

SEMINOLE COUNTY, FLORIDA

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL: TO DEVELOP A FUTURE LAND USE PLAN THAT ACHIEVES AN APPROPRIATE BALANCE BETWEEN PUBLIC AND PRIVATE INTERESTS IN THE:

- Protection of the environment;
- Creation of favorable economic conditions;
- Provision of adequate housing;
- Provision of adequate services and facilities;
- Maintenance of established residential neighborhoods;
- Protection of Rural and Agricultural Areas; and
- Protection of private property rights.

OBJECTIVE 2.1: NATURAL, HISTORIC AND ARCHAEOLOGICAL RESOURCES

The County shall ensure that, pursuant to Article II, Section 7 of the Constitution of the State of Florida, natural, historic and archaeological resources are protected for the enjoyment of the County's residents through Land Development Code provisions and Comprehensive Plan policies as follows:

Policy 2.1.7 Wekiva River Protection

The County shall regulate the development of land along the Wekiva River and its wetlands and tributaries to implement Protection Zone policies and regulations regarding maintaining rural density and character, development setbacks, concentrating allowable development farthest from surface waters and wetlands where permitted, minimizing development impacts on water quantity and quality, and restricting open space areas to passive recreational uses.

Regardless of the land use designation or zoning classification assigned to any parcel of property located within the Wekiva River Protection Area as defined in Section 389.303(9), Florida Statutes (1989), or its successor provisions, no development may be approved upon parcels so located unless the proposed development conforms to the provisions of the Wekiva River Protection Act (Part III, Chapter 369, Florida Statutes (1989); Chapters 88-121 and 88-393, Laws of Florida) or its successor provisions and the provisions of this Plan adopted to conform to said Act.

CONSERVATION ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL: PRESERVE, PROPERLY MANAGE AND, WHERE POSSIBLE, ENHANCE THE QUANTITY, QUALITY AND FUNCTION OF SEMINOLE COUNTY'S NATURAL RESOURCES FOR EXISTING AND FUTURE GENERATIONS; TO INCLUDE, BUT NOT BE LIMITED TO THE FOLLOWING NATURAL RESOURCES: AIR, SURFACE WATERS, GROUNDWATER SUPPLIES, SOILS/MINERALS, NATIVE HABITAT AND WILDLIFE, FLOODPLAIN, ENDANGERED, THREATENED AND SPECIES OF SPECIAL CONCERN, OPEN SPACES, AQUIFER RECHARGE AREAS, AND HISTORIC AND ARCHAEOLOGICAL RESOURCES

OBJECTIVE 4.2: SURFACE WATER PROTECTION

The County shall establish an ongoing surface water quality program, by 1993, which will protect and, where feasible, enhance the quality of surface waters.

Policy 4.2.5 Wekiva River

The County shall continue to manage and regulate development along the Wekiva River to ensure its continued designation as an Outstanding Florida Water Body and consistent with the Wekiva River Protection Act. (See Future Land Use Element for other policies relating to the Wekiva River).

RECREATION AND OPEN SPACE ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL: THE COUNTY SHALL PROVIDE A HIGH QUALITY RECREATION AND OPEN SPACE SYSTEM THAT PROVIDES LANDS, FACILITIES AND PROGRAMS TO ADEQUATELY SERVE THE NEEDS OF THE CURRENT AND FUTURE RESIDENTS OF SEMINOLE COUNTY.

THE COUNTY SHALL ESTABLISH AND MAINTAIN A SYSTEM OF OPEN SPACES WHICH PRESERVES SIGNIFICANT ENVIRONMENTAL LANDS, PROVIDES WILDLIFE HABITAT CORRIDORS WHICH PROVIDES PASSIVE RECREATIONAL OPPORTUNITIES.

OBJECTIVE 13.7: OPEN SPACE PRESERVATION

The County shall develop a system of open spaces through the preservation and/or acquisition of significant lands, native habitat and habitat of endangered, threatened and species of special concern.

Policy 13.7.3 Wekiva and Econlockhatchee River Protection Zone

The County shall enforce all clearing and building setbacks or protection/buffer zones and areas along the Wekiva River, and Econlockhatchee River and such other water bodies as imposed by rules of the St. Johns River Water Management District, any State agency or as may be otherwise imposed by law, provided that a minimum 200 foot clearing and building setback shall be set along the Wekiva River, as measured from the ordinary high water elevation or the landward limit of established conservation areas, to serve as a scenic and environmental buffer to maintain the status quo of the natural environment and prevent public harms.

Taken From: Seminole County's Land Development Code

Chapter 30

ZONING REGULATIONS

PART 53 WEKIVA RIVER PROTECTION ACT

Sec. 30.1001 Wekiva River Protection Act provisions.

Seminole County shall evaluate and regulate all development within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, or its successor provision, to ensure consistency with the said Act, the provisions of the Seminole County Comprehensive Plan adopted to conform to said Act and the designated protection zones as required by the Act and defined by Chapter 40C, Florida Administrative Code, including coordination with appropriate agencies as necessary. (Part XXXII, § 1, Ord. No. 92-5, 3-30-92).

Sec. 30.1002 Determination of protection area/zone boundaries.

When a proposed development relates to real property located in or near the edge of a designated protection zone as designated by the Wekiva River Protection Act and as defined by Chapter 40C, Florida Administrative Code, the applicant shall submit proof of compliance with all agency regulations applicable to the subject property in conformance with the Act, or proof of exemption thereto. Such proof of compliance or exemption shall be required prior to the issuance of such permits by the County. (Part XXXII, § 2, Ord. No. 92-5, 3-30-92).

Secs. 30.1003 - 30.1020 Reserved.

APPENDIX G

INTRODUCTORY BROCHURE

Wekiva River, Rock Springs Run, and Seminole Creek Wild & Scenic River Study

Foreword

On October 19, 1996 Congress under Public Law 104-331 authorized the National Park Service to undertake a study of the Wekiva River, Rock Springs Run, and Seminole Creek for inclusion into the National Wild and Scenic River System.

The purpose of this document is two-fold: First, we want to explain to you – the public, the landowners, the elected officials, the concerned residents along the river – what is involved in designating a wild and scenic river and what it will mean to you. Second, we need your input and assistance. We need to know what questions you feel must be addressed so that you can be certain about the impacts – or more specifically, lack of impacts – to you from designation. We need to know what environmental factors the NPS should consider in our environmental analysis. And we need your assistance in identifying and documenting the outstanding resources of the Wekiva River, Rock Springs Run and Seminole Creek.

The Wild & Scenic River Designation Process

Enacted in 1968, the WSRA was intended to preserve selected free-flowing rivers in their natural condition for the use and enjoyment of the public. This alternative to dam construction was intended to balance the nation's water-resources development policies with river conservation and recreation goals. Designated rivers receive protection from new hydropower projects and from other federally assisted water-resource projects – as defined through grants, licenses, permits or funding – that would alter the river's free-flowing characteristics, or have a direct and adverse effect on the river's outstanding resources.

The WSRA established two processes by which a river could enter the National Wild and Scenic Rivers System (National System). One is through direct congressional designation. This is frequently preceded by a congressional amendment to Section 5(a) of the WSRA, authorizing a study to assess a river's qualifications for the National System before Congress takes action to designate the river. Management of these rivers is then usually handled by a federal or state agency, although there are instances of local management of congressionally designated rivers.

