

Report to the Environmental Regulation Commission

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Proposed Designation of

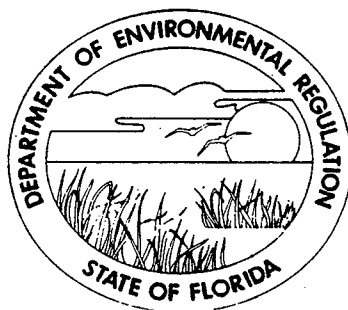
**SARASOTA BAY**

**and**

**LEMON BAY**

*as*

*Outstanding Florida Waters*



## EXECUTIVE SUMMARY

The Department of Environmental Regulation recommends that the Environmental Regulation Commission designate both the Sarasota Bay and Lemon Bay estuarine systems as Outstanding Florida Waters (OFWs), except for most tributaries, artificial water bodies, and areas near the mouths of Whitaker Bayou and Phillippi Creek.

Most of the waters in Sarasota Bay and Lemon Bay meet the criteria of exceptional ecological and recreational significance for "Special Water" OFW designation. The seagrass, mangrove and salt marsh communities help support a thriving estuarine system. Many shellfish and finfish species rely upon the assets of these bay waters for survival. Although the Sarasota Bay and Lemon Bay areas are experiencing rapid growth, much of the shoreline remains unaltered. This area of the state attracts numerous visitors with its beaches, fishing, and boating opportunities.

If designated as OFWs, more stringent criteria will be used for DER permits in Sarasota Bay and Lemon Bay. There will also be more stringent criteria for storm water permits issued by the Southwest Florida Water Management District in these areas. In general, direct discharges to an OFW cannot lower ambient water quality. Indirect discharges cannot significantly degrade an OFW. Activities now exempt from the Department's permitting authority, by law or rule, would also be exempt under an OFW designation. There are certain exceptions to these standards.

Table Of Contents

	Page
Executive Summary	
I. Issue.....	1
II. Background.....	1
A. History of Proposed Action.....	1
B. Environmental Setting.....	4
1. Physiography.....	4
2. Geology.....	5
3. Hydrology.....	5
4. Climate.....	8
5. Water Quality.....	8
6. Biota.....	13
C. Socio-Economic Setting.....	16
1. Population Profile and Projections.....	16
2. Housing.....	29
3. Recreation.....	29
4. Income.....	32
5. Tourism.....	34
III. Alternatives.....	36
A. Designate No Part of Sarasota Bay and Lemon Bay as OFW.....	36
B. Designate All of Sarasota Bay and Lemon Bay as OFW.....	36
C. Designate Sarasota Bay and Lemon Bay as OFW Except for Certain Areas.....	37
IV. Analysis and Recommendation.....	42
A. Analysis of Meeting the General Requirements for Designation as a "Special Water" OFW.....	42
1. Exceptional Ecological or Recreational Significance.....	42
2. Environmental, Social and Economic Benefits and Costs...	42
3. Present and Future Most Beneficial Use.....	43
4. Public Interest.....	43
5. Attainability.....	44
B. Recommendation.....	44
V. Sources.....	48

## Appendices

- A. Overview of Federal and State Antidegradation Policies
- B. Excerpts from Chapters 17-3 and 17-4, Florida Administrative Code, pertaining to Outstanding Florida Waters
- C. Outstanding Florida Waters Fact Sheet and "Questions and Answers"
- D. Public Notices Concerning the Proposed Designation
- E. Petition to Designate the Sarasota Bay Estuarine System as an Outstanding Florida Water
- F. Petition to Designate the Lemon Bay Estuarine System as an Outstanding Florida Water
- G. Newspaper Articles Concerning the Proposed Designation
- H. Selected Correspondence Received Regarding the Proposed Designation
- I. Organizations Expressing Support for the Proposed Designation
- J. Summary of Five Public Workshops
- K. Supplemental Water Quality Data
- L. Economic Impact Statement

## Figures

<u>Title</u>	<u>Page</u>
1. Sarasota Bay	2
2. Lemon Bay	3
3. Important Ecological and Recreational Areas in the Sarasota Bay Region	20
4. Important Ecological and Recreational Areas in the Lemon Bay Region	21
5. Population Growth in Manatee, Sarasota, and Charlotte Counties 1973 to 1983	24

## Tables

	<u>Title</u>	<u>Page</u>
I.	Principal Streams Discharging Into the Sarasota Bay Estuarine System	7
II.	Principal Streams Discharging Into the Lemon Bay Estuarine System	7
III.	Waters In, Near or Adjacent to the Sarasota Bay and Lemon Bay Estuarine Systems That Are Already Designated as OFW	9
IV.	Water Quality Exceedances in Sarasota County	11
V.	Animals Common in Bays and Estuaries of the Charlotte Harbor Area	17
VI.	Animals Common in Salt Marsh of the Charlotte Harbor Area	18
VII.	Animals Common in Mangrove Swamps of the Charlotte Harbor Area	19
VIII.	Species of the Charlotte Harbor Area Which are Classified by the Florida Game and Fresh Water Fish Commission as Endangered, Threatened, or of Special Concern	22
IX.	Population of Persons Aged 65 and Over in the State and in Manatee, Sarasota, and Charlotte Counties	25
X.	Analysis of Migration to Selected Florida Counties by Region in the United States	26
XI.	Population: Components of Change in the State and Selected Counties of Florida	27
XII.	Population Projections	28
XIII.	Recreation Areas	30
XIV.	Personal Income: Private Non-Farm Earnings on Place-of-Work Basis by Industrial Source 1982	33
XV.	Personal Income: Per Capita Amounts on a Place-of-Residence Basis in the United States, Florida, and Selected Counties of Florida	35
VXI.	Unemployment Rates 1981 to 1983	35

State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION



# Interoffice Memorandum

FOR ROUTING TO OTHER THAN THE ADDRESSEE

To: _____	Loc: _____
To: _____	Loc: _____
To: _____	Loc: _____
From: _____	Date: _____

TO: Chairman and Members  
Environmental Regulation Commission

FROM: Victoria J. Tschinkel, Secretary *VT*

DATE: January 31, 1986

SUBJECT: Proposals to Designate Waters of the Sarasota Bay and Lemon Bay  
Estuarine Systems as Outstanding Florida Waters

I. Issue: Whether to designate the Sarasota Bay and Lemon Bay estuarine systems as Outstanding Florida Waters (OFWs).

II. Background:

A. History of Proposed Action

The department recommends that most of the waters within the Sarasota Bay and Lemon Bay estuarine systems be designated as Outstanding Florida Waters under the "special waters" category of Section 17-3.041, Florida Administrative Code. These bay waters extend generally from the area north of Anna Maria Sound (Manatee County) south to Placida Harbor (Charlotte County) (Figures 1 and 2). A summary description of the OFW program may be found in Appendix A. The proposed amendment to Chapter 17-3, F.A.C., is presented in Section IV, Recommendation.

On March 27, 1985, the department received a petition from Manasota-88, Inc., Manatee County Save Our Bays, Inc. and Save Our Bays Association/Hold the Bulkhead, Inc. to designate an approximately 36-mile long stretch of estuarine waters extending from an area north of Anna Maria Sound south to the City of Venice as Outstanding Florida Waters. These bay waters generally range from 0.5 to 3.5 miles wide and are bounded on the east by the mainland and to the west by a chain of barrier islands. On April 26, 1985, the department received a second petition from Save Our Bays Association/Hold the Bulkhead, Inc. and the Lemon Bay Conservancy proposing that the Lemon Bay estuarine system also be designated as Outstanding Florida Waters. The Lemon Bay system extends generally from southern Venice southward to the Boca Grande Causeway, spanning approximately 17 miles. This bay system is narrower than the Sarasota Bay system.

The petitions, although legally independent of each other, are for a linked coastal system. The petitioned areas are separated by a four-mile stretch of the Intracoastal Waterway in Venice which was not included in either petition. Both petitions are considered jointly in this memorandum and are contained in Appendices E and F.

Figure 1 Sarasota Bay Estuary System

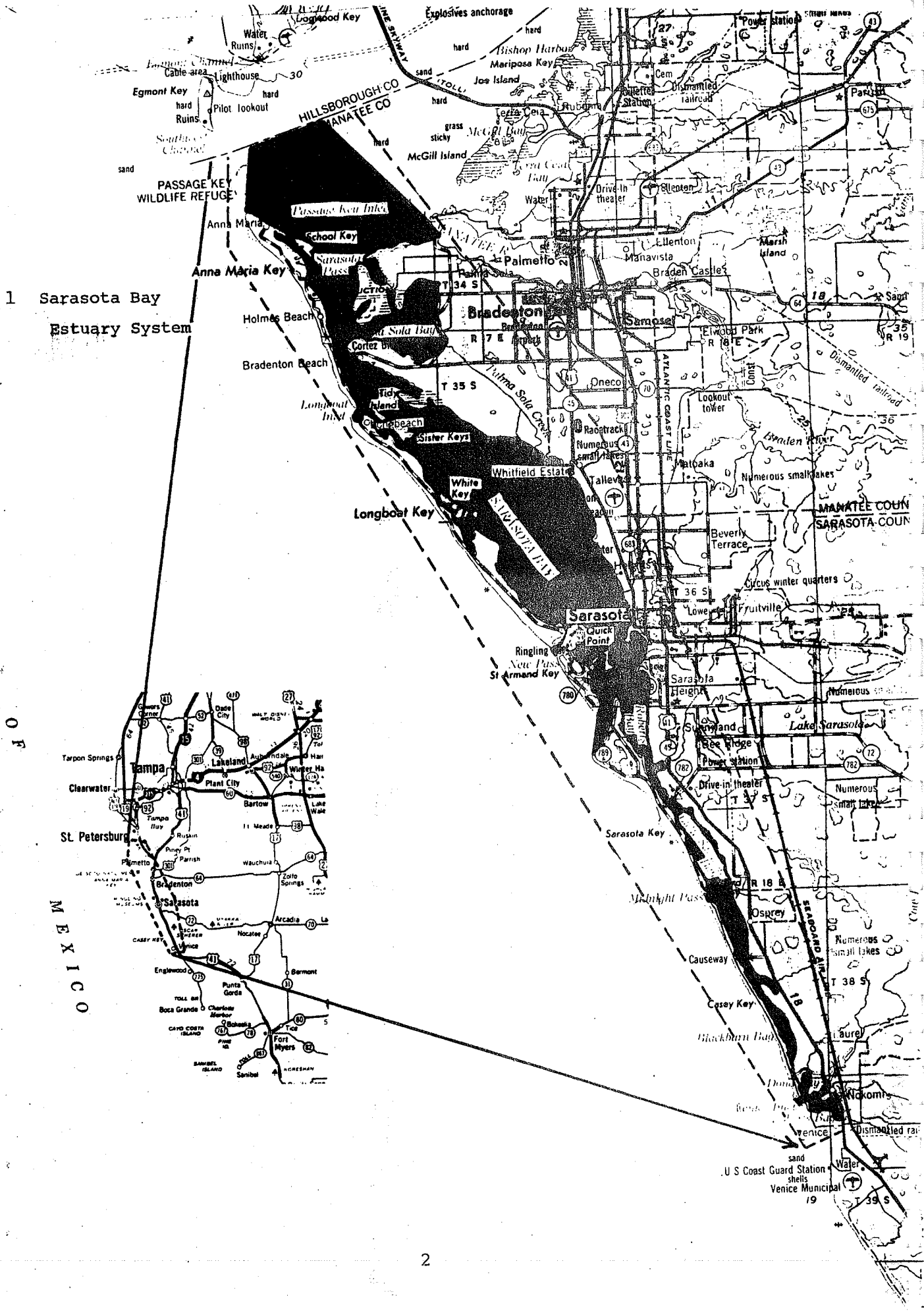
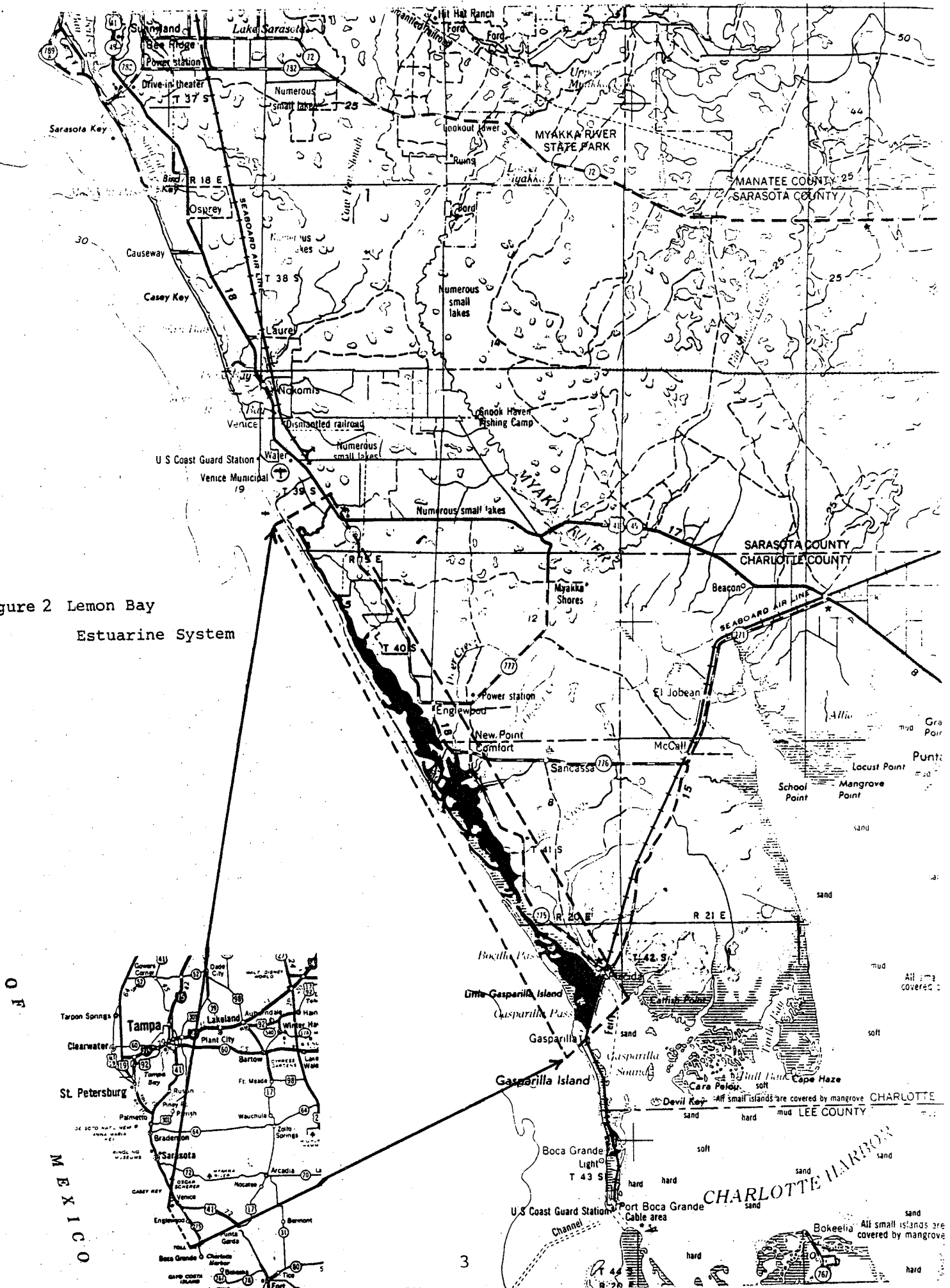




Figure 2 Lemon Bay Estuarine System



As instructed by the Environmental Regulation Commission, the department has conducted two series of fact-finding public workshops in the affected areas. These were held as follows:

First Series of Public Workshops

September 24, 1985	Sarasota
September 25, 1985	Venice
September 26, 1985	Bradentown

Second Series of Public Workshops

November 6, 1985	Port Charlotte
November 7, 1985	Sarasota

The proposed OFW designations received wide public support at all five workshops. The department presented its preliminary rule recommendation at the second series of workshops. Workshop summaries are contained in Appendix K.

Four state representatives and one state senator have expressed strong support for the Sarasota Bay and Lemon Bay OFW proposals. This support has been stated publicly at the workshops as well as in letters to the department. In addition, strong support has been given by most local governments in the affected area and numerous citizens groups. A complete listing of those organizations in support of the OFW designation is contained in Appendix I.

The department has met with various local government officials and staff to address specific issues of concern. These issues will be addressed later in this memorandum.

B. Environmental Setting

PHYSIOGRAPHY

Both estuarine systems are part of the Barrier Island Coastal Strip Division of the Southwestern Flatwoods District (Brooks, 1981). Earlier, Cooke (1939, 1945) included this area in the Coastal Lowlands physiographic region of Florida. This area has also been catalogued by White (1970) as part of both the Gulf Coastal Lowlands (which fringes it on the east) and the Gulf Barrier Chain and Lagoons physiographic regions. This physiographic division is fringed with barrier islands, bayous, and bays. Geologically, the coastal contour (particularly the barrier islands) is subject to rapid change. Passes and inlets between islands open, close, and migrate relatively frequently.

Although there are no major rivers flowing into either bay system, each is affected by a number of fresh water streams. These streams are characteristically shallow, tidally-influenced at least near their mouths, and frequently fringed by mangroves.

The coastal physical relief is generally flat (less than 20 feet elevation); consequently, the rate of stormwater runoff is slow in many areas.

#### GEOLOGY

Most of the Sarasota Bay area overlies rocks and sediments of the Miocene Hawthorne Formation (Vernon and Puri, 1964; Florida Board of Conservation, 1966; Flippo and Joyner, 1968) as well as several other more dolomitic deeper sediment formations. Farther south the Lemon Bay area overlies sediments of the more recent Pleistocene Anastasia Formation (Vernon and Puri, 1964; Florida Board of Conservation, 1966). Barrier islands fringing the western edges of both bay systems are of Recent geological origin.

As mentioned previously, coastal topographical relief is slight with the exception of gently sloping marine terraces. Due to a lack of more pronounced physical relief, tributaries feeding both bay systems are characteristically shallow, broad and ill-defined. These streams are bordered by mangroves, salt marshes, and other wetland environments (Casseaux and Fretwell, 1983).

Sediments from the Hawthorne Formation consist of marine sands, clays, marls, sandstone, occasional shell beds, and sandy limestone (Vernon and Puri, 1964; Flippo and Joyner, 1968; Sutcliffe and Thompson, 1983; Roush, 1985). All of these sediments are phosphoritic. Hawthorne sediments are largely impervious and frequently confine an artesian aquifer (Florida Board of Conservation, 1966) and can restrict aquifer recharge.

The Anastasia Formation sediments of the late Pleistocene Series contain coquina limestone, sand, and clay (Vernon and Puri, 1964; Florida Board of Conservation, 1966). Marine sediments (Recent Series) comprise shoreline and barrier island geological features.

#### HYDROLOGY

The Floridan aquifer lies beneath and adjacent to both estuarine systems. In this area the confined artesian aquifer generally lies beneath the impervious rocks of the Hawthorne Formation which serves as an aquiclude. Above this zone lies one or more intermediate and surficial aquifers (Casseaux and Fretwell, 1983). The general direction of water movement, including both groundwater and surface water, is from east to west. Groundwater (aquifer) eventually exits into the Gulf of Mexico. The Floridan aquifer provides most of the groundwater used by agricultural, industrial, and domestic users in west-central Florida (Florida Board of Conservation, 1966; Casseaux and Fretwell, 1983). Along the coast, however, surficial aquifers are the primary source of potable groundwater for domestic use. Deeper (i.e., lower intermediate and Floridan) aquifers are too mineralized (saline) to serve as potable water sources, although these waters may be used for irrigation (Sutcliffe and Thompson, 1983). Some aquifers in coastal areas have experienced salt water intrusion, possibly as a result of groundwater overpumping, the use of drainage canals, or storm surge.

Along the coastal area of Sarasota Bay and Lemon Bay, most stormwater either evaporates or empties into streams that discharge into the bays or directly into the bays themselves. Very little water enters the aquifers near the coasts due to the impermeable nature of the clayey soils. For the most part, coastal streams are relatively short (less than 5 miles long), sluggish due to low gradients (about 5 ft/mile) and wide, with extensive marsh or mangrove fringes (Sutcliffe and Thompson, 1983). During times of low flow conditions (such as droughts) most of these coastal streams have negligible freshwater discharge. According to Flippo and Joyner (1968), factors affecting base (i.e., natural) stream flow in the Myakka River Basin Area include:

- (1) the permeability and porosity of the surficial Pleistocene and Holocene deposits;
- (2) the interrelations among these deposits and older, underlying beds;
- (3) the relative altitudes of the water table and the surface in the streams;
- (4) soil moisture conditions and evapotranspiration rates;
- (5) manmade changes to the regimens of streams, such as the dredging of sloughs, inflow of ground water discharged from wells, and inflow of water from sewage disposal facilities; and
- (6) time distribution of precipitation.

Principal streams discharging into Sarasota Bay and Lemon Bay are presented in Tables I and II.

Many of the larger coastal streams have been altered and deepened. These stream modifications permit further intrusion of salt water inland (Flippo and Joyner, 1968). Most streams in the coastal basin are tidally influenced.

Sarasota Bay and Lemon Bay are bordered on the west by a chain of barrier islands including Anna Maria Island, Longboat Key, Lido Key, Siesta Key, Casey Key, Manasota Key, Don Pedro Island, and Little Gasparilla Island. Sea water exchange and bay flushing are accomplished through several passes between the barrier islands except in northern Sarasota Bay which is open through Anna Maria Sound to the northwest and to Tampa Bay to the north and northeast.

The Sarasota Bay estuarine system includes several bayous, bays and arms. These include: Passage Key Inlet, Perico Bayou, Anna Maria Sound, Palma Sola Bay, Sarasota Bay, Millar Bay, Buttonwood Harbor, Roberts Bay, Little Sarasota Bay, Coral Cove, Dryman Bay, Blackburn Bay, Venice Inlet, Lyons Bay, Dona Bay, and Roberts Bay. There are two bays named Roberts Bay; they are not the same nor are they contiguous to each other (see Figure 2).

The Lemon Bay estuarine system includes: Lemon Bay, Bocilla Lagoon, Kettle Harbor, and Placida Harbor.

Table I

Principal streams discharging into the Sarasota Bay Estuarine System.

<u>Stream</u>	<u>Receiving Waters</u>	<u>County</u>
Palma Sola Creek	Palma Sola Bay	Manatee
Bowlees Creek	Sarasota Bay	Manatee
Whitaker Bayou	Sarasota Bay	Sarasota
Hudson Bayou	Sarasota Bay	Sarasota
Phillippi Creek	Roberts Bay/Little Sarasota Bay	Sarasota
Catfish Creek	Little Sarasota Bay	Sarasota
North Creek	Little Sarasota Bay	Sarasota
South Creek	Dryman Bay/Blackburn Bay	Sarasota
Shakett Creek	Dona Bay	Sarasota
Curry Creek	Roberts Bay	Sarasota
Hatchett Creek	Roberts Bay	Sarasota

Table II

Principal streams discharging into the Lemon Bay Estuarine System.

<u>Stream</u>	<u>Receiving Waters</u>	<u>County</u>
Alligator Creek	Lemon Bay	Sarasota
Forked Creek	Lemon Bay	Sarasota
Godfrey (Gottfried) Creek	Lemon Bay	Sarasota/Charlotte
Ainger (Rock) Creek	Lemon Bay	Charlotte
Oyster Creek	Lemon Bay	Charlotte
Buck Creek	Lemon Bay	Charlotte
Lemon Creek	Lemon Bay	Charlotte

Both estuarine systems also include several passes and inlets between the barrier islands. Passes entering into the Sarasota Bay system include: Passage Key Inlet, Anna Maria Sound, Longboat Pass, New Pass, Big Sarasota Pass, and Venice Inlet. The Lemon Bay system is connected to the Gulf of Mexico by Stump Pass and Gasparilla Pass. Knight Pass and Bocilla Pass provide access to lagoons on the barrier island side of Lemon Bay.

Historically, several other passes (now closed) provided additional opportunities for water exchange between the bays and the Gulf of Mexico. These closed passes include Little Sarasota Pass and Midnight Pass. A recent attempt to move Midnight Pass to prevent property damages from its northward movement unfortunately resulted in the closure of the Pass.

#### CLIMATE

The Sarasota Bay and Lemon Bay areas experience warm, humid summers and mild, relatively dry winters. Approximately 60-65 percent of the annual rainfall occurs during June through September (Joyner and Sutcliffe, 1976; Casseaux and Fretwell, 1983; Sarasota County Coastal Zone Management Division, 1985). Summer rainfall consists primarily of short, localized, intensive thunderstorms. Tropical storms may also produce heavy rains and high winds in the summer and fall. The difference between rainfall and evapotranspiration in the Sarasota Bay and Lemon Bay areas ranges from 0 to 3 inches (Visher and Hughes, 1975). Excess water either drains off into tributaries, percolates down into the ground water, or perches on impermeable soils in shallow depressions.

#### WATER QUALITY

The coastal waters of Sarasota Bay and Lemon Bay are designated as Class II and Class III. Class III waters are designated for "Recreation, Propagation and Maintenance of a Healthy, Well-Balanced Population of Fish and Wildlife". Class II standards are established for "Shellfish Propagation or Harvesting". Current Class II and Class III standards allow DER to legally issue permits for activities that would lower water quality to the minimum for the water quality classification. The minimum standards are intended to protect fish and wildlife but may not always protect all species. Some areas of Sarasota Bay and Lemon Bay are presently designated as Outstanding Florida Waters (OFWs). These waters are presented in Table III. Waters that are designated as OFWs require that Chapter 17-4.242, Florida Administrative Code, criteria must be met (see Appendix A).

Due to the urban nature and long shoreline of Sarasota Bay and Lemon Bay, many pollution sources affect water quality. In spite of this, water quality in these systems is still generally good (Hand and Jackman, 1984), particularly in open bay waters. Most tributaries to the bays, on the other hand, characteristically have poor water quality, especially with regard to low levels of dissolved oxygen and high levels of coliform bacteria. Some creeks also experience high nutrient loading.

Table III

Waters in, near or adjacent to the Sarasota Bay and Lemon Bay estuarine systems that are already designated as OFW.

<u>OFW</u>	<u>County</u>
Passage Key National Wildlife Refuge	Manatee
Oscar Scherer State Recreation Area	Sarasota
Port Charlotte Beach State Recreation Area	Charlotte
Gasparilla Sound-Charlotte Harbor State Aquatic Preserve	Charlotte

There has been substantial water quality sampling, monitoring and modelling done for the Sarasota Bay system. The Lemon Bay system, however, has received far less attention; this is due, in part, to its largely undeveloped nature. Studies concerning the Sarasota Bay and Lemon Bay systems are included in Section V (Sources) of this report.

During the summer and fall of 1985 the Water Quality Analysis Section (WQAS) of the Florida Department of Environmental Regulation analyzed available water quality data for both bay systems. Several water quality intensive surveys were organized and conducted by the WQAS in cooperation with the Manatee County Public Health Unit, Sarasota County Environmental Services Laboratory, DER District Branch office in Punta Gorda, and DER District office in Tampa. The results from these surveys were also analyzed and compared with historical data by the department.

There is a relatively large difference in water quality between open bay waters and tributary streams. Table IV compares water quality in Sarasota County between open bay waters and streams. The water quality of important tributaries, some smaller bays and areas of interest is briefly described below.

#### Palma Sola Bay

Located just north of Sarasota Bay, this bay is experiencing extensive shoreline development (dredged canals and bulkheaded homesites) on its south side. Water quality has declined in the upper third of Palma Sola Bay as a result of restricted tidal exchange due to the Manatee Avenue Causeway (S.R. 64) (Florida Department of Natural Resources, August 1985). Other areas in the bay have ongoing siltation problems due to run-off. In spite of these problems, Palma Sola Bay still retains extensive seagrass beds and a healthy mangrove fringe. Historical water quality data indicates problems with coliform bacteria. Recent water quality sampling indicates good water quality except for the area near Perico Island (low D.O.). Palma Sola Bay is designated as Class II waters.

#### Whitaker Bayou

Whitaker Bayou is a small creek-bay system that currently receives the City of Sarasota's secondarily treated sewage discharge. It is also affected by other smaller point source discharges and non-point sources upstream of the City's discharge point. The bayou has historically recorded numerous water quality violations, particularly low dissolved oxygen, high total and fecal coliform, and high nutrient levels. Low D.O. concentrations are "due to high levels of sediment oxygen demand, low levels of flushing in the Bayou and contributions from point and non-point source oxygen demanding materials" (Wang et al, p. 3-24, February 1985). The area around Whitaker Bayou is designated as Class III waters. Loss of seagrasses has been documented at and near the mouth of Whitaker Bayou (Sauers and Patten, February 1981). This loss has probably been largely due to decreased transparency of the bay waters near Whitaker Bayou. Orth (1985) implicates the Sarasota sewage treatment plant's discharge into Whitaker Bayou as the most probable cause of the seagrass decline. In addition, the benthic community in the bayou has been adversely affected by poor water quality (lower diversity and species richness) (Wang et al, February 1985).



Table IV

## Water Quality Exceedances of Standards in Sarasota County.

<u>Water Body</u>	<u>Total Analyses Performed (D.O., Total Coliform, Fecal Coliform)</u>	<u>Exceedances in One or More Water Quality Parameters</u>	<u>Percent Exceedance of Total Analyses</u>
Sarasota Bay	810	5	0.6%
Roberts Bay, Little Sarasota Bay	900	26	2.9%
Blackburn Bay, Dona Bay, Roberts Bay	450	0	0%
Lemon Bay	630	2	0.3%
Streams (Manatee-Sarasota County line to Phillippi Creek)	1,080	94	8.7%
Streams (Stickney Point Road to Venice)	1,040	52	5.0%
Streams (Venice to Charlotte County line)	910	37	4.1%

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Source: Air and Water Quality in Sarasota County, Florida  
October 1984

### Phillippi Creek

This tributary empties into a small connecting bay between Roberts Bay and Little Sarasota Bay. Phillippi Creek historically has had high total coliform, fecal coliform, and nutrient levels as well as low D.O. levels (Mote Marine Laboratory, March 1982; Hand and Jackman, June 1984). Waters near the mouth of Phillippi Creek are Class III. Poor water quality is the result of both point and non-point source discharges.

### Midnight Pass

This pass once provided water exchange and access between Little Sarasota Bay and the Gulf of Mexico. Waters in this area are classified as Class III. Historically, the pass has migrated along Siesta and Casey Keys. In December, 1983, pursuant to emergency authorization granted by DER and an emergency permit issued by the Florida Department of Natural Resources, Midnight Pass was closed in order to protect two homesites. Although excavation of a new pass by the homeowners was required, efforts to keep the pass open have failed.

The Sarasota County Coastal Management Division conducted an ecological monitoring program of the Midnight Pass area and Little Sarasota Bay in 1984. Their findings (February 1985) indicate that the pass closure did not significantly affect water quality in Little Sarasota Bay as a whole. Nonetheless, they also indicated that water quality behind the closed pass was characterized as having low salinities, wide D.O. ranges, and high color values. The Sarasota County report also estimated that thirty percent (30%) of Little Sarasota Bay had been affected to some extent by the closure of Midnight Pass. The Sarasota County Coastal Zone Management Division (February 1985) and the Sarasota County Blue Ribbon Panel for Midnight Pass (April 24, 1984) both recommended that the pass be reopened as a means of improving water quality in Little Sarasota Bay (via improved flushing from the Gulf).

### Catfish Creek, North Creek and South Creek

Catfish Creek and North Creek both feed into Little Sarasota Bay below their confluence. South Creek exits into a lagoon area to the south of Little Sarasota Bay. All three are classified as Class III, except for the middle reaches of South Creek. This area is already an OFW because of its inclusion in Oscar Scherer State Recreation Area. Downstream reaches of all three creeks have been proposed by Sarasota County, several state legislators, and private citizens to be included as a part of the department's final recommendation for OFW designation.

All three creeks have historically experienced poor water quality. High levels of total and fecal coliform are frequently present. Hand and Jackman (June 1984) ascribe the poor water quality in these streams to "large numbers of septic tanks in the heavily populated areas and from runoff in the farming areas near the headwaters". Mote Marine Laboratory (August 1975) implicates "poorly located septic drainfields and run-off from lawns too frequently fertilized" for the high bacterial counts and high levels of nitrate and phosphate in lower South Creek. Conservation Consultants, Inc. (November 27, 1985) details numerous water quality

violations in all three streams. Conversely, data provided by the Sarasota County Natural Resources Management Department points out that water quality (coliform bacteria levels) has been improving since 1980 in Catfish Creek. All three creeks contain extensive stretches of mangroves, needlerush marsh, and smooth cordgrass marsh, all of which are helpful in removing nutrients and improving water quality.

Other water quality attributes and problems are presented in the petitions to have the Sarasota Bay and Lemon Bay estuarine areas designated as Outstanding Florida Waters (Appendices E and F).

#### BIOTA

The Sarasota Bay and Lemon Bay estuarine systems provide habitat for a large and varied flora and fauna. Submerged systems include extensive seagrass beds and oyster bars. Shallow bay and lagoon areas are populated by a diverse and numerous avifauna. Endangered species (including the Florida manatee and several species of sea turtles) are found in estuarine waters. Mangrove fringe areas, salt marshes and grassflats serve as important nursery and breeding sites for commercially and recreationally important fish and shellfish species.

#### Seagrasses

Bay and estuarine habitats are characterized by shallow depth (less than 20 feet), good mixing of the water column, and flushing by tidal action and tributary input (Barnett et al., 1980). Shallow depths are conducive to seagrass bed establishment and development because of stronger light intensities. Besides serving as important spawning and nursery areas for fish and crustaceans, seagrasses provide large quantities of organic detritus, an important part of the estuarine food chain (Florida Department of Administration). Seagrass meadow are some of the most productive natural areas on earth (Olsen, 1981). There are six species of seagrasses found in the Sarasota Bay and Lemon Bay region (Palik and Lewis, 1983):

1. Thalassia testudinum (turtle grass)
2. Syringodium filiforme (manatee grass)
3. Halodule wrightii (shoal grass)
4. Ruppia maritima (widgeon grass)
5. Halophila engelmannii
6. Halophila decipiens

Seagrass beds occupy 3,925 hectares (9,695 acres) in Sarasota Bay and Lemon Bay (Palik and Lewis, 1983). Turtle grass, in particular, forms extensive "meadows" the Sarasota Bay area. "Lush mats" of Halodule cover much of the Buck Creek (Lemon Bay) bottom (DER permit file number 08-39860).

In Lemon Bay, seagrass meadows serve as maturation sites for the commercially valuable pink shrimp (Peneaus duorarum) (Olsen, 1981). Olsen (1981) also list a number of commercially important fish species that are seagrass-dependent during at least part of their life-cycle:

Mullet (Mugil cephalus)  
Redfish (Sciaenops ocellata)  
Pompano (Trachinotus carolinus)  
Black Drum (Pogonias cromis)  
Whiting (Menticirrhus americanus)  
Whiting (M. saxatilis)  
Red Snapper (Lutjanus campechanus)  
Gray Snapper (L. griseus)  
Spotted Seatrout (Cynoscion nebulosus)  
Other fish species including: groupers,  
mackerel, snook, ladyfish, tarpon, and  
bonefish.

Concerning Lemon Bay in particular, Fry (June 5, 1985) mentions "extensive Halodule and Thalassia grassbed communities, within which are contained large numbers of harvestable resources such as blue crab, quahog clam, oyster, redfish, sea trout, mangrove snapper, snook, mullet, and many others."

In recent years seagrass acreage has declined substantially in Florida. Frequently, this decline is due to either substrate modification (dredging) or poor water quality. Sauers and Patten (February 1981) discussed the decline of seagrasses in and near Whitaker Bayou, linking seagrass losses to water pollution.

#### Mangroves

Three species of mangroves occur in the Sarasota Bay and Lemon Bay areas: red mangrove (Rhizophora mangle), black mangrove (Avicennia germinans), and white mangrove (Laguncularia racemosa). In these bays, mangroves provide important habitat and, like the seagrasses discussed previously, also provide significant quantities of organic detritus to marine organisms.

Both Sarasota Bay and Lemon Bay contain large mangrove fringe (shoreline) areas. Layne et al (1977) list 971 acres of mangroves in Lemon Bay and 3,616 acres in the Sarasota Bay system. Again, like seagrasses, mangroves are some of the most productive ecosystems on Earth. They also provide other important functions (Florida Department of Natural Resources, August 1985):

1. Cleanse inflowing water by direct and indirect removal of nutrients, heavy metals and other pollutants.
2. Provide substrate (aerial roots) for algae attachment.
3. Stabilize substrate and retard erosion.

Mangroves also serve as nursery habitat for pink shrimp, spiny lobster, snook, mullet, red drum, and numerous forage fish species such as the killifishes (Palik and Lewis, 1983).

## Estuarine Tidal Marsh

Although not as prevalent as mangrove-dominated areas, herbaceous salt marshes are also important ecological systems in Sarasota Bay and Lemon Bay, particularly near the mouths of tributaries and upstream where salinities become more brackish and less saline. Black needlerush (Juncus roemerianus) forms extensive monotypic stands in some areas (Palik and Lewis, 1983). Smooth cordgrass (Spartina alterniflora) is another species commonly found in these salt marshes. Like seagrasses and mangroves, salt marshes also provide detrital input into the estuarine food chain as well as serving as important habitat for juvenile fish and shellfish (Florida Department of Natural Resources, August 1985). Nutrient uptake by salt marsh plants is well documented (Florida Department of Natural Resources, August 1985), adding to their importance in enhancing water quality.

## Shellfish

Shellfish is a broad term that includes many invertebrate species such as oysters, clams, scallops, shrimp, and crabs. There are several portions of both the Sarasota Bay and Lemon Bay estuarine systems that are approved by the Florida Department of Natural Resources for shellfish harvesting. In fact, most of Lemon Bay is approved for this use. Generally, approved areas meet water quality standards consistently (Palik and Lewis, 1983).

Areas that are prohibited for shellfish harvesting have high levels of coliform bacteria. Septic tank effluent, urban run-off, run-off from agricultural areas (such as pastures), and inadequately treated sewage effluent are the primary causes of coliform violations in Sarasota Bay and Lemon Bay.

Both bay systems contain healthy populations of oysters. Oyster populations in prohibited shellfish harvesting areas are important to other bay areas since they produce spat (juvenile oysters) which will colonize and relocate elsewhere. Occasionally, oyster bar (reef) growth may be so vigorous as to pose navigational obstructions.

Shrimp and crab are both common in these estuaries. Pink shrimp (Penaeus duorarum) which are found in both bays are the most economically significant shrimp species in the state (Palik and Lewis, 1983). Blue crab (Callinectes sapidus) is another economically important shellfish species that occurs in these waters.

## Finfish

Many salt water species are estuarine-dependent during at least part of their life cycle. Some of these fish are commercially harvested. Estuarine-dependent finfish species include: red drum (Sciaenops ocellata), spotted seatrout (Cynoscion nebulosus), snook (Centropomus undecemalis), Atlantic croaker (Micropogonias undulatus), southern flounder (Paralichthys lethostigma), Florida pompano (Trachinotus carolinus), striped mullet (Mugil cephalus), Gulf menhaden (Brevoortia patronus), tarpon (Megalops atlantica), and bonefish (Albula vulpes).

In addition, grouper and snapper (several species of each) juveniles use estuarine habitat in which to develop.

### Other Wildlife

Numerous species of animals exist in the Sarasota Bay and Lemon Bay areas. Tables V, VI and VII list common animals in the Charlotte Harbor area which includes most of both bay systems.

Undeveloped shoreline areas of both bays support large populations of seabirds, wading birds, shorebirds, and other water fowl. Figures 3 and 4 show important nesting sites (and other ecological and recreational features) in Sarasota Bay and Lemon Bay.

There are several endangered and threatened species found in or near these bays. Table VIII lists these species. Sea turtles forage in the seagrass beds of both bays as does the manatee. The threatened eastern brown pelican (Pelecanus occidentalis carolinensis) nests along the Sarasota Bay system and just north of Lemon Bay.

### C. Socio-Economic Setting

#### POPULATION PROFILE AND PROJECTIONS

The region being considered for an OFW designation extends into three counties: Manatee, Sarasota, and Charlotte. These counties have experienced high rates of growth in the past 13 years, far exceeding the growth rate of most of Florida. In 1970, the combined populations of the three counties totaled 245,100 persons. In 1980, the population had grown to 409,156 persons; an increase of 67%. By 1983, the region had grown an additional 11.9% (Figure 5). In comparison since 1970, the State of Florida has undergone a growth rate of 43.5%.

The population of these three counties includes a high number of elderly persons. In 1970, the population of this area was comprised of 73,441 persons aged 65 and over. By 1982, the total was up to 130,295; an increase of 43.6% (Table IX). The percentage of persons 65 years old and over has remained constant over the past 12 years.

The increase in the population is the direct result of migration, primarily from the northeast and northcentral portions of the United States (Table X). In Florida during 1980 to 1983, 88.8% of the population increase is the result of net migration. In Charlotte, Sarasota, and Manatee Counties the net migration accounts for 100% of the population increase. There was an actual decrease of 5,654 people in the resident population during 1980 to 1983 if the additions due to the new residents are ignored (Table XI).

The population projections show a continuing growth trend. The projections range from a low of 597,700 to a high of 850,700 for the year 2000. These projections increase to a range of 616,200 to 1,279,900 persons by the year 2020 (Table XII).

TABLE V  
 ANIMALS COMMON IN BAYS AND ESTUARIES  
 OF THE CHARLOTTE HARBOR AREA

Mammals

bottle-nosed dolphin  
 manatee

Birds

common loon  
 horned grebe  
 brown pelican  
 double-crested cormorant  
 magnificent frigatebird  
 pintail  
 green-winged teal  
 blue-winged teal  
 American wigeon  
 northern shoveler  
 canvasback  
 lesser scaup  
 ruddy duck  
 red-breasted merganser  
 osprey  
 American coot  
 herring gull  
 ring-billed gull  
 laughing gull  
 Forster's tern  
 least tern  
 royal tern  
 Caspian tern  
 black skimmer  
 belted kingfisher

Reptiles

diamondback terrapin

Fishes

bull shark  
 ladyfish  
 tarpon  
 scaled sardine  
 striped anchovy  
 sea catfish  
 gafftopsail catfish  
 rainwater killifish  
 gulf killifish  
 marsh killifish

Fishes (continued)

longnose killifish  
 sheepshead minnow  
 sailfin molly  
 gulf pipefish  
 crevalle jack  
 snook  
 gray snapper  
 pigfish  
 spotfin mojarra  
 silver jenny  
 silver perch  
 spotted seatrout  
 sand seatrout  
 spot  
 southern kingfish  
 red drum  
 sheepshead  
 pinfish  
 striped mullet  
 white mullet  
 tidewater silverside  
 lined sole

Source: The Fish and Wildlife Resources of the Charlotte Harbor Area  
 by Barnett, Fernald, Goetzfied, and Lau, Fla. Game & Fresh  
 Water Fish Commission, Vero Beach, FL, June 1980.

TABLE VI

ANIMALS COMMON IN SALT MARSH OF THE CHARLOTTE HARBOR AREA

Mammals

marsh rabbit  
marsh rice rat  
hispid cotton rat  
raccoon

Birds

great blue heron  
great egret  
snowy egret  
Louisiana heron  
Florida clapper rail  
least sandpiper  
black-necked stilt  
ring-billed gull  
laughing gull  
Forster's tern  
least tern  
black tern  
tree swallow  
barn swallow  
common yellowthroat  
red-winged blackbird  
sharp-tailed sparrow

Reptiles

diamondback terrapin  
garter snake

Fishes

bay anchovy  
rainwater killifish  
gulf killifish  
marsh killifish  
sheepshead minnow  
mosquitofish  
striped mullet

Source: The Fish and Wildlife Resources of the Charlotte Harbor Area  
by Brian S. Barnett, Raymond T. Fernald, Andreas Goetzfried,  
and Stephen R. Lau, Office of Environmental Services, Florida  
Game and Fresh Water Fish Commission, Vero Beach, FL, June 1980.



TABLE VII

ANIMALS COMMON IN MANGROVE SWAMPS OF THE CHARLOTTE HARBOR AREA

Mammals

marsh rabbit  
marsh rice rat  
raccoon  
bobcat

Birds

yellow-crowned night heron  
green heron  
white ibis  
Florida clapper rail  
belted kingfisher  
fish crow  
northern parula  
yellow-rumped warbler  
yellow-throated warbler  
red-winged blackbird

Reptiles

diamondback terrapin

Fishes

tarpon  
bay anchovy  
rainwater killifish  
sheepshead killifish  
mosquitofish  
sailfin molly  
snook  
gray snapper

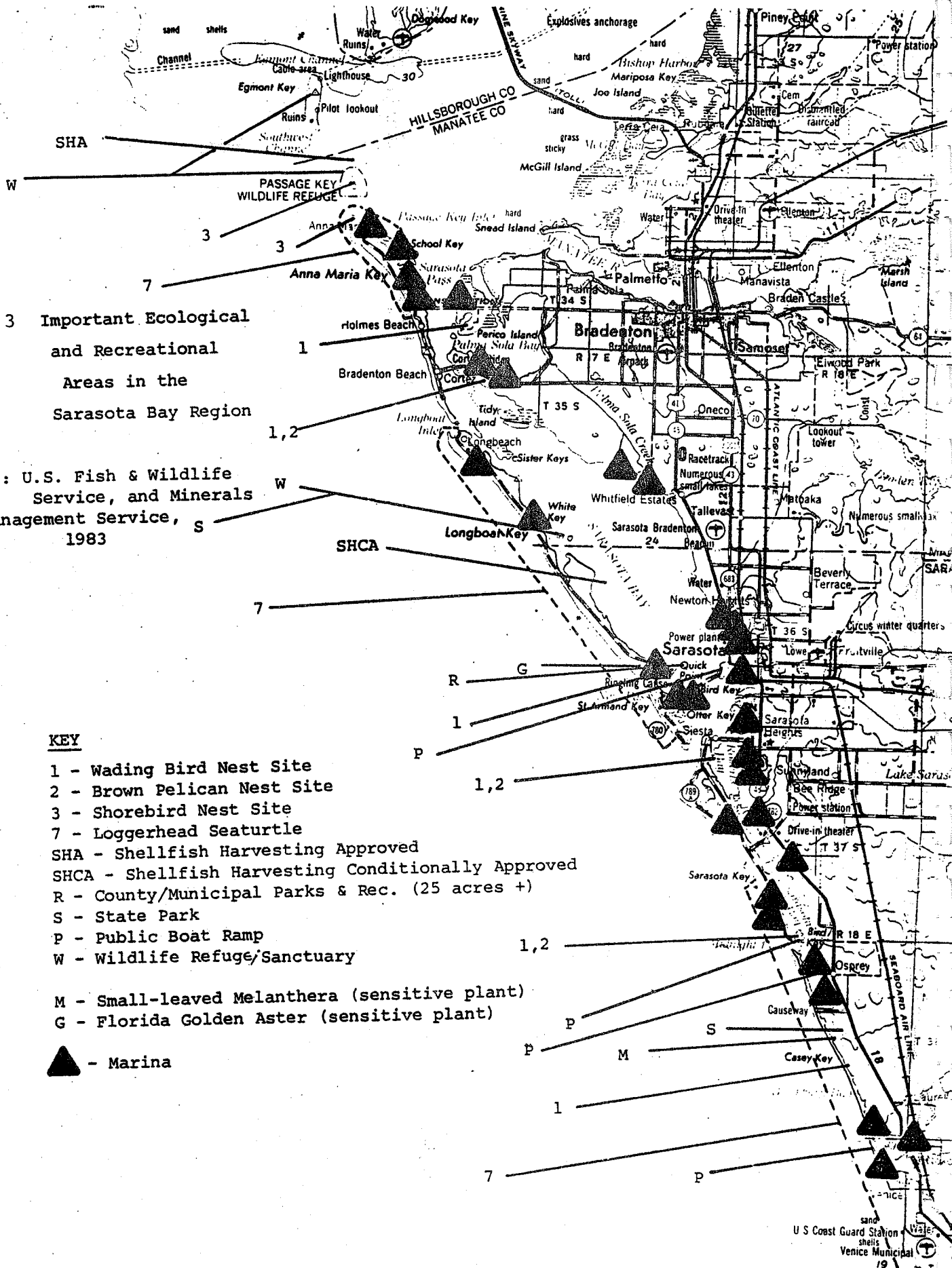
Source: The Fish and Wildlife Resources of the Charlotte Harbor Area  
by Brian S. Barnett, Raymond T. Fernald, Andreas Goetzfied,  
and Stephen R. Lau, Office of Environmental Services, Florida  
Game and Freshwater Fish Commission, Vero Beach, FL, June 1980.

Figure 3 Important Ecological and Recreational Areas in the Sarasota Bay Region

Source: U.S. Fish & Wildlife Service, and Minerals Management Service, 1983

**KEY**

- 1 - Wading Bird Nest Site
- 2 - Brown Pelican Nest Site
- 3 - Shorebird Nest Site
- 7 - Loggerhead Seaturtle
- SHA - Shellfish Harvesting Approved
- SHCA - Shellfish Harvesting Conditionally Approved
- R - County/Municipal Parks & Rec. (25 acres +)
- S - State Park
- P - Public Boat Ramp
- W - Wildlife Refuge/Sanctuary
- M - Small-leaved Melanthera (sensitive plant)
- G - Florida Golden Aster (sensitive plant)
- ▲ - Marina



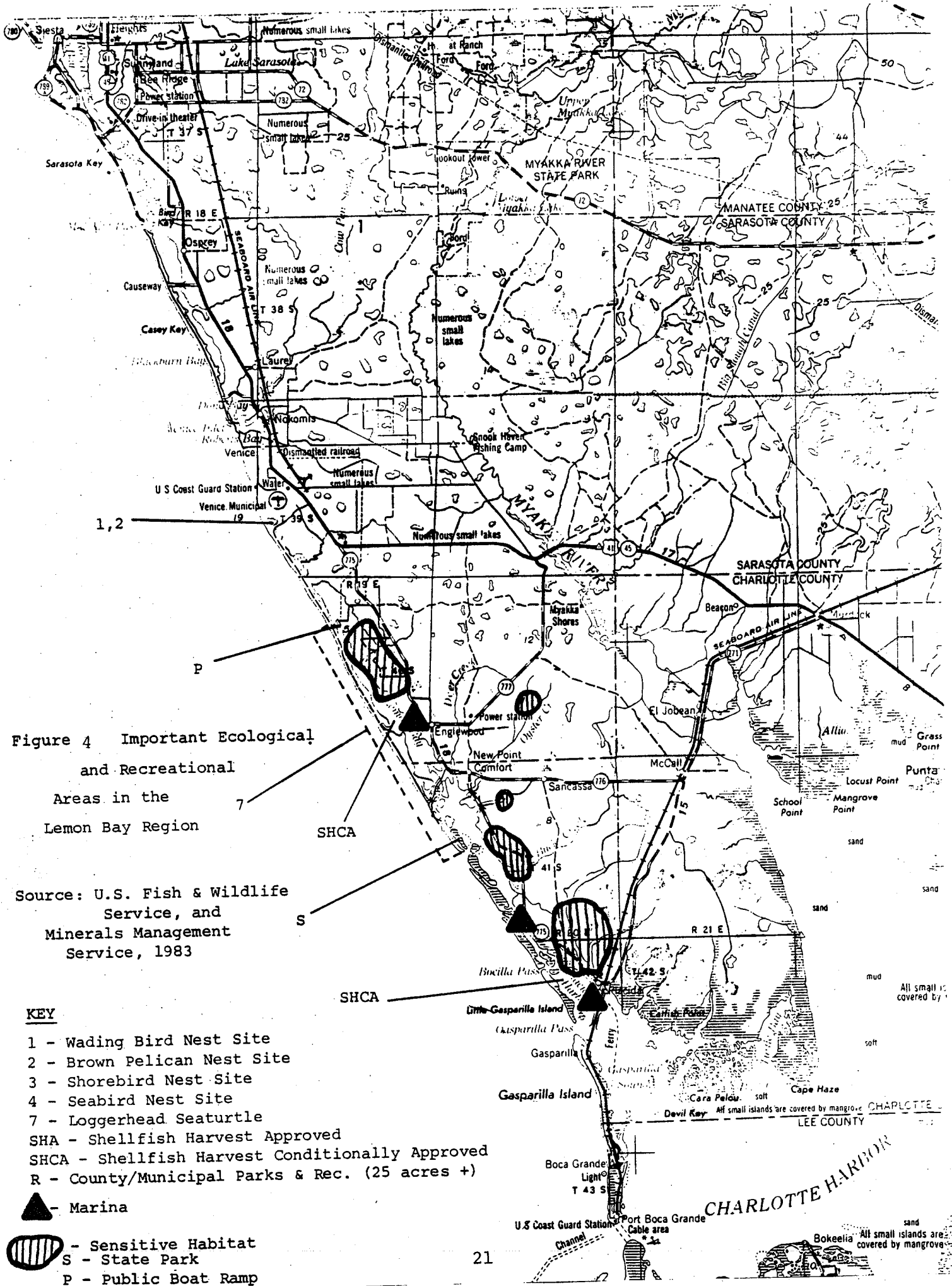


Figure 4 Important Ecological and Recreational Areas in the Lemon Bay Region

Source: U.S. Fish & Wildlife Service, and Minerals Management Service, 1983

**KEY**

- 1 - Wading Bird Nest Site
- 2 - Brown Pelican Nest Site
- 3 - Shorebird Nest Site
- 4 - Seabird Nest Site
- 7 - Loggerhead Seaturtle
- SHA - Shellfish Harvest Approved
- SHCA - Shellfish Harvest Conditionally Approved
- R - County/Municipal Parks & Rec. (25 acres +)
- ▲ - Marina
- ▨ - Sensitive Habitat
- S - State Park
- P - Public Boat Ramp

TABLE VIII

SPECIES OF THE CHARLOTTE HARBOR AREA  
WHICH ARE CLASSIFIED BY THE FLORIDA GAME AND FRESH WATER FISH COMMISSION  
AS ENDANGERED, THREATENED, OR OF SPECIAL CONCERN

ENDANGERED

Reptiles

American crocodile	( <u>Crocodylus acutus</u> )
Atlantic green turtle	( <u>Chelonia mydas mydas</u> )
Atlantic hawksbill turtle	( <u>Eretmochelys imbricata</u> <u>imbricata</u> )
Atlantic Ridley turtle	( <u>Lepidochelys kempii</u> )
Atlantic leatherback turtle	( <u>Dermodochelys coriacea</u> )

Birds

Wood stork	( <u>Mycteria americana</u> )
Florida everglade kite	( <u>Rostrhamus sociabilis</u> <u>plumbeus</u> )
Peregrine falcon	( <u>Falco peregrinus</u> )
Cuban snowy plover	( <u>Charadrius alexandrinus</u> <u>tenuirostris</u> )
Kirtland's warbler	( <u>Dendroica kirtlandii</u> )
Florida grasshopper sparrow	( <u>Ammodramus savannarum</u> <u>floridanus</u> )

Mammals

West Indian manatee	( <u>Trichechus manatus</u> <u>taitirostris</u> )
Florida panther	( <u>Felis concolor coryi</u> )

THREATENED

Reptiles

Atlantic loggerhead turtle	( <u>Caretta caretta caretta</u> )
Eastern indigo snake	( <u>Drymarchon corais</u> <u>couperi</u> )

Birds

Eastern brown pelican	( <u>Pelecanus occidentalis</u> <u>carolinensis</u> )
Southern bald eagle	( <u>Haliaeetus leucocephalus</u> <u>leucocephalus</u> )
Southeastern American kestrel	( <u>Falco sparverius paulus</u> )
Audubon's caracara	( <u>Caracara cheriway auduboni</u> )

Florida sandhill crane	( <u>Grus canadensis pratensis</u> )
Roseate tern	( <u>Sterna dougallii dougallii</u> )
Least tern	( <u>Sterna albifrons</u> )
Florida scrub jay	( <u>Aphelocoma coerulescens</u> <u>coerulescens</u> )
Red-cockaded woodpecker	( <u>Picoides borealis</u> )

Mammals

Mangrove fox squirrel	( <u>Sciurus niger avicennia</u> )
Florida mouse	( <u>Peromyscus floridanus</u> )
Florida black bear	( <u>Ursus americanus floridanus</u> )
Everglades mink	( <u>Mustela vison evergladensis</u> )

SPECIES OF SPECIAL CONCERN

Amphibians

Florida gopher frog	( <u>Rana areolata aesopus</u> )
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Reptiles

Gopher tortoise	( <u>Gopherus polyphemus</u> )
American alligator	( <u>Alligator mississippiensis</u> )

Birds

Little blue heron	( <u>Florida caerulea</u> )
Snowy egret	( <u>Egretta thula</u> )
Louisiana heron	( <u>Hydranassa tricolor</u> )
Reddish egret	( <u>Dichromanassa rufescens</u> )
Roseate spoonbill	( <u>Ajaia ajaja</u> )
Limpkin	( <u>Aramus guarauna pictus</u> )
American oystercatcher	( <u>Haematopus palliatus</u> )
Florida burrowing owl	( <u>Athene cunicularia floridana</u> )
Marian's marsh wren	( <u>Cistothorus palustris marianae</u> )
Cuban yellow warbler	( <u>Dendroica petechia gundlachi</u> )

Mammals

Sherman's fox squirrel	( <u>Sciurus niger shermani</u> )
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Source: The Fish and Wildlife Resources of the Charlotte Harbor Area  
by Brian S. Barnett, Raymond T. Fernald, Andreas Goetzfried,  
and Stephen R. Lau, Office of Environmental Services, Florida  
Game and Fresh Water Fish Commission, Vero Beach, FL, June 1980.

Figure 5. Population Growth in Manatee, Sarasota, and Charlotte Counties 1973 to 1983

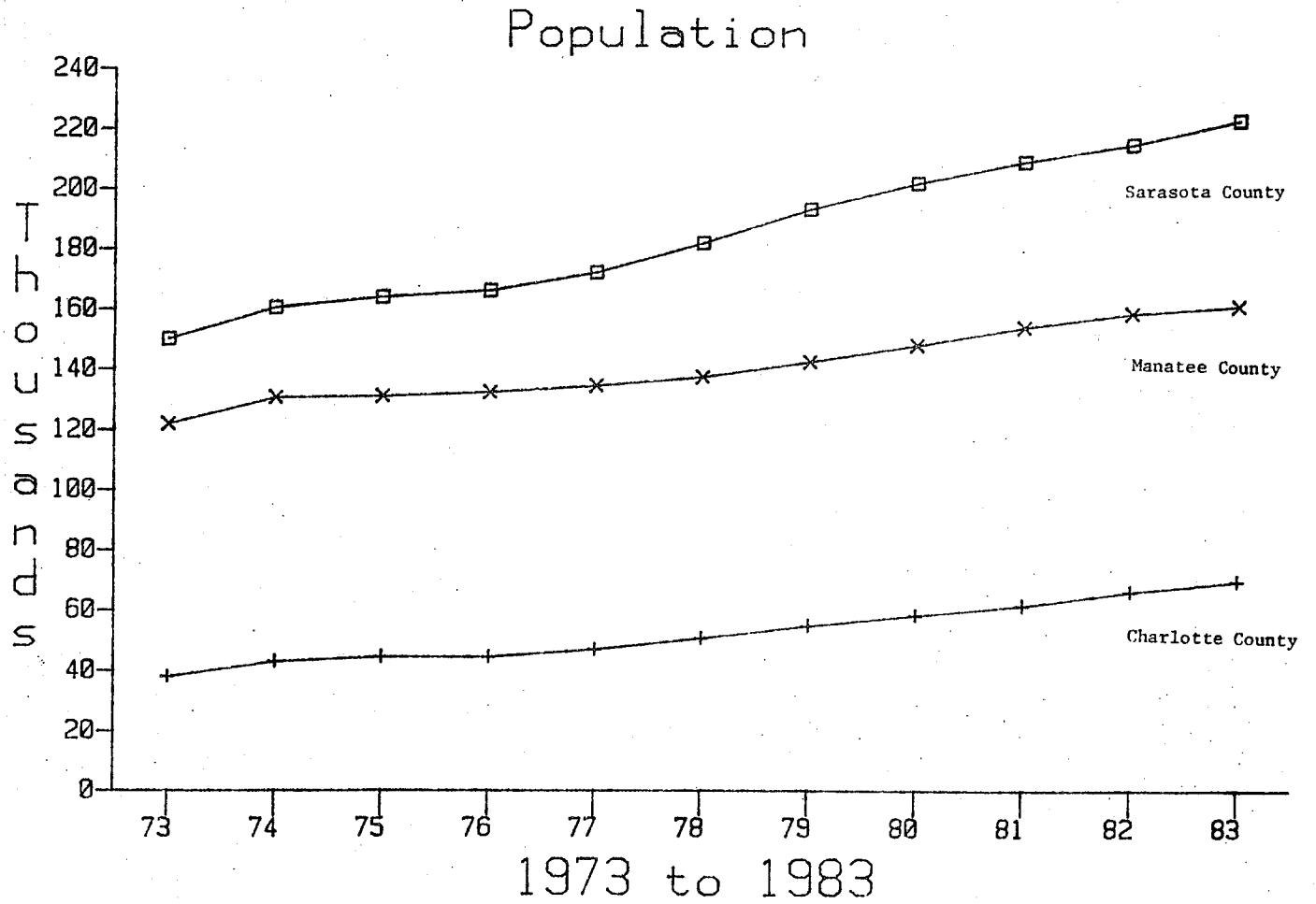


Table IX

Population of Persons Aged 65 and Over  
in the State and Manatee, Sarasota,  
and Charlotte Counties

<u>County</u>	<u>1970</u>	<u>1982</u>	Percentage of Total Population
Florida	989,366	1,797,114	17.3
Charlottee	9,661	22,316	33.6
Manatee	29,331	42,326	26.6
Sarasota	34,449	65,653	30.5

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SOURCE: University of Florida, Bureau of Economic & Business Research

TABLE X

Analysis of Migration to Selected Florida Counties  
by Region in the United States  
1975 to 1980

<u>County</u>	<u>Total</u>	<u>Northeast</u>	<u>North Central</u>	<u>South</u>	<u>West</u>	<u>Abroad</u>
Charlotte	19,445	7,878	7,871	3,052	644	754
Manatee	32,799	10,878	14,967	5,717	1,149	1,445
Sarasota	53,622	21,881	21,591	7,971	2,179	2,595

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SOURCE: University of Florida, Bureau of Economic & Business Research



TABLE XI

POPULATION: COMPONENTS OF CHANGE IN THE STATE  
AND SELECTED COUNTIES OF FLORIDA  
April 1, 1980 to April 1, 1983

	TOTAL POPULATION		POPULATION CHANGE 4-1-80 to 4-1-83	COMPONENTS OF CHANGE			
	CENSUS 4-1-80	ESTIMATE 4-1-83		NATURAL INCREASE		NET MIGRATION	
				NUMBER	PERCENTAGE	NUMBER	PERCENTAGE
<u>FLORIDA</u>	9,746,424	10,591,701	845,277	94,459	11.17	750,818	88.83
<u>COUNTY</u>							
Charlotte	58,460	69,895	11,435	-1,360	0.00	12,795	100.00
Manatee	148,445	161,464	13,019	- 904	0.00	13,923	100.00
Sarasota	<u>202,251</u>	<u>223,462</u>	21,211	<u>-3,391</u>	0.00	<u>24,602</u>	100.00
TOTAL	409,156	454,821		5,654		51,320	

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SOURCE: University of Florida, Bureau of Economic & Business Research

TABLE XII

POPULATION PROJECTIONS: ESTIMATES 1983 AND PROJECTIONS 1985, 2000,  
and 2020, IN THE STATE AND SELECTED COUNTIES OF FLORIDA

(ROUNDED TO THOUSANDS)

	<u>ESTIMATES</u>	<u>PROJECTIONS</u>		
	1983	1985	2000	2020
<u>FLORIDA</u>	10,591.7			
LOW		10,711.2	13,127.6	15,381.6
MEDIUM		11,195.6	15,052.5	19,309.8
HIGH		11,422.1	16,183.5	22,374.9
<u>COUNTY</u>				
<u>CHARLOTTE</u>	69.9			
LOW		72.9	100.4	92.6
MEDIUM		77.5	132.1	178.1
HIGH		82.2	163.8	263.6
<u>MANATEE</u>	161.5			
LOW		164.5	199.5	208.0
MEDIUM		171.4	273.1	305.8
HIGH		178.3	338.6	403.7
<u>SARASOTA</u>	223.5			
LOW		231.5	297.8	315.6
MEDIUM		241.2	354.6	464.1
HIGH		250.8	411.3	612.6

SOURCE: University of Florida, Bureau of Economic &amp; Business Research

The population projections indicate that many more people will be living in the region in the future. If these population projections are correct, it appears that the three counties will have between 50% to 300% more people. With this type of population growth, the region will certainly feel the pressures of growth for many years.

#### HOUSING

The vast majority of residential development in this area is located along the coast and barrier islands. In Manatee County, for example, virtually all of the residential development is in these coastal areas. The major cities of each of the counties are located on the coastline.

Charlotte County is the site of many new residential and retirement communities. Its pattern of development reflects an extension of the coastal corridor south of Sarasota County plus a low density sprawl in the upper reaches of Charlotte Harbor.

The number of housing units has soared 225% since 1960 to 1980. In the ten years between 1970 and 1980 housing units increased 143% in Charlotte County, 97% in Manatee County, and 101% in Sarasota County.

#### RECREATION

"Exceptional recreational significance" is one of the criteria for designation as an Outstanding Florida Water. Recreational significance is defined in Section 17-3.01, F.A.C., as:

...unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include but are not limited to fishing, boating, canoeing, water skiing, swimming, scuba diving, and nature observation. The exceptional significance may be in the intensity of present recreational usage, an unusual quality of recreational experience, or possessing a potential for unusual future recreational use or experience.

Lemon and Sarasota Bays offer a wide range of recreational activities, ranging from water skiing, fishing, and swimming to bird watching and nature studies. The three counties contain 2 National Wilderness Areas, 2 National Wildlife Refuges, 1 state park, 2 state recreation areas, 1 state wilderness area, 1 state wildlife management area and 2 conservation lands (Table XIII). Other recreational facilities include 25 public boat ramps, 79 marinas, and 9 major public piers.

#### Recreational Use

The coastal waters provide numerous recreational opportunities for the residents and tourists of the area. Saltwater beach activities totalled 2,406,366 annual user occasions in 1983 according to the Department of Natural Resources, Division of Recreation and Parks. During the same year, annual user occasions totalled

Table XIII. Recreation Areas

<u>Name</u>	<u>Location</u>
<u>National Wildlife Refuges</u>	
Island Bay	Charlotte County
Passage Key	Manatee County
<u>State Parks</u>	
Myakka River State Park	Manatee/Sarasota County
<u>State Recreation Area</u>	
Lake Manatee	Manatee County
Oscar Scherer	Sarasota County
<u>State Wilderness Area</u>	
Town Islands State Wildness Area	Manatee County
<u>State Wildlife Management Areas</u>	
Cecil Webb	Charlotte County
<u>Conservation Lands</u>	
Horton Property/Snead Island	Manatee County
Charlotte Harbor	Charlotte County
<u>Recreation Lands</u>	
City Island Park	Sarasota County
Caspersen's County Park	Sarasota County
Port Charlotte Beach State Recreation Area	Charlotte County

437,737 for saltwater fishing by boat, 390,328 for saltwater fishing by non-boat, 205,303 for saltwater boat ramp use, and 336,287 for nature study.

Oscar Scherer State Recreation Area is located in Sarasota County. It is also designated as an Outstanding Florida Water. Spanning 461.96 acres, Oscar Scherer had 110,981 visitors in 1980. South Creek runs directly through the center of Oscar Scherer. Activities include camping, boating, fishing, and swimming. There are boat ramps and canoe rentals available.

Recreational opportunities include a night time canoe trip sponsored by the Sierra Club. Once a month, during the full moon, a canoe trip is conducted from North Creek to Midnight Pass and back.

#### Recreational Boating and Fishing

Pleasure boat registration has increased 118% from 1970-79 (12,859 boats to 28,004). This increase is almost twice the percentage increase of the population. Charlotte County had the largest percentage increase of 272% (Florida Department of Natural Resources, Division of Administration).

Many species of finfish and shellfish can be found in the coastal waters, including Spotted Seatrout, Flounder, Mullet, Snook, Tarpon, Mangrove Snapper, Oysters, Scallops, Clams, Shrimp and Blue Crabs. About 8.7 million pounds of finfish were landed commercially in Manatee County in 1981, but only 196,000 pounds were landed in Sarasota County. Charlotte County landing's totalled 4.0 million pounds, but probably only a small part of this was caught in Lemon Bay. Nonetheless, these estuarine systems are essential habitat for the early growth and development of many species of finfish caught offshore in the Gulf.

Shellfishing is approved or conditionally approved in two places in Sarasota Bay and two places in Lemon Bay. Commercial landings are small, except in Charlotte County, which totalled 531,000 pounds in 1981.

#### Local Comprehensive Plan Objectives

##### Manatee County

##### Coastal Zone Protection Goals:

Preservation of Water Quality and Quantity. Water resources should be studied from a regional environmental and economic perspective. Appropriate management techniques should be obtained by utilizing the programs of the local pollution control department, regional 201 and 208 programs, and state DER and DNR programs. Both the quality and quantity of waters should be preserved as necessary to sustain coastal ecosystems (p. 8-5 of the Manatee Plan Policy Document).

The Manatee County Comprehensive Plan also calls for the preservation of marine grass beds, mangroves, and tidal marshes "...to the fullest extent possible. Modification should be considered only in the case of overriding public interest" (p. 8-9, 8-10).

### Sarasota County

"Apoxsee", the Sarasota County Plan, includes the following objectives:

1. To protect the quality and quantity of surface waters and groundwaters.
2. To improve, where possible, the water quality of Sarasota's Bays and waterways. (p. 2 of Apoxsee Official Compilation).

The Apoxsee plan also establishes as an objective the limiting or elimination of water pollution from bay waters and has a "management guideline" to "prohibit dredging except to maintain existing navigation channels" (p. 9).

### Charlotte County

Charlotte County has accepted the recommendations of the Charlotte Harbor Management Plan that were prepared by the Governor's Resource Planning and Management Committee in 1981 (Sarasota County also has accepted it for the portion of Lemon Bay within Sarasota County). That plan includes the following "implementation" action for DER:

Amend Chapter 17-3, F.A.C., to classify as "Outstanding Florida Waters" those Class II approved and conditionally approved waters located in the Charlotte Harbor study area.

### INCOME

Due to the relatively high proportion of elderly persons, much of the income in the counties is from outside the region. As would be expected in an area with such high percentages of senior citizens, the two largest employment categories are services and retail trade. In Charlotte County, almost two-thirds of the people employed in services worked in health services. This is also related to the high percentage of elderly and retired citizens. Sarasota County is heavily dependent on tourism, recreation, and retirement. A complete listing of earnings on a place-of-work basis is provided in Table XIV.

There is little manufacturing employment in the three counties. In 1978, only 9% of the workforce was employed by the manufacturing industries (Florida Department of Commerce). During 1970 to 1980, Charlotte County had no new industries start up. Manatee County had eight new industries during the same years. Several industries manufacture items or materials related to offshore oil and gas exploration and production. Examples are welding machines, clay pipes, oil unloading stations, pipelines, and cutting tips. Sarasota County has had one new industry locate in 1978 (telemetry mounting and control equipment) and one industry expanded (fiberglass boats).

The per capita income of an area is one indicator of its economic strength. In 1982, two of the three counties had per capita levels higher than the state's average per capita of \$10,907. The per capita of each of the counties was:

TABLE XIV

PERSONAL INCOME: PRIVATE NON-FARM EARNINGS ON PLACE-OF-WORK  
BASIS BY INDUSTRIAL SOURCE 1982

(ROUNDED TO THOUSANDS OF DOLLARS)

	<u>CHARLOTTE COUNTY</u>	<u>MANATEE COUNTY</u>	<u>SARASOTA COUNTY</u>
Total Private Non-Farm Earnings	199,655	643,052	1,098,518
Manufacturing	5,105	145,410	109,646
Mining	NA	142	725
Contract Construction	28,123	79,148	134,800
Wholesale Trade	4,640	30,252	57,678
Retail Trade	37,449	124,878	228,826
Finance Insurance & Real Estate	31,896	50,562	120,881
Transportation Communications, & Public Utilities	NA	42,453	79,531
Services	73,198	157,059	361,083
Other Private Industry	3,705	13,148	5,348

SOURCE: Florida Statistical Abstract 1984

Sarasota County at \$14,098, Manatee County at \$11,011, and Charlotte County at \$10,220 (Table XV).

The unemployment rate for the region is lower than the state average. This is due to the fact that there are not many people in the prime working age group of 25 and 45 and the high percentage of retired people in the population. For example, in 1981, 1982, and 1983, all three counties fared better than the state unemployment rate (Table XVI).

The region has had poverty level rates lower than the state level of 9.9%. In 1979, the percentage of families below the poverty level in Sarasota County was 6.1, in Charlotte County 6.7%, and in Manatee County 7.9%.

#### TOURISM

Tourism is an important part of the region's economy. In 1979, the three counties had a total of 1,798,343 tourists (Florida Department of Commerce, Division of Tourism). In 1980, Sarasota County had 5,021 hotel and motel units, Charlotte County had 930 units and Manatee County had 2,198 units. Since saltwater activities are key recreational uses attracting tourists, Lemon and Sarasota Bays were the destination for a large proportion of the tourists. Recreational fishing in Sarasota Bay resulted in an economic value of an estimated \$29,539,334 in 1983. All other recreational activities in Sarasota Bay were estimated to be \$7,251,129. Consequently, the water quality of the bay contributes to a large degree to the amount of tourism that occurs in this area (Appendix L, Economic Impact Statement).



TABLE XV

PERSONAL INCOME: PER CAPITA AMOUNTS ON A PLACE-OF-RESIDENCE BASIS IN THE UNITED STATES, FLORIDA, AND SELECTED COUNTIES OF FLORIDA, 1972 THROUGH 1982

(ROUNDED TO DOLLARS)

	1972	1977	1982
<u>UNITED STATES</u>	4,515	6,984	11,100
<u>FLORIDA</u>	4,434	6,520	10,907
<u>COUNTY</u>			
Charlotte	4,301	6,401	10,220
Manatee	4,019	6,315	11,011
Sarasota	5,470	8,308	14,098

SOURCE: 1984 Florida Statistical Abstract

TABLE XVI

UNEMPLOYMENT RATES  
1981 to 1983

	1981	1982	1983
<u>FLORIDA</u>	6.8%	8.2%	8.6%
<u>COUNTY</u>			
Charlotte County	4.5%	7.6%	7.5%
Manatee County	5.7%	7.5%	7.6%
Sarasota County	4.5%	6.8%	6.4%

SOURCE: State of Florida, Department of Labor & Employment

### III. Alternatives:

There are three primary alternatives:

- A. Designate no part of Sarasota Bay or Lemon Bay as Outstanding Florida Waters.
- B. Designate all of Sarasota Bay and Lemon Bay as Outstanding Florida Waters.
- C. Designate all of Sarasota Bay and Lemon Bay as OFWs, except for one or more relatively small areas.

These alternatives are discussed below. The regulatory implications of the alternatives are described in Appendix B.

#### A. Designate no part of Sarasota Bay or Lemon Bay as an OFW.

This is the "no action" alternative. The OFW status of the Bays would be unchanged. Activities would nonetheless be subject to Class II and III standards. Leaving things as they are now would allow water quality to be lowered more than would be the case with an OFW designation.

#### B. Designate all of Sarasota Bay and Lemon Bay as an OFW.

Selection of this alternative implies that all the waters of both Bays meet the OFW tests and that the likely costs and risks of water quality degradation exceed the likely benefits. The extraordinary qualities of the Bays would merit special protection.

Because an OFW designation affects only DER permits (with minor exceptions) and has almost no effect on activities exempted from DER regulation, the designation would not provide complete protection of water quality or forbid all future development. It should be worthwhile to explain some of the ways in which the OFW rule allows relief for necessary activities:

1. Only new direct dischargers must meet ambient water quality; indirect dischargers must only avoid significant degradation of the OFW.
2. Existing permitted dischargers that are meeting standards may continue after an OFW designation and may even increase their discharge up to their permit limits.
3. Construction-related lowering of ambient water quality is permissible if suitable management practices are adopted (Section 17-4.242(1)(a)(2)(b), F.A.C.). This is one of the measures available for allowing the continuation of activities such as maintenance dredging.
4. Activities or discharges to allow for or enhance public usage, or for maintenance of other facilities, also receive special consideration. Another

OFW provision allows a permit to be issued if suitable management practices are adopted, along with a demonstration that all other alternatives have unreasonably high costs (Section 17-4.242 (1)(b)). This provision is also available for activities such as maintenance dredging.

5. The OFW rule makes it clear that an exemption from DER permit programs is still an exemption after an OFW designation (Section 17-4.242(1)(f), F.A.C.).

The OFW designation would, however, definitely restrict some kinds of new polluting activities. The most severe restrictions would be proposals for new dredging and filling and for new long-term pollutant discharges. These must either avoid the lowering of ambient water quality (for direct discharges) or avoid significant degradation (for indirect discharges). Long-term discharges are mostly limited to sewage or industrial effluents and to certain kinds of dredging and filling. Dredging and filling for new marinas, for example, is likely to encounter serious permitting difficulty. An OFW designation would also severely restrict new, continuing effluent dischargers from sewage treatment plants or other facilities.

Lastly, a more stringent public interest test would be applied to proposals for dredging and filling. These could receive permits only if they were "clearly in the public interest" (Section 403.906(2), F.S.). Activities not in OFW waters need only show they are "not contrary to the public interest".

C. Designate the waters of Sarasota Bay and Lemon Bay as OFWs except for certain area(s).

Selection of this alternative would be justified if some parts of the Bays lack the high natural values required for OFW designation or if the balancing test (environmental, social and economic benefits must exceed environmental, social and economic costs) tipped against OFW designation in certain areas.

Various water bodies already designated as OFWs have included non-designated areas. For example, a two-mile exempted area was established for the Port of St. Marks on the St. Marks River. More recently, two one-half mile areas were exempted from designation on the Upper Apalachicola River to accommodate two existing port facilities. The Commission designated the Rainbow River and one tributary as OFWs, but exempted two old phosphate mining pits that are tributary to the River. The OFW designation of the Florida Keys did not include the existing Key West sewage outfall, an existing power plant mixing zone, or canals and other artificial water bodies. Several possible exemptions are presently being considered in Sarasota Bay and Lemon Bay (discussed in more detail below).

One possible justification for non-designation is lowered water quality and biological/ecological attributes. An example would be the Key West raw sewage outfall. It was therefore not difficult to argue that these were not truly "Outstanding" Florida waters.

Several exemptions have been allowed for existing and proposed activities that proved to be more controversial. Examples would be the two areas not included in the Upper Apalachicola River designation for the existing ports. The exemptions would allow for port expansion or pollutant discharges, which would be more difficult to permit if these areas were designated. If they were not designated, only the "no significant degradation" test must be met outside of the exempted area and the standards met within the exempted area. For all practical purposes, major polluting activities could not be allowed within relatively small exempted areas, because impacts would occur considerable distances away.

The environmental effects of continuing the practice of not designating certain areas differ on a case-by-case basis. If the exemption is the result of an already degraded condition, there would likely be no effect at all from exemption. Rather than protecting ambient water quality by designation, we should be working to improve it (at least to meet the proper standards for its classification). Often, the degraded condition is an artifact of the water body type, such as the deep, stagnant phosphate pits on the Rainbow River. It is probably not reasonable to assume that these waters will ever become truly "outstanding". Therefore, exemption, while maintaining the proper standards as goals, seems appropriate.

An exemption for an existing or proposed activity is another matter. If the water body generally meets the environmental tests for an OFW designation, then exempting the waters to allow for the expansion of a facility is more difficult to justify.

The rationale for an exemption of this type lies in the social and economic tests. If the inclusion of an area would cause a severe economic burden, yet exclusion would not, for all practical purposes, affect the quality of surrounding waters, then an argument can be made for the exclusion. As long as the size of the excluded area is kept relatively small, major new polluting activities cannot be allowed. In some cases, these exempted areas could serve the purpose of providing points of access for the public to the very resource that the designation serves to protect.

One danger of this regulatory approach is that the designated area may resemble "swiss cheese" and, therefore, the outstanding resources are not effectively protected. Another problem could be one of inconsistency with other programs such as the Sarasota County designation of Sarasota Bay as a "Marine Park".

Specific possibilities for non-designation are discussed below:

#### ARTIFICIAL WATER BODIES

Generally, the quality of most artificial waterways statewide, as well as in this study area, is not as high as that of natural water bodies. In some cases—especially in deep, poorly-flushed canals and some marinas—problems are quite severe. These areas may lack the "exceptional ecological or recreational significance" required for OFW designation. Many of these areas nonetheless receive considerable recreational usage.

## MARINA JACK'S

This marina basin lies just south of the Ringling Causeway in Sarasota between Whitaker Bayou and Hudson Bayou. The basin is partially enclosed by two peninsulas, Island Park and Golden Gate Point (Cedar Point). In addition, the basin is partitioned by a dock and road which jut out into the basin. The Marina Jack's marina is located on and around the dock area. Historically, only part of the basin existed naturally; dredging of the basin and subsequent disposal of spoil on Island Park and Golden Gate Point further enclosed the basin. Tidal flushing was retarded by placement of the dock and road many years ago. As a consequence, waters within the basin area, flanked by City Island and the marina, are artificially aerated to mitigate low dissolved oxygen levels. In contrast, waters within the basin area to the north of the marina, which receive good tidal mixing, possess relatively good water quality, comparable to the open waters of Sarasota Bay. Significant differences in tidal flushing may explain the marked disparity in water quality between the two marina basin areas. If the "artificial waterways" language is adopted into the rule by the Commission, the southern portion of the basin will automatically be excluded from OFW status.

## WHITAKER BAYOU

Located in southeastern Sarasota Bay, this tributary runs through the City of Sarasota, collecting some urban and agricultural runoff on its way. It is also the recipient of about 9 m.g.d. of secondarily-treated sewage from the City of Sarasota. The treated sewage discharge, together with the other pollutants contributed to the bayou, creates serious violations of state water quality standards.

The City of Sarasota is planning to transfer its discharge point to a spray field 18 miles east of the bay. This would be in compliance with a DER enforcement order on the Whitaker Bayou discharge and also consistent with Sarasota County's requirement for a minimum of advanced wastewater treatment of all sewage discharges to surface waters. The planned spray field has been purchased, but the proposal has received considerable opposition from nearby residents.

Whitaker Bayou itself, and possibly an area extending into Sarasota Bay, could be exempted from the OFW designation because of existing degraded conditions. Water quality data analysis indicates an approximately 1500 foot zone of influence in Sarasota Bay from the mouth of Whitaker Bayou.

## PHILLIPPI CREEK

This basin, south of Whitaker Bayou, provides one of the larger natural freshwater contributions to Sarasota Bay (via Roberts Bay). The headwaters have been substantially channelized and receive considerable agricultural runoff. Water quality violations have been measured in the creek, and out into the Sarasota Bay estuarine system. This zone of influence is also approximately 1500 feet from the mouth of the creek.

## NORTH, SOUTH AND CATFISH CREEKS

These three creeks are in southern Sarasota County. South Creek runs through Oscar Scherer State Recreation Area (which is already an OFW). There is about a one mile stretch between Sarasota Bay and the beginning of the OFW segment in the park. Upstream of the park, South Creek is not an OFW. North Creek and Catfish Creek are about one mile north of South Creek.

North Creek has some development, although not quite as close to its banks as some other tributaries to Sarasota Bay. There is an Indian archaeological site located near the creek. Downstream of Vamo Road, Catfish Creek is also undeveloped to its confluence with North Creek. Needlerush, salt marsh and mangroves fringe the shores of both creeks.

Unfortunately, these three creeks have a history of water quality violations. Poor water quality is thought to be the result of upstream influences where agricultural runoff and large scale residential development may adversely affect the streams.

## BUCK CREEK

This stream drains into Lemon Bay just west of Rotunda. Although there have been some recorded dissolved oxygen violations, this creek contains some of the best ecological resources of any tidally-influenced creek in the region. Healthy mangroves, seagrass beds and oyster reefs are all found downstream of County Road 775. The shoreline of this area is largely undisturbed. The DER Punta Gorda Branch Office notes that "the downstream waters of this waterbody are...densely vegetated with an extensive, particularly healthy seagrass meadow" (Fry, June 5, 1985). The Punta Gorda office strongly supports the inclusion of downstream Buck Creek as an Outstanding Florida Water.

## OYSTER, AINGER (ROCK), AND GODFREY (GODFRIED, GOTTFRIED) CREEKS

These three tributaries drain into Lemon Bay in the same general area near the City of Englewood. The mouths of all three creeks are very broad and marshy. Upstream water quality is not good, although the streams support numerous oyster beds. County Road 775 crosses all three streams near their mouths and thus serves as a more definite boundary for legal and enforcement purposes than the creek mouths themselves; inclusion of downstream portions of these creeks as OFWs will result in only very small areas of the creeks being designated.

## OTHER CREEKS

Some of the creeks in Sarasota Bay and Lemon Bay have substantial shellfish resources. Unfortunately, the shellfish beds are not opened to harvesting by the Department of Natural Resources because of persistent water quality problems (coliform bacteria).

#### ANNA MARIA SOUND-PASSAGE KEY-TERRA CEIA

This area on the extreme north end of Sarasota Bay is the subject of some concern from the City of Bradenton. The Manatee River serves as a major freshwater input just to the east of this area. A current DER wasteload allocation study being conducted of the Manatee River is determining what the City of Bradenton and other dischargers will be allowed in wastewater discharges to the river. Presently, it appears that the river cannot sustain any more wastewater input without resultant violations of state water quality standards. Because of this, we expect that OFW designation of the area west of the mouth of the river would not have a negative effect on the City of Bradenton's wastewater treatment.

We recently learned from the Department of Natural Resources that there is a harvest of Venus sunray clams in this area. We also note that this area is bounded on the northeast by the Terra Ceia Aquatic Preserve, which we expect soon to be an OFW, and on the south by Sarasota Bay itself.

#### MANATEE COUNTY STORMWATER DISPOSAL

Manatee County is in the initial stages of upgrading the county stormwater disposal system. Some existing stormwater discharge points exit into Sarasota Bay. Ditching modifications and several stormwater retention plans are under consideration by the county. Concern over OFW designation of Sarasota Bay has been expressed by local officials who fear such a designation will interfere with their stormwater management plans.

#### MIDNIGHT PASS

This pass is located between Casey Key and Longboat Key on Little Sarasota Bay. Historically, this pass has migrated both north and south along the barrier island chain. In 1984, it was moving north and threatening to undermine two houses on the south side of Casey Key. The Department issued a permit to close the existing site of the pass and allow dredging of a new pass several hundred feet to the south. Efforts to keep the new pass open have failed. Sarasota County and others have endeavored to find means to keep the new pass opened at a reasonable cost. Water quality behind the pass is probably not as good as it would be if Midnight Pass were opened to allow more tidal flushing. There is strong local support for re-opening.

#### TIDY ISLAND

Although not technically an "island", this area is a peninsula fronting the northern shore of Sarasota Bay west of the City of Bradenton. The present land use is agricultural (gladiola farms). Through an agreement with the owner (Manatee Fruit Company), the Manatee County Utilities Department disposes of secondarily-treated sewage effluent by gladiola field irrigation. Manatee County has recently conducted water quality testing of these waters; pertinent data are contained in Appendix K. Preliminary analysis of water quality off Tidy Island reveals some near-shore, localized violations of water quality standards. This area is very shallow and has a healthy mangrove fringe. Water quality may be more reflective of natural conditions as opposed to anthropogenic influences.

#### IV. Analysis and Recommendation

##### A. Analysis of meeting the general requirements for designation as a "Special Waters" OFW.

###### EXCEPTIONAL ECOLOGICAL OR RECREATIONAL SIGNIFICANCE

A "Special Water" OFW designation can be made only if a water body has either exceptional ecological significance or exceptional recreational significance (Section 17-3.041, F.A.C.). Most of Sarasota Bay and Lemon Bay meets this test.

###### Exceptional Ecological Significance

Sarasota Bay, considering the advanced state of adjacent urban development, has exceptional environmental assets. Water quality is generally very good, except along the shore line and in places immediately adjacent to the mouth of some tributaries. There are considerable acreages of mangroves and marine grassbeds in Sarasota Bay and Lemon Bay. Both bays support commercial and recreational finfish and shellfish harvesting. The shellfish harvest is much larger in Lemon Bay than in Sarasota Bay, but there is a substantial resource in both bays.

The bays support several water dependent bird rookeries and feeding sites. Several national and state parks border the bays. Local governments and organizations have been very active in marine conservation. The portion of Sarasota Bay in Sarasota County has been designated as a "Marine Park" by Sarasota County.

###### Exceptional Recreational Significance

Probably the recreational significance of Sarasota Bay is higher than its ecological significance. Although Sarasota Bay still has some exceptional environmental features, some of those features have been degraded by human activity. Recreational activity, however, continues to increase. There are many marinas in Sarasota Bay, harboring vessels that use the bay for recreational purposes. There are also sailing schools on the bay, county access points, and a wide variety of other recreational activities.

Lemon Bay is also the site of substantial recreational activity. Recreational usage of Lemon Bay appears to be less than Sarasota Bay, probably solely because population density is less around Lemon Bay than Sarasota Bay.

Recreational boats registered in Manatee, Sarasota and Charlotte County exceed 11,000. Most of these use Sarasota Bay and Lemon Bay.

###### ENVIRONMENTAL, SOCIAL, AND ECONOMIC BENEFITS AND COSTS

The sum of environmental, social and economic benefits must outweigh the sum of environmental, social, and economic costs. Each category of benefits and costs is discussed below:



### Environmental Benefits and Costs

Environmental benefits of designation should outweigh environmental costs. Present water quality classifications (Class II and III) in both bays allow water quality degradation to fixed water quality parameter limits. If these bays are designated as OFWs, some future wastewater and development alternatives may be affected and, in some cases, eliminated. An OFW designation, however, will not halt development. If environmental standards are complied with, there will be no "net" environmental cost.

### Social Benefits and Costs

There has been remarkably broad support for OFW designation for all of Sarasota Bay and Lemon Bay. Appendix I lists the organizations and legislators that have expressed support for designation. This is strong evidence that the social impacts of designation would be beneficial.

### Economic Benefits and Costs

The conclusion in the economic impact statement (Appendix K) that the economic benefits are likely to exceed the economic costs is not repeated here.

### PRESENT AND FUTURE MOST BENEFICIAL USE

Because they are bordered by larger and growing urban complexes, Sarasota and Lemon Bay receive many uses. These range from school instruction to water skiing to residential development. These uses will be maintained after OFW designation.

Future beneficial uses would also occur under an OFW designation. The type of use that would be prohibited or severely restricted by an OFW designation is one that would cause a long-term lowering of ambient water quality. Such an effect would be in conflict with many other uses. Most likely, any such activity would not be a "beneficial use".

### PUBLIC INTEREST

"Public Interest" is also a consideration in establishing the "present and future most beneficial use". It is implicit in the requirement that the "environmental, social and economic benefits exceed the cost". The Commission must consider favorable and unfavorable effects that a designation would have on individuals and groups in the basin and in the state as a whole. Activities providing widespread benefits are more likely to be in the public interest than activities serving narrow private interests.

An OFW designation in Sarasota Bay and Lemon Bay is clearly in the public interest. Economic costs should not be significant, but the benefits of environmental protection of these bays should be very high. This is consistent with the views expressed by the overwhelming majority of private organizations and local governments in the region.

## ATTAINABILITY

An OFW designation seeks to preserve ambient water quality. Because ambient water quality is the standard used for permitting, the OFW designation is "attained" on the date of designation. Existing ambient water quality would be used as a standard in deciding on permit applications in the future.

There is a technical point to be discussed about "attainability" behind Midnight Pass. If that area is designated as an Outstanding Florida Water, the existing water quality, which has been lowered by the closing of the pass, becomes the new OFW standard. Possibly, the pass will be reopened in the near future, water quality will improve, and actual water quality in the future will be better than the OFW standard. Although serious degradation has not been documented, there conceivably could be a situation in which a new permitted activity could meet the 1985 water quality standard for the OFW, but actually cause water quality to be lower than what it will be in the future. There is no simple way to address this problem in the OFW rule, but if it were to become an issue, we could update and amend the OFW rule for that part of Sarasota Bay and Midnight Pass.

### B. Recommendation

The department recommends that the Environmental Regulation Commission makes the finding that almost all of Sarasota Bay and Lemon Bay, except for artificial waterbodies, canals, and most tributaries, qualify as Outstanding Florida Waters and designates them as such (Alternative "C"). The waters of Sarasota Bay and Lemon Bay meet all the tests for OFW designation.

Rule 17-3.041 should be amended to read:

#### 17-3.041(4)(i) Special Waters

Apalachicola River except for the following areas:

1. From a point 50 feet north of the northern boundary of the Jackson County Port Authority Slip, and including the slip itself, downstream to a point about four-tenths of a mile downstream, and specifically identified by navigation mile 103 on the 1982 U.S. Geological Survey Quadrangle Map of Sneads, Florida; and
2. From 850 feet downstream of the U.S. Army Corps of Engineers Blountstown Navigation gage in Calhoun County, north to a point approximately 2,700 feet upstream of the Gage, and specifically identified by the line passing through 30° 25' 45" N. Lat. and 85° 1' 35" W. Long.; and 30° 25' 38" N. Lat. and 85° 1' 20" W. Long. (12-15-84).

Aucilla River

Blackwater River

Butler Chain of Lakes - consisting of Lake Butler, Lake Down, Wauseon Bay, Lake Louise, Lake Palmer (also known as Lake Isleworth), Lake Chase, Lake Tibet, Lake

Sheen, Pocket Lake, Fish Lake, and the waterways which connect these lakes (8-1-84).

Chipola River

Choctawhatchee River

Crystal River, including Kings Bay (2-1-83)

Florida Keys, including channels as defined in Section 17-4.02(11), F.A.C., and described as follows: Commence at the northeasterly most point of Palo Alto Key and run due north to a point at the center of the channel of Broad Creek as the point of beginning, thence due east to the eastern boundary of the jurisdictional waters of the State of Florida, thence meander southerly along said eastern boundary to a point due south of the westernmost point of the island of Key West; thence westerly, northerly and easterly along the arc of a curve three leagues distant from the westernmost point of the island of Key West to a point due north of the island of Key West; thence northeasterly three leagues distant from the most northerly land of the Florida Keys to the intersection with the boundary of the Everglades National Park; thence southeasterly, northeasterly and northwesterly along the boundary of the Everglades National Park to the intersection with the Dade County - Monroe County line; thence northeasterly and easterly along the Dade County - Monroe County line to the point of beginning; less however, three areas:

1. Key West Sewage Outfall, being a circle 150 feet in radius from the point of discharge located at approximately 24° 32' 13" N. Latitude and 81° 48' 55" W. Longitude; and
2. Stock Island Power Plant Mixing Zone, being a circle 150 feet in radius from the end of the power plant discharge canal; and
3. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in Section 17-4.04(10), F.A.C. (4-30-85).

Lemon Bay estuarine system - from Boca Grande Causeway northward to approximately two thousand feet northwest of the mouth of Alligator Creek, specifically identified as the East line of Section 31, Township 39 South, Range 19 East, including Placida Harbor, Gasparilla Pass, Kettle Harbor, Bocilla Lagoon, Bocilla Pass, Knight Pass, Stump Pass, Lemon Bay, Buck Creek upstream to County Road 775, Oyster Creek upstream to County Road 775, Ainger (Rock) Creek upstream to County Road 775, and Godfrey (Godfried, Gottfried) Creek upstream to County Road 775; but excluding:

1. Alligator Creek, Forked Creek, Lemon Creek, and all other tributaries; and
2. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in Section 17-4.02(10), F.A.C. ( ).

Little Manatee River - from its mouth to the western crossing of the river by S.R. 674, including Hayes, Mill and Bolster Bayous, but excluding South Fork, Ruskin Inlet and all other tributaries (10-1-82).

Ochlockonee River

Perdido River

Rainbow River, including Indian Creek, but excluding all other tributaries (1-17-85).

Santa Fe River System - consisting of the Santa Fe River, Lake Santa Fe, Little Lake Santa Fe, Santa Fe Swamp, Olustee Creek, and the Ichetucknee River below S.R. 27, but excluding all other tributaries (9-16-81).

Sarasota Bay estuarine system - generally extending from Venice north to the Hillsborough-Manatee County line and specifically described as follows: commence at the northern tip of Anna Maria Island and follow a line running to the southern tip of Egmont Key until intersecting the boundary between Hillsborough and Manatee Counties; thence run easterly and northeasterly along the county boundary until intersecting the Intracoastal Waterway; thence proceed southerly until intersecting a line between the southern tip of Mullet Key and the western tip of Sned Island; thence proceed southeasterly along said line to the western tip of Sned Island; thence to De Soto Point; and thence westerly and southerly including all of the Sarasota Bay estuarine system southward to the northernmost U.S. Highway Business Route 41 bridge over the Intracoastal Waterway in Venice, including Anna Maria Sound, Passage Key Inlet, Perico Bayou, Palma Sola Bay, Longboat Pass, Sarasota Bay, New Pass, Big Sarasota Pass, Roberts Bay, Little Sarasota Bay, Dryman Bay, Blackburn Bay, Lyons Bay, Venice Inlet, Dona Bay upstream to the U.S. Highway 41 bridge, and Roberts Bay upstream to the U.S. Highway 41 bridge; less however, the following areas:

1. All tributaries, including Palma Sola Creek, Bowlees Creek, Whitaker Bayou, Hudson Bayou, Phillippi Creek, Catfish Creek, North Creek, South Creek, Shakett Creek, Curry Creek; and
2. A circle 1500 feet in radius from the mouth of Whitaker Bayou; and
3. A circle 1500 feet in radius from the mouth of Phillippi Creek; and
4. Artificial waterbodies, defined as any waterbody created by dredging, or excavation, or by the filling in of its boundaries, including canals as defined in Section 17-4.02(10), F.A.C. ( ).

St. Marks River - except that part between Rattlesnake Branch and the confluence of the St. Marks and Wakulla Rivers.

Shoal River

Suwannee River

Wacissa River

Wakulla River

Wekiva River - south of S.R. 46, including Rock Springs Run and the Little Wekiva River south to its confluence with the northernmost run of Sanlando Springs, but excluding all other tributaries (6-1-83).

SPECIFIC AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805, F.S. LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, F.S. HISTORY: New 3-1-79, Amended 8-10-80, 8-24-82, 9-30-82, 12-1-82, 2-1-83, 6-1-83, 3-1-84, 8-16-84, 12-15-84, 1-17-85, 5-8-85, \_\_\_\_\_.

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In addition to the above sources, numerous other materials, including DER Dredge and Fill Permitting files, STORET water quality data, and general correspondence submitted to DER during the fact-finding process of the proposed designation, were used in the preparation of this report. The Department gratefully acknowledges those persons and organizations providing source material for this report.

APPENDICES

**APPENDIX A**

**Overview of Federal and State Antidegradation Policies**

## Overview of Federal and Florida Anti-Degradation Policies

Starting in the mid-1960's, Congress developed a federal/state regulatory scheme for protection and enhancement of water quality which is now embodied in the Clean Water Act. Section 303 of the Clean Water Act requires each state to establish water quality standards which consist of designated uses of state waters and water quality criteria to protect those uses.

Another requirement of the Clean Water Act is that states must provide for the prevention of degradation of high quality waters. This requirement is set forth in the Code of Federal Regulations which states:

The State shall develop and adopt a statewide antidegradation policy and identify the method for implementing such policy...The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following...

Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected unless that state chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the state's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, may any degradation of water quality interfere with or become injurious to existing instream water uses. Additionally, no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. Further, the state shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to Section 208 of the Act for nonpoint sources, both existing and proposed. (40 C.F.R. §13.1550(c)).

This antidegradation policy is predicated on the principle that our water resources are so precious that degradation should not occur except after full consideration of the consequences and then only to the extent necessitated by desirable economic and social development. Scientifically, the principle is a valid one in that history has taught that adverse effects are difficult to predict. As scientific knowledge grows, previously unknown effects are discovered, and it is prudent to preserve our natural resources in the face of the unknown. Serious and irreparable environmental harm has already occurred in many watersheds. Although Florida's water quality criteria were developed on the best scientific data available, these data are incomplete. For example, the current water quality standards cover only a relatively small number of parameters, yet there are thousands of chemicals introduced into the

environment daily.

The Environmental Regulation Commission, when it adopted major revisions to Florida's water quality regulations in 1978, included the antidegradation concept in new Rules 17-3.041 and 17-4.242 of the Florida Administrative Code. In contrast to the broad federal approach of attempting to prevent degradation of all high quality waters, the Commission narrowed the concept, entitled it special protection, and applied it only to certain waters designated as Outstanding Florida Waters. The Florida antidegradation policy for Outstanding Florida Waters has been approved by the U.S. Environmental Protection Agency.

The Florida Legislature provided state statutory authority for the OFW category in Chapter 403, of the Florida Statutes. The department is there granted the power and duty to:

(10) Develop a comprehensive program for the prevention, abatement, and control of the pollution of the waters of the state. In order to effect this purpose, a grouping of the waters into classes may be made in accordance with the present and future most beneficial uses...

(25) Establish and administer a program for the restoration and preservation of bodies of water within the state...

(28) Establish rules which provide for a special category of waterbodies within the state, to be referred to as Outstanding Florida Waters, which shall be worthy of special protection because of their natural attributes. (Section 403.061, F.S.)

There is another independent grant of authority to the Department in Section 403.088, Florida Statutes, relating to water pollution permits. Subsection 403.088(3)(b) authorizes the department to issue a permit for a discharge which would not violate water quality standards, but which would reduce existing water quality, only if the department "finds that such degradation is necessary or desirable under federal standards and under circumstances which are clearly in the public interest..."

The OFW rules have twice been challenged under the Administrative Procedure Act but were held to be valid exercises of delegated legislative authority. Thus, the legality of the Outstanding Florida Water program is now firmly established.

The Department's designation of Outstanding Florida Waters was reinforced by the legislature in 1982 with the creation of subsection 403.061(27), Florida Statutes, which provides as follows:

403.061 Department; Powers and Duties. The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it, and for this purpose to:

(27) Establish rules which provide for a special category of

water bodies within the state, to be referred to as "Outstanding Florida Waters" which water bodies shall be worthy of special protection because of their natural attributes. Nothing in this subsection shall affect any existing rules of the Department.

This language buttressed the Department's previous designations of Outstanding Florida Water pursuant to its statutory authority contained in subsection 403.061(1), Florida Statutes, which authorized the Department to group waters into classes in accordance with the present and future most beneficial uses.

Two judicial appellate decisions have construed the authority for the Department's designations of Outstanding Florida Waters. The first, Brewster Phosphates, First Mississippi Corporation and Interanational Minerals and Chemical Corporation v. DER, 44[So.2d 485 (Fla. 1st DCA 1984)] held that subsection 403.061(27) was part of the overall legislative scheme in Chapter 403 and should be construed as a portion of that legislative scheme. The court found that subsection (27) was not the only legislative authorization for the Outstanding Florida Waters designation, but was one aspect of a legislative plan to study, classify, and supervise all of Florida's waters.

Subsequently, in Grove Isle Ltd. v. DER, 9 Florida Law Weekly 681 (Fla. 1st DCA, March 30, 1984), the court specifically held that the designation of Outstanding Florida Waters as described in Rules 17-3.041 and 17-4.242, Florida Administrative Code, constituted a classification of waters in accordance with the present and future most beneficial uses as required by Section 403.061(10), Florida Statutes. The language in the Grove Isle case appears to establish the Outstanding Florida Waters designation as a classification for the purposes of Section 403.061(10).

Based upon these judicial determinations, it would appear that the authority for the Department's designation of Outstanding Florida Waters contained in Rules 17-3.041 and 17-4.242 is derived from both subsections 403.061(10) and (27). The authority contained in subsection (27) for the establishment of Outstanding Florida Waters does not create a separate legislative scheme for regulation, but is part of an overall legislative plan authorized pursuant to Section 403.061(10), to be viewed in the context of the purposes set forth in Chapter 403.

Section 17-3.041, entitled "Special Protection, Outstanding Florida Waters" provides:

(1) It shall be the Department policy to afford the highest protection to Outstanding Florida Waters (a complete listing of which is provided in subsection (4)) which generally include the following surface waters:

(a) waters in National Parks, Wildlife Refuges, and Wilderness areas; and

(b) waters in the State Park System and Wilderness Areas;  
and

(c) waters within areas purchased under the Environmentally Endangered Lands Program or the Conservation and Recreation Lands Program; and

(d) rivers designated under the Florida Scenic and Wild Rivers Program or the National Wild and Scenic Rivers Act; and

(e) waters within National Seashores, National Marine Sanctuaries, National Estuarine Sanctuaries, and certain National Monuments; and

(f) waters in Aquatic Preserves, created under the provisions of Chapter 258, Florida Statutes; and

(g) waters within the Big Cypress National Freshwater Preserve; and

(h) Special Waters as listed in 17-3.041(3)(g). Each water body demonstrated to be of exceptional recreational or ecological significance may be designated as a Special Water...

(i) Certain waters within the Boundaries of the National Forests.

The terms "exceptional recreational or ecological significance", as used in 17-3.041, are defined in 17-3.021 as follows:

(10) "Exceptional Ecological Significance" shall mean that a water body is a part of an ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity, ecological relationships, ambient water quality, scientific or educational interest, or other aspects of the ecosystem's setting or processes.

(11) "Exceptional Recreational Significance" shall mean unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include, but are not limited to, fishing, boating, canoeing, water skiing, swimming, scuba diving, or nature observation. The exceptional significance may be in the intensity of present recreational usage, an unusual quality of recreational experience, or in the potential for unusual future recreational use or experience.

Section 17-3.041 further provides:

(2) the policy of this section shall be implemented through the permitting process pursuant to Section 17-4.242.

Section 17-4.242 states:

17-4.242 Special Protection, Outstanding Florida Waters; Equitable Abatement

(1) Outstanding Florida Waters

- (a) No Department permit or water quality certification shall be issued for any stationary installation which significantly degrades, either alone or in combination with other stationary installations, or is within Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:
1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:
    - a. meets the applicable limitations of Subsection 17-3.05(1)(d) at the point of discharge (POD); or
    - b. has a zone of mixing established pursuant to Subsection 17-3.05(a)(f)2 which assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational and/or ecological significance of such water; and,
    - c. meets the temperature limits of Subsection 17-3.05(1)(d) at the boundary of the mixing zone established pursuant to Subsection 17-3.05(3)(f)2; or
  2. the proposed activity or discharge is clearly in the public interest; and either
    - a. a Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or
    - b. the existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department and, water quality criteria would not be violated outside the restricting mixing zone. Provided, however, that the Department may allow an extension of the thirty day time limit on construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize such degradation.
- (b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters in order to allow for or enhance public usage or for the maintenance of facilities existing prior to the effective date of this rule or facilities permitted subsequent to adoption of this rule. However, such activities or discharges will only be permitted



if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (1)a.2 of this section; or
  2. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and
  3. There is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.
- (c) For the purpose of Subsection 17-4.242(1), "significantly degrades" for the Suwannee River shall mean any lowering of the existing ambient water quality. This paragraph 17-4.242(1)(c) shall be effective only until May 1, 1983.
- (d) For the purpose of this Subsection 17-4.242(1), the term "existing ambient water quality" shall mean water quality which could reasonably be expected (based on the best scientific information available) to have existed for the year prior to the effective date of an Outstanding Florida Water designation, including daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which a Department permit was issued or an application for such permit was filed and complete on the effective date of designation.
- (e) Subsection 17-4.242(1) shall not apply to any dredge or fill activity or discharge currently permitted by the Department or for which an application for a permit was filed and complete on the effective date of an Outstanding Florida Water designation, nor shall it apply to any renewal of an existing Department permit where there is no modification in the dredge or fill activity or discharge, which would necessitate a permit review.
- (f) Any activity that is exempted from permit programs administered by the Department, and any non-point source on land used for agricultural purposes is not subject to the requirements of Section 17-4.242.

Pursuant to the passage of the Warren S. Henderson Wetlands Protection Act of 1984, the factors which must be considered to determine whether an activity is "clearly in the public interest" have been set forth in Section 403.906(2), Florida Statutes, which became effective October 1, 1984, as follows:

- (a) Whether the project will adversely affect the public health, safety, or welfare or property of others;
- (b) Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

(c) Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

(d) Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;

(e) Whether the project will be of a temporary or permanent nature;

(f) Whether the project will adversely affect or enhance significant historical and archaeological resources under the provisions of s. 267.061; and

(g) The current condition and relative value of functions being performed by areas affected by the proposed activity.

These considerations would be applicable to a determination pursuant to Section 17-4.242(1)(a)2, Florida Administrative Code.

The "Wetlands Act" also provides in Section 403.905(4), Florida Statutes, that dredge and fill permits for irrigation or drainage ditches in or connected to Outstanding Florida Waters shall be required.

The "Wetlands Act" did, however, exempt certain agricultural activities and agricultural water management systems from direct department permitting and enforcement authority, and instead granted that authority to the appropriate water management district. The department may still require a stormwater or appropriate discharge permit at the ultimate point of discharge from one or a group of connected agricultural water management systems pursuant to the provisions of Section 403.913, Florida Statutes.

It is also important to note that the state's regulatory dredge and fill jurisdiction over wetlands has been expanded by the Act for all state waters, including Outstanding Florida Waters.

It is important to realize that the OFW rule affects only the criteria by which the Department of Environmental Regulation issues permits. It does not directly affect the regulatory activities of other agencies. The OFW rule makes no change in exemptions from department permits authorized by rule or statute. For example, the department's stormwater discharge rule (Chapter 17-25, F.A.C.) grants exemptions from Department permitting if specified design and performance standards are implemented. Any activity qualifying for such an exemption would be unaffected by an OFW designation. Table I lists a number of the exemptions from OFW requirements.

The designation of a waterbody as an Outstanding Florida Water may have an effect upon domestic wastewater treatment plant projects for which federal funding has been requested under the "201" grant program of the Clean Water Act, if it involves a domestic wastewater discharge to the OFW. One factor used to determine the eligibility ranking for federal construction grant funds is the allowable wasteload available to an applicant. Generally, the smaller the allowable wasteload in a waterbody, the higher the priority score of a project discharging to it. Because the allowable new wasteload for a direct discharge to an OFW would normally be zero, an OFW designation would tend to increase the priority score of a project and its chances to receive

55 percent federal funding. However, there are several other important factors that influence priority scores and an OFW designation does not in any way insure funding. A prediction cannot be made in advance as to the actual effect, if any, that an OFW designation will have upon an individual 201 grant application.

Certain activities would be grandfathered under an Outstanding Florida Water designation and would not need a permit to continue. For example, a current maintenance dredging program pursuant to a currently valid permit would be grandfathered and could continue subsequent to the OFW designation without new permitting procedures. However, a substantially different or expanded dredging operation would either have to meet the general OFW requirements or qualify for one of the exemptions pursuant to the rule. The requirements for such maintenance dredging operations are contained in Subsection 17-4.242(1)(b), F.A.C., which allows for such activities to be permitted in an OFW to "allow for or enhance public usage or for the maintenance of facilities permitted subsequent to adoption of this rule." The rule then lists the factors to be complied with in consideration of issuance of the permit. The department has issued a number of maintenance dredging permits in Outstanding Florida Waters.

The designation of a water as a Special Water requires that certain procedures outlined in 17-3.041 be met:

1. Rulemaking procedures pursuant to Chapter 120, F.S., and Chapter 17-1, F.A.C. shall be followed;
2. At least one fact-finding workshop shall be held in the affected area;
3. All local county or municipal governments and state legislators whose district or jurisdictions include all or part of a Special Water shall be notified at least 60 days prior to the workshop in writing by the Secretary;
4. A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed Special Water at least 60 days prior to the workshop;
5. An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural, or other development or expansion; and
6. The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreational or ecological significance and a finding the environmental, social, and economic benefits of the action outweigh the environmental, social, and economic costs.

The Department has complied with all of the procedural requirements for an OFW designation.

APPENDIX B

Excerpts from Chapters 17-3 and 17-4, Florida  
Administrative Code, pertaining to Outstanding  
Florida Waters

RULES  
OF THE  
DEPARTMENT OF ENVIRONMENTAL REGULATION

CHAPTER 17-3  
WATER QUALITY STANDARDS

**17-3.011 Findings, Declaration and Intent.**

(8) The highest protection shall be afforded to Outstanding Florida Waters.

**17-3.041 Special Protection, Outstanding Florida Waters.**

(1) It shall be the Department policy to afford the highest protection to Outstanding Florida Waters (a complete listing of which is provided in subsection (4)) which generally include the following surface waters:

(a) waters in National Parks, Wildlife Refuges and Wilderness Areas; and

(b) waters in the State Park System and Wilderness Areas; and

(c) waters within areas purchased under the Environmentally Endangered Lands Bond Program or the Conservation and Recreation Lands Program; and

(d) rivers designated under the Florida Scenic and Wild Rivers Program or the National Wild and Scenic Rivers Act; and

(e) waters within National Seashores, National Marine Sanctuaries, National Estuarine Sanctuaries and certain National Monuments; and

(f) waters in Aquatic Preserves created under the provisions of Chapter 258, Florida Statutes; and

(g) waters within the Big Cypress National Freshwater preserve; and

(h) Special waters as listed in 17-3.041(4)(i); and

(i) Certain Waters within the Boundaries of the National Forests.

(2) Each water body demonstrated to be of exceptional recreational or ecological significance may be

designated as a Special Water. The following procedure shall be used in designating a Special Water after the adoption of this rule:

(a) Rulemaking procedures pursuant to Chapter 120, F.S., and Chapter 17-1 F.A.C., shall be followed;

(b) At least one fact-finding workshop shall be held in the affected area;

(c) All local county or municipal governments and state legislators whose districts or jurisdictions include all or part of a Special Water shall be notified at least 60 days prior to the workshop in writing by the Secretary;

(d) A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed Special Water at least 60 days prior to the workshop;

(e) An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural, or other development or expansion; and

(f) The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreation or ecological significance and a finding that the environmental, social, and economic benefits of the action outweigh the environmental, social, and economic costs.

(3) The policy of this section shall be implemented through the permitting process pursuant to Section 17-4.242, F.A.C.

RULES  
OF THE  
DEPARTMENT OF ENVIRONMENTAL REGULATION

CHAPTER 17-4

PERMITS

**17-4.242 Special Protection:  
Outstanding Florida Waters;  
Equitable Abatement.**

(1) Outstanding Florida Waters  
(a) No Department permit or water quality certification shall be issued for any stationary installation which significantly degrades, either alone or in combination with other stationary installations, or is within Outstanding Florida Waters, unless the applicant affirmatively demonstrates that:

1. With respect to blowdown from a recirculated cooling water system of a steam electrical generating plant, that the discharge:

a. Meets the applicable limitations of Subsection 17-3.05(1)(d), F.A.C., at the point of discharge (POD); or,

b. Has a zone of mixing established pursuant to Subsection 17-3.05(1)(f)2., F.A.C., which assures the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the Outstanding Florida Water, and which is established taking into account the recreational and/or ecological significance of such water; and,

c. Meets the temperature limits of Subsection 17-3.05(1)(d), F.A.C., at the boundary of the mixing zone established pursuant to Subsection 17-3.05(1)(f)2., F.A.C.; or,

2. The proposed activity of discharge is clearly in the public interest; and either

a. A Department permit for the activity has been issued or an application for such permit was complete on the effective date of the Outstanding Florida Water designation; or,

b. The existing ambient water quality within Outstanding Florida Waters will not be lowered as a result of the proposed activity or discharge, except on a temporary basis during construction for a period not to exceed thirty days; lowered water quality would occur only within a restricted mixing zone approved by the Department; and, water quality criteria would not be violated outside the restricted mixing zone. Provided, however, that the Department may allow an extension of the thirty-day time limit on construction-caused degradation for a period demonstrated by the applicant to be unavoidable and where suitable management practices and technology approved by the Department are employed to minimize such degradation.

(b) The Department recognizes that it may be necessary to permit limited activities or discharges in Outstanding Florida Waters in order to allow for or enhance public usage or for the maintenance of facilities existing prior to the effective date of this rule or facilities permitted subsequent to adoption of this rule. However, such activities or discharges will only be permitted if:

1. The discharge or activity is in compliance with the provisions specified in subparagraph (1)(a)2. of this Section; or,

2. Management practices and suitable technology approved by the Department are implemented for all stationary installations including those created for drainage, flood control, or by dredging or filling; and,

3. There is no alternative to the proposed activity, including the alternative of not undertaking any change, except at an unreasonably higher cost.

(c) For the purpose of Subsection 17-4.242(1), "significantly degrades" for the Suwannee River shall mean any lowering of the existing ambient water quality. This paragraph 17-4.242(1)(c) shall be effective only until May 1, 1983.

(d) For the purpose of Subsection 17-4.242(1), the term "existing ambient water quality" shall mean water quality which could reasonably be expected (based on the best scientific information available) to have existed for the year prior to the effective date of an Outstanding Florida Water designation, including daily, seasonal, and other cyclic fluctuations, taking into consideration the effects of allowable discharges for which a Department permit was issued or an application for such permit was filed and complete on the effective date of designation.

(e) Subsection 17-4.242(1) shall not apply to any dredge or fill activity or discharge currently permitted by the Department or for which an application for a permit was filed and complete on the effective date of an Outstanding Florida Water designation, nor shall it apply to any renewal of an existing Department permit where there is no modification in the dredge or fill activity or discharge, which would necessitate a permit review.

(f) Any activity that is exempted from permit programs administered by the Department, and any non-point source on land used for agricultural purposes is not subject to the requirements of Section 17-4.242.

APPENDIX C

Outstanding Florida Waters Fact Sheet  
and  
"Questions and Answers"

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

FACTSHEET ABOUT OUTSTANDING FLORIDA WATERS

- Authority:** Section 403.061, Florida Statutes, Subsections (10), (25), and (27), which grant the powers to:
- Establish rules which provide for a special category of water bodies within the state, to be referred to as "Outstanding Florida Waters", which shall be worthy of special protection because of their natural attributes.
- Implementing Agency:** All state water quality standards are adopted by the Environmental Regulation Commission for use by the Department of Environmental Regulation (DER).
- Regulatory Significance:** In general, DER cannot issue permits for direct pollutant discharges to OFWs which would lower ambient (existing) water quality or for indirect discharges which would significantly degrade the Outstanding Florida Water. Permits for new dredging and filling must be clearly in the public interest.
- Factors Determining The Public Interest:**
1. Whether the project will adversely affect the public health, safety, or welfare or property of others;
  2. Whether the project will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
  3. Whether the project will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
  4. Whether the project will adversely affect the fishing or recreational values or marine productivity in the vicinity of the project;
  5. Whether the project will be of a temporary or permanent nature;
  6. Whether the project will adversely affect or enhance significant historical and archaeological resources under the provisions of Sec. 267.061; and
  7. The current condition and relative value of functions being performed by areas affected by the proposed activity (Sec. 403.918(2), F.S.).



Some Exceptions to OFW Standards:

1. Permitted activities existing on the date of designation, which are "grandfathered".
2. Activities not regulated by DER, such as septic tanks.
3. Restoration of seawalls at previous locations.
4. Non-commercial boat docks, on pilings, of less than 500 square feet.
5. Temporary lowering of water quality during construction activities (with special restrictions).
6. Activities to allow or enhance public usage, or to maintain pre-existing activities (with certain safeguards).

Waters in OFW Designation:

National Parks  
National Wildlife Refuges  
National Seashores  
National Preserves  
National Marine and Estuarine Sanctuaries  
State Parks & Recreation Areas  
State Preserves and Ornamental Gardens  
Environmentally Endangered Lands Program Acquisitions  
State Aquatic Preserves  
Scenic and Wild Rivers  
National Forests (certain waters)  
Conservation and Recreation Lands Program  
State Wilderness Areas  
National Monuments  
Special Waters

"Special Waters OFWs"-  
These include 17 of Florida's 1700 rivers, one chain of Lakes and waters of the Keys:

Apalachicola River  
Aucilla River  
Blackwater River  
Butler Chain of Lakes  
Chipola River  
Choctawhatchee River  
Crystal River, including Kings Bay  
Florida Keys, except for artificial waterbodies (actual rule language more complex)  
Little Manatee River (from its mouth to the western crossing of the river by S.R. 674, including Hayes, Mill and Bolster Bayous, but excluding South Fork, Ruskin Inlet and all other tributaries)

"Special  
Water OFWs"  
Continued:

Little Wekiva River  
Ochlockonee River  
Perdido River  
Rainbow River  
St. Marks River (except that part between Rattlesnake Branch  
and the confluence of the St. Marks and Wakulla Rivers)  
Santa Fe River system - Santa Fe River, Lake Santa Fe,  
Little Lake Santa Fe, Santa Fe Swamp, Olustee Creek, and  
the Ichetucknee River below S.R. 27, but excluding all  
other tributaries  
Shoal River  
Suwannee River  
Wacissa River  
Wakulla River  
Wekiva River

Requirements  
For a Special  
Water Design-  
ation:

1. Rulemaking procedures pursuant to Chapter 120, F.S.,  
and Chapter 17-102, F.A.C. shall be followed;
2. At least one fact-finding workshop shall be held in the  
affected area;
3. All local county or municipal governments and state  
Legislators whose districts or jurisdictions include all or  
part of a water body proposed for Special Water designation  
shall be notified at least 60 days prior to the workshop in  
writing by the Secretary of DER.
4. A prominent public notice shall be placed in a news-  
paper of general circulation in the area of the proposed  
Special Water at least 60 days prior to the workshop;
5. An economic impact analysis, consistent with Chapter  
120, shall be prepared which provides a general analysis of  
the impact on growth and development including such factors as  
impacts on planned or potential industrial, agricultural, or  
other development or expansion; and
6. The Environmental Regulation Commission may designate a  
water of the State as a Special Water after making a finding  
that the waters are of exceptional recreational or ecological  
significance and a finding that the environmental, social, and  
economic benefits of the action outweigh the environmental,  
social, and economic costs (Section 17-3.041, Florida  
Administrative Code).

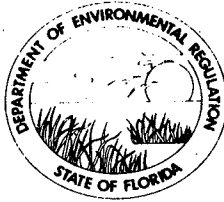
For More  
Information  
Contact:

Department of Environmental Regulation, Bureau of  
Laboratories and Special Programs at 904/487-1762.

October 24, 1985

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

OUTSTANDING FLORIDA WATERS

QUESTIONS AND ANSWERS

Some common questions about an Outstanding Florida Water (OFW) designation are answered here. For more information, please contact Eric Shaw, Mary Morris or Tom Swihart in Tallahassee (904-487-1762).

What is the basic intent of an OFW designation?

To prevent the lowering of existing water quality.

Does the present classification of the proposed waters already prevent the lowering of water quality?

No. For current water quality classifications such as Class II (Shellfish Propagation or Harvesting) and Class III (Recreation, Fish, and Wildlife), DER can legally issue permits to lower water quality down to the minimum standards for that classification. The general minimum standards are intended to protect these uses but may not protect all species or be adequate for all water bodies. Class III and II waters have a smaller "safety margin" than Outstanding Florida Waters.

What activities would be affected by an OFW designation?

Only activities that require a DER permit would be affected, such as dredge and fill, stormwater discharge, or pollutant discharge activities.

Would regulatory activities of all state and federal agencies be affected?

No. Only DER permitting activities are affected with the exception of some permits required by Water Management Districts that have been delegated stormwater management authority under Chapter 17-25, Florida Administrative Code.

What types of activities are not affected by an OFW designation?

Activities not regulated by DER, such as septic tanks, are not affected. Generally fishing, boating, and diving activities are unaffected. However, some indirectly associated activities, such as dredging and filling for new marinas, are subject to OFW standards.

Some activities, such as those for maintenance of existing facilities, activities to allow or enhance public usage, and temporary lowering of water quality during construction activities, are exempted from regular OFW criteria, if special safeguards are used.

Is an additional application needed to obtain a permit for an activity in an OFW?

No. An OFW designation affects the criteria used in permitting decisions. It is not a new or separate permit process.

What effect does an OFW designation have on a pollutant discharge that currently has a DER permit?

Existing legal discharges are "grandfathered" and may continue without any new OFW requirements.

Some activities are exempt from DER permitting. Would exemptions still be possible with an OFW designation?

Yes. An OFW designation affects only activities which require a DER permit. Activities eligible for an exemption from DER permitting do not have any new requirements placed on them.

What regulations would new pollutant discharges be subject to?

There are separate requirements which must be met for direct and indirect discharges:

New direct pollutant discharges must not lower existing ambient water quality.

New indirect pollutant discharges (discharges to waters which influence OFWs, although not placed directly into an OFW) must not significantly degrade Outstanding Florida Waters.

All new dredging and filling must meet an OFW test of being "clearly in the public interest". The DER "Factsheet About Outstanding Florida Waters" outlines the factors which determine "public interest".

Are there stricter stormwater controls for OFWs?

Yes. Activities which directly discharge stormwater to OFWs are required to retain or treat a larger amount of stormwater than facilities which discharge to non-OFW waters. Chapter 17-25, Florida Administrative Code, is the DER rule which regulates stormwater discharge. Some Water Management Districts have been delegated stormwater permitting authority.

Are there any exemptions to the stormwater requirements for agriculture or silviculture activities?

Yes, facilities for agricultural lands are exempted from the stormwater requirements provided that they are part of an approved Conservation Plan which is implemented according to its terms (Section 17-25.03(1)(e), Florida Administrative Code). Facilities for silviculture that are constructed and operated in accordance with Silviculture Best Management Practices (1979) are also exempt, as specified in Section 17-25.03(1)(f), F.A.C.

Would an OFW designation shut down development in the area?

No. This has not been the effect of other OFW designations. However, a designation can impose higher costs for pollution abatement on new pollution sources.

Would an OFW designation prevent the issuance or renewal of permits for maintenance dredging and spoil disposal?

The activities in current maintenance dredging and spoil disposal permits would be grandfathered under an OFW designation. A substantially different or expanded dredging operation would either have to meet the general OFW requirements or qualify for one of the exemptions. The Department of Environmental Regulation has issued a number of maintenance dredging permits in OFWs.

Are the replacement or repair of subaqueous transmission lines affected by an OFW designation?

No. Section 17-4.04(9)(q), F.A.C. states that "the replacement or repair of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state" is exempted from the permit requirements of Chapter 17-4, F.A.C.

In addition, "the installation of subaqueous transmission and distribution lines laid on, or embedded in, the bottoms of waters of the state except in Class I-A and Class II waters and aquatic preserves provided that no dredging or filling is necessary" (Section 17-4.04(9)(p), F.A.C.) is also exempt from the permitting requirements of Chapter 17-4, F.A.C.

Would an OFW designation extend DER's jurisdiction further into tributaries and wetlands?

No. The jurisdiction of DER is no wider or narrower after an OFW designation. However, within that same geographic area, there are new, more stringent standards for the issuance of DER permits.

How is an area designated as an OFW?

The Florida Environmental Regulation Commission, a seven-member citizen body, votes on each proposal at a public meeting that is usually held in the affected area.

November 27, 1985

APPENDIX D

Public Notices Concerning the Proposed Designation

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

MEMORANDUM

TO: Interested Parties  
FROM: Victoria J. Tschinkel, Secretary *VJ*  
DATE: July 22, 1985  
SUBJECT: September 25 and 26, 1985 Public Workshops Regarding the Proposed Designations of Sarasota and Lemon Bays as Outstanding Florida Waters

On June 13, 1985, the State of Florida Environmental Regulation Commission discussed proposals to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters. The Commission requested that the Department of Environmental Regulation conduct public workshops to receive comments on these proposed designations. The Sarasota Bay proposal includes Bay waters between Passage Key in north Manatee County and Venice Inlet in south Sarasota County. The Lemon Bay proposal includes waters between South Venice (Sarasota County) to the Gasparilla Island bridge at the north side of Gasparilla Sound in Charlotte County. Maps displaying these areas are included in the attached "Questions and Answers" factsheet. Two public workshops for these proposals have been scheduled as follows:

1. Date: September 25, 1985 (Wednesday)  
Time: 7:00 p.m.  
Place: Venice Community Center  
326 Nokomis Avenue  
Venice, Florida
2. Date: September 26, 1985 (Thursday)  
Time: 7:00 p.m.  
Place: Beall Auditorium  
Bradenton Traylor Park  
2310 14th Street West  
Bradenton, Florida

The intent of an Outstanding Florida Water (OFW) designation is to prevent deterioration of water quality. An OFW designation affects only new polluting activities which require a DER permit. Activities that do not require DER permits include such things as regulation of boat speeds, river setback ordinances, and septic tanks.



Activities under DER jurisdiction, but which are eligible for an exemption, are also not affected by an OFW designation. Examples of activities for which exemptions are possible include small boat docks and stormwater runoff from agricultural development. Generally, permits cannot be issued for new direct discharges of pollutants into an OFW which would lower the ambient water quality. New indirect pollutant discharges (i.e., discharges to tributaries of the OFW) must not significantly degrade the OFW. There are certain exemptions to these policies for temporary discharges, for activities intended to enhance public use of the water body and for the maintenance of facilities existing before the effective date of an OFW designation.

Copies of those sections of Chapters 17-3 and 17-4, Florida Administrative Code, which pertain to OFW's are attached for your information. Also attached are OFW factsheets.

All points of view on the proposed OFW designations are desired at the workshops. Information on the following will be of particular interest to the Department of Environmental Regulation and the Environmental Regulation Commission:

1. Recreational or ecological significance of Sarasota Bay and/or Lemon Bay;
2. Environmental, social and economic benefits and costs of an OFW designation for Sarasota Bay and/or Lemon Bay;
3. Present and future most beneficial uses of the waters of these bay systems;
4. Attainability of OFW standards in Sarasota Bay and/or Lemon Bay;
5. Planned or potential industrial, agricultural, or other types of development; and
6. Other private or governmental programs that may have a relationship to an OFW designation.

The designation could be for all or part of Sarasota Bay and/or Lemon Bay, so information comparing various segments of the proposed areas also will be appreciated.

Both workshops are open to the public. Your attendance at either workshop and comments (either oral or written) on this subject will be appreciated. For further information, please contact Tom Swihart or Eric Shaw in Tallahassee (904/487-1762), Don Moores in Tampa (813/985-7402) or Bob Rutter in Punta Gorda (813/639-4967).

VJT/pbm  
Attachments

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

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



August 23, 1985

BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

TO ALL INTERESTED PARTIES

SUBJECT: PUBLIC WORKSHOP UPDATE on the Proposed Designations of Sarasota Bay and Lemon Bay as Outstanding Florida Waters

On June 13, 1985, the State of Florida Environmental Regulation Commission discussed proposals to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters. The Commission requested that the Department of Environmental Regulation conduct public workshops to receive comments on these proposed designations. The Sarasota Bay proposal includes Bay waters between Passage Key in north Manatee County and Venice Inlet in south Sarasota County. The Lemon Bay proposal includes waters between South Venice (Sarasota County) to the Gasparilla Island bridge at the north side of Gasparilla Sound in Charlotte County. Three public workshops for these proposals have been scheduled as follows:

1. Date: September 24, 1985 (Tuesday)  
Time: 7:00 p.m.  
Place: Sarasota City Hall  
1565 First Street  
Sarasota, Florida
2. Date: September 25, 1985 (Wednesday)  
Time: 7:00 p.m.  
Place: Venice Community Center  
326 Nokomis Avenue  
Venice, Florida
3. Date: September 26, 1985 (Thursday)  
Time: 7:00 p.m.  
Place: Beall Auditorium  
Bradenton Trailer Park  
2310 14th Street West  
Bradenton, Florida

Please note that there are now THREE public workshops scheduled. Earlier notices only listed two workshops. A workshop agenda is enclosed for your information.

The intent of an Outstanding Florida Water (OFW) designation is to prevent deterioration of water quality. An OFW designation affects only new polluting activities which require a DER permit. Activities that do not require DER permits include such things as regulation of boat speeds, river setback ordinances, and septic tanks.

Activities under DER jurisdiction, but which are eligible for an exemption, are also not affected by an OFW designation. Examples of activities for which exemptions are possible include small boat docks and stormwater runoff from agricultural development. Generally, permits cannot be issued for new direct discharges of pollutants into an OFW which would lower the ambient water quality. New indirect pollutant discharges (i.e., discharges to tributaries of the OFW) must not significantly degrade the OFW. There are certain exemptions to these policies for temporary discharges, for activities intended to enhance public use of the water body and for the maintenance of facilities existing before the effective date of an OFW designation.

All points of view on the proposed OFW designations are desired at the workshops. Information on the following will be of particular interest to the Department of Environmental Regulation and the Environmental Regulation Commission:

1. Recreational or ecological significance of Sarasota Bay and/or Lemon Bay;
2. Environmental, social and economic benefits and costs of an OFW designation for Sarasota Bay and/or Lemon Bay;
3. Present and future most beneficial uses of the waters of these bay systems;
4. Attainability of OFW standards in Sarasota Bay and/or Lemon Bay;
5. Planned or potential industrial, agricultural, or other types of development; and
6. Other private or governmental programs that may have a relationship to an OFW designation.

The designation could be for all or part of Sarasota Bay and/or Lemon Bay, so information comparing various segments of the proposed areas also will be appreciated.

All workshops are open to the public. Your attendance at any workshop and comments (either oral or written) on this subject will be appreciated. For further information, please contact Tom Swihart or Eric Shaw in Tallahassee (904/487-1762), Don Moores in Tampa (813/985-7402) or Bob Rutter in Punta Gorda (813/639-4967).

Sincerely,

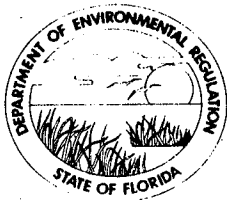


Randy Armstrong  
Chief, Bureau of Laboratories  
and Special Programs

RA:pbn  
Enclosure

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

AGENDA

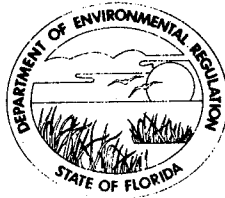
FOR PUBLIC WORKSHOPS ON THE  
PROPOSED DESIGNATIONS OF SARASOTA BAY AND LEMON BAY  
AS "OUTSTANDING FLORIDA WATERS"

- Workshop 1           DATE: September 24, 1985  
                          TIME: 7:00 p.m.  
                          PLACE: Sarasota City Hall  
                              1565 First Street  
                              Sarasota, Florida
- Workshop 2           DATE: September 25, 1985  
                          TIME: 7:00 p.m.  
                          PLACE: Venice Community center  
                              326 South Nokomis Avenue  
                              Venice, Florida 33595
- Workshop 3           DATE: September 26, 1985  
                          TIME: 7:00 p.m.  
                          PLACE: Beall Auditorium  
                              Bradenton Trailer Park  
                              2310 14th Street West  
                              Bradenton, Florida 33505

- I. Opening Remarks
  - A. Introduction
  - B. Geographic Area Under Consideration
  - C. Purpose of Workshop
- II. Proposed "Outstanding Florida Water" (OFW) Designation
  - A. Meaning of OFW Designation
  - B. Schedule for Considering Proposed Designation
- III. Potential Environmental, Economic and Social Impacts
  - A. Water Quality, With and Without OFW Designations
  - B. Possible Impacts on Pollutant Dischargers
- IV. Statements from the Public
- V. Adjournment

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

TO: ALL INTERESTED PARTIES  
FROM: Randy Armstrong, Chief, Bureau of Laboratories and Special Programs  
DATE: October 22, 1985  
SUBJECT: Public Workshops (second series) on the Proposed Designation of Sarasota Bay and Lemon Bay as Outstanding Florida Waters.

On September 24, 25 and 26, 1985, the Florida Department of Environmental Regulation conducted three public workshops in Sarasota, Venice and Bradenton to discuss and receive comments on proposals to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters (OFWs). We very much appreciate the views of the public that we received at those workshops.

Based upon a review of available information, including workshop comments, the department has formulated its preliminary recommendation to designate most of the Sarasota Bay and Lemon Bay estuarine systems as Outstanding Florida Waters. Our tentative recommendation does not support OFW designation for any tributary (except Buck Creek in Lemon Bay), nor does it favor OFW designation for an area in Sarasota Bay around the mouths of Whitaker Bayou and Phillippi Creek. These areas appear to have lower water quality than Sarasota Bay generally. This preliminary recommendation, in the form of an amendment to Section 17-3.041, Florida Administrative Code, is enclosed for your information.

The department has scheduled two more public workshops (second series), to which you are invited to discuss the department's recommendation:

1. DATE: November 6, 1985  
TIME: 7:00 p.m.  
PLACE: Charlotte County Administration Center  
Room 208 (County Commission Chambers)  
18500 Murdock Circle  
Port Charlotte, Florida
2. DATE: November 7, 1985  
TIME: 7:00 p.m.  
PLACE: Sarasota City Hall  
City Council Chambers  
1565 First Street  
Sarasota, Florida

All points of view on the department's tentative recommendation are desired at the workshops. Specific information on the following will be of particular interest to the Department of Environmental Regulation and the Environmental Regulation Commission:

1. Recreational or ecological significance of Sarasota Bay and/or Lemon Bay;
2. Environmental, social and economic benefits and costs of an OFW designation for Sarasota Bay and/or Lemon Bay;
3. Present and future most beneficial uses of the waters of these bay systems;
4. Attainability of OFW standards in Sarasota Bay and/or Lemon Bay;
5. Planned or potential industrial, agricultural, or other types of development; and
6. Other private or governmental programs that may have a relationship to an OFW designation.

Both workshops are open to the public. Your attendance at either workshop and comments (either oral or written) on this subject will be appreciated.

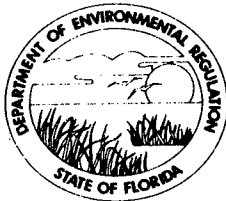
In December, we intend to finalize our recommendation to the Environmental Regulation Commission. The Commission will then hold a hearing in the Sarasota Bay/Lemon Bay area, probably in February, 1986, to consider our recommendation. You will be advised of the department's recommendation and the specific date, time, and place of the Commission meeting. For further information, please contact Tom Swihart or Eric Shaw in Tallahassee (904/487-1762), Don Moores in Tampa (813/985-7402) or Bob Rutter in Punta Gorda (813/639-4967).

RA/plm  
Enclosure



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

TO: Interested Parties

FROM: Randy Armstrong, Chief ~~of~~  
Bureau of Laboratories and Special Programs

DATE: January 9, 1986

SUBJECT: February 19-20 Hearing of the Environmental Regulation Commission  
on the Proposed Designation of the Waters of Sarasota Bay and  
Lemon Bay as "Outstanding Florida Waters" (OFW)

On September 24, 25, and 26, the Department of Environmental Regulation (DER) held three public workshops on the proposed designation of Sarasota Bay and Lemon Bay as OFWs. Due to substantial public interest, DER also held two additional public workshops on November 6 and 7. At the November 6 and 7 workshops the Department presented its preliminary recommendation. This is to inform you of the actual recommendation we are making to the Environmental Regulation Commission. The Commission will make a decision on this proposal at a public hearing presently scheduled as follows:

DATE: February 19-20, 1986

TIME: 9:00 A.M.

PLACE: City Council Chambers  
Sarasota City Hall  
1565 First Street  
Sarasota, Florida

The basic purpose of an OFW designation is to prevent the lowering of ambient water quality. The designation by DER affects only new polluting activities which require either a DER permit or a Southwest Florida Water Management District stormwater permit. Activities that do not involve DER permits include such things as regulation of boat speeds and boat pump-out facilities, restoration of seawalls, and septic tanks. Activities under DER jurisdiction, but which are eligible for an exemption, are also not affected by an OFW designation. Examples of activities for which OFW exemptions are possible include small boat docks.

Some activities can be substantially affected by an OFW designation. Generally, DER permits cannot be issued for new direct discharges of pollutants into an Outstanding Florida Water which would lower ambient water quality. New indirect pollutant discharges (i.e., discharges outside OFW boundaries which nonetheless



To Interested Parties  
January 9, 1986  
Page 2

affect an OFW), must not significantly degrade the Outstanding Florida Water. There are certain exemptions for temporary discharges, for activities intended to enhance public use of the water body, and for the maintenance of facilities existing prior to the effective date of an OFW designation.

The DER's present recommendation to the Environmental Regulation Commission (the state agency which makes the decision on state water quality standards) is that the waters of both bays be designated as OFWs, with the exception of artificial waterbodies (such as canals), tributaries, and an area extending into the open water around the mouths of Whitaker Bayou and Phillippi Creek. The full text of the proposed amendment to the OFW listing is attached for your information. Materials on the proposed OFW designation including the Economic Impact Statement are also attached for your information. Copies of our full background report are available and can be provided upon request.

For further information, please contact Mr. Eric Shaw or Mr. Tom Swihart in Tallahassee (telephone number 904/487-1762), Mr. Don Moores in Tampa (telephone number 813/985-7402), or Mr. Bob Rutter in Punta Gorda (telephone number 813/639-4967).

RA/ES/bt

Attachments

NOTICE OF PUBLIC WORKSHOPS

The Department of Environmental Regulation announces two public workshops to which all persons are invited.

DATES, TIMES 1. November 6, 1985 (Wednesday), 7:00 p.m.

AND PLACES Charlotte County Administration Center

Room 208 (County Commission Chambers)

18500 Murdock Circle

Port Charlotte, Florida

2. November 7, 1985 (Thursday), 7:00 p.m.

Sarasota City Hall, City Council Chambers

1565 First Street

Sarasota, Florida

PURPOSE: To receive public comment on a Department recommendation to amend Section 17-3.041, Florida Administrative Code, in order to designate most of Sarasota Bay and Lemon Bay as Outstanding Florida Waters.

The Department's recommendation was formulated after review of information received at public workshops previously held on September 24, 25 and 26, 1985. A copy of the agenda, draft rule, and "Outstanding Florida Waters" fact sheet may be obtained by writing to the Department of Environmental Regulation, Bureau of Laboratories and Special Programs, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32301. For further information, please contact Eric Shaw or Tom Swihart in Tallahassee (904/487-1762), Don Moores in Tampa (813/985-7402) or Bob Rutter in Punta Gorda (813/639-4967).

## NOTICE OF PUBLIC WORKSHOPS

The Department of Environmental Regulation announces two public workshops to which all persons are invited.

DATES, TIMES      1. September 25, 1985 7:00 p.m.  
AND                      Venice Community Center  
PLACES:                326 South Nokomis Avenue  
                                 Venice, Florida

2. September 26, 1985 7:00 p.m.  
Beall Auditorium  
Bradenton Traylor Park  
2310 14th Street West  
Bradenton, Florida

PURPOSE:

To receive public comment on the proposal to designate Sarasota Bay in Manatee and Sarasota counties and Lemon Bay in Sarasota and Charlotte counties as Outstanding Florida Waters.

A copy of the agenda, as well as an "Outstanding Florida Waters Fact Sheet", may be obtained by writing to the Department of Environmental Regulation, Bureau of Laboratories and Special Programs, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32301. For further information, please contact Tom Swihart or Eric Shaw in Tallahassee (904/487-1762), Don Moores in Tampa (813/985-7402) or Bob Rutter in Punta Gorda (813/639-4967).

75

THOMAS W. REESE  
ATTORNEY AT LAW  
123 EIGHTH STREET NORTH  
ST. PETERSBURG, FLORIDA 33701

(813) 822-4084

April 10, 1985

RECEIVED  
APR 15 1985  
LABORATORY &  
SPECIAL PROGRAMS

Randy Armstrong  
Bureau of Laboratory and Special Programs  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301

RE: Petition to Designate Sarasota Bay Estuarine  
System as an Outstanding Florida Water

Dear Mr. Armstrong:

This is to confirm my April 3, 1985, oral waiver of the  
30 day requirement of Chapter 120.54(5), Fla.Stat.

This waiver is made in my capacity as counsel for  
Manasota-88, Inc.; Manatee County Save Our Bays  
Association, Inc.; and Save Our Bays Association/Hold  
the Bulkhead, Inc.

Very truly yours,

*Thomas W Reese*

Thomas W. Reese

TWR/jmt

**APPENDIX F**

**Petition to Designate the Lemon Bay Estuarine  
System as an Outstanding Florida Water**

STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

IN RE: Petition to Designate Lemon Bay, Placida Harbor, Stump Pass, Knight Pass, Bocilla Pass, Bocilla Lagoon, Kettle Harbor, Little Gasparilla Pass, and Gasparilla Pass, as Outstanding Florida Waters

Petitioner To Initiate Rulemaking

1. This is a petition to initiate rulemaking pursuant to Section 120.54(5), Fla. Stat.; Fla.Admin.Code Rule 28-3.11; and Fla.Admin.Code Rule 17-3.041(2), for the purpose of adding the following amendment to Fla.Admin.Code Rule 17-3.041(4)(i), the Special Waters category of the Outstanding Florida Waters (OFW) Rule. The proposed amendment to Rule 17-3.041(4)(i) will add the following language:

"The Lemon Bay estuarine system from, and including, Placida Harbor, Gasparilla Pass, Little Gasparilla Pass, Kettle Harbor, Bocilla Lagoon, Bocilla Pass, Knight Pass, Stump Pass, Lemon Bay, and all the arms, bayous, and tributaries of the above."

Identity of Petitioners

2. Lemon Bay Conservancy, Inc. (The Conservancy) is a charitable, not-for-profit public interest environmental protection organization incorporated under the laws of the State of Florida, and affiliated with The Nature Conservancy, Inc. The corporate purposes of The Conservancy include, but are not limited to, the protection of the waters and natural resources of Lemon Bay and its tributaries and adjacent waters. The membership of The Conservancy includes individuals who use and enjoy the waterbodies proposed herein to be designated as OFW's.

3. Save Our Bays Association/Hold the Bulkhead, Inc. (SOBA) is a charitable, not-for-profit public interest environmental protection organization incorporated under the laws of the State of Florida. The corporate purposes of

SOBA include, but are not limited to, the protection of the waters and natural resources of Sarasota County, and in particular the waters and the fish and wildlife habitat of the coastal estuaries of Sarasota County. The membership of SOBA includes individuals who use and enjoy the waterbodies proposed herein to be designated OFW's.

Current Water Quality Classifications

4. Fla.Admin.Code Rule 17-3.161(2)(c)(8) classifies Lemon Bay and its tributaries from the north Charlotte County line south to Placida Harbor and bounded on the east by State Road 775 as Class II Waters. Among the tributaries in this section of Lemon Bay are Garfield Creek, Ainger Creek, Oyster Creek, Buck Creek, and Lemon Creek. This same rule also classifies Placida Harbor to the mean high water line as Class II Waters. A petition to initiate rulemaking to extend the mean high water line limit of the Placida Harbor classification, to the landward extent of the waters of the state, has been filed with the Department of Environmental Regulation (DER) by the Environmental Confederation of Southwest Florida, Inc. (ECOSWF) on December 6, 1984. DER staff has reviewed ECOSWF's petition and has recommended extension of the mean high water line limit as suggested by ECOSWF. See, January 15, 1985 memo from Landon T. Ross through Randy Armstrong to the Rule Development Committee.

5. Fla.Admin.Code Rule 17-3.161(2)(c)(58) classifies Lemon Bay from Forked Creek south to Sarasota County/Charlotte County line as Class II Waters.

6. In recent permitting decisions DER found and held that Bocilla Lagoon, Bocilla Pass, Kettle Harbor, and Knight Pass, are Class II Waters of Lemon Bay. (Case Nos 82-3485 and 83-461). Similar holdings would be anticipated for Stump Pass, Little Gasparilla Pass, and Gasparilla Pass.

7. The Florida Department of Natural Resources

(DNR) has conditionally approved shellfish harvesting in all of Placida Harbor and the Narrows of Lemon Bay along Don Pedro Island, and along the west side of the intracoastal waterway from the Narrows to Marker 19A just to the north of Stump Pass. A recent unpublished draft DNR shellfish sanitation survey recommends that the west side of Lemon Bay, from Marker 28A near Englewood to Marker 36 just south of Forked Creek, be conditionally approved for shellfish harvesting. A final decision on this report will probably be made in June or July.

8. Fla.Admin.Code Rule 17-3.161(1) classifies Lemon Bay north of Forked Creek as Class III Waters.

9. The northern limit of the Charlotte Harbor/Gasparilla Sound OFW is the Boca Grande Causeway which separates Gasparilla Sound from Placida Harbor. See, Fla.Admin.Code Rule 17-3.041(4)(h) and Section 258.392, Fla.Stat.

#### OFW Rule

10. Fla.Admin.Code Rule 17-3.041(2) provides that a water body which is demonstrated to be of "exceptional recreational or ecological significance" may be designated as an OFW under the "Special Waters" category of Rule 17-3.041(4)(i).

11. Fla.Admin.Code Rule 17-3.021(2) provides that

"(12) 'Exceptional Ecological Significance' shall mean that a water body is a part of an ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity, ecological relationships, ambient water quality, scientific or educational interest, or in other aspects of the ecosystem's setting or process."

12. Fla.Admin.Code Rule 17-3.021(13) provides that

"(13) 'Exceptional Recreational Significance' means unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include, but



are not limited to, fishing, boating, canoeing, water skiing, swimming, scuba diving, or nature observation. The exceptional significance may be in the intensity of present recreational usage, in an unusual quality of recreational experience, or in the potential for unusual future recreational use or experience."

#### Physical Description of the Bays

13. The subject waters are located between Venice on the north and Gasparilla Sound on the south, a distance of approximately 21 miles. Lemon Bay and Placida Harbor are less than one mile wide and have average depths of approximately 4 to 6 feet.

14. The northern end of Lemon Bay is in Sarasota County and the southern end of Lemon Bay and all of Placida Harbor are located in Charlotte County.

#### Applicable Provisions of Comprehensive Land Use Plans

15. The Environmental Plan of Apoxsee, Sarasota County's Comprehensive Land Use Plan, provides that the goal of Sarasota County shall be to "conserve, maintain and where necessary, restore the natural environment of Sarasota County, both because the natural environment is valuable in and of itself, and because it is such a critical part of Sarasota County's identity."

16. The objectives of Apoxsee's Environmental Plan specifically provide for the protection of surface waters and the improvement of the water quality of Sarasota's bays (Objectives 2 and 3).

17. The Apoxsee's Environmental Plan establishes management guidelines which strictly prohibit filling mangrove swamps (II, A.2.b) and tidal marshes (III, B.2.b), prohibit dredging except to maintain existing navigational (IV, C.2.a), as well as provide for the improvement of water quality to encourage the reestablishment and proliferation of seagrass bed habitat (IV, A.2.e).

18. Apoxsee's Habitat Map also identified much of the estuarine area of the subject bays in Sarasota County for preservation.

The Charlotte County Plan

19. The Charlotte County Comprehensive Land Use Plan incorporates provisions of the Charlotte Resource Management Plan which provides in Implementation action 5(e) that

"DER: Amend Chapter 17-3 F.A.C. to classify as 'Outstanding Florida Waters' those Class II approved and conditionally approved waters located in the Charlotte Harbor study area." (The Charlotte Harbor study area included Charlotte and Sarasota Counties).

Past Environmental Studies  
of the Subject Waters

20. A partial list of the past environmental studies of the subject waters include:

- a) Charlotte Harbor Resource Planning and Management Task Force Technical Documents, 1980;
- b) Charlotte Harbor Estuarine Ecosystem Complex, Southwest Florida Regional Planning Council, by Ernest D. Estevez, Ph.D., 1981;
- c) Assessment of Fisheries Habitat Charlotte Harbor and Lake Worth, Florida, DNR, 1983;
- d) Annual Ambient Water Quality Reports by the Sarasota County Environmental Services Department;
- e) DNR Sanitation Monitoring Data; and
- f) Permit application by Bocilla Waterways, Inc. (Case 82-3485 and 83-461).

Environmental Status of Bays

21. According to the studies and information set forth above, all of which is hereby incorporated by reference, the ambient water quality of the subject waters is good with the following noted exceptions:

a) Deer Creek has several recorded DO violations (Annual Sarasota Ambient data);

b) Alligator Creek has several recorded DO violations (Ibid.);

c) Forked Creek has several DO violations, plus one fecal coniform violation (Ibid.);

d) The eastern portion of Lemon Bay north of the Narrows fails to meet DNR's standards for shellfish sanitation (43 MPN) due to flow from the creeks in this area which contain stormwater runoff from developed areas and discharges from small sanitary sewer plants (DNR Draft Report);

e) The portion end of Lemon Bay north of Forked Creek does not generally meet DNR's shellfish sanitation standards due to the impact of stormwater runoff in the City of Venice. The tidal node in Lemon Bay for Stump Pass is located near Forked Creek. Waters in Lemon Bay south of Forked Creek exchange with the Gulf of Mexico through Stump Pass. Waters in Lemon Bay north of Forked Creek move through the Venice intracoastal system into Dona Bay and Roberts Bay. (Ibid.);

f) The western side of Lemon Bay south of Marker 28A (Englewood) and north of Marker 19A (North Stump Pass) does not meet DNR's shellfish sanitation standards due to discharges from small sanitary sewer plants of the Charlotte County end of Manasota Key (Ibid.).

21. Significant commercial and recreational shellfish harvesting occurs in Lemon Bay and Placida Harbor for both clams and oysters. The subject waters also support significant commercial and recreational fishing activities.

#### Estuarine Productivity

22. Numerous studies have found that estuaries are one of the most highly productive ecosystems on earth. The mean net primary production of an acre of an estuary

greatly exceeds that of an acre of each the following ecosystems: lakes, streams, continental shelf, open ocean, woodlands and agricultural land. See Table I, page 11 of Assessments of Fisheries Habitat Charlotte Harbor and Lake Worth, Florida, DNR, 1983. Because of their high productivity, diversity of cover and habitat, estuaries are the prime nursery areas for juvenile fish, shrimp and shellfish. (Ibid.,).

23. The subject estuarine waters are exceptionally productive because of the excellent ambient water quality and relatively unaltered shorelines.

Exceptional Ecological or Recreational  
Significance of the Subject Estuarine Waters

24. The subject estuarine waters have exceptional ecological or recreational significance and deserve to be designated as Special Water OFW's for the following reasons:

a) The ambient water quality of these estuaries is excellent;

b) The productivity of these estuaries is greater than virtually all other ecosystems in Florida;

c) These estuaries are some of the most significant commercial and recreational shellfish harvesting areas in the state;

d) These estuaries provide valuable nursery areas for fish that are important to commercial and recreational fisheries;

e) These estuaries provide exceptional and unusually valuable recreational opportunities for boating, fishing, swimming, shellfishing, water skiing and nature observation. Numerous marinas are located along these bays. Public lands are also located on Don Pedro Island;

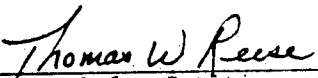
f) The subject estuarine waters provide an exceptional ecological setting for marine research;

g) The subject estuarine waters are unique

and sensitive shallow, narrow estuaries with no major fresh water sources;

h) An OFW designation would provide a regulatory tool to assist in managing these important estuaries.

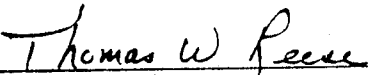
WHEREFORE, the Conservancy and SOBA respectfully request DER to initiate rulemaking to designate the estuaries described above as Special Water OFW's.

  
\_\_\_\_\_  
Of Counsel for Petitioners

THOMAS W. REESE  
123 Eighth Street North  
St. Petersburg, Florida 33701  
(813) 822-4084

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing has been forwarded by U.S. Mail to Victoria J. Tschinkel, Secretary, Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida, 32301, on this 23<sup>RD</sup> day of April, 1985.

  
\_\_\_\_\_

cc: Dr. Elton Gissendanner, DNR  
Philip Edwards, DER, Ft. Myers  
Thomas Swihart, DER  
Honorable Jeanne McElmurray, Sarasota County  
Honorable Paul Monroe, Charlotte County  
Wayne Daltrey, SWFRPC  
Honorable Robert Johnson, State Senator  
Honorable Franklin Mann, State Senator  
Honorable Patrick Neal, State Representative  
Honorable Dave Thomas, State Representative  
Honorable Vernon Peebles, State Representative  
Honorable James Lombard, State Representative  
Honorable Richard Lewis, Mayor, City of Venice  
Mary Kump, Manasota Basin Board  
Gary Kuhl, SWFWMD  
Michael Sprague, DNR  
Terry Hixson, Charlotte County  
Waldo Proffitt Jr., Sarasota Herald-Tribune  
Russ Klier, Sarasota County  
Marnie Banks, Boca Beacon  
Ellen Peterson, ECOSWF, Inc.

THOMAS W. REESE  
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123 EIGHTH STREET NORTH  
ST. PETERSBURG, FLORIDA 33701

(813) 822-4084

April 29, 1985

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Tom Swihart  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301

RE: Petition to Designate Lemon Bay Estuarine  
System as an Outstanding Florida Water

Dear Tom:

On behalf of the Lemon Bay Conservancy and Save Our  
Bays Association/Hold the Bulkhead, Inc., I waive the  
30 day time limit of Chapter 120.54(5), Fla.Stat., for  
the above described petition. I apologize for  
omitting this from the petition.

Very truly yours,

*Tom*  
Thomas W. Reese

TWR/jmt

APPENDIX G

Newspaper Articles Concerning the Proposed Designation



STAFF PHOTO/GEORGE H. WILSON

Sarasota Bay, viewed from the air over the southern tip of Longboat Key, looking east.

# Special Environmental Status To Be Considered for Bay Waters

By **ED GEORGE**  
Tallahassee Bureau Chief

A state panel voted Thursday to take a closer look at coastal waters stretching south from Manatee County to the Gasparilla Island Bridge for possible designation as "Outstanding Florida Waters."

If the Environmental Regulation Commission likes what it sees, those bay areas - including Sarasota Bay and Lemon Bay - could be given the state's highest and most protective classification.

"This would be the first open bay area in the state to become an Outstanding Florida Water on its own," said Tom Swihart of the Department of Environmental Regulation. Other bays have received OFW status by simply being state aquatic preserves.

The commission voted 4-1 to have DER staff study the area, hold public workshops and return a recommendation.

"All we're doing today is considering whether to do a study and have a work-

*'We want to protect our greatest natural asset.'*

*... Bill Kline*

shop," said ERC Chairman Robert Parks, a Miami attorney. "I don't have the faintest idea of whether or not they qualify, not the faintest."

Parks and three other commissioners, including former Bradenton Mayor Sterling Hall, voted to move forward with a petition for rule-making filed by Manasota-88, Manatee County Save Our Bays, and Save Our Bays/Hold the Bulkhead Inc. organizations.

Only John K. Shepard of Tampa voted against further study, saying he objected to the idea of using Outstanding Florida Water designations "as a way to stop growth first, and then try to clean up the water."

But the strongest opposition came from Florida Power & Light Co.

"I don't think this area being pro-

posed here is a pristine area. These bays are not truly exceptional," said W.J. Barrow of FP&L. "Nearly every urbanized bay in Florida can make those kinds of assertions."

Barrow also said FP&L would run into delays and increased costs when it installs underwater cables if the OFW designation is later approved.

"Florida Power & Light and the telephone companies will have to do some sort of environmental impact statements. It is costly and takes time," he said.

But Tom Reese, an attorney representing the environmental groups that proposed the designation, said the bays are exceptional for their ecological and

*Continued on 5B*



# Special Bay Status Eyed

*Continued from 1B*

recreational values, two OFW standards.

Hall said he was very wary of making the entire area an Outstanding Florida Water.

"I wish every piece of water in the state could be outstanding, but in the real world, many are not. And I know this area from fishing it for 50 years. There are lots of problems," Hall said.

He also said Tropicana Products of Bradenton and Siemens Allis of Palmetto "will show up with bells on to fight this. You can call an elephant a mouse, but it is still an elephant," he said.

The current Bradenton mayor, Bill Evers, also expressed reservations.

"The city supports the efforts of Manasota-88, but we would have to be convinced that it would not restrict our discharge of wastewater into the Manatee River. The river flows into the bay," Evers said.

He asked the commission to take the area around the mouth of the river out of the proposal. He got no immediate answer, but was told the issue would come up at the workshop.

DER Secretary Victoria Tschinkel said existing discharges were "grandfathered in" but future increases might be limited.

Sarasota City Manager Ken Thompson and Sarasota Mayor Bill Kline came to the meeting Thursday to support the OFW designation.

Kline, who also serves as president of the Sarasota Save Our Bays Association, said the community was united, from the Chamber of Commerce to the city to environmental organizations.

"We want to protect our greatest natural asset," he told the panel.

Thompson explained during a break in the meeting that OFW protection for the bays might help the city get federal funding for its sewage treatment land-spreading project. The Environmental Protection Agency last week rejected the city's request for a \$20 million grant to help fund the spray irrigation project.

He said the federal government argues that discharging treated sewage in the bay is environmentally safe and less expensive than land-spreading.

"If the bay is declared outstanding and comes under stricter state standards, it will help our case," Thompson said.

The commission watched a slide presentation on the bays from Manatee County to Charlotte County and then voted to go forward with the study and workshop.

SARASOTA HERALD-TRIBUNE/WEDNESDAY, MAY 8, 1985

## Longboat Key Commission

### Resolution To Protect Bay

Preserve to the Venice Inlet, and west of U.S. 41 in addition to various adjacent waters

A resolution supporting the designation of the Sarasota Bay estuary system to the special water category of the Outstanding Florida Waters was passed by the Town Commission in a swift and unanimous motion.

The resolution was drafted by the town staff in response to a petition by ManaSota-88 Inc., Manatee County Save Our Bays Association Inc., and Save Our Bays Association/Hold the Bulkhead Inc. Officials say the designation would afford the highest environmental protections possible to the bay.

The environmental groups petitioned the Florida Department of Environmental Regulation to Add an amendment to the Outstanding Florida Waters Rule so that the estuary system could be considered for the special water category. The petition names waters at the western end of the Terra Ceia Aquatic

# Groups Work To Upgrade Bay's Status

By NANCY PHILLIPS  
Staff Writer

Local environmental groups are working together to persuade the state Department of Environmental Regulation to upgrade the status of Sarasota Bay to an Outstanding Florida Water.

Members of Manatee Save Our Bays, Manasota-88 and Sarasota Save Our Bays have launched the campaign.

The designation would afford the water body added protection against harmful discharges and could eventually lead to improved water quality. It also would disallow construction and dredging projects that would adversely affect the bay.

Additionally, the designation would improve the city of Sarasota's chances of receiving federal funding for a spray irrigation project designed to halt the flow of effluent into the bay.

Tom Reese, attorney for Manasota 88, said the Outstanding Florida Water designation may be awarded in six to eight months if the DER agrees with the groups' contention that the bay deserves the protection.

"The question is one of attributes," Reese said. "We have to show that the bay has exceptional ecological or recreational significance." The attorney said there is a sound basis for maintaining that Sarasota Bay meets both criteria.

"There's no question that the bay has excellent recreational capacity, and it certainly has aesthetic value," Reese said. "It's one of the most important resources the city of Sarasota has. There are shellfish in the bay, and I think all estuaries have excellent ecological significance. If the water was cleaner, it would be a potential harvesting area."

Shellfishing in the bay is confined to a small area on the landward side of Longboat Key at the Sarasota-Manatee County line. According to Bob Forbes, assistant director of environmental engineering for the Sarasota County Health Department, most other areas of the bay were declared off limits to shellfishing in the 1960s.

Forbes said it is difficult to predict whether water quality in the bay will ever return to the point where shellfishing will again be sanctioned. But he was not optimistic. "Traditionally, the urbanization of an area to the degree that we have experienced here irreversibly degrades the water," he said.

An Outstanding Florida Water designation effectively freezes water quality at its current level. "By preventing additional degradation, the water quality would likely improve with time," David Heil, environmental supervisor for the state Department of Natural Resources, explained.

The state Environmental Regulation Commission, a policy-making board of the DER, approves changes in water designation. The Outstanding Florida Water program began in 1979 to prevent degradation of the state's water bodies.

"The purpose of the program is to freeze water quality where it is," DER official Randy Armstrong explained. "We develop more stringent standards for Outstanding Florida Waters to keep the state's aquatic resources in outstanding condition."

The DER now recognizes more than 100 water bodies as outstanding. Armstrong said. To expand that list, he said, "we have to find basically that the cost of the designation and holding meetings and workshops is worth it. We have to be protecting an important resource."

# Special Protection Sought for Estuary

## Lemon Bay Bids for Outstanding Designation

By **BARRY HOLLANDER**  
Staff Writer

From Venice to Gasparilla Sound, Lemon Bay's pristine estuary has joined Sarasota Bay in a bid for special protection.

Twenty-one miles of estuary along the Gulf Coast empty into emerald Lemon Bay, waters environmental groups say represent "significant ecological and recreational significance."

The winning argument could be based on something as humble as an oyster.

"Shellfish beds are becoming a rarity," explained Thomas Reese of St. Petersburg, an attorney representing groups trying to win Outstanding Florida Waters recognition for both bays.

There is one approved area for shellfish (oysters and clams) in Sarasota Bay, but Lemon Bay has half of its area opened to such use and another section is near

reopening. Meanwhile, Tampa Bay is suffering from urban runoff, the doom of shellfishing, with huge tracts being closed to harvesting.

The culprit is bacteria, which prosper when the runoff of packaging and water treatment plants spills into streams and ends up in estuaries. Lemon Bay, stretching along Sarasota County's southern coast and all of Charlotte County, is not free of urban invasion.

Petitions for the two bays are "somewhat related" and likely will be handled together by state officials, Reese said.

The Department of Environmental Regulation will take the first step in the process June 12, scheduling workshops on the topic. Reese estimated the process will take between six and eight months.

Oysters are the key. Because Lemon Bay is already a Class II bay and has large areas of approved shellfishing, Reese says ecological significance can be proven easily.

The Outstanding Florida Waters designation already includes Charlotte Harbor, the Cape Haze Aquatic Preserves and Island Bay National Wildlife Refuge.

These designations do not hinder upland development, but do place more stringent standards on wetlands already under DER control. Dredging, for example, would be more difficult to undertake under the guidelines.

Lemon Bay is classified by the state to include Stump Pass, Little Gasparilla Pass, Gasparilla Pass, Bocilla Pass, Kettle Harbor, Bocilla Lagoon, Knight Pass and from Forked Creek in Sarasota County south to the Charlotte County line. It also includes Placida Harbor.

Reese represents the Lemon Bay Conservancy as well as other groups.

Approval would set up a non-degradation rule for water quality. Standards of quality would be set and the bays would be protected from future urban runoff.

Department of Natural Resources.

Development along the islands is affecting water quality, he said.

"This is going to happen when you have an area as highly developed as that Englewood area is," Sprague added.

The west side is suffering the most, with developers taking up the islands. Class II waters have requirements, but the new designation would make it even tougher.

"We're happy to see that in our program," he said.

Studies have shown estuaries are the most productive ecosystems on Earth, getting more from an acre than any other type.

The proposals are in order with both Charlotte and Sarasota County long-term plans, Reese said. He is asking for support from Charlotte County commissioners next week.

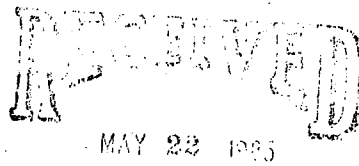
This would include regulations on storm-water treatment by areas, requiring retention of a certain amount of water to ensure the bay's environmental integrity.

Discharges would have to meet those standards and could not exceed them.

Several areas in Lemon Bay already exceed standards, particularly because of runoff from packaging plants in Englewood and Manasota Key and discharges from small sanitary sewer plants.

Designation, Reese said, would provide a tool to assist in managing the estuaries, which are unique ecological systems.

The water quality of Lemon Bay, particularly on the west side, is "still real good," said Mike Sprague, shellfish sanitation expert with the



Office of the Secretary

# County pours support into effort to bring attention to Lemon Bay

By CHUCK TOBIN  
News-Press Bureau

MURDOCK — Charlotte County officials have joined forces with local conservation groups in an effort to bring special state attention to water quality in the Lemon Bay estuary.

County Commissioners Tuesday unanimously endorsed a proposal to petition the Department of Environmental Regulation (DER) to declare 21 miles of waterways in and around Lemon Bay "Outstanding Florida Water."

A last-minute plea for a delay from Englewood attorney Guy Batsel, who represents developers there, was refused by commissioners.

Terry Hixson, county planning director, told commissioners the classification would "be a regulatory action to help preserve state waters."

"The reason that people are moving to Florida is our water as well as the sunshine," Hixson said. "In the long run, this will benefit the community."

The proposal was first suggested by two conservation groups, the Lemon Bay Conservancy Inc. and

the Save Our Bays Association.

The measure calls for the designation to cover Lemon Bay, Placida, Kettle and Knight harbors, Stump, Knight, Bocilla, Gasparilla and Little Gasparilla passes and Bocilla Lagoon.

Thomas Reese, a St. Petersburg attorney representing the conservation groups, said the county's action will help persuade DER officials of the need for the classification.

"I believe it will help a tremendous amount — local government approval is very important," Reese said.

The Lemon Bay estuarine system lies in both Sarasota and Charlotte counties. Sarasota County officials are now considering the proposal. The Southwest Florida Regional Planning Council, which contains representatives of both counties, endorsed the plan earlier this month.

Batsel had asked commission Chairman Paul Monroe to delay the Charlotte County vote, Monroe said. The chairman said Batsel said he had only heard about the proposal recently, and he needed time to prepare material to present to commissioners.

Batsel was not present at the com-

mission meeting, and he could not be reached for comment Tuesday.

Commissioner Richard Holt said the delay was not needed.

"We're not going to have any input in this at all," Holt said. "All we're going to do is add our name to the list of those who support it."

County Planner Stu Marvin said the Outstanding Waters classification will protect some of the wetland areas in Lemon Bay from dredging and filling for development.

"It will make it more stringent. The DER will, for development in the areas under their jurisdiction," Marvin said.

Under the special DER guidelines, developers of submerged lands or wetlands surrounding Outstanding Florida Waters must prove that their projects are "clearly in the public interest" and that the project "will not significantly degrade water quality," officials said.

The DER on June 12 will schedule public hearings on the classification. Reese said the hearings probably will be held in Charlotte County in August. If the DER decides the protection is justified for Lemon Bay, the classification would go into effect in January, Reese said.

LABORATORY & SPECIAL PROGRAMS

## 'Outstanding Florida Waters' proposal supported by county

DAILY HERALD-NEWS, Tuesday, May 21, 1985

By DAVID SCHEEN  
Staff Writer

The Charlotte County Commission voted today to support a proposal to have the Lemon Bay estuarine system named an Outstanding Florida Water.

Lemon Bay Conservancy Inc. has petitioned the Florida Department of Environmental Regulation to designate as Outstanding Waters Lemon Bay, Placida Harbor, Stump Pass, Knight Pass, Bocilla Pass, Bocilla Lagoon, Godfried Harbor and Little Gasparilla Pass.

The County Commission unanimously approved preparation of a resolution to be signed by County Commission Chairman Paul Monroe in support of the Outstanding Florida Water program.

Monroe told the other commission members that he had

received a request from attorney Guy Batsel to postpone action so he could appear on behalf of clients.

Commissioner Lee Eure, who touched off the discussion by saying he thinks there is already enough state authority, suggest that a decision be postponed for a week.

However, Commissioner Richard Holt said he did not see any reason to delay a vote because the commission was only adding its name to a list of people supporting the proposal.

The Outstanding Florida Water designation for Lemon Bay was supported last week at a meeting of the Southwest Florida Regional Planning Council.

Commissioner Monroe said he agreed with Holt and believed a decision should be made at today's meeting. He noted that

the issue had come before the Regional Planning Council was advertised and was contained in the agenda released before today's meeting

Batsel had told Monroe about seeing a story about the proposal in Monday's Daily Herald-News.

The impact of designating Lemon Bay an Outstanding Florida Water is more stringent standards for development in which the Department of Environmental Regulation has jurisdiction, mostly involving submerged land and wetland. In particular, this refers to dredge and fill activities.

Commission Chairman Monroe said the proposal supported the county's Comprehensive Land Use Plan and the Charlotte Harbor Management Plan.

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*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances." — The First Amendment*

FRIDAY, MAY 24, 1985

## Lemon Bay estuary worth state protection

The Lemon Bay estuary is a valuable asset to Charlotte and Sarasota Counties, to Southwest Florida and to the entire state.

To remain an asset, the estuary deserves to have state designation as an "Outstanding Florida Water," as proposed by two conservation groups, the Charlotte County Commission and the Southwest Florida Regional Planning Council.

It is places like the estuary that attract people to this corner of Southwest Florida. Protection for Lemon Bay will benefit the entire community in the long run.

The state Department of Environmental Regulation is studying the proposal to grant the designation to 21 miles of the waterways around Lemon Bay, as suggested by the Lemon Bay Conservancy Inc. and the Save Our Bays Association.

Under DER guidelines, any developer then would have to prove that any project affecting submerged lands or wetlands around the designated area is "clearly in the public interest"

and "will not significantly degrade water quality," before development can be approved.

With so much support already evident, there is good reason to hope the DER will find the designation is justified for Lemon Bay, Placida, Kettle and Knight Harbors, Stump, Knight, Bocilla, Gasparilla and Little Gasparilla passes and Bocilla Lagoon.

It is unfortunate that hearings on the designation are tentatively scheduled for August. Winter residents of Charlotte and Sarasota Counties — who probably would be among the proposal's strongest supporters — may be away then.

They should write to the DER now and let their wishes be known. The address is Twin Towers Office Building, 2600 Blairstone Road, Tallahassee 32301.

The Lemon Bay estuary should be protected. Too many similar areas in Southwest Florida have already been lost to development.

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Boca Grande

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## Coastal Development Prompts Move To Protect Placida Harbor and Lemon Bay

Saying a unique resource for shellfishing and recreation is at stake, environmentalists are petitioning the state to give Placida Harbor and Lemon Bay the highest level of protection under the law by designating them Outstanding Florida Waters.

The move comes as high density development in and around Englewood, especially on the Charlotte County end of Manasota Key, begins to take a toll on water quality in the bay. "I think there is a concern that water quality would decline, and OFW would help to prevent that," said Tom Reese, the attorney for the petitioners, the Lemon Bay Conservancy and the Save our Bays Association.

Reese said the Environmental Regulation Commission at its June 12th meeting in Tallahassee is expected to set dates for public hearings on the petition, which would put the burden on developers to prove that their projects would not harm the bay and harbor waters.

Both the Charlotte County Board of County Commissioners and the Southwest Florida Regional Planning Com-

mission last month endorsed the petition.

According to the petition, the OFW designation would affect a 21 mile stretch of water between Venice on the north and Gasparilla Sound on the south. "Because of their high productivity, diversity of cover and habitat, estuaries are the prime nursery areas for juvenile fish, shrimp and shellfish," the petition says. "The subject estuarine waters are exceptionally productive because of the excellent ambient water quality and relatively unaltered shoreline."

The petition mentions an unpublished survey by the Department of Natural Resources which is likely to lead to the reopening for shellfishing of the west side of Lemon Bay from Marker 28A (near Englewood) to Marker 36 (just south of Forked Creek) possibly this summer.

But it also noted that the same survey would say the waters between Marker 19A and 28A do not meet shellfishing standards because of discharges from small sanitary treatment plants on Manasota Key.

Mike Sprague, who regularly

monitors coliform bacteria and other pollutants in shellfishing waters for the State Department of Natural Resources, said the survey in question was a Sanitary Shoreline Survey conducted every five years or so under the auspices of the U.S. Food and Drug Administration, which regulates interstate shipments of Shellfish.

Sprague said clams and oysters are "filter feeders" and could easily become contaminated by low levels of bacteria in the water. The consequences of eating such contaminated shellfish, he said, could include salmonella, hepatitis and cholera.

The survey "makes a correlation between our counts and what might be on the shoreline," Sprague said.

He said although fishing and bathing were safe throughout the harbor and bay, bacteria counts were high enough to warrant closing some areas to shellfishing.

He said the high bacteria counts near Englewood Beach could be attributed to a concentration of small sanitary treatment plants serving the high rise developments in the area, in combination with a live-in marina.

Sprague added that the densely developed western side of the harbor near Englewood and Grove City has

been closed to shellfishing for years and added the survey would recommend closing an area near Placida because of the potential for contamination due to large scale marina development there.

He also said the study would recommend setting up some new monitoring stations along the bay side of Palm Island, to monitor the effects of condominium developments on the island.

Sprague and Reese said the OFW designation would help maintain water quality at its current levels. They said the best way to restore quality in problem areas would be to build a centralized sewer system that would eliminate the risk of discharges into the bay.

Bill Harlow, director of the Englewood Water District, said the District Board recently authorized a \$10,000 study of the district's sewer alternatives, and the study would be going out to competitive bidding soon.

Harlow and Sonny Sanders, the district's pollution control inspector, said the high bacteria counts could not be attributed to any of the 51 treatment plants in the district. Sanders said they all discharge either into percolation ponds or drainage fields, and that problems due to breakdowns had been confined to the plants.

# Special Status For Bays Endorsed

12  
June  
83

By DAVID MARTIN  
Staff Writer

A movement to prevent any further degradation of area bay waters received the endorsement Tuesday of Sarasota County commissioners, just two days before state officials consider whether to designate the bodies as Outstanding Florida Waters.

Bolstered by staff reports encouraging the move, board members joined the growing ranks of local governing boards in support of a petition filed by area environmental organizations seeking special status for the bays.

"I've brought this up three times now, and now that we have received the reports from our staff, we are going on record with a resolution in support of the special designation for the bays," said Chairman Jeanne McElmurray.

The basic thrust of the OFW designation is twofold, according to McElmurray. First, the designation is considered a "non-degradation standard," she said. This means that the classification would help prevent any actions that would contribute to the demise of existing water quality.

Second, the classification would establish a new set of tests for permitting any facilities, construction or the like with a potential impact on the bays. Essentially, the new tests would preclude state officials from issuing any permits for projects associated with the bays unless it could be demonstrated that the project would offer an overriding public benefit.

Mrs. McElmurray notified Victoria Tschinkle, secretary of the Department of Environmental Regulation, of the board action.

The DER's Environmental Regulation Commission is meeting Thursday to discuss holding a series of public workshops on the new designation, according to attorney Tom Reese. He filed the petition seeking the special status for area waters on behalf of a coalition of environmental organizations including Manasota-88, Manatee County Save Our Bays Association Inc., and Save Our Bays Inc. of Sarasota county.

Continued on 4B

Continued from 1B

The areas included in the petition range generally between Anna Maria Sound (Sarasota Pass), south to Dona and Roberts bays, including all estuarine waters in between lying west of U.S. 41, said Reese.

A similar petition has already been filed by Reese for the Placida Harbor area on behalf of the Lemon Bay Conservancy.

The OFW classification has already received endorsements from the city of Venice, Longboat Key, Holmes Beach, Anna Maria, and the Charlotte County Commission, said Reese.

"If someone wanted to discharge into the bays, he would have to prove that it will not significantly degrade the waters," said Reese, contacted at his St. Petersburg office. "This will be good for the bays. It will serve as a better management tool, giving people a little wider perspective on the overall bays system."

Reese said the OFW classification would likely go to public hearings in the future before state officials decide whether to impose the classification.

Steven Sauers, interim director of the county's Natural Resources Management Department, said in a memorandum to the commission that the classification would help maintain existing bay water quality. In that regard, Sauers said the OFW designation would provide some positive benefits that should outweigh any economic costs.

However, Sauers questioned whether the classification could result in the shifting of pollutants to other upstream areas lying outside the OFW guidelines.

"With regard to dredge and fill activities, new projects would probably be prohibited unless an overriding public interest benefit would be derived from the activity," said Sauers.

This would not apply to maintenance dredging, he said, and noted that the OFW generally follows the county's current dredging policies.

Moreover, Sauers said the county's comprehensive plan encourages the adoption of OFW designations in areas eligible but not so designated.

# Water Status Doesn't Affect Utility Lines

## Regional Planners Endorse Designation

SARASOTA HERALD-TRIBUNE/FRIDAY, JUNE 21, 1985

By BRIAN CRAVEN  
Staff Writer

Designating Sarasota and Lemon bays as "Outstanding Florida Waters" would not prevent utilities from locating or maintaining lines across the bays, planning officials said Thursday.

The Southwest Florida Regional Planning Council, meeting in Fort Myers, endorsed the special designation for the bays, which would be provided with the greatest regulatory protection under the state's water quality standards.

State Department of Environmental Regulation staff members are studying the two bays in Sarasota and Charlotte counties at the recommendation of the state Environmental Regulation Commission to see if they qualify for, and should receive, the Outstanding Florida Waters status.

If adopted, the bays would be regulated under Chapter 17-3 of the state Administrative Code.

Sarasota County Commissioner Bob Anderson questioned whether the outstanding waters classification would affect utility lines across the bays.

"All the agencies in Sarasota County have approved moving toward it (outstanding waters)," Anderson said, but added he has "a little concern regarding the lack of knowledge" on whether utilities will be able to replace their lines in the bay.

Experience indicates no problem on that subject, Anderson was assured.

Other areas designated as outstanding waters, such as Estero Bay, have utility lines crossing them, said David Burr, assistant director of the regional planning council.

"It's never been prohibited, but the outstanding waters classification sets special conditions," Burr said. The clas-

sification means the area "is deserving of special protection from the state when permits are sought."

All state aquatic preserves, state and federal wildlife refuges, and environmentally endangered lands automatically are included in the outstanding waters classification, he said.

Florida Power and Light Co. officials have voiced opposition to the classification for Sarasota and Lemon bays because they claim the extra effort to get the underwater utility permits will cost a lot of time and money.

The two council resolutions supporting the classification for Sarasota and Lemon bays will be sent to the state officials studying the proposal.

Sarasota, Charlotte, Lee, Collier, Hendry and Glades counties are members of the planning council.



Bob Anderson



Herald News  
PMT 10,000  
Punta Gorda

*Wipe*  
JUN-15-85

## Water Designation Wouldn't Affect Utilities

*Save the World*  
**CHARLOTTE COUNTY** Designating Sarasota and

Lemon bays as "Outstanding Florida Waters" would not prevent utilities from locating or maintaining lines across the bays, planning officials said Thursday.

The Southwest Florida Regional Planning Council, meeting in Fort Myers, endorsed the special designation for the bays, which would be provided with the greatest regulatory protection under water quality standards.

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Sarasota County Commissioner Bob Anderson questioned whether the outstanding waters classification would affect utility lines. Experience indicates no problem on that subject, Anderson was assured.

## Fight for survival

The Florida Environmental Regulations Commission has voted for a study which could accumulate in an official designation of the coastal waters extending north from the Gasparilla Island bridge to Mullet Key in Manatee County as "Outstanding Florida Waters."

We believe this is an excellent move forward and it was brought about through the efforts of our neighboring conservation-minded friends, specifically the Lemon Bay Conservancy in Charlotte County, the Save Our Bays, Hold the Bulkheads Inc., group in Sarasota County and the 88 people in Manatee County.

Excellent work folks. However, we wish to remind all of our readers that the entire area extending from Manatee County down to the southernmost waters of Charlotte Harbor bay is all contiguous.

To protect only parts of this estuarine complex is not adequate.

Part of Charlotte Harbor bay is already designated as Outstanding Florida Waters, but

part of the bay remains unprotected by this designation.

We realize that any designation or any attempt to place more stringent anti-pollution regulations on the total area will be strongly opposed by an army of lobbyists in Tallahassee which represent those interests and companies who would rather turn a fast profit than see the environment protected and the growth of the area clean and healthy.

Beginning with the Myakka River bill, which was introduced by Sen. Bob Johnson and Rep. David Thomas in their last session, they attempted to initiate the process of having this river designated a National Wild and Scenic River which also has strong environmental regulations. We discovered the opponents of this bill included General Development Corporation, Florida Power and Light and the phosphate industry.

Are we to expect organized opposition from these same people against any effort which is made to insure the protection of Charlotte Harbor and the rest

of the estuarine effort from further pollution?

The Environmental Regulation Commission's vote to study the Mullet Key to Gasparilla Island area for the "Outstanding Water" designation was also opposed by Florida Power and Light, and there was a threat from the FP&L representative that Tropicana Products of Bradenton and Siemens Allis of Palmetto, a maker of turbine generators for the electric utility industry, would also oppose the designation.

As these powers that be unmask in their intents and positions, it is not difficult to foresee that those of us who wish to preserve and protect those things which we dearly love in Southwest Florida have formidable foes with great power and wealth at their disposal.

We must, however, continue to strive, for if we do not, the people of Southwest Florida will lose their natural heritage here in this distinctive and unique piece of creation called Southwest Florida.

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# Sarasota Herald-Tribune

## CHARLOTTE/AM

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WEDNESDAY, JUNE 26, 1985

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### Editorials

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## Help for Bays Is Welcome

The Southwest Florida Regional Planning Council, meeting in Fort Myers last week, gave its support to a plan to have Sarasota Bay and Lemon Bay designated as "Outstanding Florida Waters."

It is a worthy objective.

We are under no illusion that such designation would by itself save the bays from degradation and deterioration, but it would provide them with an added and important measure of protection under the state's water quality standards.

Members of the staff of the Department of Environmental Regulation are studying the bays to determine if they qualify for the designation. We hope they do.

We have proposed a rather simple test to determine if Sarasota Bay or Lemon Bay or any estuary is properly protected from contamination. That test is whether the body of water is approved for shellfishing. Unfortunately, only relatively small portions of either Sarasota Bay or Lemon Bay can pass this test.

Residents of the counties lying along the bays should not be happy with the status quo. We should be pressing for improvement. Help from the Southwest Regional Planning Council, which encompasses Sarasota, Charlotte, Lee, Collier, Hendry and Glades counties, is most welcome, as is attention from DER.

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SPECIAL PROGRAMS

# Plan Board Supports Bay Protection

By **BARRY HOLLANDER**  
Staff Writer

Tighter restrictions on growth along Sarasota and Lemon bays won formal support Thursday from regional planning officials.

Designation of the bays as "Outstanding Florida Waters" will be considered in September by state environmental authorities.

The Southwest Florida Regional Planning Council, meeting in Fort Myers, added its influence to the push to protect waters stretching along Sarasota and Charlotte counties.

The council is made up of elected officials from Charlotte and Sarasota counties, among others.

Sarasota County Commissioner Bob Anderson asked that language be included stressing the designation would not stop the replacement of existing utility lines to barrier islands.

At the June 21 meeting, council staff assured Anderson that previous experience with the designation had led to no difficulties.

Public workshops are scheduled for September by the state Department of Environmental Regulation. Qualifying under Chapter 17-3 of the state Administrative Code would give the two bays the highest possible protection available, meaning stricter standards for developments along or near the water.

All state aquatic preserves, state and federal wildlife refuges and environmentally endangered lands automatically qualify as outstanding waters.

Special conditions are set for outstanding waters, and stronger protective measures are taken into account by the state when permits are sought.

Florida Power & Light Co. officials apparently thought the classification would make it difficult for them to get underwater utility permits.

Sarasota Bay actually begins near Cortez in Manatee County, and stretches along Sarasota County to near Venice.

From Venice begins the much smaller Lemon Bay, which extends to Gasparilla Sound.

Charlotte Harbor, the Cape Haze Aquatic Preserve and the Island Bay National Wildlife Refuge already are included in the outstanding waters list.

Designation does not affect upland development, but brings more stringent standards on building over which the DER has jurisdiction - mostly wetlands and submerged lands.

The standards make it harder, but not impossible, to obtain dredging and fill permits.

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LABORATORY &  
SPECIAL PROGRAMS

# METRO/STATE

## City Endorses Special Status for Bays

By JON DIETZ  
Staff Writer

Environmentalists hoping to protect Sarasota and Lemon bays by having them declared Outstanding Florida Waters have won the support of the Sarasota City Commission, which views the designation as a weapon in its \$20-million lawsuit against the federal Environmental Protection Agency.

The EPA and state Department of Environmental Regulation have ordered the city to stop dumping treated sewage into Whitaker Bayou, which eventually feeds into Sarasota Bay, by July 1, 1988. The city's alternative was to propose a \$30-million spray irrigation system that would pipe highly treated sewage to east Sarasota County.

Sarasota applied in June for \$20 mil-

lion from the EPA to help pay for the project, but the federal agency turned the city down. Sarasota countered with the federal suit against the EPA.

The city would use an Outstanding Florida Waters designation to bolster its case against the EPA's contention that spray irrigation does not merit federal funds, City Manager Ken Thompson said Wednesday. A week after the EPA's refusal, the DER announced it would give the city \$8.8 million for the project. But Sarasota officials still badly want EPA money because residents would

### 'Outstanding Waters' Designation Could Become Weapon in EPA Suit

face a 22-percent increase in water and sewer charges without it. Average monthly rates would climb from \$21.35 to \$26.05, Finance Director John Haylett said.

The city has spent the last decade trying to get EPA funding for spray irrigation.

Outstanding Florida Waters, which can't be degraded, are protected from new polluting activities that require DER permits. Water quality must remain the same or be improved. City officials believe the best way to protect

Sarasota Bay is to divert treated sewage to the eastern part of the county. But in June, EPA Administrator Lee Thomas in Washington ruled that no federal dollars would flow to Sarasota for spray irrigation. Following the failure of Vice Mayor Lou Ann Palmer's personal appeal, the city sued the EPA, saying the denial of funds was improper and contrary to federal agency's own rules of procedure.

An Outstanding Florida Waters classification for Sarasota Bay would strengthen the city's case against the EPA, Thompson said.

The environmental group Manasota 88 and Save Our Bays associations in Sarasota and Manatee counties have petitioned the DER to reclassify Sarasota Bay. The Lemon Bay Conservancy and *Continued on 7B*

## City Endorses

*Continued from 1B*

Save Our Bays/Hold the Bulkhead Inc. are supporting the stricter designation for Lemon Bay, off Englewood.

There will be two public hearings on the petitions next month. The first will be at 7 p.m. Sept. 25 at the Venice Community Center, 326 Nokomis Ave. The second will begin at 7 p.m. the next day at Beall Auditorium, 2310 14th St. W. in Bradenton.

The seven-member Environmental Regulation Commission in Tallahassee will make the final determination, probably in December. At least one commission member will attend the public hearings.

St. Petersburg lawyer Tom Reese, who will represent the environmentalists, said he is seeking an Outstanding Florida Waters designation from north Mullet Key in Manatee County to the Venice Inlet in Sarasota County.

Included is Midnight Pass, which was closed in 1983 by Siesta Key homeowners. Pasco Carter and Syd Solomon.

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*Clips*

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## Experts Sample Local Waters for "Outstanding" Label

As they consider a petition to designate Sarasota and Lemon Bays as Outstanding Florida Waters, state environmental specialists confront a regulatory quandary they've never faced before.

The OFW designation is intended to prevent degradation of waters judged to be of outstanding recreational and environmental significance to a standard below what currently exists. But what if the water quality were to improve?

"The ambient water quality we seek to protect is from the year before the designation," Tom Swihart, administrator of the Department of Environmental Regulation water resources section, said at a workshop in Sarasota Sept. 24th. "If an area were to improve,

our standard would not necessarily reflect that."

"It's a regulatory problem, and we don't know how to resolve it," added Randy Armstrong, chief of laboratories and special programs, who chaired the meeting. Previously, the dilemma has centered on regulating pollution sources that pre-dated the OFW designation, he said.

The DER staffers were in the area Sept. 24th through 26th to sample local opinion on the petition and to sample water quality at various tributaries to the bays to determine what the current status of water quality is.

Many of the roughly 35 people at the workshop said they favored opening Midnight Pass and asked how the OFW designation would affect getting a per-

mit to dredge.

Armstrong said he believed the dredge project could be shown to be in the public interest and was likely to improve water quality in the bay, and therefore OFW designation would not block the permit.

"We have not been contacted by anyone who is opposed to the designation," Armstrong said after the meeting, noting most comments centered on the effectiveness of the OFW plan.

Armstrong said the commission would probably make a final decision on the petition at a hearing to be scheduled in this region sometime in February. □

# Workshops Set This Week on Bays Designation

By JOHN GIBEAUT  
Staff Writer

A series of workshops will be held this week to solicit public input on the proposed designation of Sarasota and Lemon bays as Outstanding Florida Waters.

The intent of the designation is to prevent the deterioration of water quality, generally by restricting the Florida Department of Environmental Regulation's ability to issue permits for pollutant discharges. Experts say pollution in the bays is not critical, but the outstanding

designation would prevent it from worsening.

While they acknowledge that development would become more expensive if the bays receive outstanding ratings, environmental groups pushing for the designation insist that the purpose is not to put the brakes on development.

"That doesn't come into our consideration," said Lydia Auchincloss, president of the Lemon Bay Conservancy. "We report violations, but we don't want to stop the developers."

The DER will conduct the work-

shops Tuesday at Sarasota City Hall, Wednesday at the Venice Community Center and Thursday at Beall Auditorium in Bradenton. The informal sessions all begin at 7 p.m. The DER will draw up a recommendation for the state Environmental Regulation Commission, and the seven-member appointed commission is expected to make a decision this winter.

The Sarasota Bay proposal includes waters from Passage Key in Manatee County to the Venice Inlet in Sarasota County. Waters from South Venice to Gasparilla Sound

in Charlotte County are included in the Lemon Bay proposal.

The classification applies only to activities that require DER permits, and does not address such things as boat speeds or septic tank regulation. Current activities would not be affected.

Someone wishing to discharge pollutants, directly or indirectly, into the bays must prove that the existing water quality would not be adversely affected.

DER and local officials said most current pollution problems in the bays appear to be isolated and are

the result of agricultural runoff, which releases phosphates and other chemicals into the water, and sewage treatment plant discharges.

"We have done sampling of Lemon Bay for quite a few years now," said Bob Rutter, a DER biologist. "I can say that generally water quality is good, but there is some indication of degradation south of Englewood."

Manatee County environmental specialist Tom Larkin said that some problems exist around marinas and in Palma Sola Bay, but they are not serious.

In Sarasota County, one area of concern is Whitaker Bayou, where the city of Sarasota dumps its

treated sewage. The bayou empties into Sarasota Bay.

City officials hope the outstanding designation will bolster a \$20 million lawsuit filed against the U.S. Environmental Protection Agency. The EPA has told the city to stop discharging sewage into the bayou, and the city is suing the agency in an attempt to make it share the cost of an alternative disposal system.

The EPA has been reluctant to fund improvements, saying the bay does not meet enough pollution criteria for federal help. Sarasota officials hope the bay designation will convince the agency that the city's landspreading plans are essential and worthy of federal aid.

# METRO/STATE

## 2 Bays Urged for Outstanding Waters Plan

By PETER DOBENS  
Staff Writer

Area environmentalists urged state officials Tuesday night to preserve the integrity of Sarasota and Lemon bays by placing them in the Outstanding Florida Waters program.

About 30 area residents and government leaders gathered at Sarasota City Hall to air views in the first of three public hearings that will be hosted by the Department of Environmental Regulation. The comments heard at the meetings will be forwarded to the Environmental Regulation Commission. The commission, created by the Legislature with members appointed by the govern-

nor, adopts the state's water quality standards.  
The second meeting is set for 7 tonight at the Venice Community Center. The third area meeting is at 7 Thursday evening at the Beal Auditorium in Bradenton.

"It's strictly a fact-finding mission," DER bureau chief Randy Armstrong said of the hearing. "The Outstanding Florida Waters program is an anti-degradation policy. It will protect the quality of water at the present level."

Currently, portions of Tampa Bay and Charlotte Harbor are in the program. Also, 17 of the state's 1,700 waterways are in the program, including the waters in Myakka River State Park and por-

tions of the Little Manatee River. "We want all of our waters preserved and protected," State Sen. Bob Johnson, R-Sarasota, said in speaking for the area's legislative delegation.

Flanked by Reps. Harry Jennings, R-Sarasota, and James Lombard, R-Sarasota, Johnson urged the DER to offer a favorable recommendation to the regulatory commission. The area waters can still be saved and improved for economic, environmental and recreational purposes, Johnson said.

"Sarasota Bay is, in fact, the lifeblood of the city," Mayor Bill Kline told the panel. "The city is committed to cleaning up Sarasota Bay."

City officials have been attempting to

secure permits from the state and federal governments to build a landspreading operation that will allow them to stop dumping treated sewage into the bay through Whitaker Bayou. The city wants to spread the treated effluent on property east of the city. Kline urged that the hearing panel recommend the bays be included in the protective program.

The two bays are being considered on the petitions of Manasota-88, Manatee County Save Our Bays Association Inc., Save Our Bays Association/Hold the Bulkhead Inc. and Lemon Bay Conservancy Inc.

"There is still shellfish harvesting in  
*Continued on 5B*

## 2 Bays Urged for Waters Plan

*Continued from 1B*

this area," said Tom Reese, spokesman for the petitioners. "You are losing the shellfish areas."

Portions of Sarasota Bay along the mainland in Manatee County and a small portion along Longboat Key are open for shellfish harvesting.

"This area (two bays) even though it has high use, still has good water quality," Reese said. Sarasota County officials said

ural Resources Jack Merriam opened a different line of discussion in the meeting when he said the county hopes the DER will support the reopening of Midnight Pass. He said this would improve water quality in Little Sarasota Bay.

"The department does support the reopening of Midnight Pass," Armstrong said.

Diana Weiner, attorney and spokesman for the Midnight Pass Society, urged the body to act quickly to open the pass before it is closed forever and loses damage.

# Wide Support Voiced for Bay Protection

By GREGORY ENNS  
Staff Writer

Speakers from a gathering of 40 people attending a public hearing in Venice Wednesday night voiced unanimous support for a state proposal that would ensure the water quality of Sarasota and Lemon bays.

The speakers, ranging from a state representative to environmental spokesmen, showed up at the Venice Community Center in the second of three public hearings on a proposal to designate the two bays as Outstanding Florida Waters.

"We're talking about an upgrade in

the classification of these waters down here," said Randy Armstrong, chief of the Bureau of Laboratories and Special Programs for the Florida Department of Environmental Regulation.

Designation as Outstanding Florida Waters would prevent deterioration of current water quality levels by increasing the restrictions the DER places on permits that are issued for pollutant discharges.

"The water quality out there right now becomes the new standard," said Armstrong, noting the waterways currently have a less stringent classification of protection.

Many of the 10 speakers addressing

Armstrong and other state officials Wednesday night said the designation is needed to ensure the quality of water in the bays for future generations.

"There's no question there's been a tremendous explosion of population," said Jim Brown, vice president of Save Our Bays, one of four conservation groups that petitioned for the designation last spring. "You look at the population piling up along these bays... The fact is we must protect these waters as they are now."

Armstrong and his staff are expected to make a recommendation by early January to the seven-member Environmental Regulation Commission. The com-

mission will formally consider the recommendation during a public meeting to be held in February in the Sarasota area, Armstrong said.

Input from the three public hearings - the first was held in Sarasota Tuesday night and the last will be at 7 tonight at the Beal Auditorium in Bradenton - and letters to the DER will be incorporated in a report submitted to the commission.

The sentiment for the designation was highlighted during Wednesday night's hearing by Rep. James Lombard, R-Osprey, who told the DER officials that area legislators from Sarasota to Engle-

*Continued on 8R*

## Local Bay Protection

*Continued from 1B*

wood had received no adverse comments about the designation. He said the two bays were perfect candidates for the designation.

"If Lemon and Sarasota bays don't fit the designation of Outstanding Florida Waters, I'd like to know what (bays) do," Lombard said.

Representatives from Charlotte County, the city of Venice and Sarasota County Chairman Jeanne McMurray also voiced support.

While some speakers noted that the water quality of the bays had deteriorated in recent years, Venice

City Planner Chuck Place asserted that the current water quality level is actually an improvement over previous years.

"We have ourselves tried to clean up our waters" and reduce sources of pollutants, he said.

Place expressed concerns that Red Lake, near Caspersen Beach in South Venice, had been excluded from the proposal. The lake, he said, traditionally has been considered the headwaters of Lemon Bay.

Tom Reese, representative for the petitioners, said Red Lake was excluded from the proposal because Sarasota County Environmental Services Director Russ Kilier had expressed concerns that the waters wouldn't meet quality standards for the designation.

"Based upon Russ' comment, I deleted it," Reese said. "But I think the water quality is improving."



# City backs bay plan, partially

The city favors designating Sarasota Bay an Outstanding Florida Water — with conditions.

**JAY KIRSCHENMANN**  
Herald Staff Writer

Bradenton Mayor Bill Evers says the city favors an Outstanding Florida Waters designation for Sarasota Bay — with only a few reservations.



During a Thursday night public hearing, Evers said the proposed boundaries of the designation should be moved south so that it would not encompass the mouth of the Manatee River. Otherwise, he said, the city might have to redesign a sewage plant it is now building that will discharge treated wastewater into the Manatee River.

The state Department of Environmental Regulation proposal calls for designating all the bays from Passage Key in north Manatee County to Gasparilla Sound in Charlotte County as Outstanding Florida Waters.

Such a designation would prohibit discharges that would cause a deterioration of present water quality, including dredge and fill work and discharges of stormwater and pollutants.

Evers said he is concerned that the city might have to spend millions more rebuilding its sewage treatment system.

Bradenton dumps about four million gallons a day of treated effluent into Wares Creek, which flows into the Manatee River and empties into Anna Maria Sound.

"Our \$19 million system is now under construction," Evers told the audience gathered at the Bradenton Trailer Park auditorium on 14th Street West. "We financed it with a bond in 1982 that forced a 4 percent water and sewer rate increase, but the citizens supported it."

Randy Armstrong, the DER's chief of the bureau of laboratories and special programs, said that existing legal discharges are "grandfathered" into the standards and may continue without any new requirements.

However, he said that new pollutant discharges would not be allowed to degrade existing water quality.

Armstrong said several groups prompted the agency's consideration of such a designation here, including Manasota-88 and the Manatee County Save Our Bays Association Inc.

Speaking in favor of the proposal were State Rep. Peggy Simone, Bradenton, a Tampa Bay Regional Planning Council spokesman, and representatives of homeowners associations and environmental groups.

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Waldo Proffitt Jr., Editor  
Robert G. Watt, Editorial Page Editor



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## Editorials

# Outstanding They Should Be

Nearly everybody is in favor of the Outstanding Florida Waters classification for Sarasota Bay except some who are already doing damage to it.

The Department of Environmental Regulation has held hearings on applying the OFW classification to Sarasota Bay from Passage Key at the mouth of Tampa Bay to Venice Inlet, and also to Lemon Bay from South Venice to the Gasparilla Island bridge - that is, to Charlotte Harbor.

The big thing it would do is prohibit further organized degradation of the waters involved; it wouldn't stop those now degrading the bays from doing so.

But in Bradenton at the final hearing some of them seemed worried anyway. There was a lack of enthusiasm for the designation among local officials.

Effluent from the Bradenton's municipal sewer plant, which accomplishes only secondary treatment and does not remove all inorganic nutrients, flows to the Manatee River. And others may be concerned, including Tropicana, which has grandfathered rights to discharge into the Manatee River that are almost as old as Bradenton's.

The OFW classification would not cover the river and its tributaries. Nevertheless Mayor Bill Evers proposed that the classification line be moved south, to exclude Anna Maria Sound north of the Manatee Avenue bridge. The Manatee River flows into Tampa Bay primarily, not Sarasota Bay, but if nearby water is given official protection from pollution, will they try to protect the river next?

Nor are Manatee County's hands clean in the matter. Dick Eckenrod of the county's department of land and

natural resources; represented the county commission at the hearing to express its reservations.

As director of mining regulation for Manatee County, Eckenrod has fought vigorously to protect inland waters from degradation. But he told the DER officials that the county still intermittently dumps effluent from the Cortez Road sewage treatment plant into Sarasota Bay. It is supposed to be land-spread, but the parks department can't use it all on its golf course in wet weather.

Sarasota also is a contributor to the degradation of the bay, through dumping municipal sewer plant effluent via Whitaker Bayou.

These contributors to the estuarine pollution problem are trying to improve.

Bradenton is overhauling its plant and will add additional filtration that will make the effluent "almost meet tertiary standards."

Tropicana has controlled its damaging discharges and reduced its storm runoff.

Manatee County's utilities system is planning spray-irrigation for two new plants under construction.

The City of Sarasota is trying its best to use inland spray-irrigation and is being pressed to do so by Sarasota County. But the project is tangled in the permitting process and may wind up in the courts.

All these attempts to stop further damage underscore a reason for seeking the OFW classification: to move this area still further away from the out-moded belief that rivers and bays are there to serve as natural sewers.

There should be no dragging of the feet. All local governments ought to be leaders in the effort.

# Saving the bays

## Groups unite for state action

By Sarah Wigginton

**E**nvironmental groups in Sarasota and Manatee counties are determined to protect coastal waters by obtaining an "Outstanding Florida Waters" (OFW) designation for the entire region.

Thanks in part to their recent show of strength, opposition to that effort is virtually nil.

Some developers, municipalities, and farmers are concerned with just how the designation, designed to protect the waters from any further degradation, will affect their operations and plans. But, so far, few have been willing to speak out against the effort.

"I guess I'm the only one crazy enough to say something," said Bradenton Mayor Bill Evers who spoke out at a recent public hearing on the matter. The city of Bradenton recently constructed a new wastewater treatment plant which discharges effluent into the Manatee River, a tributary of Tampa Bay.

Evers has asked that the portion of Tampa Bay at the mouth of the Manatee River be exempted from the designation, or that he be given some kind of assurance that his sewage treatment operations can continue. The mayor offers assurance, however, that he is not opposed to the OFW status.

"I don't want the environmentalists to think I'm opposed to the rest of it," he said. "I mean, how do

continued on page 3

## Saving the bays . . .

continued from page 1

you fight apple pie, motherhood, and the environment? I'm not trying to fight Manasota 88 or the Save Our Bays groups. But, I'm the head of a city and I have to find out what kind of effects this might have on us later on."

More than 25 organizations have signed a petition to establish the OFW status for bay waters from southern Tampa Bay to Venice. Included are environmental groups (Manasota-88, Isaac Walton League, Audobon Society, Save Our Bays, Beach Preservation Association, Turtle Watch, Littoral Society, etc.); municipalities (cities of Longboat Key, Sarasota and Venice); garden clubs; women's groups; the League of Women Voters in both counties; the Cortez chapter of the Florida Fishermen's Association; and even the Manatee County Republican Executive Committee, representatives of about 40,000 registered Republican voters.

The petition has been sent to the Department of Environmental Regulation (DER) in Tallahassee, the state office responsible for making recommendations on the designation. The ultimate decision rests with a seven-member board appointed by the governor known as the Florida Environmental Regulation Commission (ERC).

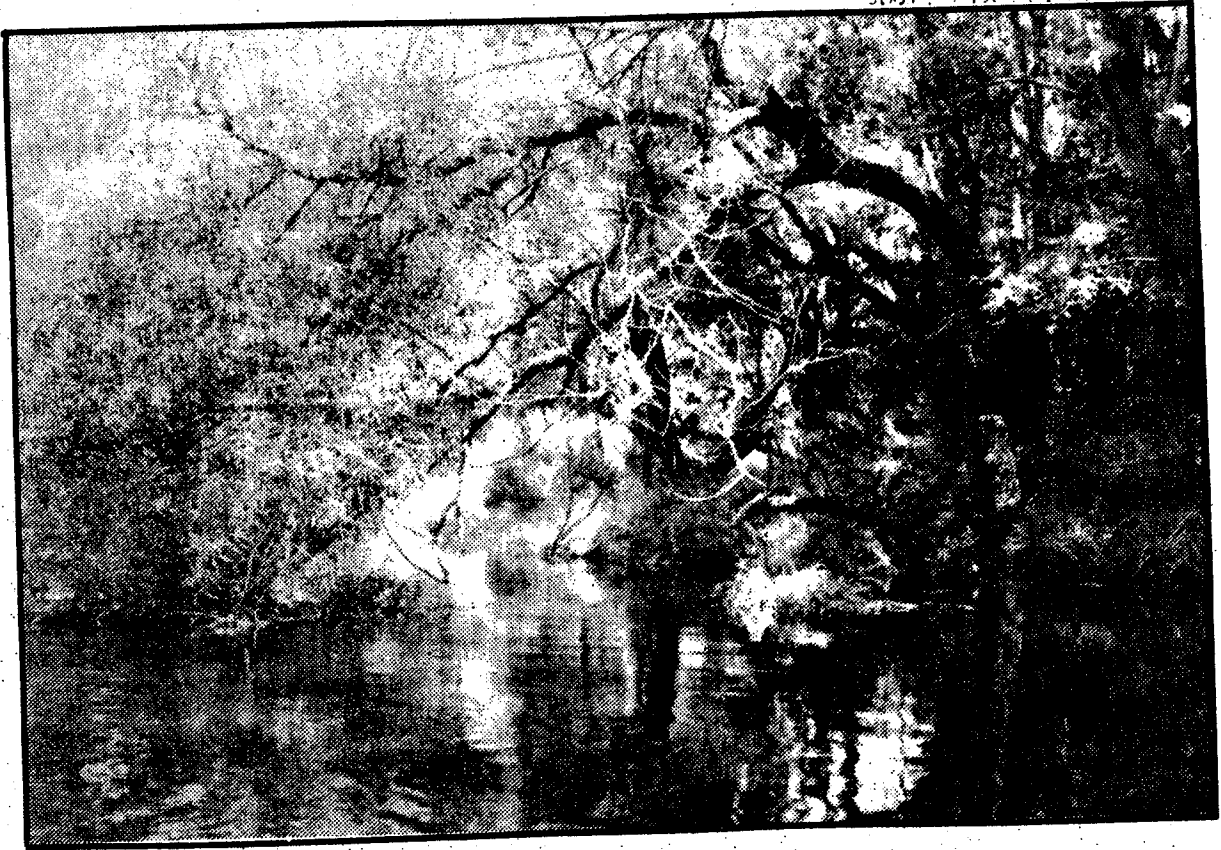
While obtaining on OFW classification will not, in the words of Tallahassee DER Bureau Chief Randy Armstrong, "suddenly and magically make the waters clear," it would more strictly limit the discharge of sewage, practically outlaw filling and dredging of wetlands, and require increased retention of storm water for all future projects and developments. Basically, said Armstrong, the OFW designation "freezes the water quality at its current level."

Lawyers representing developers and fruit farmers, who also attended the recent public hearing in Bradenton, have voiced concern over these and other possible stipulations. Among them was Attorney Patricia Petruff, who would not divulge the names of her developer clients except to say they did not include Wilbur Boyd or State Sen. Pat Neal. Petruff, too, was quick to deny any opposition to the designation on the part of her clients.

"The concerns (developers) are not opposed at all to the designation," she said. "Their objective is to have the DER look at all aspects in making the determination. We just raised a series of questions."

Petruff said her developer clients were concerned about the economic impact to future developments caused by the storm water retention regulations which, she says, will be 150 times greater than current standards. Other questions involve the discharge into the bay from man-made irrigation ditches and dock size restrictions for condominium complexes.

Attorney Duey Dye also attended the hearing as a representative of the Manatee Fruit Farms, own-



ers of 2,000 acres of bayfront property with three points of discharge into the Sarasota Bay and one into Perico Bay. Dye's purpose in attending the hearing, according to law partner Petruff, was to make sure the farmer's irrigation ditches were "grandfathered in" when specifications are established under the new classification.

Various environmental groups have been working on obtaining the OFW designation since March. Efforts will probably continue until February of 1986 when a final hearing for approval will be held in Sarasota.

A series of workshops on implications of the designation will be held in mid-November of this year. A detailed report with recommendations will be issued by the DER around the first of January.

Little opposition has been voiced in Sarasota regarding the ruling even though the city of Sarasota, like its Bradenton counterpart, discharges treated wastewater into the bay at Whitaker Bayou. Kit Fernald, co-chairman of the Manatee chapter of Save Our Bays, says she doesn't think Sarasota is overly concerned about the designation because it hopes in the future to dispose of its sludge through ground spreading methods.

Sarasota's Mayor Bill Kline could not be reached to confirm this.

Naming the Sarasota Bay and other area waters as "outstanding" is to local environmentalists a necessary first step. Fernald says the bays have "de-

teriorated" greatly over the last 30 years because of the increase in nutrients entering the waters.

"Sea grass population in the bay has declined an average of 30 percent," she said. "In the Whitaker Bayou, the sea grass population has declined by 74 to 99 percent."

Sea grass is an essential link in the food chain of the bays and provides the basic environment that keeps the waters teeming with aquatic life.

Hal Pelta, director of the regional office of the American Littoral Society, a coastal conservation group, said he considers the OFW classification as a "basic right — almost a given."

"It's a shame there has to be any effort at all to obtain the designation in order to just prevent further deterioration of the water quality," said Pelta. "I can't believe anybody could speak against it."

DER's Armstrong said the OFW status is determined by the water's current level of quality, ecological characteristics, recreational uses and public interest. He added that the department is "very interested in the opinions of elected officials since they hopefully represent the opinions of the people who elect them."

Residents are encouraged to make their opinions and concerns regarding OFW designation known to the DER by Oct. 15. Address correspondence to: Bureau Chief Randy Armstrong, Department of Environmental Regulation, 2600 Blairstone Rd., Tallahassee, FL 32301.

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## *Outstanding Florida Waters*

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# Debate to Focus on Boundaries

By ED GEORGE  
Tallahassee Bureau Chief

TALLAHASSEE - The move to declare Lemon and Sarasota bays "Outstanding Florida Waters" has drawn overwhelming support from many groups, but concerns still remain among the communities that would be affected by the special designation.

The files of the state-appointed Environmental Regulation Commission, empowered to make the designation, are packed with letters from commercial fishermen, chambers of commerce, the Republican Executive Committee and even the Episcopal Church Women of the Church of the Annunciation of Anna Maria. The public comment period that officially ended earlier this month drew more than 80 responses.

"So far, no one has actually objected to the designation," said Eric Shaw of the Florida Department of Environmental Regulation's special projects section.

The "Outstanding Florida Waters" designation is the highest protection that the state can offer to a body of water.

Petitioning the commission for the designation are the environmental groups ManaSota 88 and the Lemon Bay Conservancy.

## *Designation For 2 Bays Draws Support*

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Lemon Bay stretches 21 miles along southern Sarasota and Charlotte counties, through shallow, salty bays and bayous, some lined with gnarled mangrove trees and thickets of seagrass.

Sarasota Bay is more urbanized and meanders for 40 miles from Mullet Key in Manatee County to southern Sarasota County.

The groups say the bays are "an ecosystem of unusual value, heavily relied on for recreation" and "of exceptional ecological significance."

"It is the bay, more than any other feature, that has determined the nature and quality of life in Sarasota, imparting a municipal character that could not be duplicated in any other setting," states the Regional Urban Design Assistance Team, a collection of nationally known planners that studied Sarasota.

With nearly everyone in agreement on the attributes of the designation, the

debate will focus in the coming months on the precise boundaries of the areas to be protected.

The Lemon Bay interests, including state Rep. David Thomas, R-Englewood, say the boundaries should be enlarged to include some important tributaries.

The Bradenton and Manatee County governments want the boundaries of Sarasota Bay changed also, but for a different reason. Bradenton Mayor Bill Evers and Manatee commissioners are concerned about how the designation would affect the county's discharge of treated sewage into local waters.

Evers is worried that the designation will hamper the city's efforts to expand its inadequate sewage treatment plant. He expressed his concerns during a public hearing last month in Bradenton, one of three hearings conducted in the area by the state. He repeated his concerns in a letter to state environmental officials.

Although the Bradenton plant does not discharge directly into Sarasota Bay, it does discharge into the Manatee River, which leads into the bay.

State officials say that a "Outstanding Florida Waters" designation "freezes the clock" on pollution discharges. This means that the pollution

*Continued on 6B*

## Debate to Focus on Boundaries

*Continued from 1B*

levels allowed at the time of the designation are permitted but that new and expanded discharges are not.

No "significant degradation" of water quality is permitted once an area gets the "Outstanding Florida Waters" tag.

Because Bradenton does not discharge directly into the bay, however, there would be no hard and fast rule against increasing its discharge in the river, according to the DER.

Evers remains worried. He has asked that the northern boundary of the Sarasota Bay preserve be moved to the Manatee Avenue bridge that crosses the Intracoastal Waterway. That area is south of where the Manatee River empties into the bay.

Manatee County Commission Chairman Ed Chance wrote the DER and expressed concern about his county's Master Drainage Plan. Polluted stormwater now runs off Manatee County streets, lawns and parking lots into Sarasota Bay.

Newer developments retain the water until impurities settle, but areas built before the mid-1970s have no so-called retention ponds. The water heads downhill, into drainage canals and ditches, and eventually into the bay.

The expense of creating runoff retention and treatment ponds in highly developed areas would be enormous, say Manatee County officials.

"What you have to do is unpave some areas, like parts of shopping centers, and create retention ponds," said state Sen. Pat Neal, D-Bradenton.

Neal said he supports the designation but shares the concerns of the Manatee governments.

"I hope that the rules implementing ("Outstanding Florida Waters") will be flexible and allow the county and city time to take care of the runoff problems," he said.

Studies of Sarasota and Lemon bays have universally concluded that more than half of their pollu-

tion comes from "non-point" sources - the bureaucratic phrase for runoff water. A point source would be the discharge pipe at a citrus processing plant - such as Tropicana Products Inc. in Bradenton - or a sewage treatment plant.

Boundaries for "Outstanding Florida Waters" are set by the Environmental Regulation Commission, which has among its members former Bradenton Mayor Sterling Hall. All the members know Evers, who has been working with the commission for years to get sewage treatment grants.

A vote on the designation could come in February. Water quality measurements also will figure into the boundary decisions because areas with poor water quality cannot qualify for the protected status.

# Outstanding Waters Plan Encounters No Opposition

By **BARRY HOLLANDER**  
Staff Writer

The proposed designation of Sarasota and Lemon bays as specially protected waters eased through the first of two second-round public hearings Wednesday in Charlotte County.

The second is scheduled for 7 p.m. today at the Sarasota City Hall commission chambers.

The two public workshops follow an earlier three focusing on designation of the two strips of bay as Outstanding Florida Waters, a label aimed at preventing the lowering of existing water quality.

Sarasota Bay, as described by the state, ranges from the Hillsborough-Manatee County line south to Venice. Lemon Bay picks up approximately 2,000 feet northwest of the mouth of Alligator Creek south of Venice and stretches to the Gasparilla Sound Aquatic Preserve at the Boca Grande Causeway.

A summary report of the Department of Environmental Regulation recommendations and those by others will be issued around Jan. 1. The Environmental Regulation Commission is scheduled to decide the issue Feb. 12 in a meeting planned for the Sarasota area.

None of the 15 people attending Wednesday's 1½-hour meeting in Murdock spoke against designation. Little resistance has emerged to the Lemon Bay move, though the Sarasota Bay measure has sparked some debate.

"An OFW doesn't create any new pieces of paper to be filled out," said Randall Armstrong, bureau chief of the Laboratories and Special Programs Division of the agency.

"However, we do look more closely at OFW permits."

The designation, tentatively proposed for the waters by the agency, will affect only dredge and fill, stormwater discharge and pollutant discharge activities. Maintenance dredging of existing facilities is allowed under the strict guidelines, but new activities such as a marina would be difficult to win a permit for.

While being labeled an OFW will protect the bays from some activity, some concerns were raised about the exclusion of streams feeding the waters.

Whitaker Bayou's water quality is low because of Sarasota sewage, said Tom Reese, an attorney for the number of groups seeking the environmental designation.

However, Reese said the sewage permit is temporary and asked the agency return in five years to study the water quality for possible inclusion.

Catfish, North and South creeks in Sarasota County were also mentioned for inclusion, as well as Buck Creek in Charlotte.

Buck Creek failed to win state approval last month for purchase under a program to buy sensitive lands. Armstrong said its designation as an OFW would possibly make selling the idea easier, but that his agency needs more environmental information on all the tributaries before it can include them in the recommendation.

"For a long time I've been disturbed, these organizations have been disturbed, with what's going on in the area," said Commissioner Joseph Tringali who represents the Englewood area along Lemon Bay.

# Bay Protection Lauded; Bayou Designation Attacked

By JUD MAGRIN  
Staff Writer

Sarasota Mayor Bill Kline's request Thursday night that Whitaker Bayou be designated along with Sarasota Bay as an Outstanding Florida Water was labeled a mockery of the OFW program by an attorney representing a dozen eastern Sarasota County landowners.

Still, everyone who spoke at a state Department of Environmental Regulation workshop Thursday night was in favor of a proposal that most of the bay area stretching from Boca Grande to Anna Maria Sound be designated Outstanding Florida Waters.

As presently proposed, a 1,500-foot area at the mouths of Whitaker Bayou and Phillippi Creek would be excluded from the designation because of continued pollution violations, said Randall L. Armstrong, chairman of Thursday night's workshop. Armstrong is chief of Laboratories and Special Programs for the DER.

The city of Sarasota's treated effluent is poured into Whitaker Bayou and has been a major contributor to the degradation of Sarasota Bay. The city has been trying for more than a decade to stop that dumping and spray the effluent on land it bought near Myakka River State Park.

That plan has drawn continued opposition from landowners in that area, particularly residents of Myakka Valley Ranches.

Attorney William L. Earl, representing 12 landowners in that area, said the city was attempting to abuse the OFW program and "(will) use it to beat other (state and federal) agencies over the head" to gain approval of the spray irrigation project.

He called the spray irrigation plan a "bootstrap alternative."

"Then (phosphate) slime ponds should

*Continued on 5B*

SARASOTA HERALD-TRIBUNE/FRIDAY, NOVEMBER 8, 1985

## Bay Protection

*Continued from 1B*

be designated OFW. That is exactly what they are trying to do," Earl said.

Earlier, Kline asked that the bayou be designated outstanding, but suggested actual implementation be held up until the city ceases dumping effluent into it. He said the city also wants assurances that when it stops dumping into the bayou, no one else will be allowed to.

Attorney Judith S. Kavanaugh, representing the Myakka Valley Ranch Association Inc., submitted a letter asking for assurances that the OFW designation for the bay would not preclude the city from examining other methods of effluent disposal besides spray irrigation, specifically advanced wastewater treatment with continued dumping into the bay.

Another issue raised at Thursday's meeting was the inclusion of several tributaries to the bays as OFW. Fred Duisberg, of the Lemon Bay Conservancy, and others said if the tributaries are not to be protected, the bays would deteriorate despite the designation.

The DER will include Buck Creek in Englewood in its recommendation and is considering Catfish Creek and North and South creeks

in Sarasota County. North and South creeks extend into the Palmer Ranch, which is earmarked for development over the next 40 years.

Armstrong said the final date for submitting comments to the DER is Dec. 1. The DER will make its recommendation to the Environmental Regulation Commission around Jan. 1. The department will hold a public hearing Feb. 12 locally to receive comment on that recommendation.

Armstrong said the ERC's decision on the designation could come in March.

The OFW designation would allow the DER to apply more stringent rules when considering applications for discharges into these waters. Armstrong said the OFW designation "does not stop discharges or development. It's a tougher test."



CHARLOTTE SUN NOV. 11, 1985

# Quality water protection sought

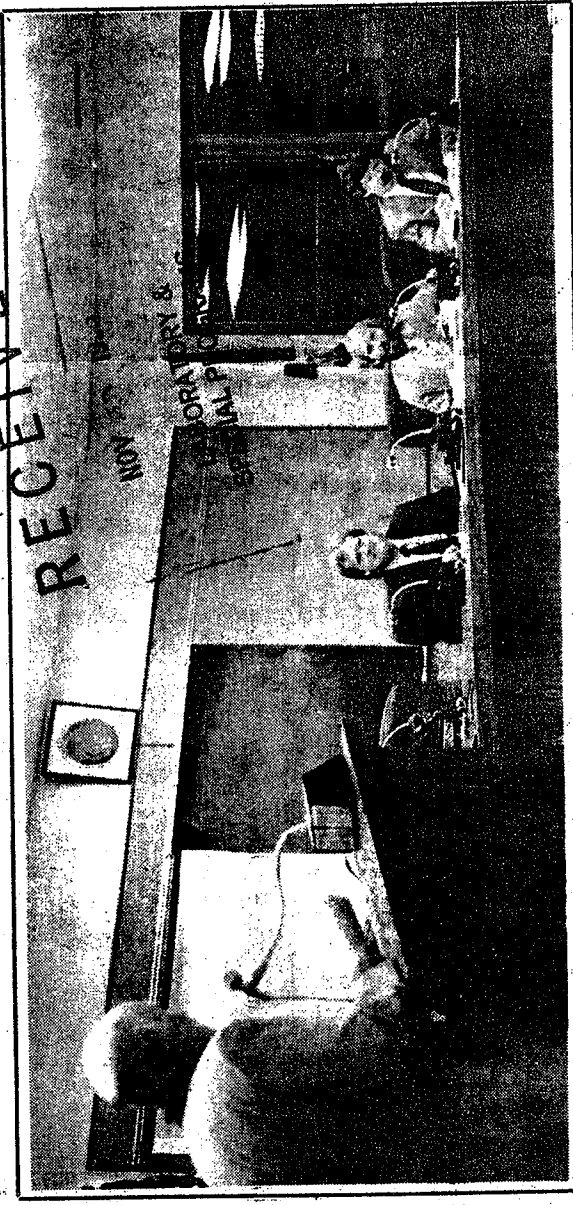
By CHARLES BRENNAN  
Monday Sun News Editor

An expanse of water, stretching from southern Tampa Bay to Gasparilla Sound, could be classified "outstanding" by the Florida Department of Environmental Regulation.

Before acquiring that status, however, DER employees will have to trudge through time-consuming, bureaucratic procedures.

Tentatively the Environmental Regulation Commission will decide Feb. 12 if the bays, inlets and possibly some tributaries are deserving of the Outstanding Florida Water (OFW) status.

To determine public views on



Commissioner Tringali addresses Eric Shaw, Randy Armstrong and Tom Swihart

See WATER, Page 8A

## ★ WATER

From Page 1A

the proposed classification, DER employees have had workshops in various coastal towns to discuss the subject. A final draft for the proposal will be submitted to the DER commission Jan. 1.

Conducting a workshop at the Charlotte County Administrative Complex Wednesday evening were Randy Armstrong, bureau chief of DER's Water Resource Programs Bureau of Laboratories and Special Programs; Tom Swihart, an administrator with the same bureau; and Eric Shaw, environmental specialist with the bureau.

DER workers, in cooperation with Manatee and Sarasota county pollution control departments, tested the waters in question — composed largely of the Intercoastal Waterway — to determine which areas could qualify for the designation. Based on findings and comments in workshops the DER Bureau of Laboratories and Special Programs has included Lemon Bay to Gasparilla Sound and Sarasota Bay in the preliminary proposal, as well as waters further north.

The OFW status is a process that, if imposed, would prevent

the lowering of existing water quality. Presently, DER can issue permits to lower water quality classifications.

"This is a reclassification to a higher classification," Armstrong said.

The DER bureau has conducted required workshops and, at the suggestion of members of the public, included Buck Creek to State Road 775 in Englewood, and portions of South Creek, North Creek and Catfish Creek in Sarasota County.

Frank Gerald, president of the West Charlotte County Civic Association, asked why four creeks in Englewood were not included in the proposal.

"Initially we weren't going to consider tributaries in the classification," Armstrong said. He said most of the tributaries DER looked at didn't have water quality suitable for the classification; and many have repeatedly violated existing standards.

Only activities that require a DER permit such as dredge and fill, stormwater discharge or pollutant discharge activities would be affected by the designation, he said.

No state or federal regulatory activities — except DER — would be affected by OFW status with the exception of some permits required by water management districts that have been delegated stormwater management authority.

Charlotte County Commissioner Joseph Tringali, one of roughly a dozen people at the workshop, expressed his support of classifying the water OFW. He said he has noticed a gradual deterioration of water quality in the waters leading south, into Lemon Bay.

Tringali asked if the designation is approved that DER workers monitor waters near private sewage treatment plants to assure standards are being kept.

## Help protect Lemon Bay

*FPI. News 1-14-86*  
It looks pretty sure now that the state will designate 21 miles of waterway from Lemon Bay to Gasparilla Pass as Outstanding Florida Waters.

Just to be on the safe side, however, strong public support for the proposal should be expressed Feb. 19 and 20 when the state's Environmental Regulation Commission holds public hearings at Sarasota's city hall.

The commission, appointed by the governor, will make the final determination. Florida's Department of Environmental Regulation has endorsed the proposal by the Lemon Bay Conservancy.

Outstanding Florida Waters status will give the area under study strong safeguards against environmental damage from development. Water quality tests made during the past few months will be used to set standards for future development projects. More tightly regulated will be dredge and fill projects, runoff discharge and mangrove cutting.

Lemon Bay and Gasparilla Pass will join 200 other bodies of water in the state with OFW protection, including the Florida Keys. The protection is important for the preservation of the state's natural beauty, survival of wildlife and maintenance of water quality.

**APPENDIX H**

**Selected Correspondence Received  
Regarding the Proposed Designation**



# THE FLORIDA SENATE

Tallahassee, Florida 32301

**SENATOR BOB JOHNSON**  
25th District

August 7, 1985

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AUG 15 1985

LABORATORY &  
SPECIAL PROGRAMS

**COMMITTEES:**  
Corrections, Probation & Parole  
Education  
Finance, Taxation and Claims  
Governmental Operations

**SELECT COMMITTEE:**  
State Comprehensive Plan

**JOINT COMMITTEE:**  
Legislative Auditing

Mr. Randy Armstrong, Chief  
Bureau of Laboratories & Special Programs  
Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Randy:

The requests for designation of Sarasota and Charlotte County coastal waters as Outstanding Florida Waters have my strong support.

The pristine water quality of the southern bays deserves the greatest protection the State can give. Charlotte Harbor stands to benefit as an aquatic preserve from this protection.

The northern bays enjoy a water quality that supports rookeries, seagrass, and marine life, these too deserving of the best protection.

Designating all these waters as outstanding will insure that rapid development, which is to be expected in this area, will not entail the degradation of their quality.

With thanks for your consideration of these requests, I am,

Very truly yours,

Bob Johnson  
Senator, District 25

BJ: mh

REPLY TO:

- 27 South Orange Avenue, Sarasota, Florida 33577 (813) 365-4628
- 254 Senate Office Building, Tallahassee, Florida 32301 (904) 487-5081

**HARRY A. JOHNSTON, II**  
President

**BETTY CASTOR**  
President Pro-Tempore



# THE FLORIDA SENATE

Tallahassee, Florida 32301

**COMMITTEES:**  
Corrections, Probation & Parole  
Education  
Finance, Taxation and Claims  
Governmental Operations

**SELECT COMMITTEE:**  
State Comprehensive Plan

**JOINT COMMITTEE:**  
Legislative Auditing

**SENATOR BOB JOHNSON**  
25th District

October 30, 1985

Mr. Randy Armstrong, Chief  
Bureau of Laboratories & Special Programs  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Randy:

I continue to give my full support to the requests for designation of Sarasota and Charlotte County coastal waters as Outstanding Florida Waters. The designation will be an important benefit to the southwest Florida environment.

I urge the department to encourage the protection of Lemon Bay and Sarasota Bay by granting this status.

With thanks for your careful consideration, I am,

Very truly yours,

Bob Johnson  
Senator, District 25

BJ: mh

**REPLY TO:**

- 27 South Orange Avenue, Sarasota, Florida 33577 (813) 365-4628  
 254 Senate Office Building, Tallahassee, Florida 32301 (904) 487-5081

**HARRY A. JOHNSTON, II**  
President

**BETTY CASTOR**  
President Pro-Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32301

RECEIVED  
JAN 22 1986

SENATOR FRANKLIN B. MANN  
38th District

January 20, 1986

COMMITTEE SECRETARIAL  
AGENCY, Sub. C.  
Chairman  
Executive Business  
Vice-Chairman  
Health and Rehabilitative Services  
Natural Resources and Conservation

JOINT COMMITTEE:  
Legislative Information Technology Resources

Victoria Tschinkel  
Secretary  
Department of Environmental Regulation  
Twin Towers  
2600 Blair Stone Road  
Tallahassee, Fla.  
32301

RECEIVED  
JAN 27 1986

LABORATORY &  
SPECIAL PROGRAMS

Dear Vicki,

I am pleased the Department is recommending the designation of Lemon Bay and Sarasota Bay as an Outstanding Florida Water.

I have voiced my previous support for this designation, and I continue to support and endorse this designation at this time. I hope you will convey this support to the Commission and that they in turn will vote favorably in this matter.

As always, I appreciate your continued support and advice.

With kind regards,

Franklin B. Mann  
State Senator

FBM/dkm

23  
1/27

REPLY TO:

- Post Office Box 1268, Fort Myers, Florida 33902 (813) 334-2584
- 330 Senate Office Building, Tallahassee, Florida 32301 (904) 487-5124

HARRY A. JOHNSTON II

BETTY CASTOR

have received the assurance of Mr. Roat that he will appear in my stead in behalf of the proposed designation.

If I, or my office, may be of further assistance, please be sure to let us know.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J.M. [unclear]". The signature is written in a cursive style with a long horizontal flourish at the end.

JML/pr





# Florida House of Representatives

Tallahassee

**James M. Lombard**  
Representative, 70th District

Reply to:

Post Office Box 86  
Osprey, Florida 33559  
(813) 966-6060.

September 24, 1985

Mr. Randy Armstrong  
Department of Environmental Regulation  
State of Florida  
Tallahassee, Florida 32301

Dear Mr. Armstrong:

Florida's legislative district #70, which I represent, includes the land areas bordering Sarasota Bay from the Manatee County-Sarasota County line south to and including the city limits of Venice. As a result, my constituents and I have a keen interest in the maintenance and enhancement of the water quality in Sarasota Bay.

Sarasota Bay is prima facie evidence of what a Florida outstanding water should be. It is a unique water body, ranging from mangrove to hardened shores, with a wide and fascinating variety of wildlife living over, under and on its waters. Our waters, once pristine and teeming with fish and other marine-oriented life, are now facing the same threats from rapid growth as many other, if not all, of Florida's natural resources - a slow deterioration of water quality and eventual destruction of the marine life living therein.

The proposed designation of Sarasota and Lemon Bays as outstanding Florida waters will, it is hoped, help to restore the once-productive quality of the waters. I am hopeful that the Environmental Regulation Commission will approve the designation of Sarasota and Lemon Bays as outstanding Florida waters.

Very truly yours,

A handwritten signature in dark ink, appearing to read "J.M. Lombard", written over a horizontal line.

JML/bj



*draft copy*  
**RECEIVED**  
SEP 8 1985

Office of the Secretary

# Florida House of Representatives

Tallahassee

**David L. Thomas, M.D.**  
Representative, 71st District

**Committees**  
Natural Resources  
Health & Rehabilitative Services  
Veterans Affairs

- Reply to:
- Port Charlotte Public Library  
at the Cultural Center  
2280 Aaron Street  
Port Charlotte, Florida 33952  
(813) 627-8797
  - 26 House Office Building  
Tallahassee, Florida 32301  
(904) 488-1171

Aug. 27, 1985

Ms. Victoria J. Tschinkel, Secretary  
Department of Environmental Regulation  
Twin Towers Office Building  
Tallahassee, FL 32301-8241

Dear Ms. Tschinkel:

It is critical that the state confer the Outstanding Florida Water designation on Lemon Bay and Sarasota Bay. Those of us who have lived in this area for many years realize the tremendous amount of degradation that has occurred within the last decade.

The Outstanding Florida Water designation will not improve water quality, unfortunately. It will, however, be a good first step to prevent further degradation, and it is my strong feeling that we should make the OFW designation immediately.

Sincerely,

David L. Thomas, M.D.  
Representative, District 71



RECEIVED

OCT 15 1985

## Florida House of Representatives

Tallahassee

LABORATORY &  
SPECIAL PROGRAMS

### Committees

Natural Resources  
Health & Rehabilitative Services  
Veterans Affairs

**David L. Thomas, M.D.**  
Representative, 71st District

Reply to:

- Port Charlotte Public Library  
at the Cultural Center  
2280 Aaron Street  
Port Charlotte, Florida 33952  
(813) 627-8797
- 26 House Office Building  
Tallahassee, Florida 32301  
(904) 488-1171

Oct. 11, 1985

Mr. Randy Armstrong  
Chief, Bureau of Laboratories & Special Programs  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32301-8241

Dear Mr. Armstrong:

As I indicated in a previous letter to Department of Environmental Regulation Secretary Victoria Tschinkel, I wholeheartedly agree with the Manasota 88 and Save Our Bays organizations' petition for inclusion of the Sarasota Bay estuarine system and Lemon Bay estuarine system under the Outstanding Florida Water designation.

I also request that you consider adding to the petition two tributaries which I believe are worthy of protection under the Outstanding Florida Waters designation: Catfish and North Creeks, which flow into Little Sarasota Bay (up to the U.S. 41 bridge), and South Creek up to the existing Outstanding Florida Water designation in Oscar Scherer State Recreational Area (South Creek flows into Blackburn Bay).

I sincerely hope the DER will include these recommended additions in its report to the Environmental Regulation Commission.

As you may already know, the Sarasota County Board of County Commissioners on Tuesday, Oct. 8, passed a resolution in support of not only the original petition, but also the additions I have described.

Mr. Randy Armstrong  
Page Two

Addition of the two tributaries will enhance the overall positive impact of the Outstanding Florida Water designation, I believe, and I earnestly hope you will lend your support to their inclusion.

Sincerely,

*Dave*

David L. Thomas, M.D.  
Representative, District 71

cc: Belinda Perry, Sarasota County Dept. of Natural Resources  
Sarasota County Board of County Commissioners

DLT/sf



# Florida House of Representatives

Tallahassee

**Harry Jennings**  
Representative, 69th District

**Committees**  
Education, K-12  
Veterans Affairs  
Community Affairs

May 31, 1985

Reply to:

Suite 152  
2002 Ringling Boulevard  
Sarasota, Florida 33577  
(813) 366-7451  
Suncom 552-7054

29 House Office Building  
Tallahassee, Florida 32301  
(904) 488-7754

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JUN 3 1985

LABORATORY &  
SPECIAL PROGRAMS

Eric

Randy Armstrong  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Mr. Armstrong:

I was delighted to receive your letter dealing with your department's consideration of Sarasota and Lemon bays as Outstanding Florida Waters.

It would be my strong suggestion that every water area in our state be established as an outstanding water. If I am at home at the time of a public workshop I will endeavor to be present. Should I be away someone from my office will try to be on hand.

All Florida waters should be made capable of supporting nature at its finest level. There are exciting new ways to produce fish and shellfish and Floridians----those here now as well as those to come----should be able to enjoy our waters' bounty as did the Indians of yesteryear and the various explorer/settlers who have followed.

Since the mid-fifties and the great growth grab of the greedy has spoiled what nature provided. If government can help restore this loss it will be a giant step toward restoring public confidence in bureaucrats and politicians.

With best regards, I am,

Very truly,

*Harry Jennings*  
Harry Jennings  
State Representative  
District 69

HJ:rn



## Florida House of Representatives

Tallahassee

**Peggy Simone**  
Representative, 68th District

Reply to:  
 Suite C-14  
4301 32nd Street, West  
Bradenton, Florida 33505  
(813) 758-1161  
 405 House Office Building  
Tallahassee, Florida 32301  
(904) 488-4086

**Committees**  
Ethics & Elections  
Governmental Operations  
Transportation

April 15, 1985

Thomas W. Reese  
Attorney at Law  
123 Eighth Street North  
St. Petersburg, Florida 33701

Dear Mr. Reese:

Thank you for your letter of March 27, along with the copy of the petition to designate Sarasota Bay as an Outstanding Florida Water.

I agree with your position and will support the petition to protect the Sarasota Bay estuarine system.

I appreciate your keeping me up to date on this.

Sincerely,

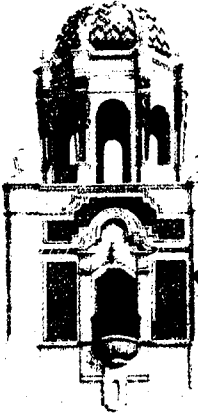
A handwritten signature in cursive script that reads "Peggy Simone".

Peggy Simone  
State Representative

PS/j

COUNTY OF SARASOTA

F L O R I D A



CLERK TO BOARD OF COUNTY COMMISSIONERS

R. H. HACKNEY, JR., CLERK

KAREN E. RUSHING CHIEF DEPUTY CLERK

P. O. BOX 8

SARASOTA, FLORIDA 33578

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OCT 16 1985  
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SPECIAL PROGRAMS

October 10, 1985

Mr. Randy Armstrong  
Bureau of Laboratories and Special Programs  
Florida Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

RE: RESOLUTION NO. 85-398

Dear Mr. Armstrong:

Enclosed herewith please find one certified copy of Resolution No. 85-398, adopted by the Board of County Commissioners, Sarasota County, Florida, in the meeting held on October 8, 1985.

Sincerely,

*Charlene H. Henry*  
Deputy Clerk Henry

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY FLORIDA  
85-398

RE: RESOLUTION SUPPORTING THE DESIGNATION OF THE SARASOTA BAY AND LEMON BAY ESTUARINE SYSTEMS AS "OUTSTANDING FLORIDA WATERS" (OFW) AND RECOMMENDING INCLUSION OF NORTH CREEK AND CATFISH CREEK TO THE US 41 BRIDGE AND SOUTH CREEK TO OSCAR SCHERER STATE RECREATION AREA.

WHEREAS, Section 17-3.041(2), F.A.C. provides that a water body which demonstrated to be of "exceptional recreational and ecological significance" may be designated as an OFW under the "Special Waters" category of Section 17-3.041(4)(i), F.A.C.; and

WHEREAS, the Environmental Chapter of Apoxsee, the Sarasota County Comprehensive Plan, establishes management guidelines that conserve, maintain, and restore the County's native habitats including bay waters by prohibiting dredging except to maintain existing navigational channels, encouraging seagrass and oyster beds and mangrove habitats and striving to improve water quality; and

WHEREAS, Manasota-88, Manatee County Save Our Bays Association, Inc. (MSOBA), Save Our Bays Association/Hold the Bulkhead, Inc. (SOBA) have petitioned the Florida Department of Environmental Regulation (DER) on March 25, 1985, to initiate rulemaking to designate Sarasota Bay Estuarine System as Special Waters OFW; and

WHEREAS, Lemon Bay Conservancy and SOBA have petitioned DER on April 23, 1985, to initiate rulemaking to designate Lemon Bay Estuarine System as Special Waters OFW; and

WHEREAS, DER held public workshops for these proposals on September 24, 1985 (Sarasota), September 25, 1985 (Venice), and September 26, 1985 (Bradenton) and requested public comments by October 15, 1985; and

WHEREAS, North Creek and Catfish Creek flow into Little Sarasota Bay and their shorelines are undisturbed west of the US 41 bridge and therefore are worthy of protection because of their natural attributes; and

WHEREAS, South Creek is a tributary of Blackburn Bay and that portion of the creek within Oscar Scherer State Recreation Area already is designated an OFW and therefore the remaining creek area is worthy of protection because of its location between an existing and a proposed OFW; and

WHEREAS, the Board of County Commissioners of Sarasota County, Florida, did discuss and support the OFW designation within the coastal waters at a public meeting assembled on June 11, 1985.

NOW, THEREFORE, BE IT RESOLVED by the BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, in public meeting assembled that:

1. The Board of County Commissioners of Sarasota County, Florida, supports the designation of Sarasota Bay and Lemon Bay Estuarine Systems as Special Waters OFW including Sarasota, Little Sarasota, Blackburn, Dona, Roberts, and Lemon Bays.
2. The Board of County Commissioners of Sarasota County, Florida, does hereby respectfully request that DER include North Creek and Catfish Creek and South Creek as depicted in Exhibit "A", to the OFW proposal.
3. The Clerk to the Board is hereby authorized to send a certified copy of this Resolution to Randy Armstrong, Bureau of Laboratories and Special Programs, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32301-8241, and to the Sarasota County legislative delegation consisting of Senators Robert Johnson, Representative Harry Jennings, Representative James Lombard, and Representative David Thomas.

STATE OF FLORIDA )  
COUNTY OF SARASOTA )

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL THIS 10/10/85.

CHARLES H. HENRY, CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA

Charles H. Henry  
DEPUTY CLERK



4. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED THIS 8th DAY OF October, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA

By Janice M. McMurray  
Chairman

ATTEST:

R. H. HACKNEY, JR., CLERK OF THE  
CIRCUIT COURT, Ex Officio Clerk  
Board of County Commissioners  
of Sarasota County, Florida

By Charlene H. Henry  
Deputy Clerk

STATE OF FLORIDA )  
COUNTY OF SARASOTA )

HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT COPY OF THE ORIGINAL FILES  
IN THIS OFFICE. WITNESS MY HAND AND OFFICIAL  
SEAL THIS DATE 10/10/85

R. H. HACKNEY, JR., CLERK OF THE CIRCUIT COURT  
EX OFFICIO CLERK TO THE BOARD OF COUNTY  
COMMISSIONERS, SARASOTA COUNTY, FLORIDA

By Charlene H. Henry  
DEPUTY CLERK



*Tom Swihart - draft  
Sept 18*

# COUNTY of CHARLOTTE

RECEIVED  
SEP 26 1985

## PLANNING DEPARTMENT

Office of the Secretary  
CHARLOTTE COUNTY ADMINISTRATION CENTER  
18500 MURDOCK CIRCLE  
PORT CHARLOTTE, FLORIDA 33948-1094  
627-1161

September 26, 1985

LABORATORY &  
SPECIAL PROGRAMS

Ms. Victoria J. Tschinkel, Secretary  
Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Ms. Tschinkel:

Enclosed please find a resolution of the Board of County Commissioners of Charlotte County, Florida, supporting the petition to initiate rule-making to add the Lemon Bay Estuarine system to the Special Waters category of the Outstanding Florida Waters (OFW) rule. The Planning Department, through the Board, strongly supports such action. Lemon Bay is a pristine waterway, and as such contributes greatly to the welfare and economy of the people of Charlotte County and our winter visitors. We believe that the preservation of the ambient water quality of Lemon Bay is essential to the future of Charlotte County.

On a personal note, as a former and perhaps future resident of Sarasota County (my family lives there), and as a member of Manasota 88, I also support similar action with regard to the proposal for Manatee and Sarasota County waterways. Preservation or improvement of water quality in those waterways is equally essential to the economic futures of those counties.

Thank you, the Environmental Regulation Commission, and the

staff of the Department of Environmental Regulation. We appreciate your attempts to keep the waters of the State clean for now and the future.

Sincerely,

CHARLOTTE COUNTY PLANNING DEPARTMENT

*Stu Marvin*

Stu Marvin, Planner

Enclosure

RESOLUTION

NUMBER 85-95

A RESOLUTION SUPPORTING A PETITION TO INITIATE RULE-MAKING PURSUANT TO SECTION 120.54(5), FLORIDA STATUTES; FLORIDA ADMINISTRATION CODE RULE 28-3.11; AND FLORIDA ADMINISTRATION CODE RULE 17-3.041(2), FOR THE PURPOSE OF ADDING AN AMENDMENT TO RULE 17-3.041(4)(i), FLORIDA ADMINISTRATION CODE. SAID AMENDMENT WOULD ADD THE LEMON BAY ESTUARINE SYSTEM TO THE SPECIAL WATERS CATEGORY OF THE OUTSTANDING FLORIDA WATERS (OFW) RULE.

WHEREAS, the inclusion of the Lemon Bay Estuarine System in the Special Waters category of the Outstanding Florida Waters Rule would help to protect such waters from degradation; and

WHEREAS, such inclusion would help implement the Charlotte Harbor Management Plan and therefore the Charlotte County Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Charlotte County does hereby support the petition to initiate said rule making.

PASSED AND DULY ADOPTED this 21 day of May, 1985.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

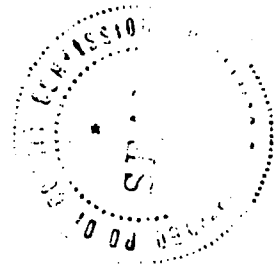
By Paul E. Monroe, Jr.  
Paul E. Monroe, Jr., Chairman

ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to the Board of County  
Commissioners

Barbara T. Scott  
Deputy Clerk

APPROVED AS TO FORM:

Thomas W. Garrard  
Thomas W. Garrard  
Acting County Attorney



TS

# MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS



October 8, 1985

Mr. Randy Armstrong, Bureau Chief  
Bureau of Laboratories and Special Programs  
Department of Environmental Regulation  
2600 Blainstone Road  
Tallahassee, Florida 32301-8241

RECEIVED  
RECEIVED

OCT 16 1985  
LABORATORY &  
SPECIAL PROGRAMS

Dear Mr. Armstrong:

As you are aware, representatives of Manatee County spoke at the public hearing for the proposed reclassification of Sarasota Bay, Perico Bay and Anna Maria Sound to Outstanding Florida Waters, held at the Bradenton Beall Auditorium on September 26, 1985. During the DER presentation, it was stated that the proposed reclassification was being considered for the boundary waters of the above named bays in Manatee County as shown on the various maps and exhibits at the public hearing. It was also stated that tributaries to these marine waters were not named in the petition nor were they being considered by DER for reclassification from their present Class III designation.

Manatee County has undertaken a Master Drainage Plan study of the urbanized areas in drainage basins tributary to Sarasota and Perico Bay. The Master Plan is a study of the most cost effective means to upgrade public drainageways to attenuate flooding under 25 year storm conditions. These improvements will be undertaken subject to authorization by the Board of County Commissioners and DER and SWFWMD permitting criteria for activities in Class III waters. It is not fully clear what effect, if any, reclassification of waters downstream from Class III waters will have upon the permit standards and criteria applicable to stormwater improvements.

The County would like the opportunity to meet with your staff and representatives of the DER District office to discuss improvements being proposed in the Sarasota and Perico Bay basins to gain a better understanding of potential impacts, if any, from the proposed reclassification. County studies and preliminary recommendations in these basins are complete only to the stage of recommending drainage way flowage capacities for later right-of-way acquisition. However, discussions at this early stage would be beneficial to avoid misunderstanding later on in the planning and design process.

EDWARD W. CHANCE • WESTWOOD H. FLETCHER, JR. • LLOYD C. HAGAMAN, JR. • KENT G. CHETLAIN • MAXINE HOOPER

P. O. Box 1000, Bradenton, Florida 33506

Mr. Randy Armstrong  
Outstanding Florida Waters  
Page 2

Staff will be contacting you shortly to make the meeting arrangements should you concur with our request. We appreciate the opportunity to comment on the proposed petition and work with you and your staff to obtain a better understanding of the proposed reclassification upon County activities.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
MANATEE COUNTY, FLORIDA

*Edward W. Chance*

EDWARD W. CHANCE  
Chairman

EWC:jem

cc: Richard Garrity, District Manager, DER Tampa District Office  
Philip Davis, Director, Public Transportation Department

CITY OF SARASOTA

POST OFFICE BOX 1058 / SARASOTA, FLORIDA 33578

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DEC 6 1985

LABORATORY &  
SPECIAL PROGRAMS



OFFICE OF THE MAYOR  
AND CITY COMMISSION

December 2, 1985

Mr. Thomas Swihart  
Florida Department of Environmental  
Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301

Dear Mr. Swihart:

The following comments summarize the opinion of the City Commission of Sarasota on the designation of Sarasota Bay as an outstanding Florida water (OFW).

The City Commission supports the OFW designation for Sarasota Bay because:

- 1) It confers additional protection on a fragile ecosystem. We have reached this conclusion from the many studies on the Bay. The Bay's shallowness and poor flushing characteristics make it unable to readily assimilate pollutants. The effect of pollutants has been to seriously reduce the area of seagrasses between Whitaker Bayou and Stephens Point. Protection of the seagrasses is essential because they form the base of the Bay's food chain and provide shelter and forage for fish.
- 2) It is consistent with the City's intentions to protect the Bay. We are committed to remove the present discharge of the City's treated effluent from Whitaker Bayou. We are also committed to continue to control releases of non-point sources.
- 3) The Bay is a cornerstone to the economy of the local region. Without adequate protection, the water quality of the Bay would decline and the economic effects on our tourist industry could be catastrophic.
- 4) The seagrass community in the Bay has been adversely affected in a serious manner since the 1940's. However, the City believes that seagrasses in the Bay can recover if action is taken very shortly. We are committed not only to removing our STP discharge from the Bay, but also to consider a replanting program to encourage the regrowth of the seagrasses.

In addition, we are of the opinion that designation of Sarasota Bay as an OFW is consistent with the two principal statutory requirements used by ERC in evaluating OFW proposals.

First, Sarasota Bay clearly displays exceptional ecological or recreational significance.

- o The ecological significance of Sarasota Bay as a whole is unquestioned because of its importance as a spawning ground and habitat for fish and crustaceans living in the grass beds. The extensive seagrass beds within the Bay system play a primary role in its productivity and must be protected.
- o Recreational benefits include fishing and pleasure boating as well as its scenic beauty.

Second, Sarasota Bay provides enormous economic benefits to the local communities.

- o Economic benefits include protection of income from our tourist industry. This is the backbone of our local economy and the benefits stemming from its protection will be very substantial and would dwarf any loss caused by the program.
- o Other benefits, although difficult to monetize, are none the less of great significance to the local community including the Bay's scenic beauty and the recreational activities that the Bay affords.

We recommend that you consider including Whitaker Bayou in the OFW designation. It is our expectation that water quality will improve after the City's discharge is removed from the Bayou.

In the event that you decide that the Bayou does not presently meet all the OFW requirements at this time, we would like you to consider the alternative of designating the Bayou as OFW now, but delaying implementation of the OFW status until the City removes its discharge.

We also urge you to consider redesignation of the area around the Bayou after the City's discharge is removed. The City believes that Sarasota Bay's water quality will substantially improve after removal of the discharge. However, there will be a need to redesignate the Bay at that time to prevent degradation back to the present levels. We recommend that the area near Whitaker Bayou be scheduled for redesignation one year after the discharge is removed.



We concur with your view on the appropriateness of future releases of advanced treatment wastewater to the Bay after the OFW has been designated. The City commissioned a panel to study this issue, among others relating to wastewater management. The panel concluded that an advanced treatment discharge was not an appropriate method of disposal in a system as fragile as Sarasota Bay. We feel that this is consistent with the State and federal permit requirements and we welcome the OFW program since it further protects the Bay against degradation from inappropriate discharges.

In conclusion, we strongly support the designation of Sarasota Bay as an OFW. The Bay clearly merits designation on the grounds of its exceptional ecological and recreational significance, as well as its pronounced benefits to the local economy.

Technical consultants to the City have accumulated a reference file of important documents on the Bay. We feel that you should have full access to these documents in making your decisions. Please contact the undersigned if you wish to obtain additional documentation.

Thank you for the opportunity to comment on this important issue.

Very truly yours,

CITY OF SARASOTA, FLORIDA

By:   
WILLIAM G. KLINE, MAYOR

WGK/cs

cc: All City Commissioners  
Kenneth Thompson, City Manager  
Robert A. McLelland, City Auditor and Clerk  
Richard J. Taylor, City Attorney  
Joseph Zorc, Esquire  
Andrew Huggins

## RESOLUTION

A RESOLUTION OF CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA ENDORSING IN PRINCIPLE THE DESIGNATION OF THE WATERS OF SARASOTA BAY, INCLUDING NEW PASS AND SARASOTA BIG PASS AS OUTSTANDING FLORIDA WATERS; MAKING FINDINGS AS TO WATER QUALITY AND THE PRESERVATION OF THE ECOSYSTEM OF WATER BODIES WITHIN THE CORPORATE LIMITS OF THE CITY OF SARASOTA; ENDORSING THE HOLDING OF A PUBLIC WORKSHOP ON THE PROPOSED DESIGNATION; DIRECTING THAT COPIES OF THIS RESOLUTION BE PROVIDED TO DESIGNATED PERSONS OR ENTITIES; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Sarasota has been formally advised of the Petition to Initiate Rule Making, now pending with the State of Florida Department of Environmental Regulation, which pertains to the designation of certain waters identified in said Petition as outstanding Florida waters; and,

WHEREAS, the pending Petition includes Sarasota Bay, New Pass and Sarasota Big Pass within the category of waters to be designated as outstanding Florida waters; and,

WHEREAS, the designation of a water body as an outstanding Florida water is based upon a finding that the water body is of exceptional recreational or ecological significance; and,

WHEREAS, the purpose of the designation of an outstanding Florida water is to prevent the lowering of existing water quality; and,

WHEREAS, portions of the waters of Sarasota Bay, including New Pass and Sarasota Big Pass, are within the corporate limits of the City, and are zoned as a Marine Park; and,

WHEREAS, it is the intent of the City Commission to protect the waters of Sarasota Bay, including New Pass and Sarasota Big Pass from water quality degradation; and,

WHEREAS, it is the intent of the City Commission to protect the ecosystems of Sarasota Bay, including New Pass and Sarasota Big Pass from destruction emanating from pollution sources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The City of Sarasota does hereby endorse, in principle, the Petition to Initiate Rule Making as filed by Manasota 88, Inc., Save Our Bays Association and Manatee County Save Our Bays Association, Inc. as said Petition relates to water bodies within the corporate limits of the City of Sarasota, Florida.

Section 2. The concern of the City of Sarasota over water quality standards in Sarasota Bay, including New Pass and Sarasota Big Pass, is evidenced by the decision of the City Commission to terminate the present practice of discharging treated wastewater into Whitaker Bayou, with ultimate flow into

Sarasota Bay and by the action of the City Commission to reject, as a treated wastewater disposal alternative, the direct discharge of treated wastewater into Sarasota Bay. Further, the City of Sarasota has funded the empaneling of a group of nationally acknowledged experts for the purpose of studying the water quality of Sarasota Bay. Based upon the work of this panel of experts, it has been demonstrated to the City Commission that serious attention must be immediately given to the preservation of water quality within Sarasota Bay and the protection of aquatic vegetation, all as is more particularly set forth and documented in a report, dated February 1985, entitled Effects of Point and Non-Point Sources on Sarasota Bay.

**Section 3.** The City Commission endorses the holding of a public workshop, on the proposal to designate, for the reason that the same would provide a public forum for questions and input from persons or entities concerned with the proposed designation or interested in the subject, thereby ensuring as a procedural step in this designation process that adequate information had been given and received concerning the need, purpose and effect of the designation of a water body as an outstanding Florida water.

**Section 4.** The City Auditor and Clerk is hereby directed to forward a copy of this Resolution to the Chairman of the Environmental Regulation Commission, appropriate representatives of the Department of Environmental Regulation and each of the organizations who have initiated the Petition to Initiate Rule Making.

**Section 5.** This Resolution shall take effect immediately upon adoption.

ADOPTED by the City Commission upon reading by title only, after posting on the bulletin board at City Hall for at least

three (3) days prior to adoption, as authorized by Article IV,  
Section 2, Charter of the City of Sarasota, this 3rd day of  
June \_\_\_\_\_, 1985.

William G. H.  
MAYOR

ATTEST:

Robert A. McElland  
CITY AUDITOR AND CLERK

THE CITY OF  
**VENICE**  
FLORIDA

401 W. VENICE AVE. 33595  
TELEPHONE: (813) 485-3311



CITY BEACH PAVILION

May 20, 1985

Randy Armstrong  
Chief  
Bureau of Laboratories and Special Programs  
Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

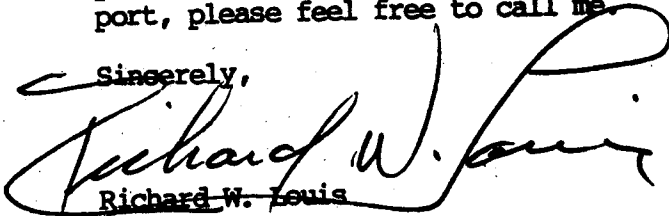
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MAY 21 1985  
LABORATORY AND SPECIAL PROGRAMS  
DEPARTMENT OF ENVIRONMENTAL REGULATION

Dear Mr. Armstrong,

In response to your request for input, please refer to recent action taken by the Venice City Council.

I personally am very supportive of the petitions which were filed with your office. Should you require any additional information or support, please feel free to call me.

Sincerely,



Richard W. Louis  
MAYOR

RWL:mc

Enc. 2

Prepared by: Mayor Richard W. Louis  
For Informational Purposes  
In support of Resolution #865-85

5/14/85  
CC: Council  
Press  
Manasota-88  
Save-Our-Bays

## OUTSTANDING FLORIDA WATER DESIGNATIONS

INTRODUCTION: Two petitions have been filed to declare the bay waters of Sarasota County and Charlotte County as Outstanding Florida Water. The first petition was filed on March 27, 1985 and includes the entire Sarasota Bay estuary system from Tampa Bay south to Venice, Florida. The second petition was filed on April 23, 1985 and includes bay waters from Venice to Charlotte Harbor.

PETITIONERS: Manasota - 88, Inc., Manatee County Save our Bay Association, Inc., Save Our Bays Association, Inc. (Sarasota County)

### 1. AREAS AFFECTED:

Petition #1 includes "The Sarasota Bay estuary system from the Western end of the Terra Ceia Aquatic Preserve to the Venice Inlet, and west of Highway 41, including Passage Key Inlet, Anna Maria Sound (Sarasota Pass), Palma Sola Bay, Perico Bayou, Sarasota Bay, Longboat Pass, New Pass, Big Sarasota Pass, Roberts Bay, Little Sarasota Bay, Midnight Pass, Dryman Bay, Blackburn Bay, Lyons Bay, Dona Bay, Roberts Bay, Venice Inlet, and all the bayous and arms of the above west of Highway 41."

Petition # 2 includes "The Lemon Bay estuarine system from, and including, Placida Harbor, Gasparilla Pass, Little Gasparilla Pass, Kettle Harbor, Bocilla Lagoon, Bocilla Pass, Knight Pass, Stump Pass, Lemon Bay, and all the arms, bayous, and tributaries of the above."

### 2. WHAT IS AN OUTSTANDING FLORIDA WATER?:

An OFW is the highest classification of water for permitting purposes provided anywhere in Florida. It designates a body of water as one which because of its exceptional ecological or recreational significance deserves the highest standard of protection. The benefit is, of course, that a water body designated as an outstanding Florida Water can be protected from dredging and filling activities, the discharge of storm-waters, the discharge of treated sewer effluent, and from a number of other human activities which degrade the bay's marine life, vegetative life, dissolved oxygen or other environmental qualities.

3. ECOLOGICAL AND RECREATIONAL SIGNIFICANCE DEFINED:

10. Fla.Admin.Code Rule 17-3.021 (12) provides

that "(12) 'Exceptional Ecological Significance' shall mean that a water body is a part of an ecosystem of unusual value. The exceptional significance may be in unusual species, productivity, diversity, ecological relationships, ambient water quality, scientific or educational interest, or in other aspects of the ecosystem's setting or process."

11. Fla.Admin.Code Rule 17-3.021(13) provides

that "(13) 'Exceptional Recreational Significance' shall mean unusual value as a resource for outdoor recreation activities. Outdoor recreation activities include, but are not limited to, fishing, boating, canoeing, water skiing, swimming, scuba diving, or natural observation. The exceptional significance may be in the intensity of present recreational usage, in an unusual quality of recreational experience, or in the potential for unusual future recreational use or experience."

4. EFFECT:

The effect of an OFW designation is to restrict certain human activities in the waterways or adjacent upland parcels. The OFW designation and the water quality standards which are the result make it more difficult to conduct dredging and filling operations or discharges of any type into the waters.

5. INTENT:

The intent of an OFW designation is to maintain and improve the qualities of the bay waters.

6. JUSTIFICATION:

Venice inlet and the connecting waters within 1 mile thereof, including Lyons Bay, Dona Bay, Roberts Bay, and Hachett Creek have been designated by the Florida legislature as a Manatee sanctuary due to the frequent sightings of Manatees in these waters.

**7. RULEMAKING PROCEDURES:**

Pursuant to Chapter 120, F.S., and Chapter 17-1 F.A.C., shall be followed;

(b) At least one fact-finding workshop shall be held in the affected area;

(c) All local county or municipal governments and state legislators whose districts or jurisdictions include all or part of a Special Water shall be notified at least 60 days prior to the workshop in writing by the Secretary;

(d) A prominent public notice shall be placed in a newspaper of general circulation in the area of the proposed Special Water at least 60 days prior to the workshop;

(e) An economic impact analysis, consistent with Chapter 120, shall be prepared which provides a general analysis of the impact on growth and development including such factors as impacts on planned or potential industrial, agricultural, or other development or expansion; and

(f) The Commission may designate a water of the State as a Special Water after making a finding that the waters are of exceptional recreation or ecological significance and a finding that the environmental, social, and economic benefits of the action outweigh the environmental, social, and economic costs.

(3) The policy of this section shall be implemented through the permitting process pursuant to Section 17-4.242, F.A.C.



RESOLUTION NO. 865-85

A RESOLUTION SUPPORTING A PETITION TO THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL REGULATION, TO INITIATE RULEMAKING FOR THE PURPOSE OF ADDING VENICE INLET, DONA BAY, AND ROBERTS BAY, AMONG OTHERS, TO THE LIST OF OUTSTANDING FLORIDA WATERS.

WHEREAS, the City of Venice owes much of its heritage and present ambience to its location on the Venice Inlet plus Dona Bay and Roberts Bay, the southern-most sheltered bodies of water of a series of bays and inlets reaching north to Tampa Bay; and

WHEREAS, the quality of the waters of said bays and inlets is critical to the environment, the economy, and the quality of life of the entire area abutting those bays and inlets; and

WHEREAS, the water of Venice Inlet, Dona Bay and Roberts Bay within the City of Venice are and have been zoned MP, Marine Park, since 1978; and

WHEREAS, ManaSota-88, Inc., Manatee County Save our Bays Association, Inc., and Save our Bays Association, Inc., having jointly petitioned The State of Florida Department of Environmental Regulation to initiate rulemaking pursuant to Section 120.54(5), Florida Statute; Florida Administrative Code Rule 28-3.11; and Florida Administrative Code Rule 17-3.041(2), for the purpose of adding the following amendment to Florida Administrative Code Rule 17-3.041(2), the Special Waters category of the Outstanding Florida Waters (OFW) Rule. The proposed amendment to Rule 17-3.041(4)(i) will add the following language:

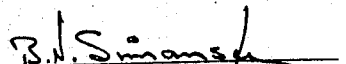
"The Sarasota Bay estuary system from the western end of the Terra Ceia Aquatic Preserve to the Venice Inlet, and west of Highway 41, including Passage Key Inlet, Anna Maria Sound (Sarasota Pass), Palma Sola Bay, Perico Bayou, Sarasota Bay, Longboat Pass, New Pass, Big Sarasota Pass, Roberts Bay, Little Sarasota Bay, Midnight Pass, Dryman Bay, Blackburn Bay, Lyons Bay, Dona Bay, Roberts Bay, Venice Inlet, and all the bayous and arms of the above lying west of Highway 41."

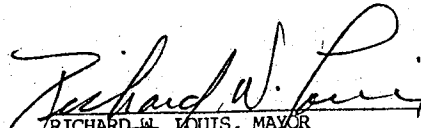
NOW, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

1. It is in the best interest of the citizens of this City as well as all other affected jurisdictions that the several bodies of water designated in the above cited petition for rulemaking be declared Outstanding Florida Waters and, therefore, the City Council of the City of Venice, Florida, supports and urges approval of said petition.
2. A copy of this resolution shall be submitted to Victoria J. Tschinkel, Secretary, Department of Environmental Regulation, to be entered into the records of such rulemaking procedure.

APPROVED AND ADOPTED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 14TH DAY OF MAY, 1985.


ATTEST:

  
B. N. Simanskey  
City Clerk

  
RICHARD W. LOUIS, MAYOR

I, BERNARD N. SIMANSKEY, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said City at a meeting thereof duly convened and held on the 14th day of May, 1985, a quorum being present.

WITNESS my hand and the official seal of said City this 15th day of May, 1985.

  
B. N. Simanskey, City Clerk

RESOLUTION NO. 754

CITY OF ANNA MARIA

WHEREAS, the City of Anna Maria has received from Manasota-88, Inc., a Petition to Initiate Rulemaking to designate the Sarasota Bay estuarine system as Outstanding Florida Water, and

WHEREAS, the Petition has been thoroughly reviewed by the members of the City Commission, and

WHEREAS, the City of Anna Maria is located within the boundaries of the Sarasota Bay estuarine system;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, IN SESSION DULY ASSEMBLED THAT:

1. The Anna Maria City Commission supports and encourages the designation of the waters of the Sarasota Bay estuarine system as described in the Petition as Outstanding Florida Water.
2. A copy of this Resolution will be forwarded to Tom Swihart of the Florida Department of Environmental Regulations.

PASSED AND ADOPTED this 31<sup>st</sup> day of May, 1985.

APPROVED:

I. E. Cagnina Mayor

Robert L. Macdonald  
Robert L. Macdonald, Vice Mayor

Boyce Brandom  
Boyce Brandom, Commissioner

Lynn B. Eliot  
Lynn B. Eliot, Commissioner

Brendan J. Greene  
Brendan J. Greene, Commissioner

ATTEST:

Mary H. Tebbetts  
Mary H. Tebbetts, City Clerk

June 5, 1985.

Mr. Tom Swihart,  
2600 Blair Stone Road,  
Tallahassee, Florida. 32301.

Dear Mr. Swihart,

The Holmes Beach City Council recommends that the Florida Environmental Regulation Commission hold a public meeting to designate a portion of the coastal waters in Manatee and Sarasota counties as Outstanding Florida Waters, pursuant to Florida Administrative Code Rule 17-3.041.

Thank you.

Sincerely,  
Marquieite Thompson  
Councilperson  
5901 Marina Drive,  
Holmes Beach, Fl. 33510.

RESOLUTION 85-13

A RESOLUTION SUPPORTING THE DESIGNATION  
OF THE SARASOTA BAY ESTUARY SYSTEM  
TO THE SPECIAL WATER CATEGORY OF THE  
OUTSTANDING FLORIDA WATERS.

WHEREAS, ManaSota - 88, Inc., Manatee County Save Our Bays Association, Inc. and Save Our Bays Association/Hold the Bulkhead, Inc. have petitioned the Florida Department of Environmental Regulation to initiate rulemaking for the purpose of adding an amendment to Florida Administrative Code, Rule 17-3.041(4)(i), the Special Waters Category of the Outstanding Florida Waters Rule; and

WHEREAS, the proposed amendment would add the Sarasota Bay estuary system from the western end of the Terra Ceia Aquatic Preserve to the Venice Inlet, and west of Highway 41 and including various adjacent named waters to the Special Waters Category of the Outstanding Florida Waters; and

WHEREAS, the Town Commission of the Town of Longboat Key has determined that the amendment set forth in the petition should be strongly supported because the waters named in the petition should be afforded the highest protection possible, NOW THEREFORE,

BE IT RESOLVED BY THE TOWN OF LONGBOAT KEY, FLORIDA:

1. That the Town of Longboat Key, Florida, strongly supports the petition filed by ManaSota - 88, Inc., Manatee County Save Our Bays Association, Inc. and Save Our Bays Association/Hold the Bulkhead, Inc. to declare the Sarasota Bay Estuary System from the western end of the Terra Ceia Aquatic Preserve to the Venice Inlet, and west of Highway 41 and the various adjacent waters named in the petition as an addition to the Special Waters Category of the Outstanding Florida Waters set forth in Rule 17-3.041, F.A.C.

2. A copy of this resolution shall be filed with the Florida Department of Environmental Regulation and furnished to ManaSota - 88, Inc., Manatee County Save Our Bays Association, Inc. and Save Our Bays Association/Hold the Bulkhead, Inc.

Adopted at a meeting of the Town Commission of the

I, E. Jane Pool, Town Clerk of the Town of Longboat Key, Florida do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in my office.

Witness my hand and seal of said Town this

8th day of May, 19 85

E. Jane Pool  
Town Clerk of the Town of Longboat Key, Florida

Town of Longboat Key, this 6th day of May, 1985.

James J. Crumpton  
MAYOR

ATTEST:

E. Jane Pool  
TOWN CLERK



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

August 22, 1985

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SEP 3 1985

LABORATORY &  
SPECIAL PROGRAMS

Ms. Victoria J. Tschinkel, Secretary  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Ms. Tschinkel:

We have reviewed the proposal to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters, and support such endorsement.

This Department's direct responsibilities regarding water quality involve public health aspects of shellfish growing, harvesting and processing under authority of Sections 370.071, 370.16(12), 381 and 386, Florida Statutes, and Chapter 16B-28, Florida Administrative Code. Florida, as a participant in the Interstate Shellfish Sanitation Conference, endorses the following principles:

1. Shellfish are a renewable, manageable natural resource of significant economical value to many coastal communities, and which should be managed as carefully as are other natural resources such as forests, water, and agricultural lands.
2. Shellfish are a renewable, manageable natural resource use of water in the estuaries. This use should be recognized by State and Federal agencies in planning and carrying out pollution prevention and abatement programs and in comprehensive planning for the use of these areas.
3. The goals of the Interstate Shellfish Sanitation Program are: (1) the continued safe use of this natural resource and (2) active encouragement of water quality programs which will preserve all possible coastal areas for this beneficial use.

The Department receives many requests from recreational and commercial harvesters, commercial fishermen's organizations, and legislators to open additional shellfish waters. There are many estuarine areas which are unpolluted and may be reclassified to permit the harvesting of shellfish. However, considering the rapid development of Florida's coastal areas, it is doubtful whether many areas can be reclassified before water quality is degraded below the point of allowing the harvesting of shellfish.

Ms. Victoria J. Tschinkel  
August 22, 1985  
Page Two

There is a great potential for the growth of the shellfish industry and enhanced recreational shellfishing opportunities for Florida's residents and tourists, but such a potential will only be realized if additional shellfish growing areas can be reclassified to allow the harvesting of oysters and clams. Presently Approved or Conditionally Approved shellfish harvesting waters must be protected from degradation in order to maintain current harvest levels. The classification of estuarine waters as Approved or Conditionally Approved, and designation by the Department of Environmental Regulation as Class II, affords these waters greater environmental protection. Thus, the designation of Sarasota and Lemon Bays as Outstanding Florida Waters would be a significant step toward preservation of water quality.

Portions of Sarasota Bay and Palma Sola Bay are presently classified as Conditionally Approved. However, Palma Sola Bay has been closed to shellfish harvesting since late 1979; a reappraisal of the Classification will be initiated this year. Small portions of northern Sarasota Bay (Anna Maria Sound) are presently Unclassified (Unapproved). Sarasota Bay, south of New Pass to Venice, is also Unclassified. The remaining waters of Sarasota Bay are classified as Prohibited. Portions of Lemon Bay are presently classified as Conditionally Approved; a small portion is Unclassified. The remaining waters of Lemon Bay are Prohibited.

We believe that certain portions of Sarasota Bay, where no shoreline pollution sources exist and tidal flushing is good, may, under certain conditions, meet bacteriological water quality standards set for shellfish harvesting waters.

Accordingly, we endorse the proposal to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters in concert with our responsibilities of public health protection and natural resource management.

Sincerely,



Elton J. Gissendanner  
Executive Director

EJG/cfk

cc: Edwin A. Joyce, Jr.  
Karen A. Steidinger  
John W. Schneider



STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM  
Governor

TOM LEWIS, JR.  
Secretary

November 7, 1985

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NOV 15 1985  
LABORATORY &  
SPECIAL PROGRAMS

Mr. Randy Armstrong, Chief  
Bureau of Laboratories and  
Special Programs  
Department of Environmental  
Regulation  
2600 Blairstone Road  
Tallahassee, Florida 32301-8241

Dear Mr. Armstrong:

Thank you for providing us notice of the public workshops on the proposed designation of Sarasota and Lemon Bays as Outstanding Florida Waters (OFW). It has been helpful and suggests an alternative strategy for protecting these environmentally sensitive water bodies.

The Department of Community Affairs monitors development activity within the Charlotte Harbor region for compliance with the Charlotte Harbor Resource Planning and Management Plan (CHMP). The Management Plan was developed pursuant to Section 380.045, Florida Statutes, and was adopted on June 5, 1981 by the Governor-appointed Charlotte Harbor Resource Planning and Management Committee. The areas affected by the CHMP are Lee, Charlotte, and Sarasota Counties, and thus include Sarasota and Lemon Bays.

Outstanding Florida Waters designation would be useful in reducing the varying criteria that different state agencies sometimes apply when reviewing specific projects within the vicinity of Sarasota and Lemon Bays. An example of this situation occurred recently with respect to a project in Charlotte County. In this case, beginning in November of 1984 we monitored the proposed extension of a water pipeline from the Charlotte County mainland to the Don Pedro Island complex. The project required excavation and redeposition of 80 cubic yards of material waterward of MHW in Lemon Bay. It was then brought to our



Mr. Randy Armstrong  
November 4, 1985  
Page Two

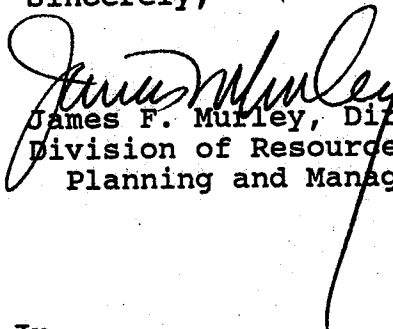
attention that the applicant (Mr. George Arehart) would be required to obtain a permit from several regulatory agencies including the Department of Environmental Regulation (DER). At that time we recommended denial of the project due to its inconsistency with objective #8 of the CHMP which deals with the development of beaches and barrier islands in the Charlotte Harbor region.

Nevertheless, the applicant was issued a DER permit on November 27, 1984. The DER permit will expire on November 30, 1986. The Department of Community Affairs requests that similar projects requiring a DER, Department of Natural Resources, Army Corps of Engineers, or any other permit in the future be denied due to the ecological significance of Lemon Bay. Likewise any planned or potential development within the vicinity of Sarasota Bay should be avoided due to the aforementioned reasons.

It appears therefore, that the consideration of Sarasota and Lemon Bays as designated OFWs is a step in the right direction by DER to protect and conserve the pristine quality of these two important water bodies. The Department of Community Affairs recommends that Sarasota Bay, Lemon Bay, and Buck Creek be considered for OFW designation.

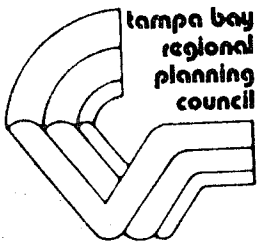
If you have any questions please contact Gene Hall at (904) 488-9210 or write him at this address. Please provide us with a copy of the decision letter on this recommendation.

Sincerely,

  
James F. Murley, Director  
Division of Resource  
Planning and Management

JFM/ghm

cc: Mr. Dave Burr  
Honorable Dr. Paul E. Monroe, Jr.  
Honorable Jeanne McElmurray



9455 Koger Boulevard  
St. Petersburg, FL 33702-2491  
(813) 577-5151/Tampa 224-9380  
Suncom 586-3217

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Mr. Joseph McFarland

**Vice Chairman**

Commissioner Dean Mason

**Secretary/Treasurer**

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Westwood H. Fletcher, Jr.

**Executive Director**

William A. Ockunzzi

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**City of Dunedin**

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**City of Gulfport**

Councilmember George Prigun

**Hillsborough County**

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Reverend Preston Leonard

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Commissioner Dean Mason

**City of Tampa**

Councilman Thomas Vann

**City of Tarpon Springs**

Commissioner Charles Roberts

**City of Temple Terrace**

Councilman John King

May 9, 1985

Mr. Tom Swihart

Department of Environmental Regulation

Twin Towers Office Building

2600 Blair Stone Road

Tallahassee, FL 32301

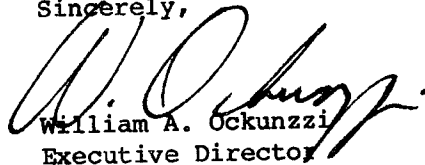
Dear Mr. Swihart:

The staff of the Tampa Bay Regional Planning Council is pleased to express their support of the addition of the Sarasota Bay estuarine system to the Florida Administrative Code Rule 7-3.041 (4)(i). The recognition of this vital ecosystem as an Outstanding Florida Water would provide for the protection and enhancement of these waters and their natural resources as well as for the human health of the surrounding communities.

The Sarasota Bay estuary is an area of exceptional ecological and recreational value, maintaining a highly productive marine environment, excellent water quality, and significant shoreline vegetation. The surrounding region is heavily dependent on the local retirement/tourist oriented-economy. Therefore, the continued recreational and aesthetic value of the bay is economically significant. Finally, the preservation of the Sarasota Bay estuarine system would mean the continued availability of a relatively unpolluted, functioning estuary for scientific and educational study.

For these reasons the Council strongly advocates the consideration of the Sarasota Bay estuarine system as an Outstanding Florida Water. The Tampa Bay Regional Planning Council would gladly serve as host for any needed public workshops that Outstanding Florida Waters designation might require. Enclosed are materials from the Future of Tampa Bay and two Council reports on Developments of Regional Impact affecting Sarasota Bay for your review. If we can be of further assistance please feel free to call.

Sincerely,

  
William A. Ockunzzi  
Executive Director

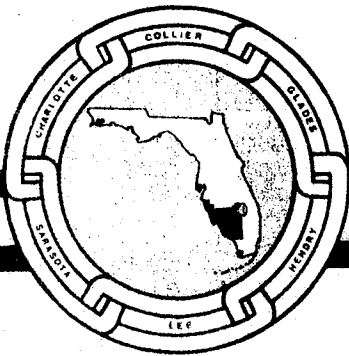
WAO/vlp

enclosures

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MAY 15 1985

LABORATORY &  
SPECIAL PROGRAMS



Southwest Florida Regional Planning Council

2121 West First Street, Fort Myers, Florida 33901

(813)334-7382

May 30, 1985

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JUN 3 1985

LABORATORY &  
SPECIAL PROGRAMS

Eric

Mr. Randy Armstrong  
Chief, Bureau of Laboratories  
and Special Programs  
Department of Environmental  
Regulation  
Twin Towers Office Bldg.  
2600 Blair Stone Road  
Tallahassee, FL 32301-8241

Subject: Sarasota Bay and Lemon Bay Estuaries Systems  
OFW Designation

Dear Mr. Armstrong:

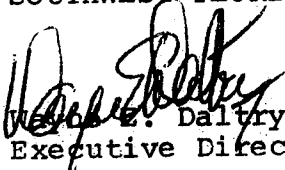
The Southwest Florida Regional Planning Council at its regularly scheduled meeting on May 16th directed staff to prepare resolutions in support of the OFW designation. These resolutions will be reviewed and acted upon by the Council at its June 20th meeting.

For your information, the Charlotte Harbor Resource Plan, prepared in accordance with Section 380.045 Florida Statutes, recommended that the Class II waters in Sarasota and Lemon Bay be designated by DER "Outstanding Florida Waters". The Committee member that made that recommendation was Victoria Tschinkel.

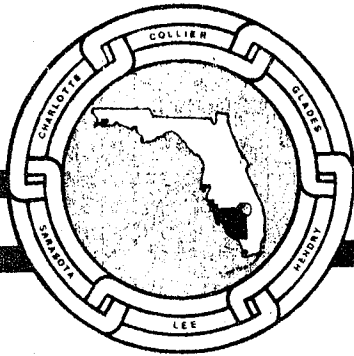
Thank you for the opportunity to comment on this item. The Council's final action will be forwarded to you on June 20th.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

  
W. E. Daltry  
Executive Director

WED/bc



Southwest Florida Regional Planning Council

2121 West First Street, Fort Myers, Florida 33901

(813)334-7382

Tom Swihart  
Draft resp. of needed  
✓

August 5, 1985

RECEIVED

Ms. Vickie Tschinkel  
Department of Environmental  
Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32301

Dear Ms. Tschinkel:

Enclosed please find two resolutions in support of the DER's proposed workshop to establish the Lemon Bay and Sarasota Bay Estuarine Systems as Outstanding Florida Waters. These resolutions were adopted at the July 19, 1985 Council meeting for submission to you.

If you need further information or have any questions, please do not hesitate to contact us.

Sincerely,

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Wayne E. Daltry  
Wayne E. Daltry  
Executive Director

WED/naf

Enclosures

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AUG 8 1985

Office of the Secretary

RESOLUTION #85-1

RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
TO SUPPORT THE DESIGNATION OF THE LEMON BAY ESTUARINE  
SYSTEM, AS DEFINED AND SHOWN ON THE ATTACHED MAP,  
AS AN "OUTSTANDING FLORIDA WATER"

WHEREAS, the Outstanding Florida Waters (O.F.W.) rule is in the best regulatory tool for protecting and managing this important estuarine system; and

WHEREAS, both the livelihood of the commercial fisherman and the enjoyment of others derive from the commercial and recreational use of these waters, and

WHEREAS, the Charlotte Harbor Resource Protection and Management Plan's Objective #5, Action e, calls for the Department of Environmental Regulation to amend Chapter 17-3 F.A.C. to classify as "Outstanding Florida Waters" those Class II approved and conditionally approved waters located in the Charlotte Harbor study area; and

WHEREAS, it is the Environmental Protection Goal of the Southwest Florida Regional Planning Council #29I-2.03 (li&j) to encourage local governments to adopt regulations to protect coastal waters capable of supporting shellfish harvesting (Class II Waters) and to ensure the continual functioning of the coastal ecosystem;

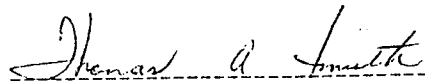
NOW, THEREFORE, Let it Be Resolved that:

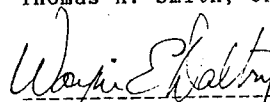
The Southwest Florida Regional Planning Council supports the proposed DER sponsored workshop to establish the Lemon Bay Estuarine System as an "Outstanding Florida Water" in order to protect the system from adverse effects of development, while helping to maintain those standards necessary to be classified as a Class II Water, while providing for the highest protection under Chapter 17-3 Florida Administrative Code, Florida Department of Environmental Regulation Water Quality Standards. Further, it directs its staff to participate in these workshops and to report back to the Council its recommendations on any proposals resulting from these workshops.

THE FOREGOING RESOLUTION was offered for adoption by Commissioner Anderson\_\_\_\_. The motion was seconded by Commissioner Tringali\_\_\_\_ and, upon being put to a vote, the vote was as follows: unanimous.

The Chairman thereupon declared the Resolution duly passed and adopted this 19th \_\_\_\_\_ day of July \_\_\_\_\_, 1985.

SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL  
2121 West First Street  
Fort Myers, FL 33901

  
Thomas A. Smith, Chairman

  
Wayne E. Daltry Executive Director

RESOLUTION #85-2

RESOLUTION OF THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
TO SUPPORT THE DESIGNATION OF THE SARASOTA BAY ESTUARINE SYSTEM,  
AS DEFINED AND SHOWN ON THE ATTACHED MAP,  
AS AN "OUTSTANDING FLORIDA WATER"

WHEREAS, the Outstanding Florida Water (O.F.W.) rule is the best regulatory tool for protecting and managing this important estuarine system; and,

WHEREAS, this estuarine system is considered a primary asset essential for the continued high quality of life enjoyed throughout the area; and,

WHEREAS, the Environmental Plan of Apopsee, Sarasota County's Comprehensive Land Use Plan, calls for the protection, improvement, and restoration (when necessary) of the County's surface and groundwaters; and,

WHEREAS, this estuarine system predominantly consists of shallow, narrow waters, ecologically unique, and sensitive to pollution from an expanding population; and,

WHEREAS, portions of the Sarasota Bay Estuarine System are classified as Class II waters, it is the Environmental Protection Goal of the Southwest Florida Regional Planning Council #29I-2.03 (li & j) to encourage local governments to adopt regulations to protect coastal waters capable of support in shellfish harvesting, (Class II Waters), and to ensure the continual functioning of the coastal ecosystem;

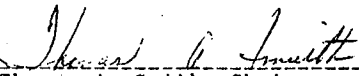
NOW, THEREFORE, Let It Be Resolved That:

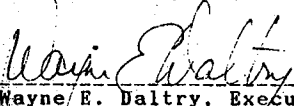
The Southwest Florida Regional Planning Council supports the proposed DER sponsored workshop to establish the Sarasota Bay Estuarine System as an "Outstanding Florida Water" providing for the highest protection under Ch. 17-3 Florida Administrative Code, Florida Department of Environmental Regulation Water Quality Standards. Further, it directs its staff to participate in these workshops and to report back to the Council its recommendations on any proposals resulting from these workshops.

THE FOREGOING RESOLUTION was offered for adoption by Commissioner Anderson. The motion was seconded by Commissioner Tringali and, upon being put to a vote, the vote was as follows: unanimous.

The Chairman thereupon declared the Resolution duly passed and adopted this 19th day of July, 1985.

SOUTHWEST FLORIDA REGIONAL  
PLANNING COUNCIL  
2121 West First Street  
Fort Myers, FL 33901

  
-----  
Thomas A. Smith, Chairman

  
-----  
Wayne E. Daltry, Executive Director

# 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*  
MARY A. KUMPE, *Secretary, Sarasota* RONALD B. LAMBERT, *Treasurer, Wauchula*  
DONALD R. CRANE, JR., *Assistant Secretary, St. Petersburg* MICHAEL ZAGORAC, JR., *Assistant Treasurer, Belleair*  
WALTER H. HARKALA, *Plant City* JACK STRAUGHN, *Winter Haven* JAMES P. TAFT, *Crystal River*

GARY W. KUHL, *Executive Director* STEPHEN A. WALKER, *General Counsel*  
JAMES M. HARVEY, *Deputy Executive Director*

June 6, 1985

Thomas W. Reese, Esquire  
123 Eight Street North  
St. Petersburg, Florida 33701

Re: Petition to Initiate Rulemaking to add Lemon Bay  
estaurine system as an Outstanding Florida Waters  
Under Rule 17-3.041(4), Florida Administrative Code

Dear Mr. Reese:

The above refereneed petition was considered and discussed by the District Governing Board at the meeting of June 5, 1985.

After considering the District staff's evaluation of the impacts on its regulatory responsibilities should the requested designation be considered, the Governing Board voted to neither support nor oppose the petitioners request. However, the District and its staff will be providing any information or data to the Department of Environmental Regulation and the department staff that is available in the District records for evaluating all of the evidence presented on consideration of the petition and any rulemaking by the Department.

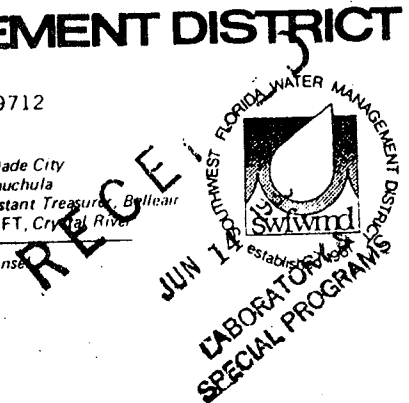
It is also noted that a subsequent petition has been filed by you for the Department to initiate rulemaking to designate Sarasota Bay estuary system an Outstanding Florida Waters. The petition was not specifically considered by the Governing Board because of the short time limitation before its receipt but the staff has considered it an makes the same recommendation as the Governing Board approved for the petition on Lemon Bay estuarine system. This information is being given because of the time line given by the Department of Environmental Regulation for the Distiret comments to be submitted before the June 12, 1985 Commission meeting.

Very truly yours,

GARY W. KUHL  
Executive Director

GWK:JTA:dls

cc: Dr. Elton Gissendanner, P/E.  
Thomas Swihart, DER ✓  
Dr. Richard Garrity, DER, Tampa  
Philip Edwards, DER, Fort Myers



STATE OF FLORIDA

DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTH FLORIDA  
BRANCH OFFICE

7451 GOLF COURSE BOULEVARD  
PUNTA GORDA, FLORIDA 33950-9359



June 5, 1985

RECEIVED

JUN 10 1985

LABORATORY &  
SPECIAL PROGRAMS

BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

I N T E R O F F I C E      M E M O R A N D U M

TO: Randy Armstrong

THROUGH: Philip R. Edwards *PE*

THROUGH: Louis M. Fendt, Jr. *LF*

FROM: Douglas L. Fry *DLF*

SUBJECT: Charlotte County - Lemon Bay  
OFW Designation Proposal

I would like to extend the support of the South Florida DER District in the petition by the Lemon Bay Conservancy to designate the Lemon Bay Estuarine System as an Outstanding Florida Waterbody. Through many years of regulating dredge and fill activities, this estuarine system has been observed to support an extensive habitat for a large recreational and sports fishery, including both finfish and shellfish. In particular, the shallow waters throughout much of the area support extensive Halodule and Thalassia grassbed communities, within which are contained large numbers of harvestable resources such as blue crab, quahog clam, oyster, redfish, seatrout, mangrove snapper, snook, mullet, and many others. Much of the subject area is approved for shellfish harvesting, and commercial harvesting for these resources does exist in the area. Further, the grassbed communities support nursery habitat for a wide variety of organisms, most notable of which are pink shrimp, tarpon, and an enumerable quantity of other vertebrate and invertebrate fauna. The area also is used extensively for recreational activities such as pleasure boating, snorkling, fishing, and sightseeing.

As is typical throughout Florida, the vastness of this resource is under heavy pressure by an increasing population. The need for increased protection of this entire system will be particularly critical in the future due to the ever increasing development presently in progress in the Englewood, Cape Haze and Knight Island areas. With development will be an increasing demand for access channels, docks, marinas, sewage treatment facilities, utility transmission lines, reverse osmosis plants, roads, and bridges. Without adequate protective safeguards, the desire for these facilities by a small group of individuals has the potential to degrade the resources for the overall larger public community.



Examples include requests for access channel dredging in Buck Creek and Bocilla Lagoon/Kettle Harbor, extensive dock construction along Knight Island, Palm Island, and Gasparilla Island, and requests to construct and expand marinas in Lemon Creek, Buck Creek, and Lemon Bay. Many docks in the 500 sq. ft. to 1,000 sq. ft. range have been exempted in shallow waters throughout this region, pursuant to the criteria in F.A.C. 17-4.04(9)(c); practical experience and observation of these facilities have revealed extensive habitat destruction by prop dredging from boats using the facilities after construction, through dock/board-walk shading, and through dock construction practices in shallow waters. Had these waters previously been designated an OFW, these docks would not have been blindly exempted, and increased protection through improved design may have been provided as a result of permit review and recommendation processes.

With increased development also will come increased pollutant discharges. The OFW designation will require an improvement of discharge effluent water quality, thereby further protecting these public resource waterbodies. Some concern has been expressed for the water quality of various waterbodies within or connected to this system. For example, the waters of Ainger Creek, Gottfried Creek, Buck Creek, and Lemon Creek have some recorded dissolved oxygen violations. It would be helpful, before "writing off" these waterbodies, to assess the potential sources of these violations, including taking a close look at the times, dates, and locations of the data collections. Some of the D.O. problems may be due to natural background conditions, such as respiration of dense, healthy seagrass meadows, particularly during cloudy weather or during early morning hours. Other resource values of these waters should be considered in concert with water quality before deciding whether to, or not to, include these waters within the OFW designation. Both Oyster and Gottfried Creeks, for example, while occasionally having low dissolved oxygen values, possess extensive oyster bars. While these oysters perhaps are not directly harvestable (they are within a prohibited shellfishing area), they do provide extensive habitat for other invertebrates and also provide extensive larval production for transport to other potentially harvestable areas. An additional example is the downstream portions of Buck Creek, which remain as one of the most undeveloped and undisturbed tributary channels in the Lemon Bay system. Although Buck Creek has some recorded dissolved oxygen violations, the downstream waters of this waterbody are shallow and densely vegetated with an extensive, particularly healthy seagrass meadow. For these and other reasons, it is strongly recommended that these waters also be included, at least to some limit, within the proposed Lemon Bay OFW designation.

Of final note is the concern by some that the value of the OFW designation is losing its impact by the reclassification of so many new waterbodies as Outstanding Florida Waters. With regards to the subject Lemon Bay system, it can only be said that the resources of this ecosystem indeed support exceptional ecological and recreational significance, ranging from extensive, productive seagrass meadows to endangered manatees and bald eagles. Without all the protection these

Charlotte County - Lemon Bay  
June 5, 1985  
Page Three

waters can get, there is much need to be concerned about future and further degradation of these resources. The OFW designation will not stop, and likely will not even slow, the adjacent upland development; it only will require that alterations of the aquatic system will be more compatible with being in the public interest, and with being more compatible with existing good ambient water quality. There are few remaining estuarine areas within the South Florida District which presently exhibit, at least in part, as many relatively unspoiled areas as does the Lemon Bay estuary.

Our South Florida District and Branch offices will be happy to provide whatever assistance we can in the endeavor to reclassify these water-bodies, given our present very heavy workload. Although our present data base is somewhat limited, we will attempt to assist you in the inventory of the ambient water quality and habitat resources of this area.

DLF/ds

cc: Richard W. Cantrell, DER Tallahassee  
Robert P. Rutter, DER Punta Gorda  
Donald E. Sessions, DER Punta Gorda



TOWN OF  
LONGBOAT KEY

1000 January  
501 Bay Isles Road  
Longboat Key, Florida 33548  
(813) 383-3721

RECEIVED

MAY 13 1985

LABORATORY &  
SPECIAL PROGRAMS

RECEIVED

MAY 16

May 8, 1985

Office of the Secretary

Thomas W. Reese  
123 Eighth Street North  
St. Petersburg, Florida 33701

Dear Mr. Reese:

In response to your letter of March 27 addressed to former Longboat Key Mayor Harry P. Kirst, enclosed is a certified copy of Resolution 85-13 adopted by the Town of Longboat Key. The resolution supports the petition to the Department of Environmental Regulation to declare the Sarasota Bay Estuary System as an addition to the Special Waters Category of the Outstanding Florida Waters.

Very truly yours,

E. Jane Pool  
Town Clerk

cc: George Annear, Manatee Co. Save Our Bays Assn.  
Kit Fernald, Save Our Bays/Hold the Bulkhead Line  
~~800-333-3333~~



# FEDERATION

MANATEE COUNTY COMMUNITY ASSOCIATIONS

RECEIVED OF

MAY 6 1985

LABORATORY &  
SPECIAL PROGRAMS

POST OFFICE BOX 1681  
BRADENTON, FLORIDA 33506  
May 3, 1985

Mr. Thomas Swihart  
Department of Environmental Regulations  
2600 Blair Stone Road  
Tallahassee, Florida 32301

SUBJECT: Designation of Sarasota-Manatee Estuarine  
System as "Florida Outstanding Waters"

Dear Mr. Swihart:

Our Federation consists of 22 Community Associations, nine of which border directly on the subject estuarine area. Our membership consists of about 15,000 residents.

We have carefully read the petition dated March 27, 1985, by Mr. Thomas Reese, attorney for "Manasota 88" and "Save our Bays" Chapters in Sarasota and Manatee Counties, requesting designation as "Outstanding Florida Waters" the estuarine area from Passage Key Inlet South to Roberts Bay.

We strongly and enthusiastically support this request which if approved will preserve for posterity these still beautiful and relatively pristine recreational waters.

Very truly yours,

*Ruth R. Nielsen*

Ruth R. Nielsen  
President, Federation of Manatee  
County Community Associations, Inc.

AG/bg



1551 SECOND STREET • P.O. BOX 308 • SARASOTA, FLORIDA 33578

November 6, 1985

Victoria J. Tschinkel, Secretary  
State of Florida  
Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

Dear Secretary Tschinkel:

At their meeting on October 23, 1985, the board of directors of the Sarasota County Chamber of Commerce adopted the attached resolution regarding the proposed designation of Sarasota and Lemon Bays as "Outstanding Florida Waters".

Sincerely,

*Charley Richards*

Charley Richards  
Chairman

CR/dlw  
encl.

PHONE (813) 955-8187



1551 SECOND STREET • P.O. BOX 308 • SARASOTA, FLORIDA 33578

WHEREAS, the Outstanding Florida Waters rule is an excellent regulatory means of preventing deterioration of water quality from new polluting activities requiring a DER permit, and

WHEREAS, future economic development, tourism, business and industry will be positively influenced by protecting the water quality and marine life of our bays, and

WHEREAS, the livelihood of our commercial fishermen and boat manufacturing industries are dependent on the quality of our bay waters, and

WHEREAS, Sarasota and Lemon Bays are of outstanding recreational, ecological and economic significance to the peoples of Sarasota County;

NOW, THEREFORE, LET IT BE RESOLVED THAT the Sarasota County Chamber of Commerce supports the proposed designation of Sarasota and Lemon Bays as "Outstanding Florida Waters" in order to protect and maintain these critical bay systems in their present class II conditions.

PHONE (813) 955-8187



*Anna Maria Island  
Chamber of Commerce*

P.O. BOX 336  
BRADENTON BEACH, FL 33510  
813-778-1541

PRESIDENT

*Linda Duytschaver* 778-2024

1ST VICE PRESIDENT

*Janice Bergbom* 778-0715

2ND VICE PRESIDENT

*Bob Hogue* 778-2224

SECRETARY

*Mary Mond* 778-6569

TREASURER

*Liz Collins* 778-1794

August 30, 1985

Eric Shaw  
Bureau of Laboratories & Special Programs  
Fl. Dept. of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Fl.

Dear Sir:

We are enclosing herewith, the resolution passed by our Chamber of Commerce, with regard to the designation of Sarasota Bay as "Outstanding Florida Water".

Sincerely yours,

*Linda L. Duytschaver*

Linda Duytschaver  
President



*Anna Maria Island  
Chamber of Commerce*

P.O. BOX 336  
BRADENTON BEACH, FL 33510  
813-778-1541

PRESIDENT

*Linda Duytschaver* 778-2024

1ST VICE PRESIDENT

*Janice Bergborn* 778-0715

2ND VICE PRESIDENT

*Bob Hogue* 778-2224

SECRETARY

*Mary Mond* 778-6569

TREASURER

*Liz Collins* 778-1794

RESOLUTION

Be it hereby resolved that the Anna Maria Island Chamber of Commerce does hereby endorse the "Outstanding Florida Water" designation of Anna Maria Sound (Sarasota Bay) extending from Passage Key down to the Venice Inlet, to prevent the lowering of existing water qualities of this body of water which we feel is worthy of special protection because of its natural attributes, as this area is abundantly rich in lifeforms.

Passed and adopted this 28th day of August, 1985.

*Linda L. Duytschaver*  
Linda Duytschaver, President

*Mary C. Mond*  
Mary C. Mond, Secretary



**TAXPAYERS' ASSOCIATION OF SARASOTA COUNTY, INC.**

POST OFFICE BOX 5294 — SARASOTA, FLORIDA 33579

September 25, 1985

Department of Environmental Regulation  
State of Florida  
Twin Towers Office Building  
2600 Blairstone Road  
Tallahassee, Fl. 32301-8241

Gentlemen:

The Board of Directors of the Taxpayers' Association of Sarasota County unanimously endorses the recommendation that Sarasota Bay and Lemon Bay be designated as Outstanding Florida Waters.

Unfortunately, man is his own worst enemy. In the pursuit of both recreation and economic gains we have often been guilty of polluting the environment in which we live. Consequently, although restrictions and regulations are not always welcomed they are a necessity if we are to protect our environment.

Sarasota Bay and Lemon Bay are resources worthy of our protection. While it would be more welcome if we could depend on individuals and organizations to assure that neither of the bays is gradually polluted, experience has taught us that we cannot make such an assumption.

In light of past experience and present knowledge, TASC strongly endorses state efforts to designate both Lemon Bay and Sarasota Bay as Outstanding Florida Waters. Such a move will not seriously hamper existing and future uses of the waters and the land which surrounds them. It will, however, assure that deterioration of these waters is at least limited, and perhaps halted.

Sincerely,



Larry C. Manning  
President



LEAGUE of WOMEN VOTERS of SARASOTA COUNTY  
P. O. Box 2647 Sarasota, Florida 33578

June 20, 1985

RECEIVED

JUN 21 1985

LABORATORY &  
SPECIAL PROGRAMS

Mr. Tom Swihart  
Department of Environmental Regulation  
2600 Blairstone Road  
Tallahassee, Florida 32301

Dear Mr. Swihart:

The League of Women Voters of Sarasota County supports the D E R 's efforts to designate the bay areas of Sarasota's coastline as OUTSTANDING FLORIDA WATERS. Our Board of Directors moved to support any actions in our County which would protect Florida's coasts as areas of critical State concern.

Moreover, we take this position as part of our responsibility to carry out the objectives of the Florida State League of Women Voters which calls for action to "improve and protect water quality and support planning and management of water resources to meet local and regional needs and the state interests."

Please add our League to the list of organizations urging this special classification for Sarasota, Manatee, and Charlotte County bay estuaries.

Sincerely,

*Giovanna Deveny*  
Giovanna Deveny, President

cc: LWV Manatee County  
LWV Charlotte County

RESOLUTION TO

urge that Sarasota Bay be designated

"OUTSTANDING FLORIDA WATER"

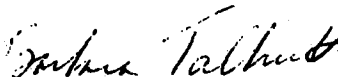
WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fishermen, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Board of Directors of the League of Women Voters of Manatee County, by unanimous vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed,



Barbara Talburtt, President

*League of Women Voters of Charlotte County*



P. O. BOX 2614 • PORT CHARLOTTE, FLORIDA 33952

September 25, 1985

Mr. Tom Swihart  
Department of Environmental  
Regulation  
2600 Blairstone Road  
Tallahassee, Fla. 32301

Dear Mr. Swihart:

The League of Women Voters of Charlotte County supports firmly the Charlotte County - Punta Gorda Comprehensive Plan. We stand by the Goal of the Coastal Zone Element, i.e., "Orderly and balanced utilization and preservation, consistent with sound conservation principles, of all living and non-living coastal zone resources." We also support the Goal of the Environmental Quality Element, i.e., "Maintenance, resoration and enhancement of the overall quality of the coastal zone environment, including but not limited to its amenities and aesthetic vlaues." Finally, we support the policy of the Federal Coastal Zone Management Act, namely: "to preserve, protect, develop, and where possible, to restore and enhance the resources of the nation's coastal zone for this and succeeding generations."

Therefore, we join others in urging the reclassification of the Lemon Bay estuarine system from Class II waters to Outstanding Florida Water. We are deeply concerned over the possibility of further deterioration of the quality of Lemon Bay water and feel that the only guarantee of saving the Bay is through reclassification.

We appreciate the opportunity to express the viewpoint of our membership and await the outcome of these reclassification procedures with great interest.

Very truly yours,

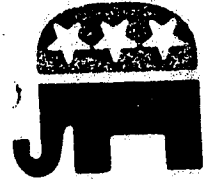
*Leila McGovern*  
Leila M. McGovern, President

1049 Bark Ave.  
Port Charlotte, Fla. 33952

(813) 625-9826



REPUBLICAN EXECUTIVE COMMITTEE  
of MANATEE COUNTY



RECEIVED  
MAY 28 1985  
LABORATORY &  
SPECIAL PROGRAMS

RESOLUTION TO

urge that Sarasota Bay be designated  
"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Manatee County Executive Committee in meeting assembled March 25, 1985 at the Manatee County Courthouse by unanimous vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed

Vice-Chairman, Manatee County Republican  
Executive Committee

THE MAJORITY PARTY IN MANATEE COUNTY

RESOLUTION TO

urge that Sarasota Bay be designated

"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Women of Manatee County Republican assembled May 3, 1985 by unanimous vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed

*Beatrice H. Casey*  
President  
Manatee County  
Women's Republican  
Club

300 MEMBERS

# AMERICAN LITTORAL SOCIETY

FLORIDA REGIONAL OFFICE



*For The Study and Conservation of Aquatic Life*

MOTE MARINE LABORATORY • CITY ISLAND • SARASOTA, FLORIDA 33577 • 813-388-3301

1 May 1985

The American Littoral Society devotes its time and energy to the study and dissemination of information about how coastal ecosystems work, what makes them valuable, and how they can be protected.

A Florida Regional Office has been located at the Mote Marine Laboratory in Sarasota to bring more local activities to members and to focus on area issues and interests. We, therefore, feel it a special duty to involve ourselves in issues regarding coastal ecosystems in this area.

Sarasota Bay and the other bays in the estuary systems which lie between the barrier islands and the mainland are of prime importance for several reasons.

From a geographical standpoint, the bays are the jewels in the crown of this area, both aesthetically and functionally. The bays exist as nurseries for the vast quantity of small animals and plants which are the base of the food pyramid upon which we all ultimately depend for food and recreation.

The Bay and its sisters have direct and indirect effects on the quality of life which the people of this area expect as a concomitant of their living here. The Bay's health is an effective measure of the health of the region.

We, therefore, strongly support the notion that the designation "Outstanding Florida Water" be officially applied to Sarasota Bay, Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and all the other bodies of water in the Manatee/Sarasota estuarine complex, with all that this designation entails in terms of maintaining the water quality and the health of these invaluable ecosystems.

(For the Society)

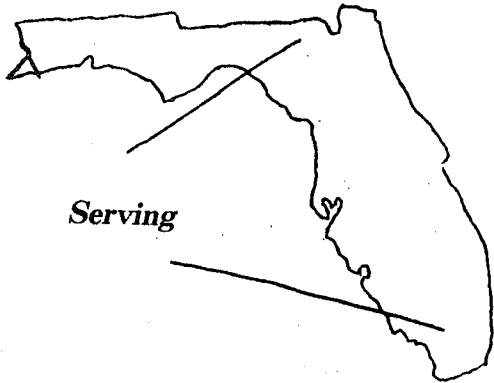


Harold Nils Pelta

Director

Florida Regional Office

**GULF COAST RESEARCH AND  
DEVELOPMENT LABORATORY, INC**  
P. O. Box 31166 • Sarasota, Florida 33582 • 813-922-0396



June 5, 1985

**RECEIVED**

**JUN 10 1985**

**LABORATORY &  
SPECIAL PROGRAMS**

Environmental Regulation  
Commission  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301

Gentlemen:

We are most interested in the issue scheduled for your meeting of June 12, 1985 concerning the possibility of designating Sarasota Bay as an OUTSTANDING FLORIDA WATER.

It is our hope that in accordance with F.A.C. 17-4.242 you will agree to conduct a workshop in our area in order to gather information on Sarasota Bay's use in terms of recreation and unique ecology. We are confident that after receiving this information you will be anxious to designate this unique body of water as one of Florida's Outstanding Waters.

We have been subjected to constant deterioration of our Bay as a result of unrestricted growth and associated ills of people. We believe the time has come to reverse the inevitable if we do not exercise leadership.

Your consideration of our request will be much appreciated.

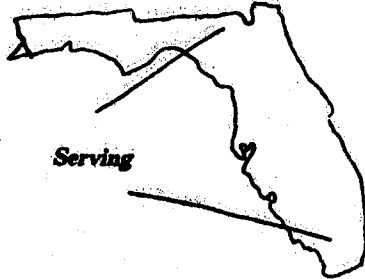
Sincerely yours,

William H. Taft  
Chairman of the Board

Dr. William H. Taft  
Chairman of the Board  
and President

Carlyle A. Luer, M.D.  
Vice Chairman





**GULF COAST RESEARCH AND  
DEVELOPMENT LABORATORY, INC.**  
P. O. Box 31166 • Sarasota, Florida 33582 • 813-922-0396

September 24, 1985

Presentation to the Department of Environmental Regulation  
Regarding the Proposed Designations of Sarasota and Lemon  
Bays as Outstanding Florida Waters

by: William H. Taft Ph.D.

I am here this evening on behalf of the Gulf Coast Research  
and Development Laboratory of Sarasota.

Those I speak for tonight could not attend because they are  
the migratory and permanent marine plants and animals that inhabit  
Sarasota and Lemon Bays. As you are well aware, this group of  
organisms has no specific lobbying group to protect their interests-  
protection they desperately need.

Charlotte, Sarasota and Manatee Counties have a degree of  
jurisdiction over these waters as well as the towns of Sarasota  
Longboat Key and probably more. With so many governments responsible,  
none are responsible.

Sarasota and Lemon Bays are the recipients of stormwater  
runoff, treated sewage and some times not-so-treated sewage,  
and have become a form of open septic system, if you will, between  
the mainland and the barrier islands.

Water in these bays is poorly flushed and we have witnessed  
constant decrease in the diversity of marine animals that can  
inhabit these estuarine areas. It is interesting to note that  
originally, Mother Nature developed her own primary and secondary  
sewage treatment system for assimilating nutrients in these waters  
when they were lined with mangroves and sea grasses flourished.

Dr. William H. Taft  
Chairman of the Board  
and President

Carlisle A. Luer, M.D.  
Vice Chairman

Then man came along, removed the mangroves, silted the bays with dredge spoil, dug finger canals and waterways that resulted in degraded water quality and killed much of the seagrass. All of this resulted in decreasing the system's ability to cleanse itself and hastening the day for destruction of these important economic and recreational waters.

WHY SHOULD SARASOTA AND LEMON BAYS RECEIVE SPECIAL PROTECTION BY BEING CLASSIFIED AS "OUTSTANDING FLORIDA WATERS?"

The answer to that question is relatively simple. These waters are unique estuarine environments on Florida's west coast and are significantly different from our two largest bays, namely Charlotte Harbor and Tampa Bay. Significant salinity gradients are present in the two large bays that produce environments, near the headwaters that are almost fresh and grade to normal salinities near their mouths. Sarasota Bay and Lemon Bay, on the other hand, maintain fairly constant normal salinities throughout most of the year. Continued development along our west coast requires the draining of wet and flood-prone real estate and these bays are the targets for ultimately disposing of this water, thus altering their salinities.

A recent evaluation of Sarasota Bay suggested approximately 50% of the nutrients entering the bay were introduced by storm water runoff. Not only is the estuarine system plagued by a host of chemicals it no longer has the ability to assimilate, but the sudden rush of fresh-water into the bay is also destructive to the many plants and animals whose life systems cannot tolerate drastic changes in salinities.

OTHER THAN THE UNIQUE ECOLOGICAL NATURE OF THESE BAYS, WHAT OTHER VALUES DO THEY POSSESS?

In 1984 there were 14,546 pleasure boats and 513 commercial boats registered with the County Tax Collector. One has only to view the bay on weekends and holidays to see windsurfers, fishermen along the shore and in their boats, water skiers, ski shows, power boats and sail boats- people on or near the water enjoying this economically important natural resource. As these bays continue to be abused and the systems lose the ability to purify themselves, we will soon get to the point where it will be necessary to post signs warning the public of health hazards from coming in contact with these waters. Use of these bays for recreation is an important local business for bait shops, boat trailer manufacturers, boat builders, boat storage facilities tackle shops, boat and engine repair---and the list goes on....

As I recall, it was about 1965 when the U.S. Fish and Wild Life Service conducted an economic study in Tampa Bay to determine the annual renewable value of each acre of submerged land. Results of that study were startling to many because they concluded each acre was worth more than \$3,000/acre/year to the local community. Twenty years later it seems hard to believe our similar renewable resource would be worth any less than Tampa Bay's. Think of it, a renewable resource that we ignore and abuse.

Clearly, not everyone will agree these waters should be so designated, but before taking too much stock in what these objectors say, look to see for whom they speak. ~~To my way of thinking,~~ Do they represent what is best for the environment? Do they represent what is best for the ecology of the area? Do they speak for what might be termed vested interests? Do they speak for what is best for this community over the long haul? A local attorney was quoted in the local press stating:

"It sounds good, but I don't think any development can pass that rigid constraint"

Did the passing of a Sarasota County ordinance that requires advanced waste treatment of sewage effluent stop development? We believe, if a proposed development will further degrade or bays, a permit should not be issued for construction.

TO WHAT DO WE HAVE TO LOOK FORWARD IF DER REJECTS THE  
PROPOSED DESIGNATION?

1. Continued degradation of water quality resulting in algal blooms and other plants that, when they die, will produce obnoxious odors, and decreased oxygen levels in the water
2. Decreased area covered by grass flats
3. Loss of nursery habitat for juvenile fishes
4. Decreased recreational fishing
5. Decreased recreational use of bay waters
6. Decreased property values along the bays caused by obnoxious odors

Although we are involved in a political process that will ultimately decide the fate of our two bays, I would remind you there is a voiceless majority of marine plants and animals living in these waters who, if they could, stand up tonight and plead for relief. Although they cannot vote, their presence should be appreciated and protected. I am confident, once the bays are classified OUTSTANDING, the public will begin to clamor for restoration of sea grasses, mangroves and water quality.

Classifying these waters as Outstanding is the front line of defense for their protection.

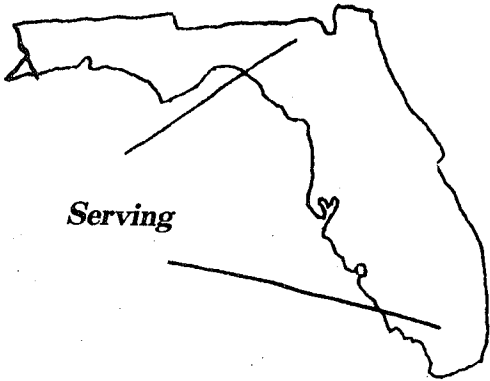
In conclusion I believe it is fair to state

WHAT IS GOOD FOR OUR BAYS IS GOOD FOR ALL SARASOTANS

I urge you to recommend the classification of these two bays as OUTSTANDING FLORIDA WATERS

**GULF COAST RESEARCH AND  
DEVELOPMENT LABORATORY, INC.**

P. O. Box 31166 • Sarasota, Florida 33582 • 813-922-0396



October 29, 1985

**RECEIVED**

**OCT 31 1985**

**LABORATORY &  
SPECIAL PROGRAMS**

Dr. Randy Armstrong  
Chief, Bureau of Laboratories and  
Special Programs  
Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Rd.  
Tallahassee, Florida 32301

Dear Dr. Armstrong.

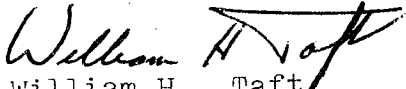
I am most interested in your up-coming meeting in Sarasota (Nov. 7, 1985), but unfortunately will be out of town and unable to make a presentation. Please accept this correspondence for our input at that workshop dealing with the designation of Sarasota Bay and Lemon Bay as Outstanding Florida Waters.

We are most concerned the areas to be excluded, namely, those defined by item 4- Artificial waterbodies. If a pending application for a marina (Lynette, Inc.) is approved by the Sarasota County Commission (it has already been approved by DER), we will be deluged with requests to dig marinas in upland areas and connect them to existing waterways. According to the wording of item 4, it would appear the water quality in these artificial waterbodies would not be controlled by the CFW classification, but these artificial water bodies could degrade the waters to which they are ultimately connected.

In view of the above concern, we would ask that item 4 read as follows: Existing artificial water bodies...etc.

Thank you for your consideration of our request.

Sincerely yours,

  
William H. Taft

Dr. William H. Taft  
Chairman of the Board  
and President

Carlyle A. Luer, M.D.  
Vice Chairman

November 18, 1985

Dr. William H. Taft  
Gulf Coast Research and  
Development Laboratory, Inc.  
P. O. Box 31166  
Sarasota, Florida 33582

Dear Dr. Taft:

Thank you for writing about the department's preliminary recommendation on the proposed designation of Sarasota Bay and Lemon Bay as Outstanding Florida Waters (OFW). We appreciate your support.

We understand your concern about the effects on an OFW of discharges into adjoining waters, such as artificial water bodies. However, please remember that these discharges must meet the water quality requirements of not only the receiving body of water, but must also assure that they will not "significantly degrade" the nearby OFW (Section 17-4.242, F.A.C.). By this means, the OFW receives special protection against both direct and indirect discharges. As a result of this, permit applications for activities in tributaries to OFW's usually receive closer scrutiny than they otherwise would, and more stringent controls are required if the OFW would be impacted by that activity. This would be the case whether a body of water, for example a basin for a marina, existed on a tributary to an OFW or was later dredged. In fact, current permitted activities are "grandfathered" but new ones would have to meet the new, and possibly more stringent, requirements after a designation.

Please call on us if you have any further questions or comments.

Sincerely,

Randy Armstrong  
Chief, Bureau of  
Laboratories and  
Special Programs

RA:jl  
cc: Dr. Richard Garrity



10320 Sandpiper Rd. W.  
**Flamingo Cay Association, Inc.**  
BRADENTON, FLORIDA 33529

Attention: Tom Swihart  
Dept. of Environmental Regulations  
2600 Blair Stone Road  
Tallahassee, Fl. 32301

April 29 1985  
**RECEIVED**

MAY 2 1985

LABORATORY &  
SPECIAL PROGRAMS

Subject:  
Petition dated 3/27/85  
Outstanding Florida Waters  
Sarasota-Manatee Waters

Dear Mr. Swihart,

On March 27, 1985, "Manasota 88" and "Save-Our-Bays-Assn." petitioned through their attorney, Mr. Reese, that our local waters, from Anna Maria to the Venice area, all be designated as "Outstanding Florida Waters".

All the members of our Association (143) on Palma Sola Bay, which is designated Class 11. We love our Bay and all of the estuarine area north and south, and we strongly urge the Department of Environmental Regulations to endorse and support this effort.

Very truly yours,

Goff Joyner, Pres.  
Flamingo Cay Association

# Environmental Confederation Of South West Florida

P.O. Box 345,  
Estero, Florida 33928

## ECOSWF

Pres. .... Ellen W. Peterson  
Vice Pres. Creighton Sherman  
Sec. .... Jean B. Slocum  
Treas. .... Ruth Clinesmith

### Directors

Wayne Daltry  
Sue Dudley  
Joe Long  
Jonio Miller  
Julie Morris  
James R. E. Smith  
Mary Ann Wallace

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MAY 3 1985

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SPECIAL PROGRAMS

Tom Swihart  
D.E.R.  
2600 Blairstone Rd.  
Tallahassee, Fl. 32301

Dear Mr. Swihart

E.C.S.W.F. supports wholeheartedly the petition to designate Lemon Bay, Placida Harbor, Stump Pass Knight Pass, Bocilla Pass, Bocilla Lagoon, Kettle Harbor, Little Gasparilla Pass, and Gasparilla Pass as Outstanding Florida Waters by initiating rule making pursuant of Section 120.54(5), Fla. Stat.; etc.

We would appreciate your extending all possible efforts to implement that rule making.

Sincerely,



Ellen W. Peterson, president



# SIERRA CLUB CALUSA GROUP

SERVING SOUTHWEST FLORIDA  
P.O. Box 345  
Estero, Florida 33928

Telephone: (813) 542-4875

November 29, 1985

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DEC 3 1985

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SPECIAL PROGRAMS

Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301-3241

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DEC 2 1985

Office of the Secretary

Dear Sir:

We certainly agree that Sarasota Bay should be designated an Outstanding Florida Water. However, it could not stay in that condition unless the tributaries that empty into Sarasota Bay are also given this designation. Therefore, the mouths of Whitaker Bayou and Phillippi Creek should be considered as a part of Sarasota Bay in this case. This would certainly help stop polluting and dumping in this fragile system.

Sincerely yours,

*Lyle R. Danielson*

Lyle R. Danielson, chairman



*"Not blind opposition to progress, but  
opposition to blind progress"*

April 16, 1985

RESOLUTION TO  
urge that Sarasota Bay be designated  
"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Sarasota-Manatee Sierra Group  
P.O. Box 3845  
Sarasota, FL 33578  
phone: (813) 922-8202

by majority vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

*Timothy Sheppard*  
*Co-Chairman*

RECEIVED

OCT 15 1985

LABORATORY &  
SPECIAL PROGRAMS

Manatee-Sarasota Group of the  
Florida Chapter of Sierra Club  
P. O. Box 3845  
Sarasota, Florida 33578

*October 11, 1985*

Department of Environmental Regulation  
Mr. Eric Shaw  
2600 Blair Stone Road  
Tallahassee, Florida 32301

Dear Florida Environmental Regulation Commission:

The members of the Executive Committee of the Manatee-Sarasota Group of the Sierra Club strongly support the Outstanding Florida Water designation for the Bay Waters between Passage Key and Venice Inlet. We believe the benefits received by the OFW designation are worth the relatively small costs of maintaining the ambient water quality, especially when compared to the extremely high costs of attempting to clean up stressed or unhealthy waters.

These bays with their sea grass bottoms are a nursery for a large number of fish, shellfish, crustaceans and other marine life. They also support large numbers of wading birds and even endangered and threatened species such as sea turtles, manatee, wood storks, roseatespoonbills and innumerable migratory birds. For these well documented reasons the Manatee-Sarasota Sierra Club supports the OFW designation.

We are very concerned that Anna Maria Sound, Perico Bayou and Palma Sola Bay with their many interconnecting coves, flats and lagoons be included as exceptional waters. Maintaining the present water quality of these areas is essential and we respectfully ask that you include them in your recommendation to the designate these waters an OFW.

We would also like Midnight Pass designated an OFW with no future dredging grandfathered in.

Sincerely,

*Mary Sheppard*

Mary Sheppard, Chairman  
Manatee-Sarasota Sierra

September 26, 1987

2

RESOLUTION TO

URGE THAT SARASOTA BAY AND LEMON BAY BE DESIGNATED

"OUTSTANDING FLORIDA WATER"

Whereas: Sarasota Bay with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, Lemon Bay and other bodies of water in the Manatee Sarasota estuarine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the majority of the Executive Committee of the Manatee Sarasota Group of the Florida Chapter of Sierra Club supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Mary E. Sheppard  
Co-Chair  
Manatee / Sarasota



## Florida Federation of Garden Clubs, Inc.

Charter Member of National Council of State Garden Clubs, Inc.

Headquarters: 1400 S. Denning Dr., P.O. Box 1604, Winter Park, Florida 32790-1604, Telephone: (806) 647-7016

4621 Longleaf Lane  
Sarasota, FL 34241  
7 October 85

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OCT 14 1985  
LABORATORY &  
RESEARCH PROGRAMS

Ms. Mary Morris, Special Programs  
Department of Environmental Regulations  
2600 Blaiirstone Road  
Tallahassee, FL 32301-8241

Dear Ms. Morris;

As Water Conservation Chairman for the 30,000 member Florida Federation of Garden Clubs, I am writing in support of naming the bays from Anna Marie to Placida on the west coast of Florida as Outstanding Florida Waters.

Areas in these bays are still open to shell fishing, a phenomenon becoming increasingly rare. Designation of Outstanding Florida Waters will help retain this opportunity for future generations.

Your help in obtaining this designation would be greatly appreciated!!

Sincerely,

Wilda Q. Meier  
Water Conservation Chair



**Florida Federation of Garden Clubs, Inc.**  
Charter Member of National Council of State Garden Clubs, Inc.

Headquarters: 1400 S. Denning Dr., P.O. Box 1604, Winter Park, Florida 32790-1604, Telephone: (305) 647-7016

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OCT 24 1985  
LABORATORY &  
SPECIAL PROGRAMS

1438 Saddle Court  
Palm Harbor, Fl. 33563  
October 21, 1985

Ms. Mary Morris, Special Programs  
Department of Environmental Regulations  
2600 Blairstone Road  
Tallahassee, Fl. 32301-8241

Dear Ms. Morris:

As Water Conservation Chairman for District VIII of the Florida Federation of Garden Clubs, and on behalf of all the members of our district, I am writing in support of naming the bays from Anna Marie to Placida on the West Coast of Florida as Outstanding Florida Waters.

Areas in these bays are still open to shell fishing, a phenomenon becoming increasingly rare. Designation of OUTSTANDING FLORIDA WATERS will help retain this opportunity for future generations.

Your help in obtaining this designation would be greatly appreciated.

Sincerely,

*Betty R. Selvitella*  
Betty R. Selvitella, Dist. VIII,  
Water Conservation Chm.

cc: Vivian Robinson, District VIII Director, FFGC  
Wilda Q. Meier, Water Conservation Chm. FFGC



**RECEIVED**

Sarasota Garden Club  
P.O. Box 1000  
Sarasota, Florida  
Oct. 8, 1985

OCT 14 1985  
LABORATORY &  
SPECIAL PROGRAMS

Dear Mr Tschinkel,  
On behalf of the Governing Board of the Sarasota Garden Club, I would like to express our support for the DER's designation of "Outstanding Florida Waters" for coastal bay waters from Anna Maria Island south to Placido Harbor.

Our Governing Board represents over 400 members and one of our continuing concerns is for the preservation of the beauty and usefulness of the West coast of Florida.

Respectfully,  
Barbara Carmichael (M.N.C.G.)  
Corresponding Secretary

# Longboat Key Garden Club

April 26, 1985

## RESOLUTION TO URGE THAT SARASOTA BAY BE DESIGNATED "OUTSTANDING FLORIDA WATER"



WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Longboat Key Garden Club in meeting assembled April 23, 1985, at the Mote Marine auditorium, 1600 City Island Park, Sarasota, Florida, by unanimous vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

*Charles H. King*  
Charles H. King  
President

*165 members*





ANNA MARIA ISLAND  
FLORIDA

RESOLUTION TO

urge that Sarasota Bay be designated  
"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fishermen, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Island Garden Club by unimous vote on April 18, 1985, fully supports the designation "OUTSTANDING FLORIDA WATERS" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed

Charlotte W. Hill  
President (Charlotte Hill)

ANNA MARIA ISLAND  
WOMAN'S CLUB, INC.  
ANNA MARIA, FLORIDA

RESOLUTION TO  
URGE THAT SARASOTA BAY BE DESIGNATED

"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fishermen, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Woman's Club of Anna Maria Island, Inc. by unanimous vote on May 2, 1985, fully supports the designation "OUTSTANDING FLORIDA WATER" to any and all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed

*Marie S. Utendorfer*

President (Marie S. Utendorfer)  
The Woman's Club of Anna Maria Island, Inc.  
Member of the Florida Federation of  
Women's Clubs and the General Federation  
of Women's Clubs

RESOLUTION TO  
urge that Sarasota Bay be designated  
"OUTSTANDING FLORIDA WATER"

WHEREAS: Sarasota Bay, with sister bays Anna Maria Sound, Palma Sola Bay, Little Sarasota Bay, Donna Bay, and other bodies of water in the Manatee Sarasota esturine complex are of paramount importance in the nurturing of marine life, both for sport and commercial fisherman, and

WHEREAS: The marine environment of the Sarasota Manatee waters is vital to the propagation of marine life to repopulate the Gulf of Mexico, and

WHEREAS: It is in the public interest to protect the pristine quality of said waters, now therefore

BE IT RESOLVED that the Longboat Key Turtle Watch by unanimous vote, fully supports the designation "OUTSTANDING FLORIDA WATER" to any or all of the above mentioned bodies of water which comprise the waters off Manatee and Sarasota Counties and urges that such a designation be made as expeditiously as possible.

Signed

Orville D. Clayton  
Top Turtle



LONGBOAT KEY TURTLE WATCH  
60 MEMBERS

LONGBOAT KEY, FL, 33548

# CORTEZ PODIATRY ASSOCIATES

DR. SAUL LADD †  
DR. ALAN F. KATZ †  
DR. RICHARD N. BERKUN §  
DR. CHRISTOPHER J. ADDISON §



Podiatrists - Foot Specialists

† DIPLOMATE, AMERICAN BOARD OF  
PODIATRIC SURGERY  
\* FELLOW, AMERICAN COLLEGE OF  
FOOT SURGEONS  
§ ASSOCIATE, AMERICAN COLLEGE  
OF FOOT SURGEONS

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OCT 17 1985  
LABORATORY &  
SPECIAL PROGRAMS

October 14, 1985

Bureau Chief Randy Armstrong  
Department of Environmental Regulation  
2600 Blairstone Road  
Tallahassee, FL 32301

Gentlemen:

We strongly urge you to recommend establishment of OFW status for the waters of the Manasota area in an effort to make them environmentally safe.

*Please*

Sincerely,

Cortez Podiatry Associates

Saul Ladd, D.P.M., F.A.C.F.S.  
Alan F. Katz, D.P.M., F.A.C.F.S.  
Richard N. Berkun, D.P.M., A.A.C.F.S.  
C. J. Addison, D.P.M., A.A.C.F.S.

AFK/mjc

A Professional Association

Cortez Podiatry Building  
1800 Cortez Road West • Bradenton, FL 33507-3098 • (813) 758-8818

# PEEPLES, EARL & BLANK

PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

L. GRANT PEEPLES \*  
WILLIAM L. EARL \*  
ROBERT H. BLANK \*  
JUDITH S. KAVANAUGH \*  
WILLIAM F. TARR  
ELIZABETH M. WEAVER  
CAROL A. RICHWERGER  
DENNIS M. STOTTS  
RONALD J. MARLOWE

\* PROFESSIONAL ASSOCIATION

ONE BISCAYNE TOWER, SUITE 3636  
TWO SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131  
(305) 358-3000

UNITED FIRST FEDERAL BUILDING  
390 MAIN STREET, TENTH FLOOR  
SARASOTA, FLORIDA 33577  
(813) 366-1180

OCT 7 1985  
October 1, 1985

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SPECIAL PROGRAMS

REPLY TO: Sarasota

## CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Victoria J. Tschinkel, Secretary  
Department of Environmental Regulation  
Twin Towers Building  
2600 Blair Stone Road  
Tallahassee, Florida 32301

Re: Effect of Outstanding Florida Water Designation:  
Sarasota Bay, Sarasota County, Florida

Dear Secretary Tschinkel:

At one of the Workshops the Department has held to discuss the proposed designation of Sarasota Bay as an Outstanding Florida Water, a question was asked by members of Myakka Valley Ranches Improvement Association, Inc., which received a very disturbing answer.

The question posed was whether it would be possible to have an AWT treated discharge in Sarasota Bay if the outstanding Florida Water Designation was approved. The Department's answer was that even advanced treatment of wastewater would not be adequate, and there could be no discharge of wastewater into Sarasota Bay after the OFW designation because of the existing water quality.

The City of Sarasota's representatives immediately entered into the discussion, and clearly intend to use the OFW designation as a stick with which to beat off any consideration of other feasible and more environmentally acceptable alternatives to the City's proposed sprayfield adjoining and on MVRIA's and its members property in an area with discharge into the Myakka River System already designated an OFW. The alternative it has specifically refused to consider is MVRIA's proposal for upgrading the sewage plant to AWT for discharge into a recycle-reuse system, with intermittent seasonal discharge of small volumes of AWT effluent to the Bay, at times of seasonal high flow, in place of the current discharges of all of the City's secondarily treated (or worse) effluent resulting in an overall benefit to the Bay.

Victoria J. Tschinkel, Secretary  
October 1, 1985  
Page 2

The City uses the enforcement order under which it is currently operating, in which it claims both the Department's and EPA's orders preclude any further discharge into Whittaker Bayou, as a shield to avoid adequate assessment of the environmental threat its spray project poses to the Myakka River System. The City obviously intends to use the Bay OFW designation as an excuse to continue its pursuit of the sprayfield without seriously considering any of the other more environmentally acceptable alternatives.

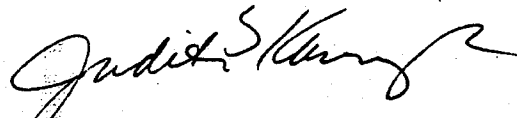
This letter is to formally object to the Department's position, if it is the Department's position, that designation of Sarasota Bay as an Outstanding Florida Water will absolutely preclude the discharge to the Bay of advanced treated wastewater in place of the City's current discharge, regardless of its volume, duration or the public interest involved.

MVRIA respectfully requests clarification of the Department's position. Otherwise, the City will continue to rely on its own wrong interpretation of the effect of the OFW designation and use the DER as an excuse to avoid looking at alternatives to the sprayfield. If so, MVRIA will be compelled to take whatever actions are necessary to correct this erroneous interpretation of the OFW regulations.

MVRIA respectfully requests party status in the OFW designation proceeding as substantially affected person, and pursuant to Chapter 120, Florida Statutes, requests that the Department give MVRIA notice through this office of any agency action, formal or informal, regarding the OFW proposal.

Very truly yours,

PEEPLS, EARL & BLANK, P.A.



Judith S. Kavanaugh  
For the Firm

JSK/jd  
Enclosure

cc: Richard D. Garrity  
Mary F. Smallwood  
Carol A. Forthman  
Randy Armstrong

# PEEPLS, EARL & BLANK

PROFESSIONAL ASSOCIATION  
ATTORNEYS AT LAW

L. GRANT PEEPLES \*  
WILLIAM L. EARL \*  
ROBERT H. BLANK \*  
JUDITH S. KAVANAUGH \*  
WILLIAM F. TARR  
ELIZABETH M. WEAVER  
DENNIS M. STOTTS  
CHARLES G. STEPHENS

\* PROFESSIONAL ASSOCIATION

ONE BISCAYNE TOWER, SUITE 3836  
TWO SOUTH BISCAYNE BOULEVARD  
MIAMI, FLORIDA 33131  
(305) 358-3000  
TELEX 3734918

UNITED FIRST FEDERAL BUILDING  
1390 MAIN STREET, SUITE 1000  
SARASOTA, FLORIDA 33577  
(813) 366-1180

November 7, 1985

REPLY TO: Sarasota

HAND DELIVERED AT PUBLIC WORKSHOP  
ON OFW DESIGNATION FOR SARASOTA BAY,  
NOVEMBER 7, 1985.

Victoria J. Tschinkel, Secretary  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, FL 32301-8241

Dear Secretary Tschinkel:

Thank you for your letter of October 25, 1985, clarifying the Department's position as to the effect the proposed Sarasota Bay Outstanding Florida Water designation will have on the continued availability of sewage treatment alternatives for the City of Sarasota.

The Myakka Valley residents, represented by this office, remain concerned about this issue and the City's interpretation of the Department's policy as limiting the City's ability to consider alternatives to its proposed spray irrigation project. As you know, while Myakka Valley supports the protection of Sarasota Bay afforded by the OFW designation, and also supports the immediate cessation of the City's current discharge of large volumes of inadequately treated sewage into the Bay, the residents of the Myakka Valley area strongly object to any effort to shift that pollution to the existing Outstanding Florida Water in Myakka State Park.

The City persists in attempting to use the Sarasota Bay OFW Designation as justification for its arbitrary refusal to consider alternatives to the spray project. The City maintains that the OFW Designation will absolutely preclude any discharge into Sarasota Bay so that it has no alternative to shifting its discharge to the Myakka State Park area.

Your letter confirms the viability of substituting an upgraded and reduced discharge of higher treated effluent to Whitaker Bayou. This is the alternative we have consistently

proposed but the City has refused to consider -- to retrofit the existing plant to achieve advanced wastewater treatment (AWT), and the establishment of a recycle/reuse system to reduce the volume and frequency of the AWT discharge either to the Bayou or the Bay.

However, we are also concerned about the City's position that the DER will prohibit absolutely all new bay discharges, even of smaller volumes of highly treated wastewater which do not lower ambient water quality, as defined by the OFW rule. This offers the City but another excuse to avoid consideration of available alternatives.

In the past, the DER has maintained that the OFW rule, Rule 17-4.242, Florida Administrative Code, does not preclude future discharges into the OFW. It does impose a higher standard on new discharges proposed for an OFW. Specifically, the rule permits limited activities and discharges in Outstanding Florida Waters "to allow for or enhance public usage or for the maintenance of facilities existing prior" to the effective date of the designation, if the discharge is clearly in the public interest, will not lower existing ambient water quality within the OFW, and there is no alternative except at an unreasonably higher cost. We believe that the City has available to it -- and we have proposed -- several alternatives which would meet these criteria, but which the City refuses to consider using as its excuse its erroneous interpretation of the DER's OFW policy.

Because of the City's arbitrary refusal to consider these alternatives, and its repeated misrepresentation as to the availability of those alternatives based on the OFW Designation, we respectfully submit the following language and request that it be included in any proposed rule which designates Sarasota Bay as an Outstanding Florida Water. This language is intended to confirm that the City of Sarasota may pursue other Bay discharge scenarios so long as requirements of the OFW rules are met and the result does not lower ambient air quality within the Bay:

Section 17-3.041(i) [text as proposed by Mr. Reese]  
... provided, however, that this designation shall not preclude the upgrading to higher treatment, or reduction in volume and relocation of such higher treated effluent discharge from the current discharge by the City of Sarasota so long as such upgraded and relocated or reduced discharge complies with the



Victoria J. Tschinkel  
November 7, 1985  
Page 3

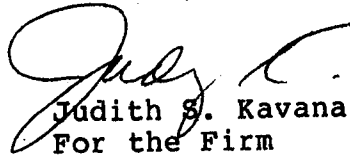
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provisions of Sub-paragraph (1)(a),2. and Sub-paragraph (1)(b) of Section 17-4.242, Florida Administrative Code.

Assuming formal rulemaking is initiated by the ERC to designate Sarasota Bay as an Outstanding Florida Water, we intend to submit this language to be included in the proposed rule, and respectfully request that the Department include it pursuant to Section 120.54, Florida Statutes. If you or your staff have any questions about our proposal, its reason or support, please do not hesitate to contact me and I remain,

Respectfully,

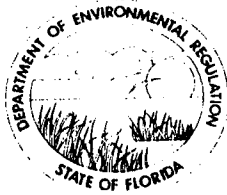
PEEPLS, EARL & BLANK, P.A.

  
Judith S. Kavanaugh  
For the Firm

JSK:je

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

November 20, 1985

**RECEIVED**

NOV 25 1985

LABORATORY &  
SPECIAL PROGRAMS

Ms. Judith S. Kavanaugh  
Peeples, Earl and Blank, P.A.  
Attorneys at Law  
United First Federal Building  
1390 Main Street, Suite 1000  
Sarasota, Florida 33577

Dear Ms. Kavanaugh:

Thank you for your November 7 letter to Secretary Tschinkel about the proposed designation of Sarasota Bay as an Outstanding Florida Water (OFW). We also appreciate the support for the OFW designation by the Myakka Valley Improvement Association.


We have reviewed your proposal for an amendment to Section 17-3.041 to be adopted at the same time as an OFW designation for Sarasota Bay. As we understand your proposal, it would state that sewage discharges to the Bay could occur, "so long as requirements of the OFW rules are met and the result does not lower ambient water quality within the Bay" (p.2). To accomplish this, your proposed amendment to 17-3.0-41 requires that sewage discharges comply with Section 17-4.242, F.A.C. (which is the existing permitting rule for OFW's).

Your proposed amendment appears only to require compliance with the existing OFW rule. We do not believe we need this repetition in our rules, and do not plan to recommend your amendment for adoption by the Environmental Regulation Commission.

Ms. Judith S. Kavanaugh  
November 20, 1985  
Page Two

If you have any other suggestions, we will of course be pleased to consider them.

Sincerely,

  
Alfred B. Devereaux, Jr.  
Assistant Secretary

ABD/ps

cc: Mr. Randy Armstrong  
Honorable Bill Kline  
Mr. Tom Reese  
Dr. Richard Garrity



## Environmental Resources Management, Inc.

999 West Chester Pike • P.O. Box 357 • West Chester, Pennsylvania 19381 ☎ (215) 696-9110

October 11, 1985

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OCT 14 1985

LABORATORY &  
SPECIAL PROGRAMS

Mr. Thomas Swihart  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32301

Dear Tom:

I am pleased to offer you my technical opinion regarding the classification of Sarasota Bay as an Outstanding Florida Water (OFW). Over the last two years, I have been involved in a continuing effort by the City of Sarasota to evaluate Sarasota Bay in terms of its ecology, water quality and flushing characteristics. The major product of this effort entitled "The Effects of Point and Non-point Sources on Sarasota Bay" is enclosed (Attachment 1).

I support the inclusion of Sarasota Bay in the OFW program because of 1) its present good condition, 2) its economic and recreational importance to the local communities, 3) its fragility because of poor flushing conditions, and 4) the ecological importance of its seagrass resource.

Sarasota Bay's present condition can be considered to be generally healthy from water quality and ecological perspectives, except for a relatively small area near Whitaker Bayou which is affected by materials released from the Bayou itself. These high quality conditions provide extensive aesthetic, recreational and economic benefits to the local communities.

Hydrodynamically the Bay has poor flushing characteristics. A series of drogue studies conducted by Dr. John Wang of the University of Miami demonstrated that there is often very little net removal of material from the Bay system because of poor advective transport (Attachment 2). Such poor mixing conditions cause the Bay to be quite fragile because it is unable to readily assimilate contaminants.

The productivity of the Bay ecosystem and the quality of its waters is influenced very strongly by the health of its seagrass community. Seagrasses have been affected by poor water quality near Whitaker Bayou and their distribution in that area has declined by around 70 percent since 1948. If water quality conditions were to decline in the Bay as a whole, especially because of higher turbidity, the productivity as well as the area covered by seagrasses would diminish. Seagrasses are important as

## The ERM Group

a habitat and as a source of nutrients for a wide range of estuarine biota, and their demise signals the demise of dependent populations (Attachment 1, p. S-3). They are also of importance in binding sediments and thus strongly influence turbidity levels in Sarasota Bay.

I understand from our recent telephone conversation that you are contemplating the exclusion of areas near the tributaries from the OFW designation. Our studies have considered the improvement in the Bay's water quality that will occur after the City's discharge is removed from the Bayou as required by FDER's Temporary Operating Permit (TOP). Because of the substantial improvement that will occur in that area after the discharge is removed, I recommend that the area near Whitaker Bayou be included as part of the OFW contingent upon cessation of the discharge into Whitaker Bayou.

Our analysis of the improvement in water quality as a result of zero discharge showed that the light level necessary to sustain seagrasses would increase by approximately 0.8 feet under average summer conditions (Attachment 3). This is predicated on 1) nitrogen being the limiting nutrient for algal growth in Sarasota Bay and 2) almost all the available nitrogen released to the Bay from Whitaker Bayou being presently released from the City's STP. Thus both nutrient levels and algal levels should return to close to their Mid Bay values after the discharge is removed.

The effect of removal of the STP discharge on the seagrass community is expected to be positive because of the reduction of suspended and attached algal levels. Dr. Robert Orth of Virginia Institute of Marine Sciences has concluded that the available evidence "argues very strongly in favor of the STP discharge as causing the decline of seagrasses in Sarasota Bay". Dr. Orth also believes that "it is safe to assume the seagrasses would slowly return if the City's discharge is removed from the Bayou" (Attachment 4).

On-going non-point source control programs being carried out by Sarasota County and the City will effectively control the release of TSS from Whitaker Bayou at no more than its present level. Thus, the expected improvement in the quality of the Bay near Whitaker Bayou after removal of the discharge will not be offset by a growth in non-point source loads. The release of sediments from the Bayou to the Bay will also be ameliorated by the periodic dredging programs carried out in the Bayou by the Corps of Engineers.

I consider Sarasota Bay to cover an area from Anna Maria Sound in the north at the Cortez Bridge to Roberts Bay in the south at the Siesta Drive Bridge, including Longboat Pass, New Pass and Big

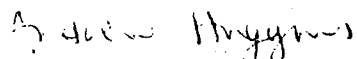
## The ERM Group

Pass, and excluding the tributaries Bowlees Creek, Cedar Hammock, Whitaker Bayou and Hudson Bayou.

Thank you very much for providing me with this opportunity to comment on the OFW classification.

Please call if you have any questions.

Very truly yours,



Andrew Huggins, Ph.D.

Attachments

cc: Richard J. Taylor, Taylor and Lawless, P.A.



**Environmental  
Resources  
Management, Inc.**

999 West Chester Pike • West Chester, Pennsylvania 19382 ☎ (215) 696-9110

18 November 1985

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19 1985

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SPECIAL PROGRAMS

Thomas Swihart  
Florida Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blair Stone Road  
Tallahassee, FL 32301

Dear Tom:

As you requested at the OFW Workshop held in Sarasota on November 7 1985, I am providing you with a written opinion suggesting the inclusion of seagrasses north of Whitaker Bayou in the area that that you propose to designate as an OFW.

The attached maps show that seagrasses were present in the area immediately north of the Bayou in 1948 and 1979. The grasses north of the Bayou are part of a fairly continuous belt of grasses located behind an intact sand bar between the Bayou and Stephen's Point. Equal protection and status should be afforded to the entire belt of grasses between the Bayou and the Point. This could be accomplished by reducing the excluded semi-circle at the mouth of the Bayou to a southerly-oriented quarter-circle or to a straight line across the mouth of the Bayou.

Please let me know if you would like additional information on this topic.

Sincerely,

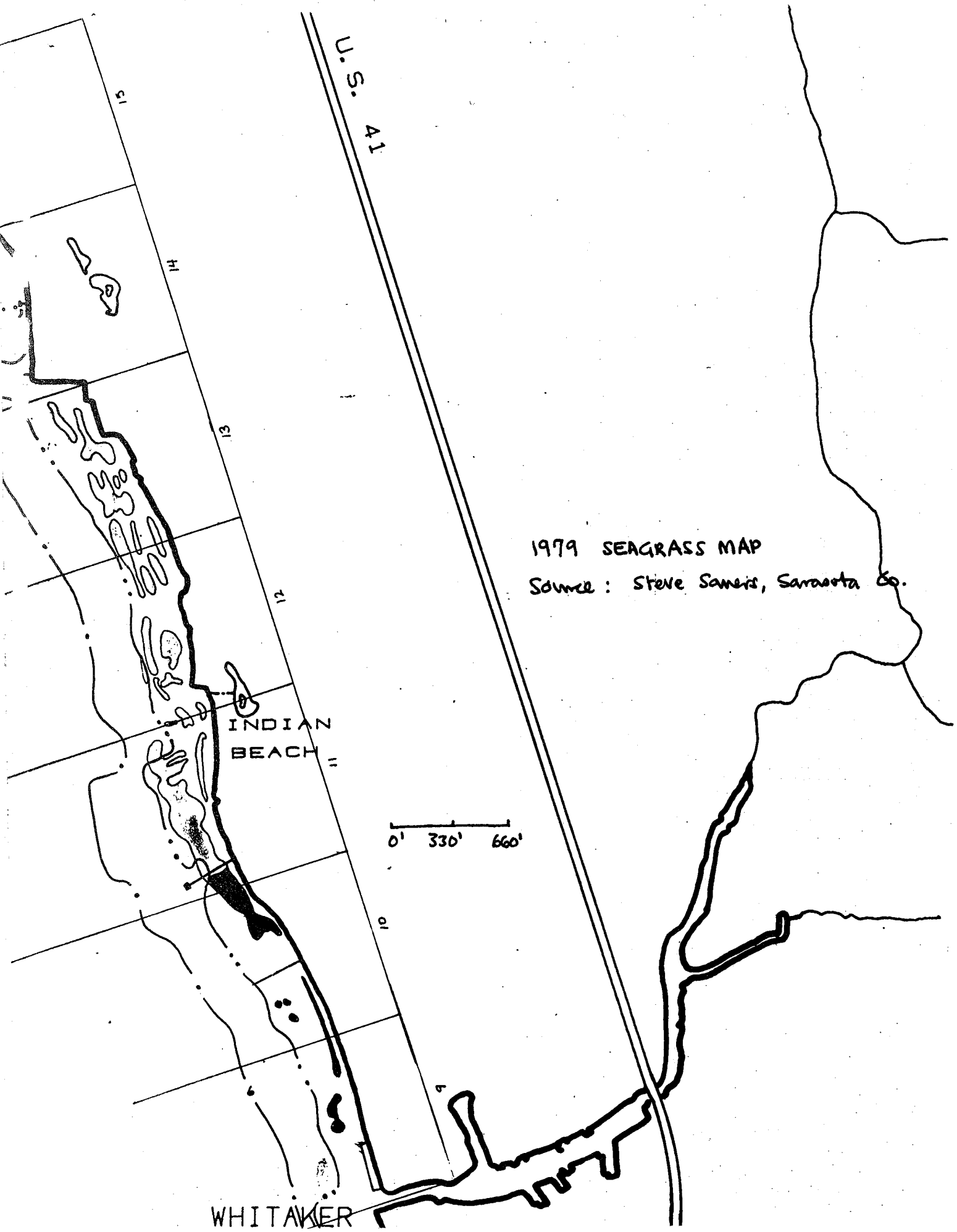
*Andrew Huggins*

Andrew Huggins

AH/kth

Attachments

cc: Joseph M. Zorc, Wickwire, Gavin and Gibbs, P.C.  
Richard J. Taylor, Taylor and Lawless, P.A.



1979 SEAGRASS MAP

Source: Steve Sowers, Sarasota Co.

INDIAN BEACH

WHITAKER

0' 330' 660'

U.S. 41

15

14

13

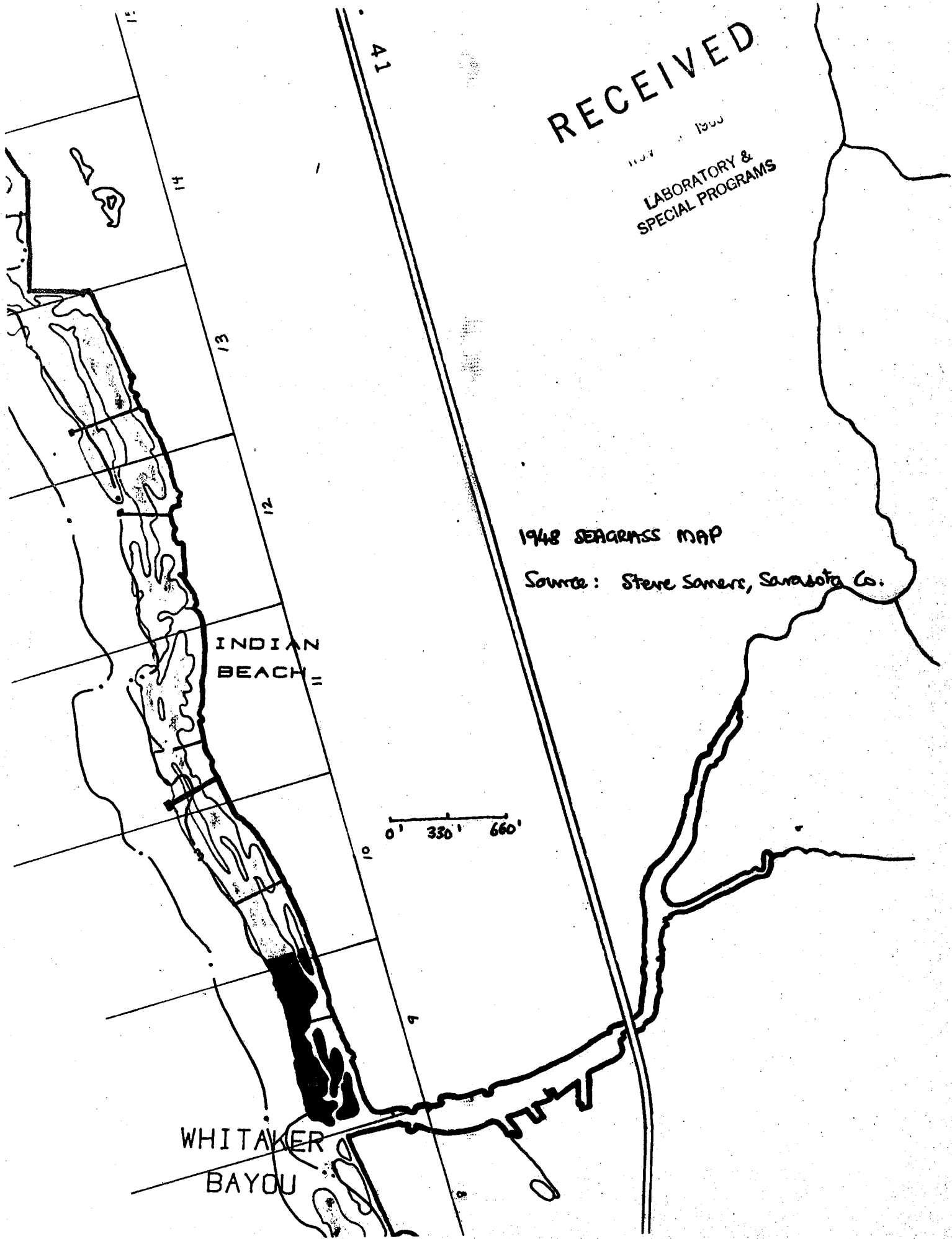
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NOV 1950  
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1948 SEAGRASS MAP

Source: Steve Samers, Sarasota Co.

INDIAN  
BEACH =

WHITAKER  
BAYOU

0' 330' 660'

*Tom Swihart*

STINNETT & BRESLAU, P. A.  
ATTORNEYS AT LAW

ANNE G. STINNETT  
JILL H. BRESLAU  
DIANA WEINER

2055 WOOD STREET, SUITE 104  
SARASOTA, FLORIDA 33577  
(813) 365-7110

September 13, 1985

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SEP 16 1985

LABORATORY &  
SPECIAL PROGRAMS

Mr. Tom Swihart  
State of Florida  
Department of Environmental Regulation  
Twin Towers Office Building  
Tallahassee, Florida 32301-8241

Dear Mr. Swihart:

Thank you for sending this office the Department materials pertaining to the proposed designation of Sarasota Bay and Lemon Bay as Outstanding Florida Waters (OFW). As you will recall from our phone conversation of August 7, 1985, I have been retained as counsel to represent the Midnight Pass Society, a non-profit Florida corporation organized to publicly draw attention to the deterioration of Sarasota Bay caused by the closure of the pass and to petition responsible state and local agencies to secure its reopening.

Midnight Pass was closed by two homeowners in December, 1983 pursuant to a Class A emergency authorization granted by the DER on November 23, 1983 (Joint Application, Department of the Army/DER Permit #580749543) and a Department of Natural Resources emergency permit issued on November 29, 1983 (DER File Number 580749543). Both permit applications expressly provided for the closure of the pass and the excavation of a new pass. A new pass was never permanently opened.

It is our position that the homeowners, in failing to reopen the pass, are in violation of state law and regulation. The closure of the pass has adversely and drastically affected the water quality, and fish and aquatic plant life of Little Sarasota Bay. It has also severely reduced wildlife populations, has adversely affected fishing, navigation, recreation, and overall marine productivity in the area.

Sarasota County has engaged an engineering firm to prepare preliminary engineering studies necessary to secure the dredge and fill permits to reopen the pass. In the event that Sarasota Bay is designated an OFW prior to the processing of the County's dredge and fill permit applications, the work on the project will be substantially affected.

Mr. Tom Swihart  
September 13, 1985

Page Two

It is our position that the reopening of the pass should be either "grandfathered" in, pursuant to the outstanding permits which were issued in 1983, or the OFW rule should expressly provide for the reopening of the pass.

I have contacted your General Counsel, Mary Smallwood, regarding the Department's legal position on this matter and expect to hear from that office this week.

We will formally present our position on this matter at the OFW Workshop in Sarasota on September 24, 1985. We would appreciate hearing from your office regarding the Department's position on this matter at or before that time.

Thanking you for your cooperation in this matter, I remain,

Very truly yours,

STINNETT & BRESLAU, P.A.



Diana Weiner, Esquire

DW/h

cc: Victoria J. Tschinkel, Department Environmental Regulation  
Bob Meador, President, Midnight Pass Society  
Don Moores, Department Environmental Regulation  
Dr. Richard Garrity, Department Environmental Regulation  
Thomas W. Reese, Counsel for Manasota-88  
Senator Robert Johnson  
Ed Maroney, Sarasota County Administrator  
David Levin, Sarasota County Office of Legal Counsel  
City of Sarasota

September 23, 1985

Ms. Diana Weiner, Esquire  
Stinnett and Breslau, P.A.  
2055 Wood Street  
Suite 104  
Sarasota, Florida 33577

Dear Ms. Weiner:

We have received your letter regarding the possible designation of Sarasota Bay as an Outstanding Florida Water (OFW) and its effect on the reopening of Midnight Pass. We hope you will be able to attend our workshops next week.

Although we cannot give you a definitive statement on whether a proposal to dredge Midnight Pass can receive a DER permit until we are presented with a specific proposal, we can give you some guidance on interpretation of the "Outstanding Florida Waters" (OFW) rule. We also, enclose a copy of our workshop notice, "Factsheet" and "OFW Questions and Answers".

The basic purpose of the OFW system is the long-term preservation of ambient water quality (Section 17-4.242 (1)(a) 2.b., F.A.C.). We understand that a possible benefit of opening Midnight Pass may be the improvement of water quality in Sarasota Bay from tidal exchange. If so, the OFW rule would not act to prohibit it. The opening of the Pass itself would be likely to cause temporary construction-related short-term lowering of water quality. There are provisions for allowing this (17-4.242(1)(a)2.b), if adequate care is taken.

A permit could be issued only if the activity were "clearly in the public interest" (17-4.242(1)(a)(2).) This is a more stringent test than the test of "not being contrary to the public interest" which is applied in non-OFWs. The definition of public interest is supplied in Section 403.906(2), F.S. Whether Midnight Pass dredging can meet this test will depend on the actual factual circumstances set out in a permit application.

As you can see, the permitting system for OFWs permissions that may allow Midnight Pass dredging to obtain a DER permit. The real issue is the protection and enhancement of the natural resources of the water bodies under consideration. We would be very pleased to discuss with you how the OFW investigation should address Midnight Pass.

Sincerely,

Thomas Swihart  
Environmental Administrator  
Water Resource Programs

TS:jlk  
Enclosure

cc: Mr. Randy Armstrong  
Ms. Carol Forthman  
Dr. Richard Garrity  
Mr. Don Moores  
Mr. Tom Reese  
Honorable Robert Johnson  
Mr. Ed Maroney  
Mr. David Levin

MIDNIGHT PASS SOCIETY  
P. O. BOX 5763  
SARASOTA, FL 34277

RECEIVED  
SEP 20 1985

Department of Environmental Regulation  
Twin Towers Office Building  
2600 Blairstone Rd  
Tallahassee, Fl 32301

September 18, 1985

Office of the Secretary

Attn.: Victoria J. Tschinkel

SEP 21 1985

DEPARTMENT OF ENVIRONMENTAL REGULATION  
OFFICE OF THE SECRETARY

Dear Ms Tschinkel,

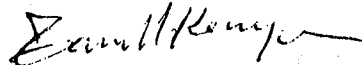
Please refer to your 22 July letter concerning Public Workshops regarding the Proposed Designation of Sarasota and Lemon Bays as Outstanding Florida Waters.

The Midnight Pass Society is opposed to the inclusion of the bays between Stickney Point and Blackburn Point bridges at this time.

Permitting Midnight Pass to be closed has resulted in a serious degradation of water quality in that area. The Sarasota County Board of Commissioners is working toward reopening the inlet and the Society feels that the OFW designation would make it exceedingly difficult to obtain permitting due to the temporary disturbances inevitably caused by dredging.

Enclosed you will find a copy of a letter from Mr. Howard Laucks regarding this matter.

Sincerely,



Tam N. Kenyon  
Secretary

May 13, 1985

Robert Parks, Chairman  
Environmental Regulation Commission  
2600 Blair Stone Road  
Tallahassee FL 32301-8241

Dear Mr. Parks,

I am writing in support of making the coastal waters from Terra Ceia Aquatic Preserve to Venice Inlet an " Outstanding Florida Waters". As a life long resident of the west coast I would love to see it better supervised. I am writing you for the first time in response to Manasota 88's request that people do just that. Thank you for your time.

Sincerely,

  
Karen J. Malesky

Envelope return address:

Karen Malesky  
South Florida Museum and Bishop Planetarium  
201 10th Street West  
Bradenton, Florida 33505

1414 N. LAKE SHORE DR.  
SARASOTA, FLORIDA 33581

May 17, 1985

Mr. Robert Parks, Chairman  
E. R. C.  
Tallahassee, Fla.

Dear Sir:

I wish to register my strong support of efforts to designate Florida west coastal waters as "outstanding coastal waters". We must preserve what we have left; and, in fact, rebuild and repair the damage done by construction.

Truly yours,

Frank S. Steeman



Pete Blews  
1111 7th Street West  
Palmetto, Fl 33561

September 25th, 1985

Department of Environmental Regulation  
Tampa, Florida

re: Outstanding Florida Waters

The following information concerning the ecological and recreational significance of Sarasota Bay and Lemon Bay is offered to support my view that these waters are indeed exceptional. Preventing the further deterioration of the quality and clarity of these areas is extremely important.

The bays with their sea grass bottoms are a nursery for a large number of fish, shellfish, crustaceans and other marine life. They also support large numbers of birds and even endangered species such as turtles and manatees.

Sportfishing, boating, swimming, shelling, bird watching, crabbing, sunsets and hundreds of other reasons bring people down to the bay for pleasure.

Keeping these waters clean and healthy makes good economic sense because unhealthy bays are poor fishing grounds, they get little recreational use, and their foul smelling bottoms depress the values of shoreline properties.

The present and future most beneficial use of these waters is to preserve them carefully and make every effort to return them to their original state.

The O.F.W. designation and the protection it affords is an important first step towards that goal. Areas still healthy such as northern Sarasota Bay, Palma Sola Bay; where manatees are still frequently sighted, and Perico Bayou; which hosts many woodstorks, rosette spoonbills and other wading birds, are the most important to add to the list of Outstanding Florida Waters.

Respectfully,

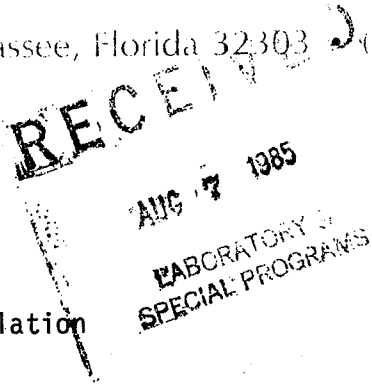


Pete Blews

PB/cr

# FLORIDA NATURAL AREAS INVENTORY

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



August 6, 1985

Ms. Mary Morris  
Water Resource Programs  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301-8241

## DATA REQUEST REPLY

Sarasota Bay and adjacent bays (Mullet Key to Venice Inlet),  
plus Lemon Bay, Hillsborough, Manatee, Sarasota,  
and Charlotte Counties, FL

Information on known/possible occurrences of Special Plants, Special Animals and Natural Communities.

### Special Plants

No records currently in our data base for these sites. If occurrences on terrestrial or "coastal" land has any bearing on the Outstanding Florida Waters designation, records are available for the following species which occur near the bays under consideration:

- Helianthus debilis ssp. vestitus, hairy cucumber-leaf sunflower (Florida Natural Areas Inventory (FNAI) Global/State Rank - G5?T2/S2; Federal Candidate species for addition to the List of Endangered and Threatened Wildlife and Plants, Category 1 (C1))
- Eragrostis tracyi, Sanibel lovegrass (FNAI-G2/S2; Federal Candidate Species, Category 2 (C2); State proposed as Threatened Species)
- Cereus gracilis, prickly apple (FNAI-G2G3/S2S3; Federal-C2; State Listed as Endangered Species)
- Sophora tomentosa, necklace pod (FNAI-G3G5/S3)
- Suriana maritima, bay cedar (FNAI-G3G5/S3; State-Endangered)
- Ernodea littoralis, beach creeper (FNAI-U/S2S3; State-proposed Threatened)

### Special Animals

Caretta caretta, loggerhead (FNAI-G3/S2; Federal and State-Threatened), nests on Longboat, Casey, and Manasota Keys, approximately 240 nests per year combined. This is a small number of nests compared to some Atlantic Coast beaches, but it is a good number for Gulf beaches and may be important to the population as a whole (perhaps in regard to genetic diversity).

Trichechus manatus, West Indian manatee (FNAI-G2?/S2?; Federal and State-Endangered) seems to utilize most of the proposed waters. They are not abundant in any of these waters, although Charlotte Harbor and Little Manatee River are cited by Harman (Distribution, status and conservation of the manatee in the United States, U.S. Fish and Wildlife Service, 1974) as foci of abundance.

Quite a few heron and other wading/shorebird rookeries occur along the coast, including:

- Pelecanus occidentalis, brown pelican (FNAI-G5/S3; State-Threatened)
- Casmerodius albus, great egret (FNAI-G5/S4)
- Egretta thula, snowy egret (FNAI-G5/S4; State listed as Species of Special Concern (SSC))
- Egretta tricolor, tricolored heron (FNAI-G5/S4; State-SSC)
- Eudocimus albus, white ibis (FNAI-G5/S4)
- as well as great blue heron, cattle egret, and double-crested cormorant.

Pandion haliaetus, osprey (FNAI-G5/S3S4) probably occurs along here.

Other bird species possibly occurring along the waterways include:

- Charadrius melodus, piping plover (FNAI-G2/S2; Federal-proposed Threatened)
- Recurvirostra americana, American avocet (FNAI-G5/S1S2)
- Sterna maxima, royal tern (FNAI-G5/S3)
- Sterna sandvicensis, sandwich tern (FNAI-G4?/S2)
- Sterna caspia, caspian tern (FNAI-G5/S2?)
- Sterna antillarum, least tern (FNAI-G4/S3; State-Threatened)
- Rynchops niger, black skimmer (FNAI-G5/S3)
- Dendroica discolor paludicola, Florida prairie warbler (FNAI-G5T3/S3)

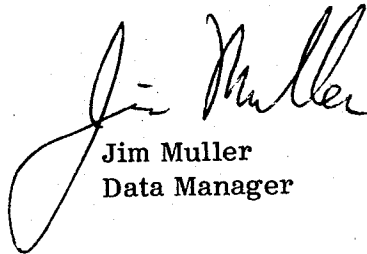
- Ixobrychus exilis, least bittern (FNAI-G5/S4)
- Ajaia ajaja, roseate spoonbill (FNAI-G5/S2S3; State-SSC)
- Egretta rufescens, reddish egret (FNAI-G4/S2; Federal-C2; State-SSC)
- Haematopus palliatus, American oystercatcher (FNAI-G5/S3; State-SSC)

#### Natural Communities

No records for these sites currently in our data base. Many estuarine Natural Communities are probably represented in the bay system; their quality will be highly variable. Lemon Bay is generally in good shape, but Sarasota Bay has some pollution and habitat destruction problems in several areas.

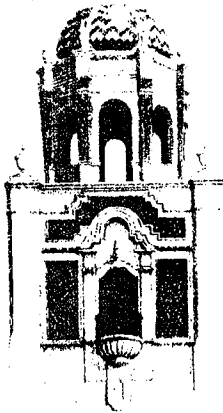
The Florida Natural Areas Inventory is an ongoing, continuously updated data base. The Natural Areas Inventory cannot provide a definitive statement on the presence, absence or condition of natural features for any part of the State. Therefore, information provided from the data base should never be considered a complete statement on the elements occurring at a specific location. It is just one part of a complete site evaluation package. We welcome any additional input you could provide us.

Any use of the data must credit the Florida Natural Areas Inventory.

  
Jim Muller  
Data Manager

JWM/jsl

DER-7



# COUNTY OF SARASOTA

F L O R I D A

## NATURAL RESOURCES MANAGEMENT DEPARTMENT

### COMMISSIONERS:

JERRY L. HENTE • DISTRICT 1  
JIM GREENWALD • DISTRICT 2  
MABRY CARLTON, JR. • DISTRICT 3  
JEANNE MC ELMURRAY • DISTRICT 4  
ROBERT L. ANDERSON • DISTRICT 5  
ED MARONEY • COUNTY ADMINISTRATOR

JACK MERRIAM • DIRECTOR

**RECEIVED**  
DEC 2 1985  
LABORATORY &  
SPECIAL PROGRAMS  
November 27, 1985

Mr. Randy Armstrong  
Chief, Bureau of Laboratories  
and Special Programs  
Department of Environmental Regulation  
2600 Blair Stone Road  
Tallahassee, Florida 32301

Dear Randy:

My staff has worked up a quick assessment of the North Creek, Catfish Creek, and South Creek areas for which we desire Outstanding Florida Water (OFW) status. Enclosed please find this assessment and the accompanying exhibits, which include: aerial photographs outlining the proposed OFW boundaries and natural wetland habitats within these creeks; maps showing the condition of the shoreline in North and Catfish Creeks during 1948 and 1978; maps showing the location of Sarasota County's Water Quality Stations; graphs and tables depicting trends in certain water quality parameters for several County creek systems; excerpts from the Palmer Ranch's Water Quality Assessment Study, excerpts from the "Ecological Status of Dona and Robert's Bays", and the Final Judgement regarding "The Oaks" development which outlines the preservation boundaries around North and Catfish Creeks. In addition to the above, essential parts of the application to renominate "The Oaks" for purchase by the State, are enclosed as an example of a previously-prepared biological assessment.

North Creek and Catfish Creek are assessed together as one estuarine system due to their proximity and contiguity, as well as their similarity in terms of water quality and ecological assets. These two creeks also exit into Little Sarasota Bay at the same location.

Page 2

November 27, 1985

Merriam to Armstrong

We hope that after you peruse this assessment, that you will come to the same conclusion that we did regarding the worthiness of these creek systems for inclusion as OFW. If we can be of any further assistance, please call.

Sincerely,

*Belinda Perry for*

Jack Merriam

Director

NATURAL RESOURCES MANAGEMENT

JM:GMS:jw  
Enclosures

### NORTH CREEK AND CATFISH CREEK

The North Creek and Catfish Creek estuarine system is preserved in perpetuity due to a court settlement, a copy of which is attached. Specifically, development is prohibited 75' from mean high water (MHW) or the 5' contour, whichever is greater, on the north side of North Creek (includes Catfish Creek) and 4' contour on the south side of North Creek.

This estuarine system has not been man-altered since 1958 when mosquito ditches were constructed through the mangrove swamps. Although the resultant spoil piles had been colonized with exotic trees, the 1984 winter freeze killed many of the exotics, and native oaks are beginning to establish on the spoil.

The proposed North Creek and Catfish Creek OFW addition is 13,600 linear feet from the mouth at Little Sarasota Bay east to the U.S. 41 bridge (North Creek) and east to the Vamo Way bridge (Catfish Creek). This 56 acre estuarine system is composed of 31 acres of open water and mosquito ditches and 25 acres of wetland vegetation dominated by mangroves (Rhizophora mangle, Avicennia germinans and Laguncularia racemosa), black needlerush (Juncus roemerianus) and smooth cordgrass (Spartina alterniflora). Live oyster bars surround the old footbridge structures and mangrove islands near Little Sarasota Bay.

A pair of river otters (Lutra canadensis) were observed at the old footbridge structure on North Creek. Evidence of oyster bar feeding was also noted. Otters are indicators of a healthy aquatic system with no heavy metal or pesticide concentrations.

The North and Catfish Creek area west of U.S. 41 represents a significant amount of natural habitat available as nursery and adult habitat for several species of fish and invertebrates. The expanses of Juncus and Spartina marsh represented in this area are the most expansive salt marshes of their kind in Sarasota County bay system, and species which depend heavily upon these habitat types may occur exclusively in this area.

Seining around the North and Catfish Creek system captured several fish species, including anchovies, killifish, mojarras, pinfish, needlefish, mullet, ladyfish, and snook. The majority of the individuals captured were juveniles, adult anchovies, killifish, and mullet were also present. This sampling, on November 22, 1985, probably does not accurately reflect the true value of this system as a nursery habitat because many species would be present during the spring and summer months and would have migrated out of the area toward their respective adult habitats by this time. Indeed, ichthyoplankton analysis, as part of the "Ecological Status of Little Sarasota Bay with Reference to Midnight Pass" study, revealed that the density of ichthyoplankton in North Creek was much higher than two

other bay stations, while maintaining a comparable diversity, equitability, and evenness. The mean density, per 100 meter tow, was 7,323.4 for North Creek, compared to 430.5 and 236.2 for two bay stations.

Some fish species depend on these brackish creek systems as spawning and nursery areas. In addition to the fish species captured, several adult and juvenile blue crabs (Callinectes sapidus) were captured and observed. Blue crabs rely heavily on these fresh to brackish water creeks for reproduction, as do other invertebrate species such as the oyster, Crassostrea virginica.

Attached are several graphs which show the values and trends of certain water quality parameters at stations located on Whitaker Bayou, Hudson Bayou, Phillippi Creek, Matheny Creek, Elligraw Bayou, Catfish Creek, North Creek, and South Creek. The line graphs show that Catfish Creek has showed continuous improvement in the coliform bacteria parameters since 1980, while North Creek has always been one of the best creeks in this respect. While reviewing these graphs, it is important to remember that stations 549, 583, and 584 are more influenced by the bay, as revealed by higher salinity values, which can be expected to mask the actual quality of the water entering the system (e.g. coliform bacteria die faster in higher salinity waters causing bacteria counts to be lower at those stations).

The location of Sarasota County's water quality stations on Catfish Creek (#639 at Vamo Road) and North Creek (#587 at Highway 41) probably represent the worst case example of water quality within these creek systems. These systems reflect the quality of water as it enters the proposed OFW creek area, but do not document the effects of the filtering ability of the salt marshes, mangroves, oyster bars, and seagrass beds. There are presently no point sources or direct discharge nonpoint sources of pollution bayward of these sampling locations and the fact that this area and the fringing uplands are preserved will minimize any future sources of pollution discharge.

The Surface Water Quality Assessment of the Palmer Ranch, completed as part of the DRI process, provides some information about the quality of the water leaving the Palmer Ranch property in the North, Catfish, and South Creek basins. The quality of water observed at Sarasota County stations in these basins is the result of a combination bay and creek influences at these locations. The Palmer Ranch's consultant brings out both of these points in its Surface Water Quality Assessment, copies of the appropriate pages are enclosed.

It is unfortunate that no water quality data is available at the mouth of North Creek to truly document the quality of water within this area. As described elsewhere, a sampling location at the mouth of South Creek showed better water quality at the exit point of the creek, as opposed to the water entering the South Creek system at U.S. 41. It is reasonable to expect that the quality of the water exiting North and Catfish Creeks



is better than that at the County's sampling locations due to the large acreage of natural wetland areas and the well documented ability of these wetland systems to improve water quality. Our observation of a noticeable increase in water clarity of both creeks by the time the water reaches the old bridge crossing would support this belief.

Phytoplankton were sampled twice monthly from May - October in 1984 as part of the Little Sarasota Bay Study. The results of the phytoplankton data analysis supports our contention that the water quality within North Creek is better than that observed at the sampling locations. The station sampled in North Creek, during the Little Sarasota Bay Study, had the lowest mean density (cells/ml) when compared to all other bay stations in Little Sarasota Bay. In nine of the twelve sampling events, this station had the lowest density, and the phytoplankton concentrations never reached bloom conditions. Most of the factors affecting phytoplankton concentration (e.g. temperature, light, etc.) were consistent for all of the bay stations sampled. Since nutrients are often the limiting factors affecting phytoplankton growth and reproduction, and since the nutrient levels and phytoplankton densities appear to be highly correlated at all of the sampled bay stations, then it can logically be assumed that low nutrient levels are responsible for the low phytoplankton densities observed in North Creek. Although the nutrient levels entering the North Creek area are less than those of other creeks (e.g. Whitaker Bayou, Phillippi Creek, etc.), the levels appear sufficiently high; based on higher concentrations than those found at bay stations during the Little Sarasota Bay study, to allow for greater phytoplankton densities than observed. The most plausible explanation for this is the expected filtering and uptake of nutrients by the wetland plant species associated with the natural wetland habitats within North and Catfish Creeks.

### SOUTH CREEK

The proposed South Creek OFW addition is 5,600 linear feet from its mouth at Sarasota Bay east to the U.S. 41 bridge. There are 28 acres below mean high water in this area; 21 acres of open water and 7 acres of mangroves, predominantly Rhizophora mangle and Avicennia germinans. Live oyster bars fringe the mangrove islands and are expanding. This occurrence is rare in Sarasota County.

At the mouth of South Creek, on the south side, is 0.44 acre seagrass bed of Halodule wrightii. Farther upstream near the bridge are patches of this submerged plant. The creek substrate varies from a hard, sandy bottom at its mouth to a 3" depth of sediment at the bridge.

During a field visit November 22, 1985, a seine was pulled around the mouth of South Creek and at a few locations representative of the area within South Creek. Species observed and captured include anchovies, mojarras, pinfish, croakers, killifish, and striped mullet. Just as in the North/Catfish Creek system, the majority of the individuals were juvenile. Adult anchovies, killifish, and mullet were also present.

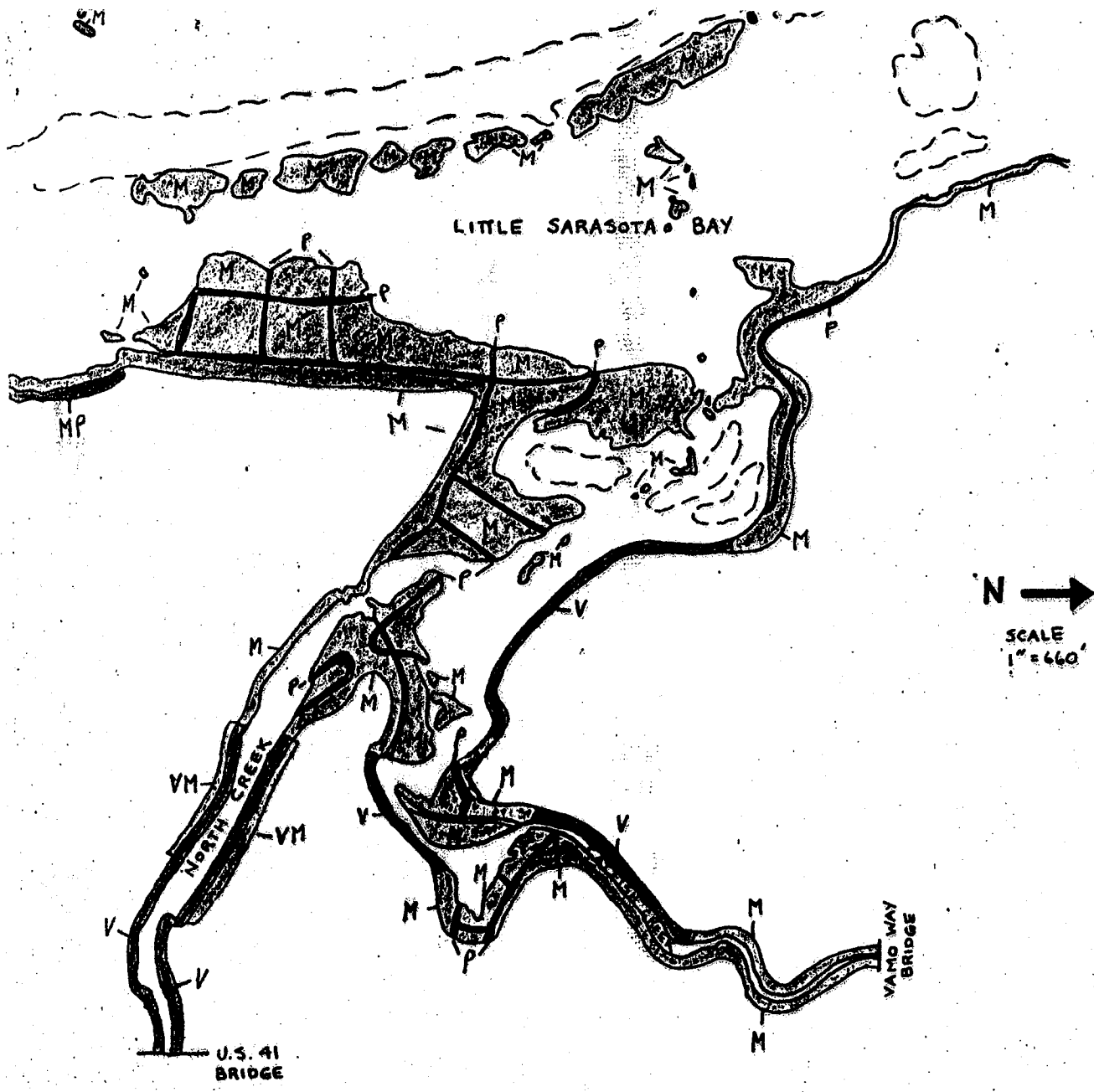
Again, it is important to remember that most fish species utilize these creek nursery areas in the spring and summer months and have migrated out to the bay or Gulf at this time. The seine method of sampling is also somewhat ineffective when trying to sample around the habitat types in South Creek (i.e. mangroves with a live oyster bar fringe). Many fish are able to avoid capture by fleeing into the mangrove roots. Although none were observed, several other important species, such as the gray snapper, spotted seatrout, and snook, are known to utilize the mangrove habitat as a feeding and/or nursery area. Two recreationally and commercially important crustaceans species were also observed, the pink shrimp and the blue crab.

The water quality of the South Creek drainage basin is relatively well documented from the Palmer Ranch's Surface Water Quality Assessment and Sarasota County's stream and bay run stations (#615, 588, and 541). The Palmer Ranch data represents headwater runoff conditions, Sarasota County station #615 is representative of the water quality prior to bay influence (located at the dam above Oscar Scherer State Park); station #588 (located at U.S. 41) represents the quality of water after passing through the State Park and mixing with bay waters; and station #541 (located at the mouth of the creek) depicts the quality of water exiting the South Creek basin. Sarasota County station #588 and #541 are of primary concern since they represent the input and output of the proposed OFW area.

The water entering the creek area at U.S. 41 has consistently exhibited some of the best quality of all Sarasota County streams (refer to the attached graphs). This water is further filtered through the existing

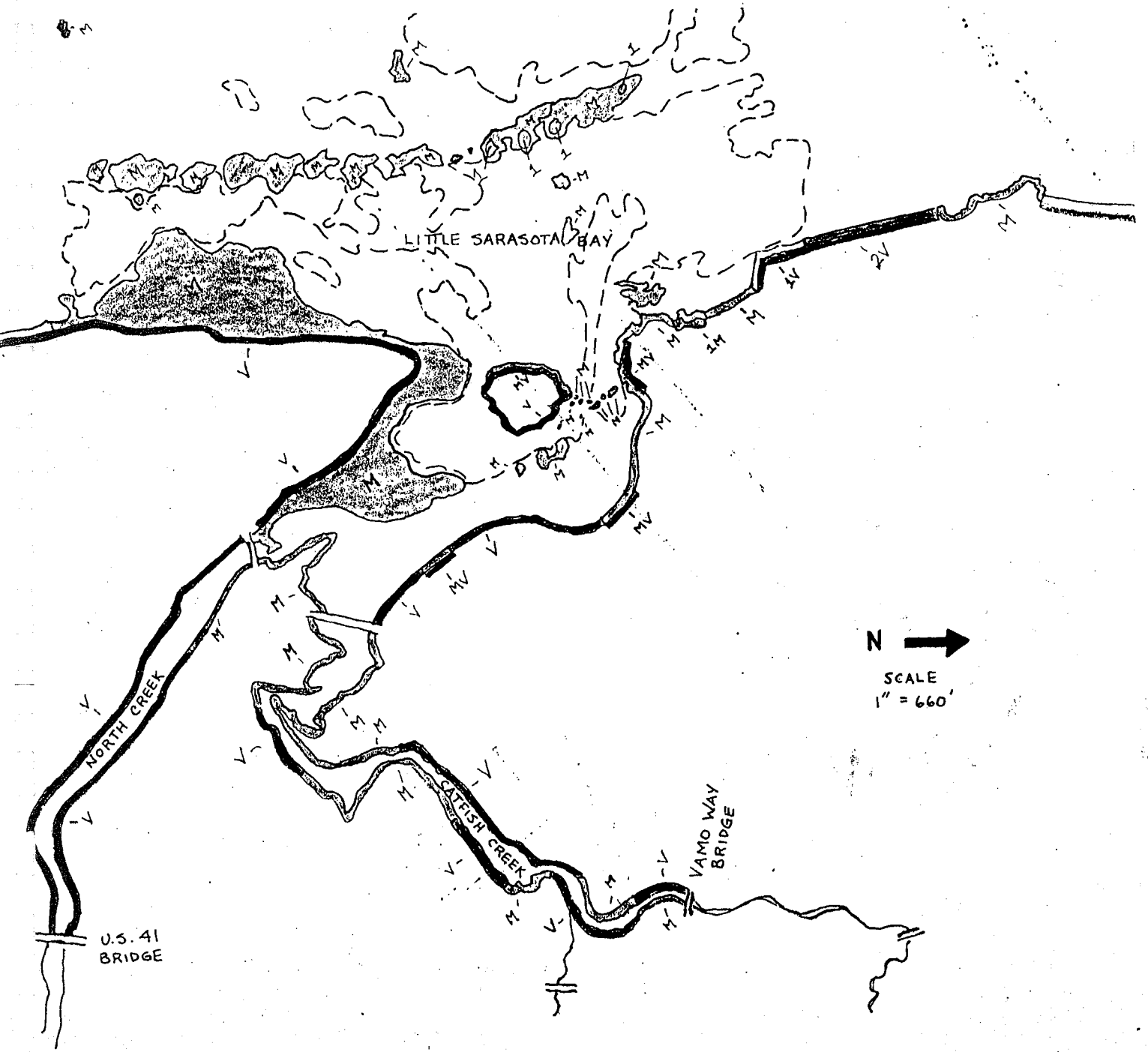
natural habitats (mangroves, oyster bars, and seagrass beds) prior to exiting the creek into the bay. Tables showing the values of the sampled parameters for stations #588 and #541 are attached. These tables show that the station located at the mouth of South Creek has lower color, nutrient and turbidity levels, and also has higher dissolved oxygen levels. The station at U.S. 41 experiences occasional dissolved oxygen levels below state standards, while the station located at the exit point (mouth) has exhibited less frequent D.O. violation; in fact none since 1982.

The data obtained by Sarasota County depicts South Creek as having good water quality, probably the finest of any comparable creek system in Sarasota. Indeed, South Creek was used as a model "pristine" system for comparison to Dona Bay/Cow Pen Slough in Mote Marine Laboratory's 1975 "Ecological Status of Dona and Robert's Bays", excerpts of which are attached. This information, in conjunction with the amount and quality of existing natural habitats support our request for inclusion of South Creek as an Outstanding Florida Water.



1978 SHORELINE VEGETATION  
NORTH and CATFISH CREEKS

- M Mangrove
- Australian pine
- Other vegetation
- Seagrass beds



N →  
 SCALE  
 1" = 660'

1948 SHORELINE VEGETATION  
 NORTH and CATFISH CREEKS

- 1 Beach
- 2 Seawall
- M Mangrove
- Other vegetation
- Seagrass beds

APPENDIX I

Organizations Expressing Support  
for the Proposed Designation

ORGANIZATIONS AND INTERESTED PARTIES EXPRESSING SUPPORT  
FOR THE PROPOSED DESIGNATION OF SARASOTA BAY AND/OR  
LEMON BAY AS OUTSTANDING FLORIDA WATERS

Senator Bob Johnson

Senator Franklin B. Mann

Representative James M. Lombard

Representative David L. Thomas, M.D.

Representative Harry Jennings

Representative Peggy Simone

Sarasota County Commission

Charlotte County Commission

City of Sarasota

City of Venice

City of Anna Maria

Holmes Beach City Council

Town of Longboat Key

Florida Department of Natural Resources

Florida Department of Community Affairs

Tampa Bay Regional Planning Council

South West Florida Regional Planning Council

Department of Environmental Regulation South Florida Branch Office

Federation of Manatee County Community Associations, Inc.

South Venice Civic Association

Sarasota County Chamber of Commerce

Anna Maria Island Chamber of Commerce

Taxpayers' Association of Sarasota County, Inc.

League of Women Voters of Sarasota County

League of Women Voters of Manatee County

League of Women Voters of Charlotte County

Republican Executive Committee of Manatee County

Manatee County Womens Republican Club

American Littoral Society (Florida Regional Office)

Gulf Coast Research and Development Laboratory, Inc.

Flamingo Cay Association, Inc.  
Environmental Confederation of South West Florida  
Sierra Club Calusa Group  
Manatee-Sarasota Group of the Sierra Club  
Florida Federation of Garden Clubs, Inc.  
Sarasota Garden Club  
Longboat Key Garden Club  
Island Garden Club  
Garden Club of Englewood  
Cortez Fishermen  
Longboat Key Beach Preservation Association  
Womens' Auxiliary of the Longboat Island Chapel  
Episcopal Churchwomen of the Church of the Annunciation  
Womens' Auxiliary to the Longboat Key Fire Department  
Anna Maria Island Woman's Club, Inc.  
Longboat Key Turtle Watch  
Cortez Podiatry Associates  
Dr. Audrey Huggins, Environmental Resource Management, Inc.



APPENDIX J

Summary of Five Public Workshops

OUTSTANDING FLORIDA WATERS WORKSHOPS

SARASOTA BAY AND LEMON BAY

SARASOTA, FLORIDA

SEPTEMBER 24, 1986

## WORKSHOP SUMMARY

A public workshop on the proposal to designate Sarasota Bay and Lemon Bay as Outstanding Florida Waters (OFW) was held in Sarasota on September 24, 1985. Thirty-nine people attended the workshop, fourteen of whom made statements.

Mr. Randy Armstrong, Chief of the Bureau of Laboratories and Special Programs, opened the workshop at 7:00 P.M. He explained the meaning of an OFW designation and the proposal to so designate Sarasota Bay and Lemon Bay. Tom Swihart and Eric Shaw, also from DER, discussed the water quality and natural resources in and near the bays.

A number of elected officials spoke in favor of Outstanding Florida Water designation, including Senator Johnson, Representative Lombard, Representative Jennings, and Sarasota Mayor Kline. They and other parties spoke in favor of the OFW designation, pointing out that high environmental quality is the reason people came to that area. It was stated that Sarasota Bay is the "life blood of the community". The bay is still outstanding and still worth preserving, although large cities have developed on its shores.

Mr. Tom Reese, representing the OFW petitioners, stated that the two bays met the criteria for OFW designation of exceptional ecological and exceptional significance. Though the bays do receive high use, they are still in good shape. Compared to other bays in the region, such as Tampa Bay, Boca Ciega Bay, and Hillsborough Bay, they are very good.

Mr. Jack Merriam, Director of Natural Resource Management for Sarasota County, stated that the Sarasota Board of County Commissioners has endorsed the designation. Their only concern was about the possible effects of an OFW designation on the re-opening of Midnight Pass.

Ms. Diana Weiner, representing the Midnight Pass Society, also expressed concerns about the effects on re-opening Midnight Pass, although the Society is in favor of the designation itself. She requested a formal statement from DER that OFW designation would not stand in the way of re-opening. This could be a variance or perhaps the permitting could be grandfathered in.

Several other parties described their knowledge of the bay. Although the bay is not what it used to be, it still has high water quality and good fishing.

The Myakka Valley Improvement Association representatives expressed their concern that the OFW designation of Sarasota Bay should not be used as a lever to permit the city to operate a sewage effluent spray field in their area. They believe that the city will use the OFW designation of Sarasota Bay as an additional reason to withdraw their discharge from Whitaker Bayou, tributary to the bay, and pipe their sewage to the east near their homes.

Mr. Randy Armstrong closed the workshop at about 9:00 P.M.

OUTSTANDING FLORIDA WATERS WORKSHOP

SARASOTA BAY AND LEMON BAY

VENICE, FLORIDA

SEPTEMBER 25, 1986

## WORKSHOP SUMMARY

The workshop was opened at 7:00 P.M. by Randy Armstrong. He and other DER staff made a presentation about Outstanding Florida Waters (OFWs) and the natural resources of the area similar to that they made in Sarasota.

Mr. Tom Reese, Representative Lombard, and Representative Thomas were also present at the Venice Workshop. Representative Lombard pointed out that none of the local legislators had received any negative comments on the Outstanding Florida Water proposal.

Mr. Stu Marvin read a resolution from the Charlotte County Board of County Commissioners supporting the petition to initiate OFW rulemaking.

Ms. Jeanne McElmurray, Chairman of the Sarasota Board of County Commissioners, read the county resolution in favor of OFW designation and added her personal support for it.

Mr. Chuck Place, City of Venice Planning Director, read the city resolution favoring OFW designation. He pointed out that the support for OFW designation on the City Council was unanimous and that Dona Bay and Roberts Bay should be included in the designation. Mr. Will Sheftall, representing the Department of Natural Resources, gave that department's support for OFW designation.

Other private individuals also stated their support for designation.

There were some questions about the tentative DER determination not to include tributaries within the OFW designation. In particular, interest was expressed in an OFW designation for North Creek, South Creek, and Buck Creek.

Mr. Armstrong closed the workshop at 8:45 P.M.

OUTSTANDING FLORIDA WATERS WORKSHOP

SARASOTA BAY AND LEMON BAY

BRADENTON, FLORIDA

SEPTEMBER 26, 1985

## WORKSHOP SUMMARY

The DER presentation was repeated.

Mayor Evers of Bradenton stated that he shared other people's concerns about the water quality of the bay. The city had made a major improvement in the sewage system. Because of this, he is particularly concerned about possible OFW effects on the Anna Maria Sound - mouth of the Manatee River area. Could an OFW designation have an adverse effect on permit renewal for the city's sewage treatment plant? He requested that the department consider moving the northern boundary some distance south, to perhaps the State Road 64 bridge.

Mr. Dick Eckenrod, Manatee County Natural Resources Manager, also expressed some concern about the effects on wastewater discharges. He also requested that the department meet with him at a later date to discuss the effects on stormwater dischargers.

Representative Peggy Simone expressed her strong support for the OFW designation.

Mr. Peter Clark, representing the Tampa Bay Regional Planning Council, expressed that organization's support.

Mr. C. G. Fernald, representing Manatee County Save Our Bays Association, Inc., stated that the organization was one of the OFW petitioners. Ms. Lisa Schocknese stated her support for OFW designation on behalf of the Manatee Audubon Society.

Ms. Patricia Petruff, an attorney representing several property owners on the bay, addressed some questions to the DER panel. She wanted to know whether DER had considered the effects on stormwater dischargers and what would be the effects on small docks, on mixing zones, and what type of information would be needed for the economic impact statement. DER staff provided answers to her questions and expressed their willingness to meet with her separately to discuss those questions in detail.

Mr. Dewey Dye, an attorney representing the Manatee Fruit Company, expressed their concerns about the OFW designation. He thought there was a need for "mixing zones" near the dischargers of Manatee Fruit Company. He also expressed the opinion that there was scanty information available on background water quality. Farming has been going on there for 50 years and hasn't hurt water quality, so why should OFW designation occur?



Several other parties expressed support for OFW designation and summarized their years of experience with the bay. There were very important natural resources in the bay and the waters serve a great many recreational uses. Water quality of the bays should not be allowed to degrade.

Mr. Randy Armstrong closed the workshop at about 9:00 P.M.

OUTSTANDING FLORIDA WATERS WORKSHOP

SARASOTA BAY AND LEMON BAY

MURDOCK, FLORIDA

NOVEMBER 6, 1985

## WORKSHOP SUMMARY

The first three workshops held in September provided a great deal of useful information to DER. The DER recommendation was refined and placed in the form of a draft amendment to Chapter 17-3, F.A.C. That preliminary recommendation was for OFW designation of all of Sarasota Bay and Lemon Bay except for canals, tributaries, and artificial water bodies. The only exception to the non-designated area was one tributary: Buck Creek on Lemon Bay. The workshops on November 6 and November 7 were scheduled to receive public comment on DER's preliminary recommendation.

Mr. Randy Armstrong opened the workshop at 7:00 P.M. in Murdock. About 14 people were present. He and Eric Shaw discussed the department's preliminary recommendation.

Mr. