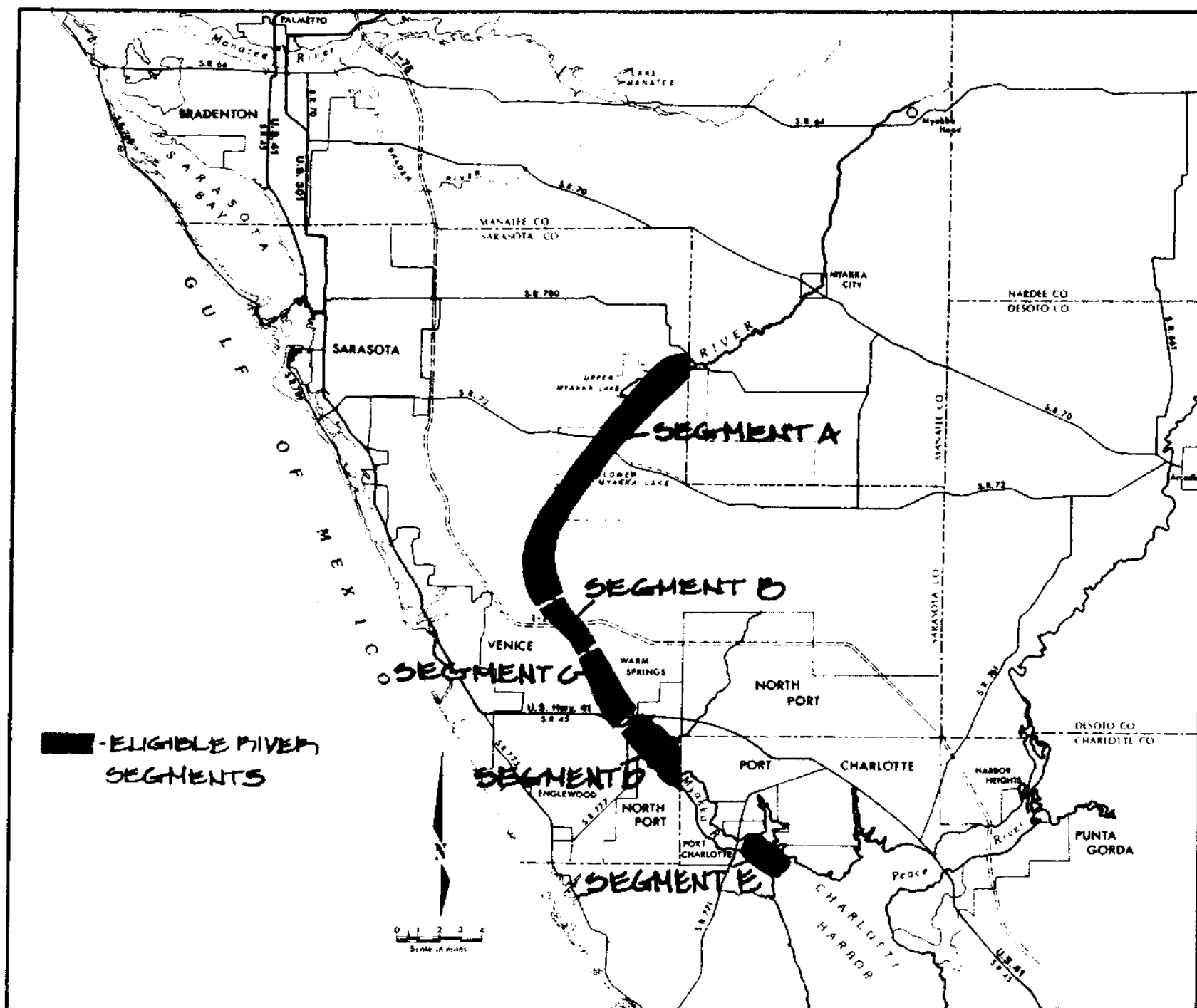
2. The river area immediately above the State park up to the county route 780 crossing also exhibits many of the scenic, wildlife, and recreation qualities of the State park. The route 780 crossing, in addition to providing a readily distinguishable boundary, provides a control point for potential access that could facilitate both resource management and public use.

#### Preliminary Findings - Eligibility

This section describes, in general terms, the study team's findings regarding the Myakka's eligibility for the National Wild and Scenic Rivers System. The decision whether to recommend to Congress that the Myakka be added to the system has not yet been made, therefore, discussion at this time is limited to eligibility. When a recommendation is made, it will be based on the feasibility of adding the Myakka to the System. The question is, can a suitable protective and management strategy be implemented for the Myakka that is in keeping with the provisions of the Wild and Scenic Rivers Act? Your comments regarding the alternative concept plans will help in making that determination.

1. The following segments of the Myakka River study area meet the eligibility criteria described in the Wild and Scenic Rivers Act and therefore, qualify for inclusion in the National Wild and Scenic Rivers System:
  - a. The river segment from county route 780 south to the Sarasota/Charlotte County line (approximately 34 river miles).
  - b. The river segment beginning approximately 1/2 mile south of county route 771 (EL Jobean area) to the river's mouth in the vicinity of Hog Island (approximately 3 river miles).
2. The eligible river segments possess outstandingly remarkable scenic, ecologic, fish and wildlife, and recreational values. In addition, a preliminary evaluation of the cultural resources of the river area by the State Historic Preservation Officer of Florida indicates that "the potential for archeological and historic sites along the river is quite high" and that the more significant sites would be expected to be found "along the edges of the floodplains and sites within and near the bank areas."
3. The segment from the Sarasota/Charlotte County line to the El Jobean area possesses significant natural resource and recreational qualities, however, the degree of development and shoreline alteration within this river segment is judged to be inconsistent with the criteria for Wild and Scenic River designation.
4. Although the area of consideration for inclusion in the national system is limited to the river south of Route 780, research indicates that upstream segments are integral components of the overall river system.

# CLASSIFICATION OF ELIGIBLE RIVER SEGMENTS



The upper watershed, particularly Flatford Swamp and Tatum Sawgrass Marsh contribute to the overall water quality, flood moderation, and viability of fish and wildlife resources throughout the Myakka River and Charlotte Harbor estuary.

#### Preliminary Findings - Classification

The Wild and Scenic Rivers Act requires the study team to classify all eligible river segments. Classification is the method of describing the physical character of the river area as it exists at the time of river study. Those areas, essentially natural in character, are classified (labeled) wild; those areas somewhat less natural are classified scenic, and those segments that are still predominately natural yet contain some development are classified recreational. It is important to note that classification is a means of describing the existing character of the river area and is not used to indicate future use of the river. For example, recreational classification does not necessarily imply increased recreational use.

Based on physiographic and man-made characteristics, the eligible segments of the Myakka are classified as follows:

Segment A: From the Route-780 crossing south to a point where riverfront residential development begins (approximately 18.5 river miles). This segment is largely natural in character with little evidence of man's activity. - - - - - SCENIC

Segment B: From the initial point of residential development south to the vicinity of Snook Haven Fish Camp (approximately 5 river miles). This area is predominantly natural in character yet exhibits some concentrated areas of residential development and highway crossings. - - - - - RECREATIONAL

Segment C: From Snook Haven Fish Camp south to a point just upriver of the U.S. 41 highway crossing (approximately 6 river miles). This area is largely natural with little evidence of man's activity. - - - - - SCENIC

Segment D: From a point just above the U.S. 41 highway crossing downriver to the Sarasota/Charlotte County line (approximately 4.5 river miles). Although some concentrated areas of development occur near the U.S. 41 crossing, this segment is predominantly natural exhibiting wide expanses of productive salt marsh and mangrove habitat. - - - - - RECREATIONAL

Segment E: From a point approximately 1/2 mile south of SR 771 at El Jobean to the river's mouth in the vicinity of Hog Island (approximately 3 river miles). This area is predominantly natural in character with limited areas of commercial (marina) development. - - - - - SCENIC

## Alternative Courses of Action

The alternative concept plans described in this update are based on a framework of legislative mandates, resource factors, and public concern. The alternatives offer optional strategies for the future of the Myakka River area. The alternatives present a range of protective measures, consider both designation and non-designation, and provide for administrative responsibility ranging from substantial federal involvement to alternatives that would essentially allow existing trends and conditions to continue.

### Alternative One - Continuation of Existing Trends and Conditions (No Action)

In this alternative, existing trends in land use and development would continue. The Myakka would not be added to either the National Wild and Scenic Rivers System or the State Scenic and Wild River System. No action, occurring as a result of this study effort, would be initiated by Federal or State government to protect the Myakka. Protection, beyond existing statutes and ordinances, would require local initiative to institute river and land-use controls designed to preserve the river's resources.

A coalition of riverfront landowners and other concerned individuals could be formed on a voluntary basis for the purpose of encouraging local and, where appropriate, the State and Federal Governments to initiate and adequately enforce protective measures for the river.

### Alternative Two - Establish a Myakka River Commission

This alternative proposes establishing a Myakka River Commission to coordinate efforts for conserving the Myakka River area. The commission would represent the tri-county area of Manatee, Sarasota, and Charlotte Counties and would be composed of landowners, conservationists, business interests, as well as appropriate representatives of local government. Technical assistance and consultation could be provided through appropriate regional, State, and federal agencies.

The commission would have two primary responsibilities:

1. To develop land use and river controls to be adopted by the appropriate local and State government for the purpose of protecting the river area from detrimental land and water uses.
2. To serve as a permanent organization having review authority of permit applications, variances, exceptions, etc., affecting the Myakka River area. The commission would develop review criteria and guidelines to ensure that its review procedures are objective, consistent, and uniformly applied.

When considering methods for creating such a commission, several options appear feasible:

1. Special Legislative Act - the State of Florida could, through special legislation, create a Myakka River Commission;

SUMMARY OF ALTERNATIVES

	ALTERNATIVES				
	1	2	3	4	5
Designation					
National	No	Optional	Not initially--could later be designated thru 2(a)(ii) process	Yes	Yes
State	No	Optional	Yes	No	No
Management					
Federal	No	No	Only if added to National System thru 2(a)(ii) process	No	Yes
State	No	No	Yes	Yes	No <sup>1/</sup>
Other	No specific river management program proposed	River Commission <sup>2/</sup>	—	—	—
Geographic Area	N/A	Determined by Commission--should include river thru tri-county area	Determined by Florida DNR	Option 1: All eligible segments  Option 2: Route 780 south to US 41	Option 1: All eligible segments  Option 2: Route 780 south to US 41

<sup>1/</sup> Shared management with State thru Cooperative Agreement.

<sup>2/</sup> If added to State or National River System, shared management with State would be necessary.

2. Existing State legislation authorizing "Resource Planning and Management Committees" could be used to create a Myakka River Commission. This method could also involve resource protection resulting from "Area of Critical State Concern" designation.

3. Joint effort by the Boards of County Commissioners for the tri-county area--recognizing the need for a regional approach to planning for the Myakka, the Boards of County Commissioners for Manatee, Sarasota, and Charlotte Counties could mutually agree to create and make appointments to the Myakka River Commission. The Commission would be established through cooperation with riverfront landowners, interest groups, as well as, appropriate State and federal regulatory officials.

4. Council of Governments - in this option, the Myakka River Commission could be structured as described in Option Three. However, the commission would be sanctioned by State government through existing legislation that authorizes the coalition of local governments to establish a "Council of Governments."

5. Authority of Manasota Basin Board - the Southwest Florida Water Management District through its political subdivision, the Manasota Basin Board, could request that a committee be formed to plan and monitor protective efforts for the Myakka River.

Whichever organizational format is selected, it is important that the River Commission coordinate its activities with those of the Southwest Florida Regional Planning Council, the Tampa Bay Regional Planning Council and the Southwest Florida Water Management District to ensure a uniform planning approach to the river area.

In this alternative, the option exists for including the Myakka in the National System. If it can be demonstrated that establishing a Commission would ensure future protection of the Myakka in a manner consistent with the provisions of the Wild and Scenic Rivers Act, the Myakka could be added to the National System. If this were to occur, the Commission rather than Federal or State Government would have primary management responsibility for the river. It would be necessary for the commission to enter into cooperative agreement with the Florida Department of Natural Resources regarding management of river segments in Myakka River State Park. Federal Government involvement would be limited to the review of proposed water resource projects as described through Section 7 of the Wild and Scenic Rivers Act.

Although management of a nationally designated river by a local or regional commission is a departure from traditional practice, this concept is receiving increased attention as a means of providing national river protection through local rather than federal control.

#### Alternative Three - State Action to Include the Myakka River in the Florida Scenic and Wild River System

In this alternative, the Myakka would be included in the Florida Scenic and Wild River System rather than the National Wild and Scenic Rivers System.

The State, in cooperation with local government, would determine the protective techniques necessary for the river corridor.

Administration and management of the river would be the responsibility of State government. There would be no federal involvement in either administration or management of the river. The State, through cooperative agreement, could share its management role with local government. Cooperative management would be advisable in protecting river areas lying outside the Myakka River State Park. The geographic area to be included in the State System would be determined by the Florida Department of Natural Resources.

If after inclusion in the State System, the State wishes to gain additional protection through national designation, the Governor of Florida may apply for national designation according to the provisions of Section 2(a)(ii) of the Wild and Scenic River Act. Section 2(a)(ii) provides that upon application by the Governor, the Secretary of Interior can designate a river as part of the National System provided the river has already been included in the State River System by an act of State legislature. The river must also meet the eligibility requirements for the National System, and a program of action must be prepared indicating that the river, now and in the future, will be administered by the State in a manner that ensures the protection of the values that qualify the river for the National System.

Alternative Four - Include the Myakka in the National Wild and Scenic River System and provide Protection through State Acquired Interest in Riparian Land

This alternative would designate the Myakka as a national wild and scenic river and would preserve the river corridor by establishing a "buffer zone" along the river in which building, vegetation removal, and site alteration would be prohibited. To establish the buffer, the State of Florida would negotiate for easement acquisition (purchase or transfer of development rights), donation, or similar methods appropriate to the given landownership situation. The buffer width would be the minimal distance necessary to protect the visual corridor as seen from the river, as well as, protecting the natural features of the shoreline. Where necessary, a selected site(s) would be acquired as a day use canoe rest area. The MacArthur Tract, immediately south of the Myakka River State Park, could provide the limited space necessary for such a site. No interference with Sarasota County's plans for potable water withdrawal from the MacArthur Tract would occur.

The intent of this alternative is to provide for the continuation of existing agricultural and similarly compatible uses of riparian land while acquiring the minimal interest necessary to ensure the future preservation of the Myakka River corridor. No restrictions of the existing rights of riverfront landowners to control access, trespass, etc., would occur.

Interpretive programs regarding the river area would be conducted at the Myakka River State Park. These programs would describe the ecological significance of the Myakka and the background and purpose of the Wild and Scenic Rivers System. These programs would also emphasize the responsibility of river users to adhere to regulations protecting the river's resources and the rights of those owning land along its banks.

The Florida Department of Natural Resources would have primary administrative and management responsibility for the eligible portions of the Myakka. The river area through Myakka River State Park will continue to be administered and managed by the Florida Division of Recreation and Parks. On request, the Department of Interior could provide technical assistance to the Florida Department of Natural Resources in preparation of the management plan for the Myakka River.

At the time of designation, an advisory committee should be established to provide input into management policies and procedures for the Myakka. The committee would advise Florida State Parks in preparing the Myakka River Management Plan, as well as, providing periodic review and recommendation regarding changes in management practices or river and land use that may adversely affect the river's resources.

Alternative Five - Include the Myakka in the National Wild and Scenic Rivers System and Provide Protection Through Federal Acquired Interest in Riparian Land

This alternative would include the Myakka in the National Wild and Scenic Rivers System and would place primary responsibility for land protective measures and administration with federal rather than State government. As described in Alternative Four, this alternative would also establish a protective buffer zone along the shoreline and where necessary, acquire a day use rest stop for canoeists.

The National Park Service would have primary administrative and management responsibility for the eligible portions of the Myakka River. The river area through Myakka State Park would be administered and managed through cooperative agreement between Federal and State Government with primary management responsibility resting with Florida's Division of Recreation and Parks. Interpretive programs as described in Alternative Four would also occur under this plan.

It is the intent of this alternative to also allow the continuation of existing compatible land use as described in Alternative Four. As with other alternatives, emphasis is placed on resource protection rather than increased recreational use.

Two options appear feasible in determining the geographic area of designation:

Option One - All eligible portions of the study area (SR 780 down river to the Sarasota/Charlotte County line plus the river segment beginning approximately 1/2 mile south of SR 771 down river to the river's mouth in the vicinity of Hog Island - approximately 37 river miles).

Option Two - Continuous river segment beginning at SR 780 down river to the US 41 bridge crossing at Playmore - approximately 34 river miles. The option of excluding the river segments below US 41 (Option Two) is being considered due to increased density in land use and ownership resulting in increased per unit and total acquisition costs as well as probable increases in management complexity and access control. Also, the overall character of the shoreline below US 41, although qualified, is less in keeping with the



naturalness criteria established for the national wild and scenic river system.

### Management Recommendations

The Myakka River Landowners Advisory Committee and the Myakka River Coalition as well as other organizations and individuals have provided the study team with numerous recommendations regarding protection of the river area. Although many of the comments focus on broad administrative and management options, most comments recommend the adoption of specific management and law enforcement practices along the river. Comments regarding river designation and administrative options have been used to develop the alternative concept plans presented in this update. The specific management and enforcement comments will be used to prepare the "Management Recommendations" section of the draft study report. The draft report is scheduled for completion later this fall.

### Where Do We Go From Here?

After receiving your comments, necessary changes to the alternative concept plans will be made. At that time, a preferred alternative to recommend to the Congress will be selected. The recommendation could be one of the alternatives described in this update, or a possible modification or combination thereof. Conceivably, if comments to this update produce a strategy not yet considered, this too could form the basis of our recommendation.

Following selection of a preferred alternative, the study team will complete the combined draft study report/environmental impact statement (EIS). The draft report will include our findings and recommendation to the Congress, a more detailed description of the alternative concept plans and their impacts as well as a required description of the study area. The draft report will undergo formal public and intergovernmental review. Because of decreasing funds, we can print and distribute only a limited number of copies of the completed draft report. However, we will mail a summary of that report to everyone on our mailing list. A limited number of copies of the draft report will be available at locations throughout the study area as well as upon request to our Atlanta office.

### Feedback To National Park Service

The cooperation and assistance received thus far from interested citizens, private corporations, special interest groups and government representatives has been invaluable to the Myakka River planning effort. We are particularly grateful for the assistance of the Myakka River Coalition and the recently formed Myakka River Landowners Advisory Committee. We hope that the relationship with these individuals and organizations continues and that anyone having questions or comments will feel free to contact us at anytime during the course of our study.

It is necessary that we receive your comments by October 16, 1981. If convenient, please use the postage paid mail-back sheet for your response. Additional sheets can be attached to the mail-back sheet if needed. All comments and points of view will be considered carefully in preparing our draft report.

Feedback to NPS

Dear NPS:

Re: The Myakka River Study

Please fold, staple, and mail back to NPS. Postage paid.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE  
SOUTHEAST REGION  
75 SPRING STREET, S.W.  
ATLANTA, GEORGIA 30303

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE, \$300

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U. S. DEPARTMENT OF THE INTERIOR  
INT-417



National Park Service  
Resource Area Studies  
75 Spring Street, S.W.  
Suite 1046  
Atlanta, Georgia 30303  
Attention: Gene Tingle

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(FOLD HERE)

## APPENDIX B

Public Law 90-542  
(16 U.S.C. 1271 et seq.)  
WILD AND SCENIC RIVERS ACT  
as amended  
through P.L. 96-580, December 23, 1980

AN ACT

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system, and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2. (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system, including, upon application of the Governor of the State concerned, the Allagash Wilderness Waterway, Maine; that segment of the Wolf River, Wisconsin, which flows through Langlade County; and that segment of the New River in North Carolina extending from its confluence with Dog Creek downstream approximately 26.5 miles to the Virginia State line. Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated

under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

(b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, and administered as one of the following:

(1) Wild river areas--Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas--Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas--Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(1) CLEARWATER, MIDDLE FORK, IDAHO.--The Middle Fork from the town of Kooskia upstream to the town of Lowell; the Lochsa River from its junction with the Selway at Lowell forming the Middle Fork, upstream to the Powell Ranger Station; and the Selway River from Lowell upstream to its origin; to be administered by the Secretary of Agriculture.

(2) ELEVEN POINT, MISSOURI.--The segment of the river extending downstream from Thomasville to State Highway 142; to be administered by the Secretary of Agriculture.

(3) FEATHER, CALIFORNIA.--The entire Middle Fork downstream from the confluence of its tributary streams one kilometer south of Beckwourth, California; to be administered by the Secretary of Agriculture.

(4) RIO GRANDE, NEW MEXICO.--The segment extending from the Colorado State line downstream to the State Highway 96 crossing, and the lower four miles of the Red River; to be administered by the Secretary of the Interior.

(5) ROGUE, OREGON.--The segment of the river extending from the mouth of the Applegate River downstream to the Lobster Creek Bridge; to be administered by agencies of the Departments of the Interior or Agriculture as agreed upon by the Secretaries of said Departments or as directed by the President.

(6) SAINT CROIX, MINNESOTA AND WISCONSIN.--The segment between the dam near Taylors Falls, Minnesota, and the dam near Gordon, Wisconsin, and its tributary, the Namekagon, from Lake Namekagon downstream to its confluence with the Saint Croix; to be administered by the Secretary of the Interior: Provided, That except as may be required in connection with items (a) and (b) of this paragraph, no funds available to carry out the provisions of this Act may be expended for the acquisition or development of lands in connection with, or for administration under this Act of, that portion of the Saint Croix River between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, until sixty days after the date on which the Secretary has transmitted to the President of the Senate and Speaker of the House of Representatives a proposed cooperative agreement between the Northern States Power Company and the United States (a) whereby the company agrees to convey to the United States, without charge, appropriate interests in certain of its lands between the dam near Taylors Falls, Minnesota, and the upstream end of Big Island in Wisconsin, including the company's right, title, and interest to approximately one hundred acres per mile, and (b) providing for the use and development of other lands and interests in land retained by the company between said points adjacent to the river in a manner which shall complement and not be inconsistent with the purposes for which the lands and interests in land donated by the company are administered under this Act. Said agreement may also include provision for State or local governmental participation as authorized under subsection (e) of section 10 of this Act. A one-thousand-three-hundred-and eighty-acre portion of the area commonly known as the Velie Estate, located adjacent to the Saint Croix River in Douglas County, Wisconsin, as depicted on the map entitled "Boundary Map/Velie Estate--Saint Croix National Scenic Riverway", dated September 1980, and numbered 630-90,001, may be acquired by the Secretary without regard to any acreage limitation set forth in subsection (b) of this section or subsection (a) or (b) of section 6 of this Act.

(7) SALMON, MIDDLE FORK, IDAHO.--From its origin to its confluence with the main Salmon River; to be administered by the Secretary of Agriculture.

(8) WOLF, WISCONSIN.--From the Langlade-Menominee County line downstream to Keshena Falls; to be administered by the Secretary of the Interior.

(9) LOWER SAINT CROIX, MINNESOTA AND WISCONSIN.--The segment between the dam near Taylors Falls and its confluence with the Mississippi River: Provided, (i) That the upper twenty-seven miles of this river segment shall be administered by the Secretary of the Interior; and (ii) That the lower twenty-five miles shall be designated by the Secretary upon his approval of



an application for such designation made by the Governors of the States of Minnesota and Wisconsin.

(NOTE: The indented portion that follows was included in the legislation adding the Lower Saint Croix River to the System (P.L. 92-560), but not as an amendment to P.L. 90-542.)

SEC. 3. The Secretary of the Interior shall, within one year following the date of enactment of this Act, take, with respect to the Lower Saint Croix River segment, such action as is provided for under section 3(b) of the Wild and Scenic Rivers Act: Provided, That (a) the action required by such section shall be undertaken jointly by the Secretary and the appropriate agencies of the affected States; (b) the development plan required by such section shall be construed to be a comprehensive master plan which shall include, but not be limited to, a determination of the lands, waters, and interests therein to be acquired, developed, and administered by the agencies or political subdivisions of the affected States; and (c) such development plan shall provide for State administration of the lower twenty-five miles of the Lower Saint Croix River segment and for continued administration by the States of Minnesota and Wisconsin of such State parks and fish hatcheries as now lie within the twenty-seven-mile segment to be administered by the Secretary of the Interior.

SEC. 4. Notwithstanding any provision of the Wild and Scenic Rivers Act which limits acquisition authority within a river segment to be administered by a Federal agency, the States of Minnesota and Wisconsin may acquire within the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior such lands as may be proposed for their acquisition, development, operation, and maintenance pursuant to the development plan required by section 3 of this Act.

SEC. 5. Nothing in this Act shall be deemed to impair or otherwise affect such statutory authority as may be vested in the Secretary of the Department in which the Coast Guard is operating or the Secretary of the Army for the maintenance of navigation aids and navigation improvements.

SEC. 6. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed \$7,275,000 for the acquisition and development of lands and interests therein within the boundaries of the twenty-seven-mile segment of the Lower Saint Croix River segment to be administered by the Secretary of the Interior.

(b) No funds otherwise authorized to be appropriated by this section shall be expended by the Secretary of the Interior until he has determined that the States of Minnesota and Wisconsin have

initiated such land acquisition and development as may be proposed pursuant to the development plan required by section 3 of this Act, and in no event shall the Secretary of the Interior expend more than \$2,550,000 of the funds authorized to be appropriated by this section in the first fiscal year following completion of the development plan required by section 3 of this Act. The balance of funds authorized to be appropriated by this section shall be expended by the Secretary of the Interior at such times as he finds that the States of Minnesota and Wisconsin have made satisfactory progress in their implementation of the development plan required by section 3 of this Act.

(10) CHATTOOGA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA.--The segment from 0.8 mile below Cashiers Lake in North Carolina to Tugaloo Reservoir, and the West Fork Chattooga River from its junction with Chattooga upstream 7.3 miles, as generally depicted on the boundary map entitled "Proposed Wild and Scenic Chattooga River and Corridor Boundary", dated August 1973; to be administered by the Secretary of Agriculture: Provided, That the Secretary of Agriculture shall take such action as is provided for under subsection (b) of this section within one year from the date of enactment of this paragraph (10): Provided further, That for the purposes of this river, there are authorized to be appropriated not more than \$5,200,000 for the acquisition of lands and interests in lands and not more than \$809,000 for development.

(11) RAPID RIVER, IDAHO.--The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

(12) SNAKE, IDAHO AND OREGON.--The segment from Hell's Canyon Dam downstream to Pittsburgh Landing, as a wild river; and the segment from Pittsburgh Landing downstream to an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, as a scenic river.

(13) FLATHEAD, MONTANA.--The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence to the South Fork; and the South Fork from its origin to the Hungry Horse Reservoir, as generally depicted on the map entitled "Proposed Flathead Wild and Scenic River Boundary Location" dated February 1976; to be administered by agencies of the Departments of the Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) of this section shall be taken within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than \$6,719,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(14) MISSOURI, MONTANA.--The segment from Fort Benton one hundred and forty-nine miles downstream to Robinson Bridge, as generally depicted on the boundary map entitled "Missouri Breaks Freeflowing River Proposal", dated October 1975, to be administered by the Secretary of the Interior. For the

purposes of this river, there are authorized to be appropriated not more than \$1,800,000 for the acquisition of lands and interests in lands. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(NOTE: The indented portion that follows was included in the legislation adding the Missouri River to the System (P.L. 94-486), but not as an amendment to P.L. 90-542.)

SEC. 202. After consultation with the State and local governments and the interested public, the Secretary shall, pursuant to section 3(b) of the Wild and Scenic Rivers Act and within one year of enactment of this Act--

(1) establish detailed boundaries of the river segment designated as a component of the National Wild and Scenic Rivers System pursuant to section 1 of this Act (hereinafter referred to as the "river area"): Provided, That the boundaries of the portion of the river area from Fort Benton to Coal Banks Landing and the portion of the river area within the boundaries of the Charles M. Russell National Wildlife Range shall be drawn to include only the river and its bed and exclude all adjacent land except significant historic sites and such campsites and access points as are deemed necessary by the Secretary, and to which the Secretary finds no reasonable alternative, as set forth in the management plan required pursuant to clause (2) of this section; and

(2) determine, in accordance with the guidelines in section 2(b) of the Wild and Scenic Rivers Act, which of the three classes--wild river, scenic river, or recreation river--best fit portions of the river segment, designate such portions in such classes, and prepare a management plan for the river area in accordance with such designation.

SEC. 203. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall manage the river area pursuant to the provisions of this Act and the Wild and Scenic Rivers Act, and in accordance with the provisions of the Taylor Grazing Act (48 Stat. 1269), as amended (43 U.S.C. 315), under principles of multiple use and sustained yield, and with any other authorities available to him for the management and conservation of natural resources and the protection and enhancement of the environment, where such Act, principles, and authorities are consistent with the purposes and provisions of this Act and the Wild and Scenic Rivers Act.

(b)(1) The Secretary may acquire land and interests in land only in accordance with the provisions of this Act and the Wild and Scenic Rivers Act and the limitations contained in section 6 of that Act and only: (A) at Fort Benton for the visitor facility as provided in subsection (g)(2) of this section; (B) at the site of Fort McKenzie; (C) in that portion of the river area downstream

from Fort Benton to Coal Banks Landing for historic sites, campsites, and access points in accordance with section 202(1) of this Act; and (D) in that portion of the river area downstream from Coal Banks Landing so as to provide, wherever practicable and necessary for the purposes of this Act and the Wild and Scenic Rivers Act, rim-to-rim protection for such portion.

(2) In accordance with section 6(b) of the Wild and Scenic Rivers Act, the Secretary shall not acquire fee title to any lands by condemnation under the authority of that Act or this Act, except that the Secretary may use condemnation when necessary and within the limitations on acquisition set forth in clause (1) of this subsection to clear title, acquire scenic easements, or acquire such other easements as are reasonably necessary to give the public access to the river segment within the river area and to permit its members to traverse the length of said river area or of selected portions thereof.

(3) The Secretary shall, to the extent feasible, give priority in expenditure of funds pursuant to this Act for the acquisition and development of campsites and historic sites, including the site of the visitor center at Fort Benton and the site of Fort McKenzie.

(c) Consistent with the provisions of this Act and the Wild and Scenic Rivers Act, the Secretary may issue easements, licenses, or permits for rights-of-way through, over, or under the lands in Federal ownership within the river area, or for the use of such lands on such terms and conditions as are in accordance with the provisions of this Act, the Wild and Scenic Rivers Act, and other applicable law.

(d) The Secretary is authorized to permit the construction of a bridge across the river in the general vicinity of the community of Winifred, Montana, in order to accommodate the flow of north-south traffic. Such construction shall be in accordance with a plan which is mutually acceptable to the Secretary and State and local highway officials, and which is consistent with the purposes of this Act and the Wild and Scenic Rivers Act.

(e) To the extent and in a manner consistent with the purposes of the Wild and Scenic Rivers Act the Secretary shall permit such pumping facilities and associated pipelines as may be necessary to assure the continuation of an adequate supply of water from the Missouri River to the owners of lands adjacent to the river and for future agricultural use outside the river corridor. The Secretary is authorized to permit such pumping facilities and associated pipelines for use for fish, wildlife, and recreational uses outside the river corridor.

(f) The Secretary shall permit hunting and fishing in the river area in accordance with applicable Federal and State laws, except that he may designate zones where, and periods when, no

hunting or fishing shall be permitted for reasons of public safety or administration.

(g)(1) The Secretary, acting through the Bureau of Land Management, shall exercise management responsibilities in the river area for:

- (A) the grazing of livestock;
- (B) the application of the United States mining and mineral leasing laws;
- (C) the management of fish and wildlife habitat;
- (D) the diversion and use of water for agricultural and domestic purposes;
- (E) the acquisition of lands and interests therein;
- (F) the administration of public recreational uses of, and any historic sites and campsites in, the river area; and
- (G) all other management responsibilities except those set forth in paragraph (2) of this subsection.

(2) The Secretary, acting through the National Park Service, shall be responsible for the construction, operation, and management of any visitor facility in or near Fort Benton which is found necessary in accordance with the management plan developed pursuant to section 202 and the provision, at such facility, of interpretive services for the historic, archeological, scenic, natural, and fish and wildlife resources of the area.

(15) OBED, TENNESSEE.--The segment from the western edge of the Catoosa Wildlife Management Area to the confluence with the Emory River; Clear Creek from the Morgan County line to the confluence with the Obed River, Daddys Creek from the Morgan County line to the confluence with the Obed River; and the Emory River from the confluence with the Obed River to the Nemo bridge as generally depicted and classified on the stream classification map dated December 1973. The Secretary of the Interior shall take such action, with the participation of the State of Tennessee as is provided for under subsection (b) within one year following the date of enactment of this paragraph. The development plan required by such subsection (b) shall include cooperative agreements between the State of Tennessee acting through the Wildlife Resources Agency and the Secretary of the Interior. Lands within the Wild and Scenic River boundaries that are currently part of the Catoosa Wildlife Management Area shall continue to be owned and managed by the Tennessee Wildlife Resources Agency in such a way as to protect the wildlife resources and primitive character of the area, and without further development of roads, campsites, or associated recreational facilities unless deemed necessary by that agency for wildlife management practices. The Obed Wild and Scenic River shall be managed

by the Secretary of the Interior. For the purposes of carrying out the provisions of this Act with respect to this river, there are authorized to be appropriated such sums as may be necessary, but not to exceed \$2,000,000 for the acquisition of lands or interests in lands and not to exceed \$400,000 for development. No funds authorized to be appropriated pursuant to this paragraph shall be available prior to October 1, 1977.

(16) PERE MARQUETTE, MICHIGAN.--The segment downstream from the junction of the Middle and Little South Branches to its junction with United States Highway 31 as generally depicted on the boundary map entitled "Proposed Boundary Location, Pere Marquette Wild and Scenic River,"; to be administered by the Secretary of Agriculture. After consultation with State and local governments and the interested public, the Secretary shall take such action as is provided for under subsection (b) with respect to the segment referred to in this paragraph within one year from the date of enactment of this paragraph. Any development or management plan prepared pursuant to subsection (b) shall include (a) provisions for the dissemination of information to river users and (b) such regulations relating to the recreational and other uses of the river as may be necessary in order to protect the area comprising such river (including lands contiguous or adjacent thereto) from damage or destruction by reason of overuse and to protect its scenic, historic, esthetic and scientific values. Such regulations shall further contain procedures and means which shall be utilized in the enforcement of such development and management plan. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$8,125,000 for the acquisition of lands or interests in lands and \$402,000 for development.

(17) RIO GRANDE, TEXAS.--The segment on the United States side of the river from river mile 842.3 above Mariscal Canyon downstream to river mile 651.1 at the Terrell-Val Verde County line; to be administered by the Secretary of the Interior. The Secretary shall, within two years after the date of enactment of this paragraph, take such action with respect to the segment referred to in this paragraph as is provided for under subsection (b). The action required by such subsection (b) shall be undertaken by the Secretary, after consultation with the United States Commissioner, International Boundary and Water Commission, United States and Mexico, and appropriate officials of the State of Texas and its political subdivisions. The development plan required by subsection (b) shall be construed to be a general management plan only for the United States side of the river and such plan shall include, but not be limited to, the establishment of a detailed boundary which shall include an average of not more than 160 acres per mile. Nothing in this Act shall be construed to be in conflict with--

(A) The commitments or agreements of the United States made by or in pursuance of the treaty between the United States and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 1944 (59 Stat. 1219), or

(B) the treaty between the United States and Mexico regarding maintenance of the Rio Grande and Colorado River as the international boundary between the United States and Mexico, signed November 23, 1970.

For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary, but not more than \$1,650,000 for the acquisition of lands and interests in lands and not more than \$1,800,000 for development.

(18) SKAGIT, WASHINGTON.--The segment from the pipeline crossing at Sedro-Woolley upstream to and including the mouth of Bacon Creek; the Cascade River from its mouth to the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the boundary of the Glacier Peak Wilderness Area at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the boundary of the Glacier Peak Wilderness Area; as generally depicted on the boundary map entitled "Skagit River--River Area Boundary"; all segments to be administered by the Secretary of Agriculture. Riprapping related to natural channels with natural rock along the shorelines of the Skagit segment to preserve and protect agricultural land shall not be considered inconsistent with the values for which such segment is designated. After consultation with affected Federal agencies, State and local government and the interested public, the Secretary shall take such action as is provided for under subsection (b) with respect to the segments referred to in this paragraph within one year from the date of enactment of this paragraph; as part of such action, the Secretary of Agriculture shall investigate that portion of the North Fork of the Cascade River from its confluence with the South Fork to the boundary of the North Cascades National Park and if such portion is found to qualify for inclusion, it shall be treated as a component of the Wild and Scenic Rivers System designated under this section upon publication by the Secretary of notification to that effect in the Federal Register. For the purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated not more than \$11,734,000 for the acquisition of lands or interest in lands and not more than \$332,000 for development.

(19) UPPER DELAWARE RIVER, NEW YORK AND PENNSYLVANIA.--The segment of the Upper Delaware River from the confluence of the East and West branches below Hancock, New York, to the existing railroad bridge immediately downstream of Cherry Island in the vicinity of Sparrow Bush, New York, as depicted on the boundary map entitled "The Upper Delaware Scenic and Recreational River", dated April 1978; to be administered by the Secretary of the Interior. Subsection (b) of this section shall not apply, and the boundaries and classifications of the river shall be as specified on the map referred to in the preceding sentence, except to the extent that such boundaries or classifications are modified pursuant to section 704(c) of the National Parks and Recreation Act of 1978. Such boundaries and classifications shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph there are authorized to be appropriated such sums as may be necessary.

(NOTE: The indented portion that follows was included in the legislation adding the Upper Delaware River to the System (P.L. 95-625), but not as an amendment to P.L. 90-542.)

(b)(1) Notwithstanding any requirement to the contrary contained in section 6(c) of the Wild and Scenic Rivers Act, within one hundred and eighty days after the date of enactment of this Act, the Secretary shall publish in the Federal Register general guidelines for land and water use control measures to be developed and implemented by the appropriate officials of the States of New York and Pennsylvania (hereinafter referred to as the "directly affected States"), by the local political subdivisions, and by the Delaware River Basin Commission (hereinafter referred to as the "Commission"). The Secretary shall provide for participation in the development of the said general guidelines by all levels of State, county, and local government, and concerned private individuals and organizations, and also shall seek the advice of the Upper Delaware Citizens Advisory Council established in subsection (f) (hereinafter referred to as the "Advisory Council"). In each of the directly affected States, prior to publication of such general guidelines, public hearings shall be conducted by the Secretary or his designee, in the region of the Upper Delaware River designated by subsection (a) (hereinafter in this section referred to as the "Upper Delaware River").

(2) The Secretary may from time to time adopt amended or revised guidelines and shall do so in accordance with the provisions of paragraph (1) hereof.

(c)(1) Within three years from the date of the enactment of this Act, the Secretary, in cooperation with the Commission, the Advisory Council, the directly affected States and their concerned political subdivisions and other concerned Federal agencies, shall develop, approve, and submit to the Governors of the directly affected States a management plan (hereinafter in this section referred to as the "management plan" or "the plan") for the Upper Delaware River which shall provide for as broad a range of land and water uses and scenic and recreational activities as shall be compatible with the provisions of this section, the Wild and Scenic Rivers Act, and the general guidelines for land and water use controls promulgated by the Secretary under the provisions of subsection (b).

(2) The plan shall apply to the Upper Delaware River and shall set forth--

(A) a map showing detailed final landward boundaries, and upper and lower termini of the area and the specific segments of the river classified as scenic and recreational, to be administered in accordance with such classifications;



(B) a program for management of existing and future land and water use, including the application of available management techniques;

(C) an analysis of the economic and environmental costs and benefits of implementing the management plan including any impact of the plan upon revenues and costs of local government;

(D) a program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, regional, State, and local levels; and

(E) such other recommendations or provisions as shall be deemed appropriate to carry out the purposes of this section.

(3) Immediately following enactment of this Act, the Secretary, through the National Park Service or such other designee, shall develop and implement such interim programs as he shall deem necessary and appropriate to protect the Upper Delaware River and its environs and to protect the public health and safety. Such interim programs shall include provisions for information to river users, education and interpretation activities, and regulation of recreational use of the river.

(4) To enable the directly affected States and their political subdivisions to develop and implement programs compatible with the management plan, the Secretary shall provide such technical assistance to the said States and their political subdivisions as he deems appropriate.

(5) The Secretary shall promote public awareness of and participation in the development of the management plan, and shall develop and conduct a concerted program to this end. Prior to final approval of the management plan, the Secretary shall hold two or more public hearings in the Upper Delaware River region of each directly affected State.

(6) Upon approval of the management plan by the Secretary, it shall be published in the Federal Register and shall not become effective until ninety days after it shall have been forwarded to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The plan shall be administered by the Secretary in accordance with the provisions of this section and the Wild and Scenic Rivers Act. The Secretary is hereby granted such authority as may be required to implement and administer said plan.

(d) Notwithstanding any provision of the Wild and Scenic Rivers Act, the Secretary may not acquire more than a total of

four hundred and fifty acres of land and interests in land for access, development sites, the preservation of scenic qualities, or for any other purposes: Provided, That the Secretary may acquire additional land and interests in land for such purposes not in excess of one thousand acres if such additional acquisition is recommended and provided for in the management plan as finally approved by the Secretary. The limitations contained in this section shall not apply under the circumstances set forth in subsection (e)(4) of this section. Prior to acquisition of any land or interests in land which has been used for business purposes during the annual period immediately preceding the date of the enactment of this Act, the Secretary shall first make such efforts as he deems reasonable to acquire easements or restrictive covenants, or to enter into any other appropriate agreements or arrangements with the owners of said land, consistent with the purposes of this section.

(e)(1) For the purpose of protecting the integrity of the Upper Delaware River, the Secretary shall review all relevant local plans, laws, and ordinances to determine whether they substantially conform to the approved management plan provided for in subsection (c) and to the general guidelines promulgated by the Secretary pursuant to subsection (b). Additionally, the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including but not limited to review of building permits and zoning variances granted by local governments, and amendments to local laws and ordinances.

(2) The purpose of such reviews shall be to determine the degree to which actions by local governments are compatible with the purposes of this section. Following the approval of the management plan and after a reasonable period of time has elapsed, but not less than two years, upon a finding by the Secretary that such plans, laws, and ordinances are nonexistent, are otherwise not in conformance with the management plan or guidelines, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary may exercise the authority available to him under the provisions of paragraph (4) hereof.

(3) To facilitate administration of this section, the Secretary may contract with the directly affected States or their political subdivisions to provide, on behalf of the Secretary, professional services necessary for the review of relevant local plans, laws, and ordinances, and of amendments thereto and variances therefrom, and for the monitoring of the enforcement thereof by local governments having jurisdiction over any area in the region to which the management plan applies. The Secretary shall notify the appropriate State or local officials as to the results of his review under

this section within forty-five days from the date he receives notice of the local government action.

(4) In those sections of the Upper Delaware River where such local plans, laws, and ordinances, or amendments thereto or variances therefrom, are found by the Secretary not to be in conformance with the guidelines or the management plan promulgated pursuant to subsections (b) and (c) of this section, respectively, or are not being enforced in such manner as will carry out the purposes of this section (as determined by the Secretary), the Secretary is hereby authorized to acquire land or interests in land in excess of the acreage provided for in subsection (d) of this section. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the said guidelines or management plan, and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for protection of the objectives of this Act. The total acreage of land and interests in land acquired pursuant to this subsection shall not in any event exceed the limitations contained in section 6(a) of the Wild and Scenic Rivers Act. This subsection shall apply notwithstanding the first sentence of section 6(c) of the Wild and Scenic Rivers Act. Notwithstanding any limitation on amounts authorized to be appropriated for acquisition of land and interests in land which is contained in section 3(a)(21) of the Wild and Scenic Rivers Act or in any other provision of law, there are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f)(1) At the earliest practicable date following enactment of this Act, but no later than one hundred and twenty days thereafter, there shall be established an Upper Delaware Citizens Advisory Council. The Advisory Council shall encourage maximum public involvement in the development and implementation of the plans and programs authorized by this section. It shall report to the Commission and the Secretary from time to time during preparation of the management plan. Following completion of the management plan, it shall report to the Secretary and the Governors of the directly affected States no less frequently than once each year its recommendations, if any, for improvement in the programs authorized by this Act, or in the programs of other agencies which may relate to land or water use in the Upper Delaware River region.

(2) Membership on the Advisory Council shall consist of seventeen members appointed as follows: there shall be--

(A) six members from each of the directly affected States appointed by the Secretary from nominations submitted by the legislatures of the respective counties and appointed such that two members shall be from each of Orange, Delaware, and Sullivan Counties, New York, and

three members shall be from each of Wayne and Pike Counties, Pennsylvania (at least one appointee from each county shall be a permanent resident of a municipality abutting the Upper Delaware River);

(B) two members appointed at large by each Governor of a directly affected State; and

(C) one member appointed by the Secretary.

The Secretary shall designate one of the aforesaid members to serve as Chairperson of the Advisory Council who shall be a permanent resident of one of the aforementioned counties. Vacancies on the Advisory Council shall be filled in the same manner in which the original appointment was made. Members of the Advisory Council shall serve without compensation as such, but the Secretary is authorized to pay expenses reasonably incurred by the Advisory Council in carrying out its responsibilities under this Act on vouchers signed by the Chairman.

(g) With respect to the land and water in areas which are not owned by the United States but which are within the boundaries of the segment of the Delaware River designated as a wild and scenic river under subsection (a), the Secretary is authorized to enter into contracts with the appropriate State or political subdivisions thereof pursuant to which the Secretary may provide financial assistance to such State or political subdivision for purposes of--

(1) enforcing State and local laws in such areas, and

(2) removing solid waste from such areas and disposing of such waste.

(h) Nothing in this section shall be construed as limiting the right to fish and hunt on any of the lands or waters within the boundaries of the Upper Delaware River in the manner provided in section 13 of the Wild and Scenic Rivers Act.

(i) There are hereby authorized to be appropriated to carry out the purposes of this section such sums as may be necessary.

(j) Where any provision of the Wild and Scenic Rivers Act is inconsistent with any provisions of this section, the provision of this section shall govern. In applying the provisions of section 6(g)(3) of the Wild and Scenic Rivers Act, with regard to "improved property", the date specified therein, shall, for purposes of the river designated in this Act, be the date of enactment of this Act (rather than January 1, 1967).

(20) DELAWARE, NEW YORK, PENNSYLVANIA, AND NEW JERSEY.--The segment from the point where the river crosses the northern boundary of the Delaware Water

Gap National Recreation Area to the point where the river crosses the southern boundary of such recreation area; to be administered by the Secretary of the Interior. For purposes of carrying out this Act with respect to the river designated by this paragraph, there are authorized to be appropriated such sums as may be necessary. Action required to be taken under subsection (b) of this section with respect to such segment shall be taken within one year from the date of enactment of this paragraph, except that, with respect to such segment, in lieu of the boundaries provided for in such subsection (b), the boundaries shall be the banks of the river. Any visitors facilities established for purposes of use and enjoyment of the river under the authority of the Act establishing the Delaware Water Gap National Recreation Area shall be compatible with the purposes of this Act and shall be located at an appropriate distance from the river.

(21) AMERICAN, CALIFORNIA.--The North Fork from a point 0.3 mile above Heath Springs downstream to a point approximately 1,000 feet upstream of the Colfax-Iowa Hill Bridge, including the Gold Run Addition Area, as generally depicted on the map entitled "Proposed Boundary Maps" contained in Appendix I of the document dated January 1978 and entitled "A Proposal: North Fork American Wild and Scenic River" published by the United States Forest Service, Department of Agriculture; to be designated as a wild river and to be administered by agencies of the Departments of Interior and Agriculture as agreed upon by the Secretaries of such Departments or as directed by the President. Action required to be taken under subsection (b) shall be taken within one year after the date of the enactment of this paragraph; in applying such subsection (b) in the case of the Gold Run Addition Area, the acreage limitation specified therein shall not apply and in applying section 6(g)(3), January 1 of the calendar year preceding the calendar year in which this paragraph is enacted shall be substituted for January 1, 1967. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not more than \$850,000 for the acquisition of lands and interests in land and not more than \$765,000 for development.

(22) MISSOURI RIVER, NEBRASKA, SOUTH DAKOTA.--The segment from Gavins Point Dam, South Dakota, fifty-nine miles downstream to Ponca State Park, Nebraska, as generally depicted in the document entitled "Review Report for Water Resources Development, South Dakota, Nebraska, North Dakota, Montana", prepared by the Division Engineer, Missouri River Division, Corps of Engineers, dated August 1977 (hereinafter in this paragraph referred to as the "August 1977 Report"). Such segment shall be administered as a recreational river by the Secretary. The Secretary shall enter into a written cooperative agreement with the Secretary of the Army (acting through the Chief of Engineers) for construction and maintenance of bank stabilization work and appropriate recreational development. After public notice and consultation with the State and local governments, other interested organizations and associations, and the interested public, the Secretary shall take such action as is required pursuant to subsection (b) within one year from the date of enactment of this section. In administering such river, the Secretary shall, to the extent, and in a manner, consistent with this section--

(A) provide (i) for the construction by the United States of such recreation river features and streambank stabilization structures as the

Secretary of the Army (acting through the Chief of Engineers) deems necessary and advisable in connection with the segment designated by this paragraph, and (ii) for the operation and maintenance of all streambank stabilization structures constructed in connection with such segment (including both structures constructed before the date of enactment of this paragraph and structures constructed after such date, and including both structures constructed under the authority of this section and structures constructed under the authority of any other Act); and

(b) permit access for such pumping and associated pipelines as may be necessary to assure an adequate supply of water for owners of land adjacent to such segment and for fish, wildlife, and recreational uses outside the river corridor established pursuant to this paragraph.

The streambank structures to be constructed and maintained under subparagraph (A) shall include, but not be limited to, structures at such sites as are specified with respect to such segment on pages 62 and 63 of the August 1977 Report, except that sites for such structures may be relocated to the extent deemed necessary by the Secretary of the Army (acting through the Chief of Engineers) by reason of physical changes in the river or river area. The Secretary of the Army (acting through the Chief of Engineers) shall condition the construction or maintenance of any streambank stabilization structure or of any recreational river feature at any site under subparagraph (A)(i) upon the availability to the United States of such land and interests in land in such ownership as he deems necessary to carry out such construction or maintenance and to protect and enhance the river in accordance with the purposes of this Act. Administration of the river segment designated by this paragraph shall be in coordination with, and pursuant to the advice of a Recreational River Advisory Group which shall be established by the Secretary. Such Group may include in its membership, representatives of the affected States and political subdivisions thereof, affected Federal agencies, and such organized private groups as the Secretary deems desirable. Notwithstanding the authority to the contrary contained in subsection 6(a) of this Act, no land or interests in land may be acquired without the consent of the owner: Provided, That not to exceed 5 per centum of the acreage within the designated river boundaries may be acquired in less than fee title without the consent of the owner, in such instance of the Secretary's determination that activities are occurring, or threatening to occur thereon which constitute serious damage or threat to the integrity of the river corridor, in accordance with the values for which this river was designated. For purposes of carrying out the provisions of this Act with respect to the river designated by this paragraph, there are authorized to be appropriated not to exceed \$21,000,000, for acquisition of lands and interests in lands and for development.

(23) SAINT JOE, IDAHO.--The segment above the confluence of the North Fork of the Saint Joe River to Spruce Tree Campground, as a recreational river; the segment above Spruce Tree Campground to Saint Joe Lake, as a wild river, as generally depicted on the map entitled "Saint Joe River Corridor Map" on file with the Chief of the Forest Service and dated September 1978; to be administered by the Secretary of Agriculture. Notwithstanding any other provision of law, the classification of the Saint Joe River under this paragraph and the subsequent development plan for the river prepared by the Secretary

of Agriculture shall at no time interfere with or restrict the maintenance, use, or access to existing or future roads within the adjacent lands nor interfere with or restrict present use of or future construction of bridges across that portion of the Saint Joe designated as a 'recreational river' under this paragraph. Dredge or placer mining shall be prohibited within the banks or beds of the main stem of the Saint Joe and its tributary streams in their entirety above the confluence of the main stem with the North Fork of the river. Nothing in this Act shall be deemed to prohibit the removal of sand and gravel above the high water mark of the Saint Joe River and its tributaries within the river corridor by or under the authority of any public body or its agents for the purposes of construction or maintenance of roads. The Secretary shall take such action as is required under subsection (b) of this section within one year from the date of enactment of this paragraph. For the purposes of this river, there are authorized to be appropriated not more than \$1,000,000 for the acquisition of lands or interest in lands.

(24)(A) SALMON, IDAHO.--The segment of the main river from the mouth of the North Fork of the Salmon River downstream to Long Tom Bar in the following classes:

(i) the forty-six-mile segment from the mouth of the North Fork of the Salmon River to Corn Creek as a recreational river; and

(ii) the seventy-nine-mile segment from Corn Creek to Long Tom Bar as a wild river; all as generally depicted on a map entitled "Salmon River" dated November 1979, which is on file and available for public inspection in the Office of the Chief, Forest Service, United States Department of Agriculture.

(B) This segment shall be administered by the Secretary of Agriculture: Provided, That after consultation with State and local governments and the interested public, the Secretary shall take such action as is required by subsection (b) of this section within one year from the date of enactment of this paragraph.

(C) The use of motorboats (including motorized jetboats) within this segment of the Salmon River shall be permitted to continue at a level not less than the level of use which occurred during calendar year 1978.

(D) Subject to existing rights of the State of Idaho, including the right of access, with respect to the beds of navigable streams, tributaries or rivers, dredge and placer mining in any form including any use of machinery for the removal of sand and gravel for mining purposes shall be prohibited within the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph; within the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River; and within the Middle Fork of the Salmon River; and its tributary streams in their entirety: Provided, That nothing in this paragraph shall be deemed to prohibit the removal of sand and gravel, outside the boundaries of the River of No Return Wilderness or the Gospel-Hump Wilderness, above the high water mark of the Salmon River or the Middle Fork and its tributaries for the purposes of construction or maintenance of public roads: Provided further, That this paragraph shall not apply to

any written mineral leases approved by the Board of Land Commissioners of the State of Idaho prior to January 1, 1980.

(E) The provisions of section 7(a) of this Act with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines or other project works, shall apply to the fifty-three-mile segment of the Salmon River from Hammer Creek downstream to the confluence of the Snake River.

(F) For the purposes of the segment of the Salmon River designated as a component of the Wild and Scenic Rivers System by this paragraph, there is hereby authorized to be appropriated from the Land and Water Conservation Fund, after October 1, 1980, not more than \$6,200,000 for the acquisition of lands and interests in lands.

(25) ALAGNAK, ALASKA.--That segment of the main stem and the major tributary to the Alagnak, the Nonvianuk River, within Katmai National Preserve; to be administered by the Secretary of the Interior.

(26) ALATNA, ALASKA.--The main stem within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(27) ANIAKCHAK, ALASKA.--That portion of the river, including its major tributaries, Hidden Creek, Mystery Creek, Albert Johnson Creek, and North Fork Aniakchak River, within the Aniakchak National Monument and National Preserve; to be administered by the Secretary of the Interior.

(28) CHARLEY, ALASKA.--The entire river, including its major tributaries, Copper Creek, Bonanza Creek, Hosford Creek, Derwent Creek, Flat-Orthmer Creek, Crescent Creek, and Moraine Creek, within the Yukon-Charley Rivers National Preserve; to be administered by the Secretary of the Interior.

(29) CHILIKADROTNA, ALASKA.--That portion of the river within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(30) JOHN, ALASKA.--That portion of the river within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(31) KOBUK, ALASKA.--That portion within the Gates of the Arctic National Park and Preserve; to be administered by the Secretary of the Interior.

(32) MULCHATNA, ALASKA.--That portion within the Lake Clark National Park and Preserve; to be administered by the Secretary of the Interior.

(33) NOATAK, ALASKA.--The river from its source in the Gates of the Arctic National Park to its confluence with the Kelly River in the Noatak National Preserve; to be administered by the Secretary of the Interior.

(34) NORTH FORK OF THE KOYUKUK, ALASKA.--That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(35) SALMON, ALASKA.--That portion within the Kobuk Valley National Park; to be administered by the Secretary of the Interior.



(36) TINAYGUK, ALASKA.--That portion within the Gates of the Arctic National Park; to be administered by the Secretary of the Interior.

(37) TLIKAKILA, ALASKA.--That portion within the Lake Clark National Park; to be administered by the Secretary of the Interior.

(38) ANDREAFSKY, ALASKA.--That portion from its source, including all headwaters, and the East Fork, within the boundary of the Yukon Delta National Wildlife Refuge; to be administered by the Secretary of the Interior.

(39) IVISHAK, ALASKA.--That portion from its source, including all headwaters and an unnamed tributary from Porcupine Lake within the boundary of the Arctic National Wildlife Range; to be administered by the Secretary of the Interior.

(40) NOWITNA, ALASKA.--That portion from the point where the river crosses the west limit of township 18 south, range 22 east, Kateel River meridian, to its confluence with the Yukon River within the boundaries of the Nowitna National Wildlife Refuge; to be administered by the Secretary of the Interior.

(41) SELAWIK, ALASKA.--That portion from a fork of the headwaters in township 12 north, range 10 east, Kateel River meridian to the confluence of the Kugarak River; within the Selawik National Wildlife Refuge to be administered by the Secretary of the Interior.

(42) SHEENJEK, ALASKA.--The segment within the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(43) WIND, ALASKA.--That portion from its source, including all headwaters and one unnamed tributary in township 13 south, within the boundaries of the Arctic National Wildlife Refuge; to be administered by the Secretary of the Interior.

(44) ALAGNAK, ALASKA.--Those segments or portions of the main stem and Nonvianuk tributary lying outside and westward of the Katmai National Park/Preserve and running to the west boundary of township 13 south, range 43 west; to be administered by the Secretary of the Interior.

(45) BEAVER CREEK, ALASKA.--The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of township 12 north, range 6 east, Fairbanks meridian within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge, to be administered by the Secretary of the Interior.

(46) BIRCH CREEK, ALASKA.--The segment of the main stem from the south side of Steese Highway in township 7 north, range 10 east, Fairbanks meridian, downstream to the south side of the Steese Highway in township 10 north, range 16 east; to be administered by the Secretary of the Interior.

(47) DELTA, ALASKA.--The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids; to be administered by the Secretary of the Interior.

(48) FORTYMILE, ALASKA.--The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek, Franklin Creek, Uhler Creek, Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchison Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek; to be administered by the Secretary of the Interior.

(49) GULKANA, ALASKA.--The main stem from the outlet of Paxson Lake in township 12 north, range 2 west, Copper River meridian to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, township 10 north, range 7 west, Copper River meridian to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, township 11 north, range 8 west, Copper River meridian to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in township 13 north, range 5 west, Copper River meridian to the confluence with the main stem; to be classified as a wild river area and to be administered by the Secretary of the Interior.

(50) UNALAKLEET, ALASKA.--The segment of the main stem from the headwaters in township 12 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west; to be administered by the Secretary of the Interior.

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of this Act, (except where a different date is provided in subsection (a)) establish detailed boundaries therefor (which boundaries shall include an average of not more than three hundred and twenty acres per mile on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments; and prepare a plan for necessary developments in connection with its administration in accordance with such classification. Said boundaries, classification, and development plans shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

SEC. 4.(a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act. Such studies shall be completed and such reports shall be made to the Congress with respect to all rivers named in subparagraphs 5(a)(1) through (27) of this Act no later

than October 2, 1978. In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission; and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date on which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

SEC. 5.(a) The following rivers are hereby designated for potential addition to the national wild and scenic rivers system:

(1) Allegheny, Pennsylvania: The segment from its mouth to the town of East Brady, Pennsylvania.

(2) Bruneau, Idaho: The entire main stem.

(3) Buffalo, Tennessee: The entire river.

(4) Chattooga, North Carolina, South Carolina, and Georgia: The entire river.

(5) Clarion, Pennsylvania: The segment between Ridgway and its confluence with the Allegheny River.

(6) Delaware, Pennsylvania and New York: The segment from Hancock, New York, to Matamoras, Pennsylvania.

(7) Flathead, Montana: The North Fork from the Canadian border downstream to its confluence with the Middle Fork; the Middle Fork from its headwaters to its confluence with the South Fork; and the South Fork from its origin to Hungry Horse Reservoir.

(8) Gasconade, Missouri: The entire river.

(9) Illinois, Oregon: The entire river.

(10) Little Beaver, Ohio: The segment of the North and Middle Forks of the Little Beaver River in Columbiana County from a point in the vicinity of Negly and Elkton, Ohio, downstream to a point in the vicinity of East Liverpool, Ohio.

(11) Little Miami, Ohio: That segment of the main stem of the river, exclusive of its tributaries, from a point at the Warren-Clermont County line at Loveland, Ohio, upstream to the sources of Little Miami including North Fork.

(12) Maumee, Ohio and Indiana: The main stem from Perrysburg, Ohio, to Fort Wayne, Indiana, exclusive of its tributaries in Ohio and inclusive of its tributaries in Indiana.

(13) Missouri, Montana: The segment between Fort Benton and Ryan Island.

(14) Moyie, Idaho: The segment from the Canadian border to its confluence with the Kootenai River.

(15) Obed, Tennessee: The entire river and its tributaries, Clear Creek and Daddys Creek.

(16) Penobscot, Maine: Its east and west branches.

(17) Pere Marquette, Michigan: The entire river.

- (18) Pine Creek, Pennsylvania: The segment from Ansonia to Waterville. . .
- (19) Priest, Idaho: The entire main stem.
- (20) Rio Grande, Texas: The portion of the river between the west boundary of Hudspeth County and the east boundary of Terrell County on the United States side of the river: Provided, That before undertaking any study of this potential scenic river, the Secretary of the Interior shall determine, through the channels of appropriate executive agencies, that Mexico has no objection to its being included among the studies authorized by this Act.
- (21) Saint Croix, Minnesota and Wisconsin: The segment between the dam near Taylors Falls and its confluence with the Mississippi River.
- (22) Saint Joe, Idaho: The entire main stem.
- (23) Salmon, Idaho: The segment from the town of North Fork to its confluence with the Snake River.
- (24) Skagit, Washington: The segment from the town of Mount Vernon to and including the mouth of Bacon Creek; the Cascade River between its mouth and the junction of its North and South Forks; the South Fork to the boundary of the Glacier Peak Wilderness Area; the Suiattle River from its mouth to the Glacier Peak Wilderness Area boundary at Milk Creek; the Sauk River from its mouth to its junction with Elliott Creek; the North Fork of the Sauk River from its junction with the South Fork of the Sauk to the Glacier Peak Wilderness Area boundary.
- (25) Suwannee, Georgia and Florida: The entire river from its source in the Okefenokee Swamp in Georgia to the gulf and the outlying Ichetucknee Springs, Florida.
- (26) Upper Iowa, Iowa: The entire river.
- (27) Youghiogheny, Maryland and Pennsylvania: The segment from Oakland, Maryland, to the Youghiogheny Reservoir, and from the Youghiogheny Dam downstream to the town of Connellsville, Pennsylvania.
- (28) American, California: The North Fork from the Cedars to the Auburn Reservoir.
- (29) Au Sable, Michigan: The segment downstream from Foot Dam to Oscoda and upstream from Loud Reservoir to its source, including its principal tributaries and excluding Mio and Bamfield Reservoirs.
- (30) Big Thompson, Colorado: The segment from its source to the boundary of Rocky Mountain National Park.
- (31) Cache la Poudre, Colorado: Both forks from their sources to their confluence, thence the Cache la Poudre to the eastern boundary of Roosevelt National Forest.

(32) Cahaba, Alabama: The segment from its junction with United States Highway 31 south of Birmingham downstream to its junction with United States Highway 80 west of Selma.

(33) Clarks Fork, Wyoming: The segment from the Clark's Fork Canyon to the Crandall Creek Bridge.

(34) Colorado, Colorado and Utah: The segment from its confluence with the Dolores River, Utah, upstream to a point 19.5 miles from the Utah-Colorado border in Colorado.

(35) Conejos, Colorado: The three forks from their sources to their confluence, thence the Conejos to its first junction with State Highway 17, excluding Platoro Reservoir.

(36) Elk, Colorado: The segment from its source to Clark.

(37) Encampment, Colorado: The Main Fork and West Fork to their confluence, thence the Encampment to the Colorado-Wyoming border, including the tributaries and headwaters.

(38) Green, Colorado: The entire segment within the State of Colorado.

(39) Gunnison, Colorado: The segment from the upstream (southern) boundary of the Black Canyon of the Gunnison National Monument to its confluence with the North Fork.

(40) Illinois, Oklahoma: The segment from Tenkiller Ferry Reservoir upstream to the Arkansas-Oklahoma border, including the Flint and Barren Fork Creeks.

(41) John Day, Oregon: The main stem from Service Creek Bridge (at river mile 157) downstream to Tumwater Falls (at river mile 10).

(42) Kettle, Minnesota: The entire segment within the State of Minnesota.

(43) Los Pinos, Colorado: The segment from its source, including the tributaries and headwaters within the San Juan Primitive Area, to the northern boundary of the Granite Peak Ranch.

(44) Manistee, Michigan: The entire river from its source to Manistee Lake, including its principal tributaries and excluding Tippy and Hodenpyl Reservoirs.

(45) Nolichucky, Tennessee and North Carolina: The entire main stem.

(46) Owyhee, South Fork, Oregon: The main stem from the Oregon-Idaho border downstream to the Owyhee Reservoir.

(47) Piedra, Colorado: The Middle Fork and East Fork from their sources to their confluence, thence the Piedra to its junction with Colorado Highway 160.

- (48) Shepaug, Connecticut: The entire river.
- (49) Sipsay Fork, West Fork, Alabama: The segment, including its tributaries, from the impoundment formed by the Lewis M. Smith Dam upstream to its source in the William B. Bankhead National Forest.
- (50) Snake, Wyoming: The segment from the southern boundaries of Teton National Park to the entrance to Palisades Reservoir.
- (51) Sweetwater, Wyoming: The segment from Wilson Bar downstream to Spring Creek.
- (52) Tuolumne, California: The main river from its source on Mount Dana and Mount Lyell in Yosemite National Park to Don Pedro Reservoir.
- (53) Upper Mississippi, Minnesota: The segment from its source at the outlet of Itasca Lake to its junction with the northwestern boundary of the city of Anoka.
- (54) Wisconsin, Wisconsin: The segment from Prairie de Sac to its confluence with the Mississippi River at Prairie du Chien.
- (55) Yampa, Colorado: The segment within the boundaries of the Dinosaur National Monument.
- (56) Dolores, Colorado: The segment of the main stem from Rico upstream to its source, including its headwaters; the West Dolores from its source, including its headwaters, downstream to its confluence with the main stem; and the segment from the west boundary, section 2 township 38 north, range 16 west, NMPM, below the proposed McPhee Dam, downstream to the Colorado-Utah border, excluding the segment from one mile above Highway 90 to the confluence of the San Miguel River.
- (57) Snake, Washington, Oregon, and Idaho: The segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.
- (58) Housatonic, Connecticut: The segment from the Massachusetts-Connecticut boundary downstream to its confluence with the Shepaug River.
- (59) Kern, California.--The main stem of the North Fork from its source to Isabella Reservoir excluding its tributaries.
- (60) Loxahatchee, Florida.--The entire river including its tributary, North Fork.
- (61) Ogeechee, Georgia.--The entire river.
- (62) Salt, Arizona.--The main stem from a point on the north side of the river intersected by the Fort Apache Indian Reservation boundary (north of Buck Mountain) downstream to Arizona State Highway 288.

- (63) Verde, Arizona.--The main stem from the Prescott National Forest boundary near Paulden to the vicinity of Table Mountain, approximately 14 miles above Horseshoe Reservoir, except for the segment not included in the national forest between Clarkdale and Camp Verde, North segment.
- (64) San Francisco, Arizona.--The main stem from confluence with the Gila upstream to the Arizona-New Mexico border, except for the segment between Clifton and the Apache National Forest.
- (65) Fish Creek, New York.--The entire East Branch.
- (66) Black Creek, Mississippi.--The segment from Big Creek Landing in Forrest County downstream to Old Alexander Bridge Landing in Stone County.
- (67) Allegheny, Pennsylvania.--The main stem from Kinzua Dam downstream to East Brady.
- (68) Cacapon, West Virginia.--The entire river.
- (69) Escatawpa, Alabama and Mississippi.--The segment upstream from a point approximately one mile downstream from the confluence of the Escatawpa River and Jackson Creek to a point where the Escatawpa River is joined by the Yellowhouse Branch in Washington County, Alabama, near the town of Deer Park, Alabama; and the segment of Brushy Creek upstream from its confluence with the Escatawpa to its confluence with Scarsborough Creek.
- (70) Myakka, Florida.--The segment south of the southern boundary of the Myakka River State Park.
- (71) Soldier Creek, Alabama.--The segment beginning at the point where Soldier Creek intersects the south line of section 31, township 7 south, range 6 east, downstream to a point on the south line of section 6, township 8 south, range 6 east, which point is 1,322 feet west of the south line of section 5, township 8 south, range 6 east in the county of Baldwin, State of Alabama.
- (72) Red, Kentucky.--The segment from Highway numbered 746 (also known as Spradlin Bridge) in Wolf County, Kentucky, downstream to the point where the river descends below seven hundred feet above sea level (in its normal flow) which point is at the Menifee and Powell County line just downstream of the iron bridge where Kentucky Highway numbered 77 passes over the river.
- (73) Bluestone, West Virginia.--From its headwaters to its confluence with the New.
- (74) Gauley, West Virginia.--Including the tributaries of the Meadow and the Cranberry, from the headwaters to its confluence with the New.
- (75) Greenbrier, West Virginia.--From its headwaters to its confluence with the New.
- (76) Birch, West Virginia: The main stem from the Cora Brown Bridge in Nicholas County to the confluence of the river with the Elk River in Braxton County.



- (77) Colville, Alaska.
- (78) Etivluk-Nigu, Alaska.
- (79) Utukok, Alaska.
- (80) Kanektok, Alaska.
- (81) Kisaralik, Alaska.
- (82) Melozitna, Alaska.
- (83) Sheenjek (lower segment), Alaska.
- (84) Situk, Alaska.
- (85) Porcupine, Alaska.
- (86) Yukon (Ramparts section), Alaska.
- (87) Squirrel, Alaska.
- (88) Koyuk, Alaska.

(b)(1) The studies of rivers named in subparagraphs (28) through (55) of subsection (a) of this section shall be completed and reports thereon submitted by not later than October 2, 1979: Provided, That with respect to the rivers named in subparagraphs (33), (50), and (51), the Secretaries shall not commence any studies until (i) the State legislature has acted with respect to such rivers or (ii) one year from the date of enactment of this Act, whichever is earlier.

(2) The study of the river named in subparagraph (56) of subsection (a) of this section shall be completed and the report thereon submitted by not later than January 3, 1976.

(3) The studies of the rivers named in paragraphs (59) through (76) of subsection (a) shall be completed and reports submitted thereon not later than five full fiscal years after the date of the enactment of this paragraph. The study of rivers named in paragraphs (62) and (64) of subsection (a) shall be completed and the report thereon submitted by not later than April 1981.

(4) There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (28) through (56) such sums as may be necessary, but not more than \$4,060,000. There are authorized to be appropriated for the purpose of conducting the studies of the rivers named in subparagraphs (59) through (76) such sums as may be necessary.

(4) The studies of the rivers in paragraph (77) through (88) shall be completed and reports transmitted thereon not later than three full fiscal years from date of enactment of this paragraph. For the rivers listed in paragraphs (77), (78), and (79) the studies prepared and transmitted to the Congress pursuant to section 105(c) of the Naval Petroleum Reserves Production

Act of 1976 (Public Law 94-258) shall satisfy the requirements of this section.

(5) Studies of rivers listed in paragraphs (80) and (81) shall be completed, and reports submitted within and not later than the time when the Bristol Bay Cooperative Region Plan is submitted to Congress in accordance with section 1204 of the Alaska National Interest Lands Conservation Act.

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

SEC. 6. (a) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation, and lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(b) If 50 per centum or more of the entire acreage within a federally administered wild, scenic or recreational river area is owned by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate Secretary jurisdiction over such lands for administration in accordance with the provisions of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g)(1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given

reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In the event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river) together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of approval of this Act. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty days in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

Any license heretofore or hereafter issued by the Federal Power Commission affecting the New River of North Carolina shall continue to be effective only for that portion of the river which is not included in the National Wild and Scenic Rivers System pursuant to section 2 of this Act and no project or undertaking so licensed shall be permitted to invade, inundate or otherwise adversely affect such river segment.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended, on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary responsible for its study or approval--

(i) during the ten-year period following enactment of this Act or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic rivers system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: Provided, That if any Act designating any river or rivers for potential addition to the national wild and scenic rivers system provides for a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and (ii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior for inclusion in the national wild and scenic rivers system under section (2)(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of approval of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Fund Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, subject only to valid existing rights, including valid Native selection rights under the Alaska Native Claims Settlement Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a) are hereby withdrawn from entry, sale, State selection or other disposition under the public land laws of the United States for the periods specified in section 7(b) of this Act.

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that--

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources

as are reasonably required to carrying on prospecting or mining operations, and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or banks or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the component in question.

(b) The minerals in any Federal lands which constitute the bed or banks or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system. Notwithstanding the foregoing provisions of this subsection or any other provision of this Act, all public lands which constitute the bed or bank, or are within an area extending two miles from the bank of the river channel on both sides of the river segments referred to in paragraphs (77) through (88) of section 5(a), are hereby withdrawn, subject to valid existing rights, from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto, during the periods specified in section 7(b) of this Act.

SEC. 10. (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provisions of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife system, as the case may be, is administered, and in case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forests in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or county-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas. He shall also, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49), provide technical assistance and advice to, and cooperate with, States, political subdivisions, and private interests, including nonprofit organizations, with respect to establishing such wild, scenic and recreational river areas.

(b) The Secretaries of Agriculture and of Health, Education, and Welfare shall likewise, in accordance with the authority vested in them, assist, advise, and cooperate with State and local agencies and private interests with respect to establishing such wild, scenic and recreational river areas.

SEC. 12. (a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion, in accordance with section 2(a)(ii), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans,



affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers for which approval has been granted under section 2(a)(11). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Secretary of the Interior and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13. (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made

by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and rights-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

SEC. 14. The claim and allowance of the value of an easement as a charitable contribution under section 170 of title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate at its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 14A. (a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers System and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States.

SEC. 15. Notwithstanding any other provision to the contrary in sections 3 and 9 of this Act, with respect to components of the National Wild and Scenic Rivers System in Alaska designated by paragraphs (38) through (50) of section 3(a) of this Act--

(1) the boundary of each such river shall include an average of not more than six hundred and forty acres per mile on both sides of the river. Such boundary shall not include any lands owned by the State or a political subdivision of the State nor shall such boundary extend around any private lands adjoining the river in such manner as to surround or effectively surround such private lands; and

(2) the withdrawal made by paragraph (iii) of section 9(a) shall apply to the minerals in Federal lands which constitute the bed or bank or are situated within one-half mile of the bank of any river designated a wild river by the Alaska National Interest Lands Conservation Act.

**SEC. 16. As used in this Act, the term--**

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing", as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement.

**SEC. 17. There are hereby authorized to be appropriated, including such sums as have heretofore been appropriated, the following amounts for land acquisition for each of the rivers described in section 3(a) of this Act:**

Clearwater, Middle Fork, Idaho, \$2,909,800;  
Eleven Point, Missouri, \$10,407,000;  
Feather, Middle Fork, California, \$3,935,700;  
Rio Grande, New Mexico, \$253,000;  
Rogue, Oregon, \$15,147,000;  
St. Croix, Minnesota and Wisconsin, \$21,769,000;  
Salmon, Middle Fork, Idaho, \$1,837,100; and  
Wolf, Wisconsin, \$142,150.

**NOTE: The following amendments have been made to P.L. 90-542 through December 23, 1980:**

P.L. 92-560  
P.L. 93-279  
P.L. 93-621  
P.L. 94-199  
P.L. 94-407  
P.L. 94-486  
P.L. 95-625  
P.L. 96-87  
P.L. 96-199  
P.L. 96-487  
P.L. 96-580

## APPENDIX C

KEY: SOIL ASSOCIATION MAP, MYAKKA RIVER

I. AREA DOMINATED BY SANDY, DROUGHTY SOIL, NOT SUBJECT TO FLOODING

1. Candler-Tavares Association: nearly level to sloping excessively drained soils with very thick sandy layers over thin loamy or sandy loam and moderately well drained soils, sandy throughout.

II. AREAS DOMINATED BY MODERATELY WELL TO POORLY DRAINED SOILS, NOT SUBJECT TO FLOODING

2. Tavares-Myakka and Tavares-Myakka-Pomello Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoils and moderately well drained soils, sandy throughout.
3. Pomello-St. Lucie and Pomello-Paola-St Lucie Association: nearly level to sloping moderately well drained sandy soils with weakly cemented sandy subsoil and excessively drained soils, sandy throughout.
4. Immokalee-Pomello and Myakka-Pomello-Basinger Association: nearly level to gently sloping poorly and moderately drained soils with weakly cemented sandy subsoils.
5. Broward-Brandenton-Manatee Association: nearly level poorly drained sandy soils underlain by limestone; poorly drained soils with thin sandy layers over loamy subsoil underlain by marly material; and very poorly drained sandy soils with loamy subsoils.
6. Adamsville-Pompano and Pompano, High-Pompano Association: nearly level somewhat poorly and poorly drained soils, sandy throughout.
7. Myakka-Immokalee-Basinger Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained soils sandy throughout.
8. Myakka-Pomillo-Basinger Association: nearly level to gently sloping poorly and moderately well drained sandy soils with weakly cemented sandy subsoil and poorly drained soils, sandy throughout.
9. Wabasso-Bradenton-Myakka, Bradenton-Wabasso-Felda and Wabasso-Felda Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil layer underlain by loamy subsoil; poorly drained soils with thin sandy layers over loamy subsoil and poorly drained soils weakly cemented sandy subsoil.
10. Immokalee-Myakka-Pompano Association: nearly level poorly drained sandy soils with weakly cemented sandy subsoil and poorly drained sandy soils throughout.
11. Scanton,var.-Ona-Placid Association: nearly level somewhat poorly drained, dark surface soil, sandy throughout; poorly drained soils with thin sandy layers over weakly cemented sandy subsoil and very

very poorly drained sandy throughout.

12. Pomello-Myakka-Tavares Association: nearly level to gently sloping moderately well and poorly drained sandy soils with weakly cemented sandy subsoil and moderately well drained soils, sandy throughout.
13. Pomello, High-Felda Association: nearly level, poorly drained soils, sandy throughout.
14. Travares-Adamville Association: nearly level to gently sloping, moderately well and somewhat poorly drained soils, sandy throughout.

AREA DOMINATED BY POORLY AND VERY POORLY DRAINED SOILS SUBJECT TO FLOODING

15. Placid-Basenger Association: nearly level, poorly drained soils, sandy throughout.
16. Delray-Manatee-Pompano, Pompano-Charlotee-Delray and Pompano-Delray Association: nearly level, poorly drained soils with thick sandy layers over loamy subsoil.
17. Fresh Water Swamp and Marsh Association: nearly level, poorly drained soils subject to prolonged flooding.
18. Tidal Marsh, Swamp-Coastal Beach Ridges and Swamp Dunes Association: nearly level, very poorly drained soils subject to frequent flooding by tidal waters and moderately well drained soils, sandy throughout.
19. Felda-Manatee Association: nearly level, poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil and very poorly drained sandy soils with loamy subsoil.
20. Terra-Ceia Association: nearly level, very poorly drained, well decomposed organic soils 16 to 36 inches thick over loamy material.

## APPENDIX D

## APPENDIX D

Written comments on the Myakka Wild and Scenic River Study and Environmental Assessment were received from the following agencies and organizations.

### State of Florida

Governor of Florida

### State Agencies

Florida Department of Natural Resources

Executive Director  
Bureau of Recreation and Parks

Florida Game and Fresh Water Fish Commission

Florida Department of Agriculture and Consumer Affairs

Florida Archives, History and Records Management

### Local Governments

County of Sarasota  
County of Manatee  
City of Orlando

### Local Planning Agencies

Southwest Florida Water Management District  
Southwest Florida Regional Planning Council  
Florida Natural Areas Inventory

### Quasi Public Agencies

Florida Power and Light Company

### Conservation and Private Organizations

Sarasota County Audubon Society  
General Development Corporation  
Property Owners of Gulf Cove, Inc.

### Federal Agencies

Department of Agriculture

Soil Conservation Service



Federal Agencies (Cont'd)

Department of the Army

Corps of Engineers

Environmental Protection Agency



BOB GRAHAM  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE 32301

January 23, 1984

Mr. G. Ray Arnett  
Assistant Secretary  
Fish and Wildlife and Parks  
United States Department of  
the Interior  
Washington, D.C. 20240

Dear Mr. Arnett:

Thank you for your letter and the Environmental Impact Statement regarding the Myakka Wild and Scenic River Study. We have reviewed this document and proposal by the National Park Service for designating the River as a component of the National Wild and Scenic River System, and we believe that a national designation affords us the opportunity to preserve this river's natural and cultural values.

Such a goal could best be accomplished by coordinating public and private actions which affect the river. Your suggested Myakka River Study Committee or a similar body may provide the needed planning coordination to ensure that the efforts of concerned governmental entities and the affected private sector managing river resources are brought together in a forum that achieves a level of preservation compatible to their mutual interest.

Our Department of Natural Resources will be requested to initiate an interagency study effort designed to satisfy federal, state and local concerns that may ultimately lead to a national designation protecting this unique Florida River.

Your giving us the opportunity to comment on your proposal is appreciated. We look forward to a cooperative effort in developing a management plan that achieves our common objectives.

With kind regards,

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Graham", written over a horizontal line.

Governor

BG/rkb



# State of Florida DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER  
Executive Director  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM  
Governor  
GEORGE FIRESTONE  
Secretary of State  
JIM SMITH  
Attorney General  
GERALD A. LEWIS  
Comptroller  
BILL GUNTER  
Treasurer  
DOYLE CONNER  
Commissioner of Agriculture  
RALPH D. TURLINGTON  
Commissioner of Education

September 30, 1983

Ms. Sharon C. Keene  
Chief, Rivers & Trails Division  
Southeast Region  
National Park Service  
75 Spring Street, SW  
Atlanta, Georgia 30303

Dear Ms. Keene:

Reference is made to the draft environmental impact statement prepared by the National Park Service concerning the proposed designation of the Myakka River as a component of the National Wild and Scenic River System.

The Department of Natural Resources supports the designation of the Myakka along the lines set forth in Alternative A. It is our opinion that, short of acquiring an adequate river corridor, preservation of the river's natural and cultural values can best be accomplished by properly coordinating the public and private actions which affect the river. The proposed Myakka River Commission, or a similar appropriate body, could provide the needed coordination and help ensure that the efforts of the various levels of government involved in managing the river, as well as those of the private sector, are brought to bear in a manner best calculated to protect the river and its associated natural values.

Thank you for this opportunity to comment on the study. We look forward to continuing our work with you toward achieving this important designation for the Myakka River.

Sincerely,

Elton J. Gissendanner  
Executive Director

EJG/wpb



# State of Florida

## DEPARTMENT OF NATURAL RESOURCES

DR. ELTON J. GISSENDANNER  
Executive Director  
Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard, Tallahassee, Florida 32303

BOB GRAHAM  
Governor  
GEORGE FIRESTONE  
Secretary of State  
JIM SMITH  
Attorney General  
GERALD A. LEWIS  
Comptroller  
BILL GUNTER  
Treasurer  
DOYLE CONNER  
Commissioner of Agriculture  
RALPH D. TURLINGTON  
Commissioner of Education

Myakka River State Park  
Rt 1, Box 72  
Sarasota FL 33583

October 14, 1983

Mr. Robert M. Baker  
Regional Director  
National Park Service  
75 Spring Street S.W.  
Atlanta GA 30303

Dear Mr. Baker:

Thank you for the provision of the latest draft of the Myakka River "Draft Wild and Scenic Study/Environmental Assessment".

Designation, Alternative A, continues to be the only action which I believe will provide the necessary protection and recognition which the Myakka River deserves. It is doubtful that designation would precipitate any commercial or residential development pressures as noted in the draft. The river is already a nationally recognized resource owing to its natural beauty and the abundant wildlife - both of which are admirably documented in the draft. My knowledge of Florida's growth rate and economic priorities cause me to adhere to "Alternative A" to ensure that the umbrella of protection offered by "Wild and Scenic" designation comes to fruition.

If a "Myakka River commission" is established at some point in time it would be beneficial to have the park manager of Myakka River State Park; or, the Division of Recreation and Parks, District VI Biologist sit on this committee. Perhaps future drafts could include suggested committee members.

Other comments which I have concerning the last draft are directed at corrections needed - most are typographical in nature but some are corrections which are needed to rectify errors.

Mr. Robert M. Baker  
10/14/83  
page two

Corrections needed are:

- Page 1 - 2, 2nd sentence. Reads - "The eastern side of the river...". This should read "The western side...."  
As the MacArthur tract is wholly on the east side of the river and the west side will not be included if this purchase is made.
- Page 2 - 4, Map shows Bog Island Campsite and should read Bee Island Campsite.
- Page 3 - 3, 3rd paragraph, 4th line - Glay Gully needs to be changed to Clay Gully.  
5th paragraph - this paragraph states that Upper Myakka Lake is stabilized by a low level impoundment which restricts flow only at times of very low water levels. This weir has been circumvented for some time by a set of culverts and presently does not restrict any flow. In this same paragraph Vanderipe Slough is spelled as "van der Ripe Slough" two times. The privately constructed dike referred to was constructed by the Civilian Conservation Corps in the late 1930's with an extension added on in the late 1940's at the recommendation of the Soil Conservation Service.
- Page 3 - 12, 4th paragraph, 8th line - helgramites, not helgramits.
- Page 3 - 15, 3rd paragraph, 5th line - agriculture, not argiculture.
- Page 3 - 17, Last paragraph, 3rd line - hurricane, not hurrican.
- Page 3 - 23, 1st paragraph, 2nd line - State Road 780, not 730.
- Figure 2 (follows page 3 - 26) - It would be preferable if the proper name of the park, Myakka River State Park, would be used rather than Myakka State Park.

Again, thank you for providing a copy of the draft. If I can be of further assistance please advise.

Sincerely,



Captain Robert Dye  
Park Manager

RD/bh

cc: Major John Baust, District VI Manager  
Captain Ken Alvarez, District VI Biologist  
Park file

# FLORIDA GAME AND FRESH WATER FISH COMMISSION

---

WILLIAM G. BOSTICK, JR.  
Chairman, Winter Haven

CECIL C. BAILEY  
Vice Chairman, Jacksonville

C. TOM RAINEY D.V.M.  
Miami

THOMAS L. HIRES SR.  
Tampa

J.H. BAROCO  
Pensacola

ROBERT M. BRANTLY, Executive Director  
F. G. BANKS, Assistant Executive Director



FARRIS BRYANT BUILDING  
620 South Meridian Street  
Tallahassee, Florida 32301

November 22, 1983

Ms. Sharon C. Keene, Chief  
Rivers and Trails Division  
Southeast Region  
United States Department of the Interior  
National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Re: Draft Myakka Wild and Scenic  
River Study L58-(SER-PT)

Dear Ms. Keene:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission has reviewed the Draft Wild and Scenic River Study for the Myakka River, and recommends implementation of Alternative A. This proposal would designate, as a state-administered component of the National Wild and Scenic River System, the 12-mile river segment within Myakka River State Park. Such designation would further recognize the outstanding natural resources of this river, and compliment the management practices currently exercised within the park by the Florida Department of Natural Resources. National designation may also provide greater impetus to state and local programs for river corridor acquisition or additional resource protection along portions of the river outside of the state park. We endorse the establishment of a Myakka River Commission as outlined, and would be glad to provide additional input or assistance upon request.

Please call me if we may be of further assistance.

Sincerely,

Colonel Robert M. Brantly  
Executive Director

RMB/RF/ms



# FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES

DOYLE CONNER, COMMISSIONER \* 3125 CONNER BLVD. TALLAHASSEE 32301

FM  
OSL  
Myakka  
River

September 16, 1983

Ms. Sharon C. Keene, Chief  
Rivers and Trails Division  
U. S. Department of the Interior  
Southeast Regional Office  
75 Spring Street, S. W.  
Atlanta, Georgia 30303

Dear Ms. Keene:

This is in reference to your letter of September 2, 1983, concerning the Draft Myakka Wild and Scenic River Study and Environmental Assessment.

We have reviewed the draft study report and feel it provides the necessary information for a report of this type. It is well done, and we do not have any significant revisions. When considering the history and location of the Myakka River, and after reviewing the draft study, it is our recommendation that Alternative B be pursued. Designation as a Florida Wild and Scenic River would seem appropriate since the twelve miles to be designated initially are within the boundaries of Myakka River State Park.

Please recontact us if you need additional information.

Sincerely,

John M. Bethea  
Director  
Division of Forestry  
904/488-4274



FLORIDA DEPARTMENT OF STATE

George Firestone

Secretary of State

DIVISION OF ARCHIVES,  
HISTORY AND RECORDS MANAGEMENT  
The Capitol, Tallahassee, Florida 32301

September 30, 1983

(904) 488-1480

In Reply Refer To:

Mr. Frederick P. Gaske  
Historic Sites Specialist  
(904) 487-2333

Mr. Walter O. Kolb  
Office of the Governor  
The Capitol  
Tallahassee, Florida 32301

RE: Your Memorandum and Attachment of September 19, 1983  
Cultural Resource Assessment Request  
SAI FL8309070306; Draft Wild and Scenic Study/Environmental  
Assessment for Myakka River, Florida

Dear Mr. Kolb:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Procedures for the Protection of Historic and Cultural Properties"), we have reviewed the above referenced project for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authorities for these procedures are the National Historic Preservation Act of 1966 (Public Law 89-665) as amended by P.L. 91-243, P.L. 93-54, P.L. 94-422, P.L. 94-458 and P.L. 96-515, and Presidential Executive Order 11593 ("Protection and Enhancement of the Cultural Environment").

In our letter of June 1, 1981 (see enclosure), we identified archaeological and historic resources located within the study area. Since the area would be managed for preservation purposes, the inclusion of the Myakka River in the National Wild and Scenic Rivers System would afford protection for any cultural resources located within the area proposed for such designation.

It is, therefore, the opinion of this office that the proposed action would have no adverse effect on any sites listed, or eligible for listing, on the National Register of Historic Places, or otherwise of national, state or local significance.

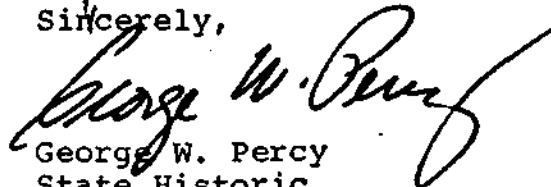
If you have any questions concerning our comments, please do not hesitate to contact us.



Mr. Walter O. Kolb  
September 30, 1983  
Page Two

Your interest and cooperation in helping to protect Florida's  
archaeological and historical resources are appreciated.

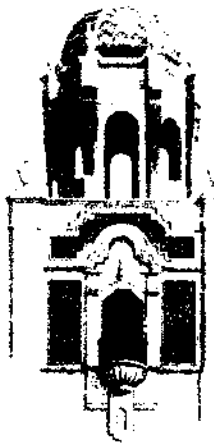
Sincerely,

  
George W. Percy  
State Historic  
Preservation Officer

GWP:Geb

cc: Sharon C. Keene

Enclosure



# COUNTY OF SARASOTA

F L O R I D A

## BOARD OF COMMISSIONERS

### COMMISSIONERS:

JERRY L. HENTE - DISTRICT 1  
JIM GREENWALD - DISTRICT 2  
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ROBERT L. ANDERSON - DISTRICT 5  
ED MARONEY - COUNTY ADMINISTRATOR

P.O. BOX 8  
SARASOTA, FLA 33578  
PHONE: 813/365-1000

October 12, 1983

Robert M. Baker, Regional Director  
U.S. National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Dear Mr. Baker:

Sarasota County can support Alternative "A" of the draft Wild & Scenic Study - Myakka River. We feel that designating the twelve-mile segment within Myakka River State Park as a state-administered component of the National Wild & Scenic Rivers System and opening the door for additional eligible segments of the river as components of the National System in response to local and state initiatives, would be a proper action.

As you probably know, Sarasota County has taken many steps to afford the Myakka River meaningful protection. For your review and consideration, I am enclosing Ordinance #82-94/Resolution #82-200 (i.e. environmental covenants for the Ringling-MacArthur Reserve), our new mining ordinance, a proposed amendment to the Environmental Section of APOXSEE, the recently-adopted transfer of development rights ordinance, the Environmental Element of APOXSEE which protects every wetland habitat adjacent to the Myakka, the newly-adopted tree protection ordinance, and a proposed new wetlands protection ordinance.

At the same time, the Board of County Commissioners has a responsibility to provide Sarasota County with a dependable and safe supply of potable water. This past November, the citizens of Sarasota County voted (with a margin of 2-to-1) for a \$30 million bond issue to purchase the Ringling-MacArthur tract for water, recreation and open space. After extensive studies, the Ringling-MacArthur tract was identified as a source of economically-treatable water, which would help meet our burgeoning needs well into the 21st century. One of the considerations that made the Ringling-MacArthur tract attractive was it's juxtaposition to the Myakka River. Our engineers and environmental consultants indicate that the

- continued -

Robert M. Baker  
October 12, 1983  
Page 2

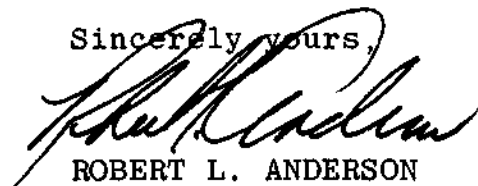
excess floodwaters from the Myakka River may be a possible source of water to be used in conjunction with the surficial water on the adjacent Ringling-MacArthur tract. Before making that decision, however, extensive environmental reviews would have to be completed. We may or may not be able to utilize the river as a source of potable water. In addition, the Water Management District may or may not permit us to utilize the river. However, we could not support Alternative "A" if that would preclude us from even considering the Myakka River as a source of potable water. If we did use it, we would not be considering any kind of a dam as a part of that process. At this point, the worst case scenario would include an unobtrusive, environmentally-acceptable, off-stream reservoir and/or possibly a subterranean hydrological connection (perhaps using existing sands) between the well-field and the Myakka River.

In giving you our support of Alternative "A", we do so assuming that there will be no impact of Alternative "A" on the above potable water considerations.

For your use, please find attached our staff's review of your draft document. As you can see, we are very interested in seeing this document be the very best product possible. I think you will find that the comments reflect an indepth review of the draft. Should you have any technical/scientific questions, please contact Dr. Lincer (813) 365-1000 Ext. 2403.

If we can be of any further assistance, please let me know. I look forward to seeing the final report.

Sincerely yours,



ROBERT L. ANDERSON  
Chairman

RLA/JLL/tdd

cc: Dr. Lincer, Scientific Advisor  
Mr. Dye, Superintendent, M.R.S.P.

R E V I E W

of the

National Park Service's  
DRAFT WILD AND SCENIC RIVER STUDY:

THE MYAKKA RIVER

by

Sarasota County Staff

October 13, 1983  
Date

Jeffrey L. Lincer, Ph.D.  
Coordinator

## INTRODUCTORY COMMENTS

In response to the Board's request for a review of the National Park Service's document, entitled "Draft Wild and Scenic Rivers Study: Myakka River", the County Scientific Advisor coordinated said review. Chapters and subject matter were divided according to established responsibilities and skills (see attached matrix - Appendix A).

The review is divided into general comments, specific/technical comments and attachments.

## GENERAL COMMENTS

Staff agrees with Alternative A (discussed on pages 1-3 and 1-4). Basically, the proposed action is that the twelve-mile segment of the river within the Myakka River State Park be included as a state-administered component of the National Wild and Scenic Rivers System; this section be classified as a combination of "wild" and "scenic", and; if additional segments of the river become eligible, as local and state initiatives to provide permanent protection of the river corridor are implemented, those segments would be designated as components of the national system. To help coordinate these efforts, a Myakka River Commission could be established. Finally, the management of all segments of the river coming under special management should emphasize preservation of natural values and discourage intensive recreational use and federal agencies would be required to support, in their planning and projects, the preservation of the Myakka River, as a National Wild and Scenic River.

Staff feels that this alternative could be supported as long as the limited designation within the state park would not, in any way, preclude the county from considering the feasibility of using excess floodwaters from the Myakka River as part of the MacArthur tract well-field. Clearly, the County of Sarasota has taken the lead in protecting the Myakka River (see Appendix B - Ordinance #82-94/Resolution #82-200, new mining ordinance, amendment to APOXSEE, TDR ordinance, Environmental Element of APOXSEE, new tree protection ordinance, and proposed new wetlands protection ordinance). In fact, Sarasota County initiated the study of the Myakka River for possible inclusion in the Federal Wild and Scenic Rivers Program.

Although the proposed Alternative A is a long way from U. S. Representative Bafalis' nomination of the entire 66-mile length of the Myakka for Wild and Scenic River designation, the designation of the 12 miles of the river already within the state park does provide some real potential benefits. The need for regional perspective in protecting the Myakka, involving upstream (Manatee County) and downstream (Charlotte County) areas as well as Sarasota County is recognized throughout the draft study. The recommended alternative provides for the establishment of a Myakka River Commission to represent the three-county Myakka River area. This commission would be represented by a cross section of the various communities and special interests groups, much like the Governor's Charlotte Harbor Resource and Planning Management Committee. Given the success of that committee, and a similar one working on the Loxahatchee (Palm Beach County), there is reason for optimism relative to the Myakka River Commission.

Designation may also offer some upstream protection for the Myakka from phosphate mining in Manatee County. However, designation could possibly create difficulties in considering the Myakka River as part of a potable water source program in Sarasota County. Although both issues are touched upon in the draft study, no definitive statements are made by the Park Service. Should designation inhibit or preclude considering the Myakka in connection with the Ringling-MacArthur tract, as a potable water supply, a conflict with the Sarasota County Potable Water Plan, included in the County Comprehensive Plan, would result.

## SPECIFIC/TECHNICAL COMMENTS

Page 1-1, Finding 1 - Staff disagrees with the statement that ... "Myakka River upstream of county road 780 does not possess the outstanding remarkable values". This portion of the river provides fish and wildlife habitat, especially for the threatened Florida Sandhill Crane. It is historically valuable because it represents the original waterway and meanders through two extensive native habitats (i.e. Flatford Swamp and Tatum Sawgrass). Local citizens and governments have expressed concern about the phosphate mining interests along this stretch of the river and references to the necessity "to assure adequate water quality and quantity for the remainder of the river downstream" should be expanded to explain what kinds of special management are contemplated and who would develop and implement such special management measures. Additional comprehensive study is apparently needed prior to deciding whether the Myakka River north of State Route 780 should be included in or deleted from the National Wild and Scenic Rivers designation.

Page 1-3, Proposed Action 3 - Relative to the establishment of a Myakka River Commission, it is important to recognize the key role that Sarasota County could play in such a commission. This local government has completed a comprehensive review of scientific and technical studies involving the Myakka River, has hosted several workshops and through its own efforts, actually initiated consideration of this river for Wild and Scenic status.

Page 1-8, Outstandingly Remarkable Recreational Values - Staff agrees, wholeheartedly, that recreation on the river should be limited by carrying capacity and is particularly pleased to see that the concerns of riparian landowners has been highlighted in this section.

Page 1-12, Paragraph 1 - On lines two and four, reference is made to the Ringling-MacArthur tract running along the west side of the Myakka River and the eastern side of the river not being included in this tract. In fact, the Ringling-MacArthur tract runs along the east side of the Myakka River and the western side of the river would not be included in this tract.

Page 1-12, Paragraph 2, last sentence - Perhaps reference to the "state-administrative component" should be expanded to include likely roles of the county and/or a multi-agency commission.

Page 2-2, Paragraph 3 - Reference is made to the protective role of Section 7 of the Wild & Scenic Rivers Act, as it relates to stream segments being studied for potential inclusion or which have already been included in the National Wild & Scenic Rivers System. As staff and others have indicated to the National Park Service, the Ringling-MacArthur tract, after successful condemnation, will be developed as a source of potable water and, in addition, for recreation and open space. As part of the development of a water supply on the Ringling-MacArthur Reserve, it is anticipated that the Myakka River will be, at least, considered as part of a comprehensive water management and supply system. Although the river would not be utilized if unacceptable environmental impact were identified, staff would like a clarification on what, if any, impact designation of the river within the Myakka River State Park would have on the county's ability to, at least, consider the Myakka as part of this water supply development.

Page 2-4, Paragraph 4, last two sentences - It should be recognized that any possible increase in use of the state park will probably be more than offset by the development of the Ringling-MacArthur Reserve, as a recreational area.

Page 2-7, Current Land Use Regulation 4 - This paragraph should be updated to address the adoption of the revised tree protection ordinance (Ordinance #83-44; see Appendix B). Footnote #2, referencing APOXSEE as the source of the possible 200-foot vegetation buffer should be corrected. While a 200-foot "no clearing of vegetation zone" is a commendable idea, it does not appear in APOXSEE. This section on development policy should also be revised to include the environmental management guidelines (V B.1.2.) which specifically address the Myakka River and other sections which address all the native habitats along the river (see Appendix B).

Page 2-8, Management Objective #2 - Staff proposes that this objective be expanded to consider restricting recreational access of boats on the upper Myakka River to the Myakka River State Park. Further, consideration should be given to restricting motorized boats to some appropriate section of the river, perhaps below river mile #18 (Snook Haven) or river mile #23 (First Residential Development).

Page 3-5, Water Quality - Staff recommends that the Federal 201 Study of Myakka Lake, just completed by the Mote Marine Laboratory, be used to update analysis of Myakka River water quality.

Page 3-7, Table G-1 - The County's Pollution Control Division has a great deal of chemical data not included in this table that would be made available upon request.

Page 3-5, Paragraph 4 - There are many mangrove islands in the river, south of river mile #12 (U.S. Highway 41 crossing) that serve as important bird rookeries for herons, egrets and ibis in the Sarasota-Charlotte County coastal areas. Mention should be made of this. The County Historian has access to a turn-of-the-century photo that could be made available for the final report (see Appendix C).

Page 3-11, Paragraphs 3, 4, 5, and 6 - These vegetated associations, that line the river, are protected, very specifically, by the Environmental Element of APOXSEE. Reference is only made to state protection by the Florida DER. In actuality, more specific and greater protection is provided by Sarasota County regulations (see Appendix B).

Page 3-12, Threatened and Endangered Species - See Appendix D for table, entitled "Sarasota County's Special Species and Their Preferred Habitat". For cross-reference to federal and state protective status of these species, a second table, entitled "Sarasota County's Special Species and Their Status" is also in Appendix D.

Page 3-15, Paragraph 5 - Reference is made to the State of Florida regulating the phosphate mining. It should be noted that the local mining ordinance of Manatee and Sarasota County are far more stringent than the state regulations. It should also be noted that repeated water quality violations and spills are recorded at the Beker Mine. Unfortunately, the initiation of the Beker Mine preceeded some of the more recent environmentally-protective regulations.

Page 3-18, Paragraphs 1 & 2 - Considerations, involving historical and archaeological aspects, are lacking in many ways. There is not nearly enough emphasis placed on the great potential for locating archaeological sites along the shoreline of the Myakka River. No mention is even made of the important Little Salt and Warm Mineral Springs, which are nearby.

Page 3-19, Paragraph 2 - There is no mention of the river's original name, "Asternal River". Similarly, there is no mention of the legendary "Miakka Gold Hole", the Knights, the Handcocks, the Murphys or others who grazed cattle in large numbers on both sides of the Myakka, beginning as early as 1860. There is no mention of Jesse Knight's famous cattle pen, bordered on the east by the Myakka River for nearly three miles.

Page 3-19, Paragraph 2 - There is a distinct error in this paragraph. The early community that is described is not Myakka City; it is Miakka, known today as Old Miakka. Myakka City is a town established by the railroad around 1915, clearly 50 years after the first settlers founded Miakka.

Page 3-19, Population - The demographic data included in Table 4 does not correspond to the final 1980 U.S. Census Counts. Corrections are provided (see next page). These corrections are based upon the latest U.S. Census data we have available.

Page 3-20, Table 5 (Population Projections) - The University of Florida publishes revised population projections each year. Since the 1983 addition is now available, we would recommend that Table 4 and the relevant text be updated accordingly. Note that APOXSEE utilized the University of Florida populations projections published in 1978 and these were lower than the later University of Florida projections.

**Table 4**

**Population Change 1970-80, U.S. and Study Area**

	<u>1970</u>	<u>1980</u>	<u>% Change</u>
United States Total	203,302,000	224,476,000 226,504,825	+ 10.9% + 11.4%
Florida Total	6,791,418	9,579,965 9,746,324	+ 41.8% + 43.0%
Study Area	245,087	409,808 409,153	+ 67.0%
Manatee County	97,115	148,442	+ 52.9%
Sarasota County	120,413	202,251	+ 68.0%
Charlotte County	27,559	59,115 58,460	+114.5% +112.1%

Source: 1980 U.S. Census of Housing and Population



Page 3-21, Economy - The statement that Sarasota County had the highest per capita income in Florida in 1979 is not valid. According to APOXSEE's Economy Chapter (page 323), in 1977, Sarasota had the highest per capita income based upon U.S. Department of Commerce data published in 1979. In actuality, Palm Beach County had the highest per capita income in 1979, with Sarasota County coming in second.

Page 3-23, Land Use Controls - The second sentence should be amended to read that APOXSEE was adopted June 30, 1981, by the Sarasota County Board of County Commissioners (County Ordinance #81-30). In addition, the last sentence should be altered to indicate the consultants have been hired to develop the appropriate buffer criteria.

Page 3-25, Riverfront Zoning/Sarasota County - A key to the zoning ordinance district acronyms and the maximum densities allowed in each zoning district should be provided if this graphic is to be meaningful. Also, similar information and maps for Charlotte and Manatee counties would seem appropriate.

Page 3-26, Land Ownership - The purchase of the Venetia tract by the Berry Investment Group is significant enough to justify an update of this section of the draft study since: 1) this tract has three miles fronting the Myakka River, and; 2) a preapplication meeting for an Application for Master Development Approval (AMDA) has been held although Berry Investments has withdrawn the original proposal.

Some misspellings - Glay Gulley should be Clay Gulley; van der Ripe Slough should be Vanderipe Slough, and: McArthur Tract should be MacArthur tract.

Page 4-1, Alternative A Proposed Action - Paragraph 1 - Again, staff requests clarification on the impact of designating the river within the State Park on considering the downstream portion of the Myakka River as part of a comprehensive, and environmentally-acceptable, potable water source development program (i.e. on the Ringling-MacArthur Reserve).

Page 4-5, Paragraph 1 - The last sentence indicates that the counties could adopt impact assessment procedures similar to those of the state. In fact, this is already being done in Sarasota County through the Environmental Element of APOXSEE (copy attached). All development proposals (whether rezoning, special exception, site and development review, preliminary plat, sector plans, etc.) are reviewed through a specific habitat-based regulatory program.

Page 4-5, Paragraph 2 - To update this paragraph, it should be mentioned that the transfer of development rights ordinance has already been adopted by the Board of County Commissioners (copy attached - see Appendix B).

Page 4-5, Fish and Wildlife - Staff disagrees that there would be very little difference in the impact on fish and wildlife habitat between Alternatives A and B for the river corridor segment within the state park. This is primarily because of the increased protection we would hope to get from upstream land use changes, in particular phosphate mining and large developments. In addition, designation itself would provide: 1) impetus for other protective mechanisms, and; 2) a springboard for the ultimate inclusion of other sections of the river, hopefully including upstream portions.

Page 4-7, Paragraph 2, line 2 - As indicated, the County's Comprehensive Plan identified the Myakka as a potential water supply source. In that it is just a potential, staff suggests that the next sentence be changed to read "...a reservoir might be constructed to capture the excess flow".

General comments on this chapter - None of the scenarios seem to address the main water quality problems identified on page 3-10 or prevent future water quality problems from urban development. Nor do Alternatives A or B address the potential impact on the county's needs to develop the Ringling-MacArthur Reserve as a multiple-use wellfield, which would include considering the Myakka River as an adjunct potable water source.

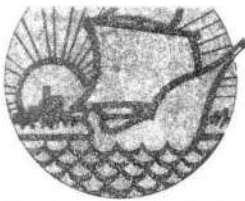
#### Additional County Input

Although all county staff would certainly be available for additional assistance, our County Historian, John McCarthy, is especially anxious to work with the National Park Service staff in an effort to provide additional and necessary input on the historical and archaeological aspects of the river. We anticipate that such a review will be supplied to the National Park Service by early November.

APPENDIX

Matrix of Staff Expert vs. Subject Area

<u>DEPARTMENT</u>						<u>CHAPTER</u>	<u>SUBJECT(S)</u>	<u>PAGES</u>
Planning	Environmental Services	Natural Resources Mgmt.	Scientific Advisor	Parks & Recreation	County Historical			
X	X	X	X	X	X	I	All	1-1 thru 1-12
X	X	X	X	X	X	II	All	2-1 thru 2-10
X						III	Reg. Loc.	3-1
		X				III	Descrip. of River Corridor	3-1 thru 3-5
		X				III	River Basin	3-5
	X					III	Water Qual.	3-5 thru 3-10
			X			III	Vegetation	3-10 thru 3-11
			X			III	Fish-Wild.	3-11 thru 3-12
			X			III	End. Spp.	3-12
			X			III	Geology	3-12 thru 3-13
	X					III	Soils	3-13 thru 3-15
	X					III	Min. Res.	3-15 thru 3-16
	X					III	Air Qual.	3-17
	X					III	Climate	3-17
				X		III	Arch & Hist.	3-18 thru 3-19
X						III	Population	3-19 thru 3-21
X						III	Economy	3-21 thru 3-22
X			X			III	Land Use	3-22 thru 3-25
X			X			III	Ownership	3-26 thru 3-30
		X				III	Navig. & Rip. Rights	3-30 thru 3-31
				X		III	Rec. Res's.	3-31
X	X	X	X	X	X	IV	Only pertinent portions	4-1 thru 4-7



# MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

November 22, 1983

Mr. Robert M. Baker, Regional Director  
U.S. National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Dear Mr. Baker:

The Manatee County Board of County Commissioners has considered the alternative actions for designation of a section of the Myakka River as a Wild and Scenic River as presented in the July, 1983 draft report by the National Park Service. It is the opinion of this Board and our staff that the optimum protection of the Myakka River can be accomplished through Alternative B. This alternative includes the same protective measures as Alternative A except that the Myakka would not be included in the National System.

An important reason for our choice of Alternative B over Alternative A is our observation that efforts of State and local governments to protect water resources in Manatee County and the Tampa Bay Region have been much more effective than any federal actions. For example, the recent designation of the Little Manatee River as an Outstanding Florida Water and the reclassification of the entire Lake Manatee Watershed as Class IA waters represented significant steps to protect those waterbodies. The same kind of joint local, regional, and state effort which made those accomplishments possible can be applied to the Myakka River most effectively through Alternative B.

We appreciate the opportunity to comment on the draft report and look forward to seeing the final report.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

*Edward W. Chance*

Edward W. Chance  
Chairman

EWC:RME:jk

cc: Dick Eckenrod  
Phosphate Mining Coordinator



## City of Orlando

649 W. LIVINGSTON STREET  
ORLANDO, FLORIDA  
32801 - 1497

OFFICE OF  
BUREAU OF RECREATION

TELEPHONE  
(305) 849-2288

September 20, 1983

Sharon C. Keene, Chief  
Rivers and Trails Division -  
Southeast Region  
U. S. Department of the Interior  
National Park Service  
Southeast Regional Office  
75 Spring Street, Southwest  
Atlanta, Georgia 30303

Dear Ms. Keene:

We have received the draft copy of the Myakka Wild and Scenic River Study and Environmental Assessment which you forwarded for our review. Due to Orange County/City of Orlando being so far removed from the study subject area and our staff being unfamiliar with the site, the bureau does not feel that a feasible and justifiable review can be made. We are, therefore, returning the study for your future use and distribution.

We would appreciate the opportunity to assist the Department of the Interior in the future with any project relative to the Orlando/Orange County area.

Most cordially,

Don W. Wilson, Bureau Chief  
Bureau of Recreation

DWW:st

Enclosure

cc: Tom Farnsworth, Director of Parks and Recreation  
William Haycock, Assistant Bureau Chief of Recreation  
File

# SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT



2379 BROAD STREET, BROOKSVILLE, FLORIDA 33512-9712  
PHONE (904) 796-7211 SUNCOM 684-0111

• BRUCE A. SAMSON, *Chairman, Tampa* • Wm. O. STUBBS, JR., *Vice Chairman, Dade City* •  
• JAMES H. KIMBROUGH, *Secretary, Brooksville* • RONALD B. LAMBERT, *Treasurer, Wauchula* •  
• DONALD R. CRANE, JR., *Assistant Secretary, St. Petersburg* • MARY A. KUMPE, *Assistant Treasurer, Sarasota* •  
• WALTER H. HARKALA, *Plant City* • JACK STRAUGHN, *Winter Haven* • MICHAEL ZAGORAC, JR., *Belleair* •  
• GARY W. KUHL, *Executive Director* • STEPHEN A. WALKER, *General Counsel* •  
• JAMES M. HARVEY, *Deputy Executive Director* •



November 15, 1983

Mr. Robert M. Baker  
Regional Director  
National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

SUBJECT: Myakka River; Draft Wild & Scenic River Study

Dear Mr. Baker:

The staff of the Southwest Florida Water Management District (SWFWMD) has reviewed the above referenced Draft Wild & Scenic River Study for the Myakka River. Based on this review, the SWFWMD has no adverse comments on the study as presented.

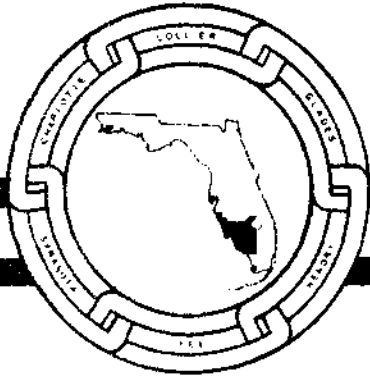
Please be advised that this review reflects staff opinion only and not that of the District Governing Board.

Thank you for this opportunity to participate in this review; and if I can be of further assistance, please feel free to contact me.

Sincerely,

PHILLIP W. WALDRON, Planner  
Planning & Performance Evaluation

PWW:kag



Southwest Florida Regional Planning Council

2121 West First Street, Fort Myers, Florida 33901

(813)334-7382

October 25, 1983

Mr. Robert M. Baker,  
Regional Director  
National Park Service  
75 Spring Street, S.W.  
Atlanta, GA 30303

RE: IC&R project #83-185  
D.O.I. #L58(SER-PT)

Draft Myakka Wild and Scenic River  
Study and Environmental Assessment

Dear Mr. Baker:

In accordance with the Florida Intergovernmental Coordination and Review process, and the Council's adopted regional clearinghouse review procedures (Chapter 29I-5, F.A.C.), the above-referenced draft study has been reviewed by this office and determined to be regionally significant.

The Council staff supports Alternative "A" recommended in the study, provided this alternative does not preclude the use of the Myakka River, by Sarasota County, as a supplemental potable water supply source if this is found to be environmentally feasible. The enclosed comments from Sarasota County also indicate support of this alternative.

This recommendation will be discussed at the next scheduled Council meeting. Should Council action differ from the staff recommendation, you will be notified.

Sincerely,

SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL

  
Wayne E. Daltry  
Executive Director

WED/BD:vg

Enclosure

# FLORIDA NATURAL AREAS INVENTORY

254 East Sixth Avenue • Tallahassee, Florida 32303 • (904) 224-8207

November 29, 1983

Robert M. Baker  
Regional Director  
National Park Service  
75 Spring Street, SW  
Atlanta, Georgia 30303

Dear Mr. Baker:

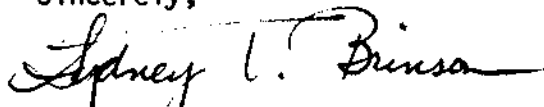
I have reviewed the Draft Wild and Scenic Study/Environmental Assessment for the Myakka River and would like to offer comments in behalf of the Florida Natural Areas Inventory.

Although the Myakka River is not entirely pristine, much of the river remains in its natural state as a lotic system unique to Florida. For this reason I would offer support for Alternative A to designate the 12-mile segment within Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. I would also support the inclusion of additional eligible segments, based on the importance of upstream areas in maintaining the integrity of the lower reaches of a riverine system.

From my past experience in restoring degraded water bodies within the state, I can attest that any costs incurred in establishing the Myakka River as a Wild and Scenic River would be but a fraction of the cost required to attempt restoration of such a system once it was degraded or to perform, artificially, the natural functions which the river now provides. Therefore, from an economic standpoint as well as from an ecologic and aesthetic standpoint, Wild and Scenic status of the Myakka River is justified.

Thank you for the opportunity to provide comments on this important matter. If our office can be of assistance in the designation, please let me know.

Sincerely,



Sydney T. Brinson  
Marine/Aquatic Ecologist

STB/bjm





October 19, 1982

Mr. Robert M. Baker  
Regional Director  
National Park Service  
75 Spring Street  
SW Atlanta, Georgia 30303

RE: MYAKKA RIVER DRAFT WILD AND SCENIC STUDY/ENVIRONMENTAL  
ASSESSMENT

Dear Mr. Baker:

Florida Power & Light Company would like to comment on the National Park Services' proposal to include a portion of the Myakka River in the National Wild and Scenic Rivers System. It is our understanding that the designation would initially encompass only that portion of the River which is within the Myakka River State Park, but that additional segments could be added later.

Florida Power & Light is an electric utility serving Charlotte, Manatee, Sarasota and 32 other Counties in Florida. Thus we have a major interest in proposals affecting the future growth and development of this area, and which could potentially represent a restrictive influence on the siting of electrical service facilities. As you may know we currently own and operate a transmission line that crosses the Myakka River in the Myakka River State Park on a 160 foot wide right-of-way. This line is a vital part of our transmission system, and as such must be maintained, and if necessary, upgraded. FPL's continued use of this line and its right-of-way should not be restricted in any way by the designation. Moreover, although we currently have no plans for additional transmission facilities that would cross the Myakka River, such a future possibility cannot be ruled out. In addition, future development in the eastern part of Sarasota County may necessitate the construction of distribution facilities in the River corridor. At present we recognize the future need to provide electrical service to Sarasota County's proposed public water supply development on the 33,000 acre McArthur tract which lies east of the Myakka River and south of SR 72. We are concerned that the proposed River corridor may result in an unintended barrier to essential utility facilities should the Wild and Scenic River protection program not recognize this possibility and provide for such facilities.

We would like to stress that at present FPL has no specific plan to expand its facilities in or near the Park. Further, we recognize that the Myakka River has many outstanding environmental attributes that may qualify it for Wild and Scenic River status. Our comments should in no way be construed as opposing the designation. Rather, we would like to see a clarification in the program that the designation would not interfere with the issuance of permits for utility facilities.

Mr. Robert M. Baker  
Page Two  
October 19, 1983

Thank you for this opportunity to comment on the proposed Scenic River designation. If you have any questions concerning our comment, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "TR Fair". The signature is stylized with a large, sweeping initial "T" and "R" followed by the name "Fair".

Thomas R. Fair, Manager  
Environmental Planning and Projects

TRF:bh

3130 Riviera Drive  
Sarasota, Florida 33582

November 30, 1983

United States Dept. of the Interior  
National Park Service  
Southeast Regional Office  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Re: Myakka Wild and Scenic River Study  
L58 (SER-PT)

Attention: Sharon C. Keene  
Chief Rivers and Trails Division

Dear Ms. Keene:

The Conservation Committee of the Sarasota County Audubon Society has completed its review of the Parks Services draft of the Wild and Scenic River study completed in July 1983. The Sarasota Audubon Society strongly recommends inclusion of the Myakka River as part of the Wild and Scenic River system.

We feel that this will provide the necessary protection for this important waterway in our County and provide the necessary habitat protection for the flora and fauna that abounds in this area. It is doubly important that this action be taken at this time, due to the tremendous growth which we are experiencing in this County. Development on the lower section of the Myakka river continues and will soon be encroaching on the recommended sectors of the river should this proposal not be adopted with all due speed.

In conclusion, we strongly support the recommendations of the National Park Service in this endeavor.

Sincerely Yours,

  
John P. Sofum  
Conservation Chairman  
Sarasota County Audubon Society

October 28, 1983

Mr. Robert M. Baker, Regional Director  
National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

Dear Mr. Baker:

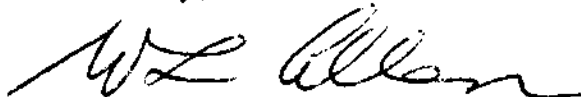
We have reviewed your agency's draft Myakka Wild and Scenic River Study and support inclusion of the 12-mile segment within the Myakka River State Park as a State-administered component of the National Wild and Scenic Rivers System. We do, however, have some concerns and comments about your proposal to designate additional segments of the river in the future. Areas of particular concern to General Development Corporation are (1) the portion of the river designated eligible for future inclusions that lies in Sections 1,2,11,12, and 13, Township 40S, Range 20E in the City of North Port, Sarasota County; and (2) the portion of the river designated eligible for future inclusion that extends from El Jobean to the river's mouth in Charlotte County. The reasons for our concern and specific comments on the draft study are discussed below.

1. The General Land Use Map on page 3-24 of the study should be modified to show General Development Corporation lands in the City of North Port and Charlotte County as urban uses rather than barren. While some areas may not have large numbers of homes constructed at present, most areas do have road and drainage infrastructure in place and local government comprehensive plans designate these areas for residential and commercial uses. The lots in this area have been sold to numerous individual lot purchasers. Urban growth is expected to take place in these areas.

2. In the first paragraph on page 3-30, the report states that "Below State Route 771 land adjacent to the river is State-owned." It is true that most of the land along the shore is in state ownership as General Development Corporation sold it to the Trust for Public Lands in the early 1970s. Nevertheless, General Development still owns approximately 450 acres of unplatted land in this area as well as the Gulf Cove Marina. This land is planned for residential and commercial development, some of which will take place around the Marina. We request, therefore, that this portion of the river be classified as recreational on the map on page 1-10 rather than scenic as the map currently shows.

Thank you for the opportunity to provide comments on the study.

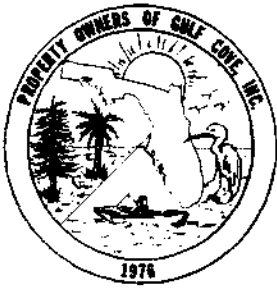
Sincerely,



Wayne Allen  
Senior Vice President  
General Counsel

WA/tm

cc: Margaret Gentle, Mayor, City of North Port  
Steve Bostwick, Chairman, Charlotte County Commission



## *Property Owners of Gulf Cove, Inc.*

*Port Charlotte, Florida 33953*

October 5, 1983

Mr. Robert M. Baker, Regional Director  
National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia, 30303

Dear Mr. Baker:

You have asked for comments on the draft study of the Myakka River preparatory to its inclusion into the National Wild and Scenic Rivers System.

Although our Association comprises a group of folks who live in a segment along the river where development and shoreline alteration has made that piece ineligible for inclusion in the National System, we are wholeheartedly and unanimously behind the attempt to see that those segments that do qualify for inclusion in the system, be included as rapidly as possible.

We represent a group of homeowners 285 strong who have, to a man, expressed their strong desire to stand with the study group for Alternative A; that is, designation of the 12-mile segment within the Myakka River State Park as a state-administered component of the National Wild and Scenic River System; that the State of Florida continue its current management practices protecting the natural and cultural qualities of the designated segment of the river within the Myakka River State Park; that the 37 miles of additional segments of the river be designated as components of the National System as soon as is possible; and, that a river commission be established to coordinate efforts to conserve the Myakka River area.

We are vitally interested in securing this river as a part of the National River System without delay.

We would like to commend the five-member team of preparers who obviously worked very hard and thoroughly on the study. It is a fine job and is valuable to us all. We can only hope that the people will succeed in this case over land-developers and the phosphate mining industry in the battle for nature over dollars, to preserve this marvelous free-flowing river for all of us and for those yet to come.

Thank you for considering the Myakka River remarkable enough to qualify for this program. We, who have seen the manatee, heron, otter, eagle, and osprey along its banks, know what a treasure it is!

Sincerely yours,

  
Joseph Dickerson, President

JD/h



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20250

DEC 9 1983

Honorable G. Ray Arnett  
Assistant Secretary for Fish  
and Wildlife and Parks  
Department of the Interior  
Washington, D.C. 20240

Dear Mr. Arnett:

We appreciate the opportunity to review your draft wild and scenic study/environmental assessment for the Myakka River in Florida.

We concur with the proposed action that a 12-mile segment within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic River System. We agree with the findings that the 12-mile section contains outstandingly remarkable ecological, fish, wildlife and recreation values which make this river segment a worthy addition to the system.

One of the main concerns that we have is the way recreation has been addressed (outside the State Park). The objective seems to be to discourage and control, or even prohibit recreation activities by using the restrictive powers of the Wild and Scenic Rivers Act. This is somewhat contrary to the purpose of the Act. If trespass and poaching are a problem on the private lands adjacent to the river, better management is needed, rather than prohibition or restrictions on use. Restrictions should be used to limit deterioration of the river values which made it eligible for wild and scenic river status.

The report seems somewhat biased toward the private landowners, giving them exclusive rights to the river if it is designated, and denying public access to the river through private lands. There is no specific indication of the need for zoning, acquisition, or other controls on private landowners (perhaps the State has this power).

The description of the river corridor and watershed is well done. We would suggest adding a more thorough discussion of the carrying capacity and fragile nature of the river corridor. Include an evaluation of the relationship between river values, recreation use, and private land developments.

There is very little mention about fishing on the river; what species, how much fishing, potential, etc. We would suggest that additional information be included since it is listed as one of the outstandingly remarkable values.



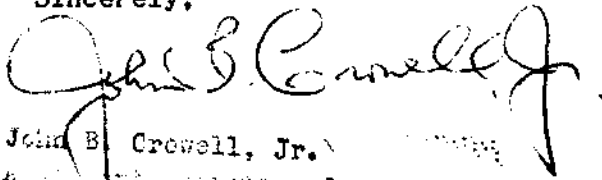
Honorable G. Ray Arnett

2

There is no economic analysis in the report. It would help to include an estimate of costs to manage the river as a wild and scenic river, and an indication of values that may be foregone. This would be particularly important if additional segments of the Myakka River are proposed for designation as components of the national system (outside of the Myakka River State Park).

We have listed some suggested editorial modifications for the study report on the enclosed pages. Also enclosed are comments from the SCS State Conservationist office in Gainesville, Florida, which were sent to our Forest Service regional office.

Sincerely,



John B. Crowell, Jr.  
Assistant Secretary for  
Natural Resources & Environment

Enclosures



United States  
Department of  
Agriculture

Soil  
Conservation  
Service

State Office  
401 S.E. First Avenue, Rm 248  
Gainesville, FL 32601

October 31, 1983

2370

Mr. John E. Alcock  
Regional Forester  
USDA-Forest Service  
1720 Peachtree Rd., NW Suite 820  
Atlanta, GA 30367

Dear Mr. Alcock:

We have reviewed the draft of the Myakka River Wild and Scenic River Study report as requested in your September 30, 1983 correspondence. Our comments are as follows:

1. The river is presently being used by farmers and ranchers for irrigation and livestock watering. The Land Use portion of this report (page 4-1) is inadequate. It does not describe the effects to farmers and ranchers with properties along the river. There would be detrimental effects to them and to those not directly on the river but who use water from the river for livestock water, irrigation, and freeze protection to citrus.
2. The third paragraph on page 3-23 is an inadequate statement regarding the river corridor use. A forage use inventory is needed to analyze the livestock use of the land. Without such an inventory, a true use and effect determination cannot be made.
3. This report is unclear, especially chapter III with its many references to river mile numbers which are not identified on any of the maps. Other features referred to that should be identified on the location map are Myakka River State Park, Wingate Creek, Flatford Swamp, Tatum Sawgrass, Glay Gully, etc. Without locating the points of discussion, the reader cannot accurately determine the affected environment, as intended in this chapter.
4. Page 3-3 (last paragraph). There is mention of a privately constructed dam one-half mile below the Myakka River State Park, but there is no indication if this proposal would affect this dam. This report should state if the dam would be maintained, removed, or left to nature. It should also state the expected environmental effect. The report should also state the present purpose of the dam.

-MORE-



The Soil Conservation Service  
is an agency of the  
Department of Agriculture

11/3/83

5. Page 3-10 (beginning with last paragraph). There is a discussion regarding the problem presented by the hydrilla growing within the waters and that it can entirely choke out the waterway. The first paragraph on the following page explains that this weed problem is presently being handled. This chapter should explain the effect this proposal will have. Will the weed control program continue or be abandoned? If abandoned, what will be the effects?

Thank you for giving us the opportunity to review this report.

Sincerely,



JAMES H. MITCHELL  
State Conservationist

cc:  
Elmer Sauer, AC, Palmetto AO  
Anthony Polizoes, DC, Palmetto FO



DEPARTMENT OF THE ARMY  
OFFICE OF THE ASSISTANT SECRETARY  
WASHINGTON, DC 20310

5 DEC 1983

Honorable G. Ray Arnett  
Assistant Secretary for Fish  
and Wildlife and Parks  
U. S. Department of the Interior  
Washington, D. C. 20240

Dear Mr. Arnett:

This is in response to your recent letter, requesting Department of the Army views on the draft report and environmental assessment on the Myakka Wild and Scenic River Study, Charlotte, Manatee, and Sarasota Counties, Florida.

We have reviewed these documents and conclude that the several segments of the Myakka River identified in the report can be included in the National Wild and Scenic Rivers System as such action will not conflict with nor adversely affect flood control, navigation, or other programs or projects of the Corps of Engineers. In addition, we note that due to the nature of this action, no regulatory programs of the Corps of Engineers will need to be addressed.

Thank you for the opportunity to review this draft report.

Sincerely,

A handwritten signature in cursive script, reading "WR Gianelli", is positioned above the typed name.

William R. Gianelli  
Assistant Secretary of the Army  
(Civil Works)



## DEPARTMENT OF THE ARMY

SOUTH ATLANTIC DIVISION, CORPS OF ENGINEERS

510 TITLE BUILDING, 30 PRYOR STREET, S.W.

ATLANTA, GEORGIA 30303

October 13, 1983

REPLY TO  
ATTENTION OF:

Environmental Resources Branch

Ms. Sharon C. Keene, Chief,  
Rivers and Trails Division  
Department of the Interior  
National Park Service  
Southeast Regional Office  
75 Spring Street Southwest  
Atlanta, Georgia 30303

Dear Ms. Keene:

I am writing in response to your request of September 2, 1983 for comments on the Draft Myakka Wild and Scenic River Study, Florida.

We concur that the several segments of the Myakka River identified in the report meet the eligibility for inclusion in the National Wild and Scenic Rivers System. Inclusion of the segments in the system will not adversely impact any existing or proposed Corps of Engineers projects.

We appreciate the opportunity to review this report.

Sincerely,

  
Dan M. Mauldin  
Chief, Planning Division



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30365

SEP 22 1983

4PM-EA/CJD

Mr. Robert M. Baker  
Regional Director  
National Park Service  
Southeast Regional Office  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

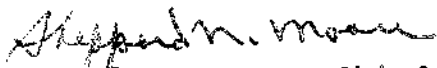
Dear Mr. Baker:

We have completed our review of the Myakka River Draft Wild and Scenic Study/Environmental Assessment, Charlotte, Manatee, and Sarasota Counties, Florida.

Based on our review, we support the inclusion into the National Wild and Scenic River System of those segments of the Myakka River specified in Alternative "A", with the provisions outlined on pages 21 through 28. We agree that the proposed plan offers the best opportunity of retaining the present conditions in the remaining undeveloped river system and will preserve water quality and wildlife values, which would otherwise be lost to the area, for future generations.

If we may be of additional assistance, please contact us.

Sincerely yours,

  
Sheppard N. Moore, Chief  
Environmental Review Section  
Environmental Assessment Branch

## APPENDIX E

## BIOLOGICAL ASSESSMENT

### 1. Describe the proposed project:

The Myakka Wild and Scenic River Study was conducted pursuant to the Wild and Scenic Rivers Act, Public Law 90-542, as amended. The National Park Service considers 37 miles of the river eligible for inclusion in the National System based on its outstandingly remarkable scenic, ecological, fish and wildlife, and recreational values. The National Park Service proposes that, (1) the 12-mile segment within the Myakka River State Park be included as a State-administered component of the National Wild and Scenic Rivers System; and (2) additional eligible segments of the Myakka River be designated as components of the National System as local and State initiatives to provide permanent protection for the river corridor are implemented.

State/County: Florida/Charlotte, Manatee and Sarasota

### 2. Was an environmental assessment (EA) prepared for this project? Yes or No.

#### a. If yes, was an Environmental Impact Statement (EIS) required? Yes or No.

1. In process - expected completion date \_\_\_\_\_.

2. Draft complete: \_\_\_\_\_  
Date Document Number

3. Final complete: \_\_\_\_\_  
Date Document Number

#### b. Were endangered species mentioned as being located within the project area? Yes or No. If yes, list them.

Red-cockaded woodpecker  
Eastern brown pelican  
Southern bald eagle  
Peregrine falcon  
Bachman's warbler  
Florida panther

#### c. Were threatened species mentioned as being located within the project area? Yes or No. If yes, list them.

American alligator  
Eastern Indigo snake



- d. Did the project area encroach on a designated or proposed critical habitat? Yes or No. Explain.

There would be no habitat loss.

3. Has the project been specifically discussed with the U.S. Fish and Wildlife Service concerning compliance with the Endangered Species Act of 1973, as amended? Yes or No.

- a. Date of discussion and evidence of documentation (attach all correspondence to this Biological Assessment).

March 6, 1984

- b. Fish and Wildlife Service contact person Mr. David Smith,  
Endangered Species Coordinator, Vero Beach Office.

4. When is the project scheduled to start?

N/A.

---

(Filled out by Region)

1. Verification with USFWS:

- a. Date March 19, 1984.

- b. Contacted Mr. David Smith.

2. Impact of project on endangered species, threatened species as critical habitat:

☒ a. No effect

b. Positive effect

c. Negative effect

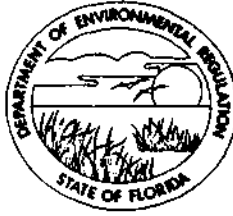
3. Signature Trish Patterson.

4. Comments:

## APPENDIX F

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

TWIN TOWERS OFFICE BUILDING  
2600 BLAIR STONE ROAD  
TALLAHASSEE, FLORIDA 32301-8241



BOB GRAHAM  
GOVERNOR  
VICTORIA J. TSCHINKEL  
SECRETARY

May 3, 1984

Mr. Neal G. Guse  
Acting Regional Director  
Southeast Region  
United States Department of the Interior  
National Park Service  
75 Spring Street, S.W.  
Atlanta, Georgia 30303

RE: Myakka River Wild and Scenic River Study/Environmental Assessment (WSRS/EA)

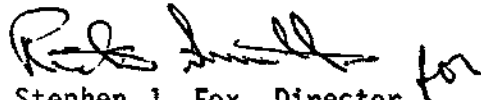
SAI: FL8403221017C

Dear Mr. Guse:

The State of Florida hereby concurs with your consistency determination. This concurrence is based on information set forth in the notification of proposed federal action and State agency comments thereon. Future consistency determinations may be required as more information is developed. 15 CFR 930.37. Subsequent State consistency evaluations, if needed, will take previous State agency comments (attached) into account. Finally, failure to object should not be construed to mean the State agrees with the sufficiency of this or subsequent consistency determinations.

Thank you for the opportunity to review your project for consistency with Florida's Coastal Management Program.

Sincerely,

  
Stephen J. Fox, Director for  
Division of Permitting

SJF/RSd

Attachment