Rivers can also be added to the National System by the Secretary of the Interior (Secretary). Section 2(a)(ii) of the WSRA allows the governor of a state to apply to the Secretary for national designation. The NPS then evaluates whether the requirements of Section 2(a)(ii) have been met

and prepares a draft report and an assessment of the environmental impacts of designation. The NPS also publishes a notice of proposed designation in the *Federal Register* and notifies affected federal agencies of the pending action. Following a 90-day comment period for federal agencies and a concurrent 45-day comment period for the public, the NPS advises the Secretary of its findings. If the NPS finds – and the Secretary agrees – that the application meets the requirements, the Secretary publishes a notice of designation in the *Federal Register*, and the river is added to the National System.

Rivers designated under Section 2(a)(ii) receive the same protection afforded all rivers in the National System. Rivers designated through this process are routinely managed by the state rather than the federal government, except for those lands owned by the federal government. Section 2(a)(ii) is ideally suited to rivers where there is a strong tradition of state or local management and protection of the river.

When a river is added through Section 2(a)(ii), it is done with the condition that it be managed without cost to the federal government. This means that there can be no condemnation or other acquisition of lands by the federal government related to wild and scenic river designation. This prohibition does not extend to state and local governments.

For a river to qualify for the National System through Section 2(a)(ii) of the WSRA, four requirements must be met.

- 1) The river must first be designated as a component of a state's wild or scenic rivers system by, or pursuant to, an act of the legislature of that state.
- 2) Management of the river must be administered by an agency or political subdivision of the state, except for those lands already administered by an agency of the federal government.
- 3) The river must meet eligibility criteria common to all national wild and scenic rivers, i.e., the river must be free-flowing as determined by standards set by the Departments of the Interior and Agriculture and possess one or more outstanding resources of significance to the region or nation.
- 4) There must be effective mechanisms and regulations in place – local, state or federal – to provide for the long-term protection of those resources for which the river was deemed eligible.

In addition, if designated through either process, the river is given one of three classifications. Each classification carries with it different responsibilities in management and protection. A designated river can be divided into several different segments, with each segment having a different classification. As defined by the WSRA, the three classes of rivers are:

- 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.

Finally, a proposed wild and scenic designation must be evaluated for potential impacts to the environment as required by the NEPA, and both the proposal and the NEPA documentation must be circulated to appropriate federal agencies for review as required by both the NEPA and the WSRA. The NPS also releases the report and NEPA documentation for extensive public review and comment.

Eligibility for the National System

There are two physical requirements that must meet for a river to be eligible for the National System. It must be free flowing, as defined by the Departments of Agriculture and the Interior, and it must have at least one "outstandingly remarkable resource," i.e., one resource important to the region or nation.

Free-Flowing Condition

Free-flowing, as defined in section 16(b) of the WSRA, is applied to "any river or section of a river," and 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 . . . shall not automatically bar its consideration for 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.

The initial findings of the NPS are that the entire segment, which contains no dams or diversion structures, is free-flowing.

Outstandingly Remarkable Resources

The second criterion that a river must meet to be eligible for inclusion in the National System is that it must possess one or more outstandingly remarkable resource. The term "outstandingly remarkable" is not precisely defined in the WSRA. As directed by 1982 interagency guidelines, the determination of whether or not a river area contains outstandingly remarkable resources is based on the professional judgement of the study team. However, the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) in the Pacific Northwest have developed standards for certain categories of values; these standards have become widely accepted by both agencies. As these standards have been consistently upheld and are widely used, the NPS frequently applies them to Section 2(a)(ii) evaluations. Under the USFS/BLM criteria, the river is judged on eight different classes of resources – scenic, recreational, geological, fish, wildlife, prehistoric, historic, and a catch-all category, "other" – as described below.

Recreation Resources

Recreational opportunities are, or have the potential to be, unique enough to attract visitors from outside the region of comparison. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting and boating/rafting.

Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison.

The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.

Fish Resources

Fish values may be judged on the relative merits of either fish populations or habitat or Native American cultural use – or a combination of these river-related conditions. Consideration shall be given for potential as well as existing values.

The river is internationally, nationally or regionally an important producer of resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or federal or state listed threatened, endangered and sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.

Wildlife Resources

Wildlife values shall be judged on the relative merits of either wildlife populations or habitat or Native American cultural use – or a combination of these conditions.

Populations – *The river or area within the river corridor contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique, or populations of federal or state listed or candidate threatened, endangered and sensitive species. Diversity of species is an important consideration and could in itself lead to a determination of outstandingly remarkable.*

Habitat – *The river or area within the river corridor provides exceptionally high quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for federal or state listed or candidate threatened, endangered and sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of outstandingly remarkable.*

Scenic Resources

The landscape elements of landform, vegetation, water, color and related factors result in notable or exemplary visual features and/or attractions. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river or river segment.

Geological Resources

The river or the area within the river corridor contains an example(s) of a geologic feature, process, or phenomena that is rare, unusual, or unique to the region of comparison. The feature(s) may be in an unusually active stage of development, represent a "textbook" example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial and other geologic structures).

Prehistoric Resources

The river or area within the river corridor contains a site(s) where there is evidence of occupation or use by Native Americans. Sites must have rare or unusual characteristics or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare and represent an area where a culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes.

Historic Resources

The river or area within the river corridor contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or one-of-a-kind in the region. An historic site(s) and/or feature(s) in most cases is 50 years or older.

Other Resource Values

While most river values of regional or national significance can be described under one of the other categories, sometimes there is a resource or traditional use of the river that is unique and does not fit any of the standard categories. An example can be found on the Klamath River in Oregon. There, the BLM and the NPS found that the river had been used continuously by three different Native American tribes for religious and spiritual purposes for at least the last 7,000 years. The agencies determined this to be a unique, nationally significant value, and Native American Traditional Use was determined to be an outstandingly remarkable resource. Under USFS and BLM guidelines, the criteria for an outstandingly remarkable rating are:

While no specific national evaluation guidelines have been developed for the "other similar values" category, assessments of additional river-related values consistent with the foregoing guidance will be completed – including, but not limited to, hydrologic, paleontologic, ecologic and botanic resources.

Wekiva River Assessment

In assessing how the Wekiva River compares to these criteria, we will be working with experts in the various state agencies to determine if a particular resource, or resource category, is unique or exemplary. Is it important to the region? To the nation? Is the resource unique to the area? Is the Wekiva River the finest example of that resource in the area? Let's use the Klamath River in Oregon as an example again. Many rivers in Oregon offer whitewater boating opportunities. However, the Klamath is one of the very few that provide opportunities year-round. Likewise, traditional Native American use sites are not rare in Oregon. However, there are very few areas where sites are as varied, as densely clustered, or as observable as in the Klamath Canyon, so prehistory was identified as an outstandingly remarkable resource.

This is the type of analysis that we will be conducting in coordination with state experts. We would appreciate your input into the specific resources that you believe should be addressed. These will be the resources that the river must be managed for in order to be included in the National System.

Classification

After determining a river's eligibility for inclusion in the National System, it must be classified according to the category – wild, scenic or recreational – that best fits each eligible segment. Classification is based on the degree of naturalness and extent of development of the river and its adjacent lands as they exist at the time of the study.

Under the national classifications, a wild river would be an undeveloped river with limited access by trail. The existence of a few inconspicuous roads leading to the boundary of the river area at

the time of study would not necessarily bar wild river classification. To qualify for scenic classification, the river segment should not show substantial evidence of human activity. The portion of the watershed within the boundary of a scenic river may have some discernible existing development. A recreational classification would be appropriate in developed areas, such as where a river runs parallel to roads or railroads, with adjacent lands that have agricultural, commercial, or other developments – provided that the waterway remains generally natural and riverine in appearance.

Water resource development, shoreline development, accessibility, and water quality are the criteria that are considered when determining classification. Each criterion is important, but their collective intent is more important. Although each classification permits existing development, the criteria do not imply that additional inconsistent development is permitted in the future. Developments that are compatible with designation would be allowed, provided they are carried out in an environmentally sound manner. The classification of the river, or individual segment, prescribes the appropriate management plans and prescriptions. In other words, the classification will help to determine the compatible, appropriate activities that could occur on the river.

We will work with the state agencies to determine the appropriate classification for each segment of the river. However, as previously noted, we would appreciate your input on the best manner in which to segment the river for designation purposes.

Questions & Answers on Wild & Scenic Rivers

These Questions & Answers have been taken from other publications. Most of the answers are generic to the WSRA and the National System as a whole.

Q. What is the purpose of the WSRA and of designating rivers? How should these rivers be managed?

A. The WSRA provides a national policy and program to preserve and protect selected rivers, or segments of rivers, in their free-flowing condition in the National System. Section 1(b) states:

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.

Section 10(a) states:

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 without 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 aesthetic, scenic, historic, archaeological, 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.

Q. How many miles of river have been protected under the National System?

A. Currently, some 154 river segments comprising 10,815 miles have been afforded protection in the National System. These nationally recognized rivers comprise some of the nation's greatest diversity of recreational, natural and cultural resources, offering great scientific interest and scenic beauty. By contrast, approximately 600,000 miles of once free-flowing rivers have been inundated by about 60,000 dams.

Q. How are rivers designated into the National System?

A. There are two ways rivers are designated:

1. By Act of Congress. Rivers designated by Congress are listed in Section 3(a) of the WSRA.

2. By the Secretary of the Interior. The Secretary may designate a river if it is presently protected in a state river system by or pursuant to state law(s), and the governor applies for national designation. The Secretary must find the segment eligible (using the same eligibility criteria as for federally managed rivers) and must determine that the state is providing adequate protection and has the resources for management. The river is to be permanently administered by the state. Applications by states are evaluated and processed by the NPS.

Q. What qualifies a river for the National System?

- A. To be eligible for designation, a river must be free-flowing and contain at least one "outstandingly remarkable value," i.e., scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.

Q. What is the definition of "outstandingly remarkable value?"

- A. In the WSRA, river values identified include scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Act does not further define outstandingly remarkable values. Agency resource professionals interpret and develop criteria in evaluating river values (unique, rare, or exemplary) based on professional judgment on a regional, physiographic, or geographic comparative basis.

Q. Must a river segment be of any particular length or be "boatable or floatable" in order to be eligible?

- A. No.

Q. How are river corridor boundaries determined?

- A. Corridor boundaries are established to protect the free-flowing nature, water quality, and outstandingly remarkable values for which the river was designated. Federal agencies often delineate boundaries based on natural or man-made features (canyon rims, roads and ridge tops, etc.) and legally identifiable property lines. Under the NCNSRA, boundaries "shall be the visual horizon or such distance from each shoreline as may be determined to be necessary by the [managing agency], but shall not be less than 20 feet."

Q. When and how are rivers classified?

- A. River segments are tentatively classified during study as either wild, scenic, or recreational based on the level of access and development along the river. The following factors are generally used for classification of river segments: accessibility, primitive nature, number and kind of developments, and water quality.

Q. What is the difference between a "wild," "scenic," and/or "recreational" river?

- A. Designated river segments are classified and administered under one of the following as defined in Section 2(b) of the WSRA:

***Wild river areas:** Those rivers, or sections of rivers, that are generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.*

***Scenic river areas:** Those rivers where shorelines or watersheds are largely undeveloped, but accessible in places by roads, i.e., roads may cross but generally not parallel the river. (They are usually more developed than wild and less developed than recreational.) This classification does not mean that scenery is considered to be an outstandingly remarkable resource.*

***Recreational river areas:** Those rivers which may be readily accessible by road or railroad, may have some development along the shoreline, and may have had some impoundment or diversion in the past. This classification, however, does not mean that recreation is an outstandingly remarkable resource, nor that the segment must be managed or developed for recreational activities.*

- Q. Once a river segment has been given a classification and designated, how are its values protected?

- A. The identified outstandingly remarkable values are afforded adequate protection, subject to valid existing rights. Affording adequate protection requires sound resource management decisions. Specific management prescriptions for designated rivers provide protection in the following ways:

Free-flowing Values. The free-flowing characteristics cannot be modified to allow stream impoundments, diversions, channelization, and/or rip-rapping, to the extent authorized under law.

River-Related Values. Each segment shall be managed to protect identified outstandingly remarkable values (subject to valid existing rights), and, to the extent practicable, such values shall be enhanced.

Classification Impacts. Management and development of the river and its corridor should not be modified, subject to valid existing rights, to the degree that its classification would be affected (i.e., its classification cannot be changed from wild to scenic, or from scenic to recreational).

- Q. Who protects rivers designated under Section 2 of the WSRA by the Secretary?

- A. The law states that rivers designated under Section 2(a)(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." The NPS does provide ongoing technical assistance and partnership efforts with local managers and stakeholders

on many of these rivers. Primarily, protection remains the responsibility of the state and/or local governmental entity, except where federal lands are involved. The Secretary makes determinations of the effects of federal or federally assisted water resources projects pursuant to Section 7 of the WSRA.

Q. What are the results of national wild and scenic river designation?

A. Wild and scenic river designation seeks to maintain and enhance a river's current natural condition and provide for public use consistent with retaining those values. Designation affords certain legal protection from adverse development, e.g., no new dams can be constructed, nor federally assisted water resource development projects allowed, if they would adversely affect designated river values. Where private lands are involved, the managing agency works with local governments and landowners to develop protective measures.

Q. What are some of the social and economic benefits of wild and scenic river designation?

A. Some benefits may include, but are not limited to: providing managers mechanisms or tools to maintain free-flowing conditions (i.e., protect river values through the assessment of hydroelectric facilities or water resource development projects within the river); protection of water quality and/or outstandingly remarkable river values; and, if a management plan objective, promoting economic development, tourism, or recreational use.

Q. Will designation likely cause changes in property values?

A. Wild and scenic river designations generally cause property values to remain stable or increase because people know they are living in or near a special resource which is being protected.

Q. What is the effect of designation on agriculture uses and livestock grazing practices?

A. Generally, existing agricultural practices (e.g., livestock grazing) would not be affected by designation. Since the WSRA does not give federal agencies authority to regulate private land, any effect to agricultural practices would be through technical assistance, unless otherwise regulated by local zoning ordinances or state regulations. Again, however, the NPS will ensure that allowable practices are consistent with designation.

Activities and practices inside the corridor are dependent on the type of classification (wild, scenic, and/or recreational), the values for which the river was designated, and land use management objectives. The level of protection should be commensurate with the identified river values. As a state-administered river, the state river management plan will determine agricultural practices.

Guidelines issued by the Secretary of Agriculture and the Secretary of the Interior indicate that livestock grazing and agricultural practices should be similar in nature and intensity to those present in the area at the time of designation. Grazing is permitted under wild, scenic, or recreational classifications, but will be managed to maintain the values for which the river was designated.

Q. - Will timber harvest activities be affected either inside or outside the river corridor?

A. Private timber management practices are guided by state and local authorities along with management agencies who may provide technical assistance to mitigate noncompatible or inappropriate activities. Under Section 2(a)(ii) of the WSRA, the federal government cannot restrict private timber harvesting practices. However, before the river is designated, the NPS will ensure that allowable harvest practices are consistent with the values for which the river is being added to the National System.

Q. What are the effects of designation on federally assisted water resources projects?

A. Section 7 of the WSRA prohibits any department or agency of the United States from assisting in the construction of any water resources project that would have a "direct and adverse" effect on the values for which the river was established. It also precludes federal assistance to projects below/above a designated river that have been determined to "invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present . . . as of the date of designation . . ." The "direct and adverse" standard applies to projects within the river corridor, while the "invade or unreasonably diminish" standard applies to projects outside the corridor.

Q. Will designation as wild and scenic guarantee continuous and adequate water flows?

A. Wild and scenic river designation alone does not guarantee a continuous instream flow or protect natural flow conditions. In areas where quantity of instream flows is at issue, only secured water management agreements, instream flow reservations, or legislative action can help ensure minimum flows related to those values for which the river was designated.

Q. What impact does wild and scenic river designation have on water quality?

A. Congress declared their intent to protect the water quality of rivers added to the National System in Section 1(b) of the WSRA. River-administering agencies should cooperate with the Environmental Protection Agency and state water pollution control agencies to eliminate or diminish water pollution. Certain states (Arkansas, Florida, North Carolina, Oregon, et al) have used alternative forms of designation, e.g., "outstanding or exceptional resource waters," as an opportunity to provide the highest water quality standard for designated rivers.

Q. What are the effects of wild and scenic river designation on future needs to develop or expand existing rights-of-way?

A. Wild and scenic river designation seeks to protect and enhance a river's current condition. Water projects proposed (or assisted) by a federal agency that may affect the river's free-flowing condition, not automatically prohibited by the WSRA, are subject to an evaluation by the river administering agency (or, in the case of 2(a)(ii) rivers, the NPS on behalf of the Secretary). Those projects found to have a negative effect on the values for which the river was added to the National System are typically prohibited through the authority of the proposing or assisting agency.

Existing farms, homes and cabins, with their associated rights-of-way, along the river can continue to be used as they were before designation. Whether or not new structures can be built, or existing rights-of-way expanded, depends on state and local regulations, easement agreements, and the river management plan. Generally, the classifications reflect the level of development at time of designation, and condition future development levels to that compatible with such classifications (e.g., recreational classification allows parallel roads, bridges, etc.).

Q. What restrictions and procedures apply to construction, improvement, or maintenance of private roads within wild and scenic river corridors?

A. Maintenance of roads generally would not be affected. In consultation with landowners involved through coordinated management planning, every effort would be made to eliminate or reduce adverse impacts for any proposals for road improvement, realignment and/or new construction. If a proposed new road would have a negative impact on river values, the administering agency will work with the landowner(s) to mitigate the proposal.

Q. Will wild and scenic river designation lead to restrictions on recreational use of rivers?

A. Recreational use of our nation's rivers is increasing in both magnitude and extent, i.e., the types of recreational activities pursued and the technologies being used. Limitations on wild and scenic rivers and other rivers are necessary in some cases to protect resource and social values. Importantly, whether, and/or how, to restrict recreational use is a key issue in the planning process, which includes extensive local and regional public involvement.

Q. Will the public still have access to public lands within wild and scenic river areas for hunting and fishing?

A. Yes, to the extent that the state allows hunting and fishing in the area; both are regulated under state laws. Designation does not open new areas to either activity.

Q. Does the public always have the right to float wild and scenic rivers?

- A. Wild and scenic river designation does not change the existing rights and restrictions. In certain cases, depending on legal access, navigability, etc., the right to float may depend upon the ownership and jurisdictional nature of the subsurface and/or adjacent lands. Regardless, river users do not have the right to use, occupy, or cross private property without permission, right-of-way, easement, etc.
- Q. **Will designation cause restricted boating access?**
- A. Generally, no. Restrictions on boating access and the implementation of entry permit systems (rationing and/or allocation) are not usually related to designation. Limitations on boating usually relate to the amount of use and/or types of users. Those rivers with use levels or types of use beyond acceptable limits (i.e., resulting in impacts to the values) may necessitate restricted access regardless of designation.
- Q. **Are motorized boats allowed on designated wild and scenic rivers?**
- A. Yes. Motors are allowed on designated wild and scenic rivers subject to state intent and river management objectives defined in state legislation and through the river planning process.
- Q. **Will facilities, such as campsites, restrooms, or access ramps be provided by state agencies?**
- A. These facilities will be provided if they are consistent with the management plan for each river and subject to the availability of funds.
- Q. **Will camping be restricted within the corridors? How is it to be enforced?**
- A. Camping is often important to the enjoyment of wild and scenic rivers. As a condition of use, and in line with management objectives for the river area, the managing agency may specify that camping will be permitted only in designated locations. Enforcement of camping restrictions and limitations can be through indirect means (brochures, maps, signs, etc.) and/or direct means (permits, enforcement personnel, etc.).
- Q. **Will designation increase recreational use and unauthorized uses on private land?**
- A. Many of the nation's rivers have received increased use in recent years. River use may increase slightly or not at all as a result of designation. Unauthorized uses should not increase since the managing agency will provide maps and signs to direct use to publicly owned access sites. No use of private lands is allowed unless special arrangements are made with the landowner. Private landowners are still entitled to post their property with "No Trespassing" signs, or require users to obtain landowner permission.

- Q. Will designation affect existing landowners ability to restrict, give permission, and otherwise control who is on the riverbanks?**
- A.** No. However, the public still has the right to float navigable waterways in accordance with state laws.
- Q. ~~Can the private landowner sell land in the river corridor after the river is designated?~~**
- A.** Yes. The ability of the owner to buy or sell private property is not affected.
- Q. What restrictions apply to residences, farm buildings and other buildings? Will landowners lose any use or development rights?**
- A.** Existing buildings are fully compatible with wild and scenic river designation. Specific management goals for new construction are best addressed through individual river management plans. Federal guidelines allow different degrees of development along rivers classified as wild, scenic, or recreational. There is a wide range of uses compatible with these classifications so long as the overall values and character of the river corridor is maintained. River management plans prescribe land use or development limitations to protect outstandingly remarkable river values.
- Q. Will designation allow the federal government to regulate or zone private lands, or require local governments to implement zoning?**
- A.** Under the WSRA, the federal government has no authority to regulate or zone private lands on state-administered 2(a)(ii) rivers. Land use controls on private lands are solely a matter of state regulations and local zoning. Although the WSRA includes provisions encouraging the protection of river values through state and local land use planning, there are no binding provisions on local governments. However, in the case of 2(a)(ii) rivers, the NPS would not recommend designation to the Secretary if effective state and local protection mechanisms were not guaranteed.
- Q. How will the federal government monitor and evaluate activities on private land?**
- A.** The federal government will not be involved in monitoring or evaluating activities on private lands..
- Q. Do the agencies encourage citizen involvement in the wild and scenic river management planning process?**
- A.** Yes. The agencies serve the public in formulating river management plans. The public and local and tribal governments are essential participants in developing an acceptable plan that both protects and enhances the values for which the river was added to the National System

Abbreviations:

BLM	Bureau of Land Management
National System	National Wild and Scenic Rivers System
NCNSRA	North Carolina Natural and Scenic Rivers Act
NEPA	National Environmental Policy Act
NPS	National Park Service
Secretary	Secretary of the Interior
USFS	United States Forest Service
WSRA	(National) Wild and Scenic Rivers Act

For More Information:

Joe Cooley
National Park Service
Atlanta Federal Center, 1924 Building
100 Alabama Street, Southwest
Atlanta, Georgia 30303
Telephone: (404) 562-3175
E-mail: joe_cooley@nps.gov
[://www.nps.gov/ccso/wildrivers.htm](http://www.nps.gov/ccso/wildrivers.htm)

APPENDIX H

PUBLIC AND AGENCY COMMENTS ON
"WEKIVA RIVER, ROCK SPRINGS RUN,
& SEMINOLE CREEK WILD AND SCENIC
RIVER STUDY - DRAFT REPORT"



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0018

REPLY TO
ATTENTION OF

CESAJ-PD-ER

22 April 1999

MEMORANDUM FOR Commander, U.S. Army Corps of Engineers,
(Attn: CECW-PE)

SUBJECT: Wekiva River, Rock Spring Run, and Seminole Creek Wild and Scenic
River Study, Draft Report Comments

1. In response to the 18 March 1999 memorandum (enclosed) concerning the above subject, find Jacksonville District response below.
2. Since there are no authorized Jacksonville District, U. S. Army Corps of Engineer (Corps) projects in the water bodies proposed for Wild and Scenic River (W&SR) designation, there are no Corps concerns at this time. Coordination with the National Park Service revealed the Corps Aquatic Plant Control activities in the area will not be jeopardized by W&SR designation but will be an integral aspect of maintaining the natural native ecosystem.
3. Direct all questions concerning this memorandum to Mr. Paul Stevenson of my staff at 904-232-2130.

FOR THE COMMANDER:

Encl

A handwritten signature in cursive script, reading "James C. Duck", is positioned above the typed name.

JAMES C. DUCK
Chief, Planning Division



Florida Department of Transportation

JEB BUSH
GOVERNOR

THOMAS F. BARRY, JR.
SECRETARY

Environmental Managemant Office

719 So. Woodland Blvd.

DeLand, FL 32720

U.S. Dept of the Interior
National Park Service
Atlanta Federal Center
1924 Building
100 Alabama St. S.W.
Atlanta, Georgia 30303

Attn: Joseph Cooley

Dear Mr. Cooley:

Thank you for the opportunity to review and comment on the enclosed Wild and Scenic River Study for the Wekiva River. It is well written, well organized, and readable. We ask that you send us a copy of the final draft. Any such designation could greatly affect transportation projects in our district.

We wish you and your staff continued success as you move forward with this project.

Sincerely yours,

William G. Walsh

Environmental Scientist

Florida Dept. Of Transportation

5/5/99



JOE :

Very much Appreciate To opportunity
To Review The Draft. I Decided To
make Corrections Directly in the
Document to hopefully make it
EASIER for you.

Great Job! I know this was a lot
of work.

If you need Anything AT ALL,
PLEASE give us A call

Thanks,

John Fillyaw

P.S. - I only Reviewed The TEXT,
None of The APPENDICES.



Jeb Bush
Governor

Department of Environmental Protection

Wekiva Basin GEOPark
1800 Wekiwa Circle
Apopka, FL 32712

David B. Struhs
Secretary

March 16, 1999

Joseph L. Cooley
National Park Service
100 Alabama St. SW
1924 Bldg
Atlanta, GA 30303

Dear Joe:

Attached are my comments on the draft report of Wekiva system Wild and Scenic River Study. I have also enclosed revised copies of appendices from the current management plan for the Wekiva Basin GEOPark. If you would like a copy of the final document please let me know.

My comments are minor. Please view them as suggestions. Great job on the study. Please do not hesitate to contact me if you have any questions on my comments or if I can be of further assistance.

Sincerely,

Parks Small, Park Biologist
Wekiva Basin GEOPark

cc: John Fillyaw



Department of Environmental Protection

Lawton Chiles
Governor

8300 West State Road 46
Sanford, Florida 32771

Virginia B. Wetherell
Secretary

26 May 1999

Mr. Joseph Cooley, Landscape Architect
Recreation and Conservation Division
National Park Service, Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

RE: Wekiva River, Rock Springs Run, Seminole Creek and Black Water Creek
Wild and Scenic River Study


Dear Mr. Cooley:

Thank you for the opportunity to review the Draft Wild and Scenic River Study Report prepared for the Wekiva River, Rock Springs Run, and Seminole Creek. I appreciate all the National Park Services staff time and effort dedicated to this project. As Manager of the Wekiva River Aquatic Preserve, I support the designation of all segments proposed and specifically request that the Seminole Creek and Black Water Creek segments which were found "not suitable" (page 26) be reevaluated for suitability. It appears the rationale for the "not suitable" determination is based solely on a request by the adjacent upland property owner. Please consider that Seminole Creek and Black Water Creek, waterward of the Ordinary High Water Line, are likely state-owned submerged lands, and as such are held in trust for the people of Florida. DEP's Bureau of Survey and Mapping, Title and Land Records Section, can determine the states claim for ownership. DEP has already designated this section, and all others within the study area, as Outstanding Florida Waters, as acknowledged on page 33 of the report. Seminole and Black Water Creeks are important components of the Wekiva Basin ecosystem. If they were omitted from classification, they would be obvious "missing links."

I am also requesting at this time that three miles of the lower Little Wekiva River be included as a "Recreational" segment. This reach of the river is heavily utilized by canoers and has significant recreational value. It is designated as an aquatic preserve and is bordered by extensive dedicated conservation areas. The St. Johns River Water Management District in conjunction with the Little Wekiva River Task Force has committed over one million dollars to upstream restoration projects that will help to maintain the ecological and scenic values of this reach of the river. This reach of the Little Wekiva River is within the Wekiva River Protection Area and has strong broad based support from numerous citizen groups and agency staff.

"Protect, Conserve and Manage Florida's Environment and Natural Resources"

Printed on recycled paper.

26 May 1999
Mr. Joseph Cooley
Page 2

The following comments further address the above stated issues and other minor inconsistencies found within the report:

Summary – As stated above, please designate Seminole Creek and Black Water Creek segments as “suitable.” These segments are free flowing, and have “outstanding remarkable resources.” Public use of these riverine areas is not pre-empted by upland ownership. The remote segment of Black Water Creek represents one of the few relatively pristine areas in central Florida where recreational canoers and kayakers can experience a near-wilderness experience. The finding of “not suitable” should not be based solely on a request from adjacent upland owners.

Page 5, Paragraph 4, Line 9 – Black Water Creek is also crossed by the forest service road within Seminole State Forest, as referenced on page 20 of the report.

Page 7, Paragraph 2, Line 33 - Figure 3 is referenced but no figures are labeled. Figures should be labeled.

Page 12, Paragraph 3, Line 4 - Should be “...established the Wekiva River Basin Ecosystem Working Group to assist....”

Page 12, Paragraph 5, Line 8 – Should be “...sits on the Wekiva River Basin Ecosystem Working Group.”

Page 14, Paragraph 1, Line 5 – Should be “classified as either wild...”

Page 15 - For clarity, please consider naming the river segment and the proposed classification in all photo description (EX: Segment 1 photograph would read “Segment 1, lower Wekiva River, WILD”

Page 15 Paragraph 1, Line 8 - Should be Florida Audubon Society (FAS)

Page 16, Recreational photos – For clarity, please consider adding name of waterbody and classification.

Page 16, Photograph Segment 2 – Should be S.R. 46 bridge.

Page 17, Segment 3 – This is Shell Island, an important archeological midden in the Wekiva River.

Page 21, 22, 23 – Photo’s are labeled inconsistently. For clarity, please consider labeling as requested above (page 15).

Page 24 – Figure not numbered.

Page 24 – Consider designation of the lower 3 miles of the Little Wekiva River as “RECREATIONAL” as requested above.

Page 25 – Management Framework – Please add “ Division of Marine Resources” after Division of Recreational and Parks. The Wekiva River Aquatic Preserve Management Plan, adopted in 1987, is administered through this division.

Page 26 – As requested above, please classify Seminole Creek and Black Water Creek as “suitable.” These riverine systems are important components in the Wekiva Basin ecosystem.

Page 27 – As requested above, please classify Seminole Creek and Black Water Creek as “suitable.”

Page 31 – Other listed species are:

Fish	Designated Status		
	FDA	GFC	FWS
Bluenose shiner <i>Pteronotropis welaka</i>			SSC

Page 35, Paragraph 1, Line 1 – U.S. Army Corp prefers to be referenced as “USACE”

Page 38, State Lands –Figure referenced as “xx”

Page 39, Paragraph 1 – Other state-owned lands include all state-owned submerged lands associated with the Wekiva River and its tributaries. Lands waterward of the ordinary high water line are sovereign submerged lands managed co-operatively by DEP Division of Recreation and Parks and Division of Marine Resources, Bureau of Coastal and Aquatic Managed Areas (CAMA). The aquatic preserve program is administered through CAMA. The Wekiva River Aquatic Preserve Management Plan was adopted in 1987. The plan addresses resource management issues and policies related to the aquatic preserve.

26 May 1999
Mr. Joseph Cooley
Page 4

Page 39, Paragraph 2, Line 8 – Should be “Wekiwa Springs State Park”

Page 39, Paragraph 2, Line 9 – “...south,...” (delete space)

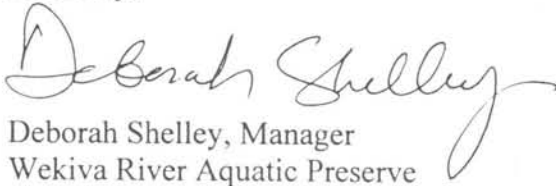
Page 43 – As Manager of the Wekiva River Aquatic Preserve, I support “Alternative C.” Many individuals from the groups listed have worked with the Wekiva Basin Ecosystem Working Group to accomplish various management goals and could continue to do so as members of the proposed “coordinated management committee.”

Page 49- Incorrect agency, not FDEP, not sure what it is.

Page 49 – Incorrect spelling and title, should be - Deborah Shelley, Manager, Wekiva River Aquatic Preserve, Florida Department of Environmental Protection, Bureau of Coastal and Aquatic Managed Areas.

Thank you for the opportunity to review this draft report. Please call me at 407.330.6727 if you have any questions or comments. I will be out of the office for the month of June, but please leave a message if important.

Sincerely,


Deborah Shelley, Manager
Wekiva River Aquatic Preserve



FLORIDA GAME AND FRESH WATER FISH COMMISSION



QUINTON L. HEDGEPEETH, DDS MRS. GILBERT W. HUMPHREY THOMAS B. KIBLER JAMES L. "JAMIE" ADAMS JR. JULIE K. MORRIS
Miami Miccosukee Lakeland Bushnell Sarasota

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

April 27, 1999

DIVISION OF WILDLIFE
FRANK MONTALBANO, Director
TIM BREAUULT, Assistant Director
FARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, FL 32399-1600
(850) 488-3831
TDD (850) 488-9542
FAX (850) 921-7793

Joseph Cooley
National Park Service
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, GA 30303

Dear Mr. Cooley:

I received the draft report entitled "Wekiva River Rock Spring Run and Seminole Creek Wild and Scenic River Study, December 1998" and reviewed its contents as requested.

I must start by stating that I am no expert on this type of study, but I have commented where I thought it appropriate. Overall, the draft looked good and did an excellent job of describing the area and its resources. I made several marginal notes that are marked with orange tabs on the document itself. These are relatively minor edits and clarifications and should not be difficult to address. I did think that the document was lacking in the analysis of each option and the different impacts associated with each. Few scientific studies were cited and many statements of fact were made without supporting material or documentation. It seems to me that the intent of the report is to compare and contrast the alternatives, yet this section of the document received the least amount of detail and attention (7 pages out of 49, 3 of which were a table). I suggest revising this section by providing more detail on the analyses used and clearly stating how each alternative differs from the others.

I appreciate the opportunity to review this report and hope that my comments are helpful.

Sincerely:

Thomas H. Eason

Thomas H. Eason
Leader, Bear Management Section

THE/W1126
fn\bear files\correspondence\cooley.wpd



ENVIRONMENTAL PROTECTION DIVISION

ANNA H. LONG, *Manager*

Leeds Commerce Center

800 Mercy Drive, Suite 4

Orlando, Florida 32808-7896

(407) 836-1400 • Fax (407) 836-1499

www.citizens-first.co.orange.fl.us

May 27, 1999

Joseph Cooley, Landscape Architect
United States Department of Interior
National Park Service
Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St. SW
Atlanta, Georgia 30303

Dear Mr. Cooley:

Thank you for the opportunity to review the Draft Report of Wekiva River Rock Spring Run and Seminole Creek Wild and Scenic River Study. The following are the Orange County Environmental Protection Divisions Comments:

Section V. Summary of Existing Protection:

Please note that Orange County Environmental Protection Division has an ordinance governing the construction of Docks, Boat Ramps, and Mooring Structures, as well as an ordinance governing dredge and fill activities. Attached is a copy of the above referenced ordinances.

Section VI. Alternatives and Conclusions:

If Alternative C were chosen, the Orange County Environmental Protection Division would like to have a representative on the Wekiva River Coordinated Management Committee.

Once again thank you for the opportunity to comment on the Draft Report Wekiva River Rock Spring Run & Seminole Creek Wild and Scenic River Study. If you have any questions or comments regarding this letter please contact me at (407) 836-1481.

Sincerely,

Beth Jackson
Sr. Environmental Specialist

BJ/PT/AHL:bk

Attachment

BUILDING RIVERS TO THE FUTURE



May 15, 1999

BY FAX

Joe Cooley
National Park Service
Atlanta Federal Center, 1924 Building
100 Alabama Street, Southwest
Atlanta, Georgia 30303

Re: Wekiva River National Wild and Scenic River Study Draft Report

Dear Mr. Cooley:

American Rivers is the nation's leading river conservation organization. In its twenty-six year history, we have worked extensively to protect and restore rivers under the federal Wild and Scenic Rivers Act (the "Act") and other statutes, and has actively assisted states and local groups with their river conservation efforts.

The Wekiva River and its tributaries are excellent candidates for the National Wild and Scenic Rivers program. Rivers are eligible for inclusion in the program if they are free-flowing and possess at least one outstandingly remarkable value. The Wekiva River National Wild and Scenic River Study Draft Report (the "Report") states that the entire river is free-flowing. It also details not just one, but five outstandingly remarkable values in the areas of recreation, scenery, fish and wildlife, history and culture, and water quality. Moreover, as a uniquely pristine river in a rapidly developing part of Florida, the Wekiva River is a resource that needs protection through the Wild and Scenic Rivers Act.

Outstandingly Remarkable Values

The Report documents important findings of at least five outstandingly remarkable values. The areas of recreation, scenery, and wildlife are particularly outstanding and are important to the region. Thousands of swimmers enjoy the Wekiva River's spring-fed waters during the summer months, and boating is very popular. There is a thriving recreation industry on the Wekiva River. Outside of the high-use recreation areas, the river is mostly pristine, with very few man-made structures such as roads.

The Wekiva River has at least fourteen ecosystems that provide habitat for hundreds of animal and plant species. Of particular note are the federally endangered West Indian

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manatee, the federally threatened American alligator, and several other species listed on the 1997 Florida Natural Areas Inventory, and by the Florida Game and Fresh Water Fish Commission. The Wekiva River provides critical habitat that must be protected.

The Report states the area has over 20 important archaeological sites dating from the aboriginal period to the Civil War. In addition, the Wekiva River, the Rock Springs Run, Black Water Creek, and Seminole Creek are all "Outstanding Florida Waters." The pure, clean water is a primary reason for the popularity of the Wekiva River as a recreation site, and it is the foundation of the River's spectacular habitat.

In this rapidly developing part of Florida near the city of Orlando, care must be taken to conserve the recreational resources, scenery, habitat, historical sites, and high-quality water that remain. While many local and state protections exist, they may not be enough to protect the Wekiva River.

Evaluation of Protection and Management

The Wekiva River has many existing protections. Extensive public lands, including three state parks that encompass almost 42,000 acres, surround the Wekiva River. The St. Johns River Water Management District (SJRWMD) owns the majority of the land along Black Water Creek. The Wekiva River and its tributaries are protected through state statutes for the SJRWMD, the "Outstanding Florida Waters" listing (as part of Section 303 of the Federal Clean Water Act), and the Wekiva River Protection Act. In addition, the Wekiva River is a Florida State Wild and Scenic River. Designating the Wekiva River as a National Wild and Scenic River follows the state, county, and watershed management goals already in place for the River.

Moreover, adding the Wekiva River and its tributaries to the National Wild and Scenic River system will provide federal protection for the river in the face of increasing development pressures. The designation would bring national recognition to the river, as well as federal resources to protect it.

American Rivers supports designating the entire eligible study area, including the Wekiva River, Rock Springs Run, Black Water Creek, and Seminole Creek, as a Wild and Scenic River. We offer the following reservations:

At the time of the study, the National Park Service found all sections, with the exception of Seminole Creek and a portion of Black Water Creek, suitable for Wild and Scenic River designation. These sections run through Seminole Woods, which is privately owned. In determining which sections of a river are suitable for designation, the agency must look at a number of factors, including but not limited to: incompatible uses on non-federal lands, alternatives for protecting river values other than wild and scenic designation, local interest in designation or non-designation of the river, and ability of the agency to manage and/or protect the river area or segment as a Wild and Scenic River. The owner of Seminole Woods has expressed interest in conservation of the natural values of the streams on his property, but at the time of the study the owner did not favor

designation. While there is little evidence an incompatible use will arise; there is also little assurance that if one did arise, the managing bodies would be able to protect the Wild and Scenic River.

Black Water Creek, however, has been determined to be navigable, giving the state of Florida title to bed and bank. In addition, the portion of Black Water Creek upstream of Seminole Woods is mostly on public lands and was determined to be suitable in the Report. The state entitlement may provide some authority for the state to protect the free-flowing character, the water quality, and the outstandingly remarkable values of the Wekiva River. In the interest of protecting with some consistency the entire length of Black Water Creek, rather than only the upstream segment, we recommend designating the entire length of Black Water Creek as part of the Wekiva Wild and Scenic River. We agree that Seminole Creek may not be suitable for designation at this time, but we urge the National Park Service to consider carefully the final suitability recommendation, as Seminole Creek does have significant outstandingly remarkable values that should be protected.

Classification

American Rivers agrees with the proposed classifications of river segments set forth in the report.

Environmental Assessment

American Rivers supports Alternative C of the Environmental Assessment. This alternative allows state management of the river through a coordinated management body comprised of representatives from the National Park Service, the state, the counties, local officials, and citizen groups. The Wekiva River is currently managed by state, local, and private entities, all with varying responsibilities towards protecting the river. A coordinated management body for the Wild and Scenic River would provide vision for management of the entire Wekiva River watershed. Alternative C would also ensure input from all parties responsible for the future management of the Wekiva River. This type of management alternative has been successful on other Wild and Scenic Rivers, including Wildcat Brook (NH); the Maurice River (NJ); the Farmington River (CT); the Lamprey River (NH); and the most recent additions to the Wild and Scenic Rivers system--the Sudbury, Assabet, and Concord Rivers in Massachusetts.

In the event that the governor of Florida decides to seek designation of the Wekiva River and its tributaries through the 2(a)(ii) process, American Rivers would also support Alternative D of the Environmental Assessment.

Conclusion

The Wekiva River's important resources and values are threatened by rapid development in the area. The Wild and Scenic River Act of 1968 was created to "protect and enhance" the resources and values of select rivers. American Rivers finds the Wekiva River to be

an outstanding candidate for Wild and Scenic River designation. American Rivers also supports formulating a management partnership as described under Alternative C of the Environmental Assessment.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kristen McDonald', written over a horizontal line.

Kristen McDonald
Conservation Assistant

cc: Governor Jeb Bush
Congressman Bill McCollum
Senator Bob Graham
Senator Connie Mack
Bruce Babbitt, U.S. Secretary of the Interior
Don Barry, Assistant Secretary for Fish, Wildlife, and Parks
George Frampton, Acting Chair, CEQ
John Haubert, National Park Service
Fred Harden, Friends of the Wekiva River



Central Florida Group

Keith Schue
30641 Edgewood Street
Mount Plymouth, FL 32776

Mr. Joseph Cooley
Recreation and Conservation Division
Nation Park Service, Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama St., S.W.
Atlanta, Georgia 30303

May 28, 1999

Dear Mr. Cooley,

I am writing on behalf of the Sierra Club Central Florida Group regarding the Draft Report of the Wild and Scenic River Study, dated December 1998. We fully support and encourage inclusion of the Wekiva River, Rock Springs Run, Black Water Creek, and Seminole Creek in the National Wild and Scenic River System.

The Central Florida Sierra Club also strongly supports recommendations by the Florida Department of Environmental Protection (Deborah Shelley-Wekiva Aquatic Preserve Manager) that segments of Seminole Creek and Black Water Creek within the Seminole Woods property of Lake County be included. Ecologically these segments, which contain the beautiful Seminole Springs and associated smaller springs, are very "suitable" to receive designation. As state-owned submerged lands recognized as Outstanding Florida Waters, Seminole Creek and Black Water Creek should not be excluded from the Wild and Scenic designation solely at the request of an adjacent upland property owner. Furthermore, this part of the river system represents a critical piece of the Wekiva/Ocala connection corridor, important to a variety of wildlife including listed species such as the threatened Florida Black Bear. Although segments of Seminole Creek and Blackwater Creek within the Seminole Woods property are presently maintained in a pristine state, a request to specifically exclude these sections is cause for concern. The federal Wild and Scenic designation will help ensure that restrictions against logging in floodplain areas are respected.

The Sierra Club Central Florida Group also supports the Florida DEP request for inclusion of the Little Wekiva River as a Recreational segment due to its particular scenic and recreational value.

page 1 of 2

In addition to the preceding general recommendations, the following editorial comments apply:

In the map on page 34 of the draft report, the overlay of public lands appears to be offset with respect to the river system and state roads.

In this same picture on page 34, land adjacent to the Wekiva River labeled as being owned by the Orange Audubon Society may actually belong to the Florida Audubon Society. This should be verified.

On page 40, the draft report states that Seminole County requires that "Outside the urban service area within the Wekiva River Protection Area no amendments to the comprehensive plan shall be allowed for residential density greater than one dwelling unit per five acres." This statement is not correct. Land-use designation in the area allow for up to one unit per acre, and in recent times higher development densities approved by Seminole County have been found objectionable by state agencies and environmental groups. We recommend that the draft text be modified and a statement added to the effect: "Seminole County policies regarding the Wekiva River Protection Area have been identified by the Florida Department of Community Affairs and various environmental organizations as requiring further attention."

The Sierra Club Central Florida Group appreciates your consideration of these comments. Please do not hesitate to contact me if I can be of any further assistance.

Thank you,



Keith Schue
Wekiva Issue Chair
Sierra Club Central Florida Group

407-942-6800 (office)
352-383-3085 (home)

PHARES M. HEINDL, P.A.

Attorney at Law

Phares M. Heindl*†

*Board Certified Civil Trial Lawyer

†Also Admitted in California

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Workers' Compensation

June 4, 1999


Mr. Joseph Cooley
Recreation and Conservation Division
Nation Park Service, Southeast Regional Office
Atlanta Federal Center
1924 Building
100 Alabama Street, SW.
Atlanta, GA 30303

Dear Mr. Cooley,

I am writing on behalf of the Friends of Wekiva River regarding the Draft Report of the Wild and Scenic River Study, dated December 1998. We fully support and encourage inclusion of the Wekiva River, Rock Springs Run, Black Water Creek, and Seminole Creek in the National Wild and Scenic River System.

The Friends of Wekiva River supports recommendations by the Florida Department of Environmental Protection (Deborah Shelley-Wekiva Aquatic Preserve Manager) that segments of Seminole Creek and Black Water Creek within the Seminole Woods property of Lake County be included. Ecologically these segments, which contain beautiful Seminole Springs and associated smaller springs, are very "suitable" to receive designation. As state-owned submerged lands recognized as Outstanding Florida Waters, Seminole Creek and Black Water Creek should not be excluded from the Wild and Scenic designation solely at the request of an adjacent upland property owner. Furthermore, this part of the river system represents a critical piece of the Wekiva/Ocala connection corridor, important to a variety of wildlife including listed species such as the threatened Florida Black Bear. Although segments of the Seminole Creek and Blackwater Creek within the Seminole Woods property are presently maintained in a pristine state, a request to specifically exclude these sections is cause for concern.

Sincerely,



Phares M. Heindl, Esquire
President Friends of Wekiva River

PMH:aes

Wekiva Falls Resort @ Mastodon Springs

30700 Wekiva River Road - Sorrento, Florida 32776

Disney Area, Orange & Seminole County Ph: (407) 830-9828, Fax: (407) 444-2703; Lake County Ph: (352) 383-8055

Mr. Joe Cooley, Coordinator
Wekiva River Study
National Park Service
Atlanta Federal Center
1924 Building
100 Alabama St., Southwest
Atlanta, Georgia 30303

September 21, 1998

Via FAX to: (404) 562-3282

Ref: Unconditional endorsement: Longterm Protection & Management Proposal

Dear Mr. Cooley:

This letter resends and supersedes my conditional endorsement of your "Longterm Protection & Management Proposal", as was transmitted to you via my letter dated September 20, 1998, which you may not have yet received.

After reviewing Section 7 of the Wild and Scenic Rivers Act, which you were kind enough to fax me today, I note the moratorium applies only to "water resource projects that would have a direct and adverse effect on the values for which such river might be designated ...", therefore,

I now feel the concerns expressed in my September 20, 1998 letter are not valid, since water resources restoration activities which Congressman Mica and myself are seeking the U.S. Army Corps of Engineers to implement, via enforcement action against the St. Johns River Water Management District (SJRWMD), for their unpermitted and illegal dredge & fill activities, would have a beneficial effect on the values for which the Wekiva river and its related tributaries might be designated.

It appears the SJRWMD has violated the "Water Resources Project Moratorium" if federal funds were part of the "Orlando Beltway Mitigation" funds, covertly used by the SJRWMD to accomplish the above referenced dredge & fill, which adversely affected water quality.

If your study determines that federal funds were used for the illegal dredge and fill, in violation of the moratorium, I would appreciate the National Park Service joining forces with the U.S. Army Corps of Engineers to bring about the full and complete restoration I seek.

I look forward to soon receiving a copy of your draft report.

With best regards, I remain

Very truly yours,
WEKIVA FALLS RESORT



C. E. Middlebrooks
Co-owner

1584 Outlook Street
Orlando, Florida 32806-7806
December 22, 1997

Mr. Joseph L. Cooley
National Park Service, Southeast Region
Atlanta Federal Center, 1924 Building,
100 Alabama St., Southwest
Atlanta, GA 30303

Dear Mr. Cooley,

I am writing to support the designation of the Wekiva River, Rock Springs Run, and Blackwater Creek as a National Wild and Scenic River. I attended the December 17, 1997 public meeting at Wekiwa Springs State Park regarding the Wild and Scenic River Study and wanted to express my support and give my perspective on the values of these river systems.

I have done volunteer bird surveys in the Wekiva River Basin since 1977, most recently helping with a monthly survey at Wekiwa Springs State Park where our territory was the upper half of Rock Springs Run. On several of our three-hour trips, we saw no people from Kings Landing to Big Buck Camp. What a refreshing contrast to I-4! The basin has a wide diversity of bird species, including several threatened and endangered species.

For the last four years, I have served as co-compiler for the Wekiva River, FL Fourth of July Butterfly Count sponsored by the North American Butterfly Association. These counts are patterned after Christmas Bird Counts. The Wekiva River butterfly count circle is identical to the Wekiva River Christmas Bird Count circle. From those four butterfly count days alone, 59 butterfly species have been recorded.

My husband and I have led seven Orange Audubon Society field trips to what is now the Wekiva Basin GEOPark since 1987. The area provides excellent opportunities for outdoor recreation such as canoeing, hiking, wildlife observation and photography.

The management practices, such as prescribed burns and exotic species removal, make the Wekiva Basin one of the best places in Central Florida to see natural habitats. When I taught a Seminole Community College class about Florida Ecosystems, we did much of our field work at the Wekiva Basin GEOPark.

The Wekiva Basin has important wildlife, scenic, recreation, and education values and I support federal designation of Wild and Scenic River to help protect these resources.

Sincerely,



Mary H. Keim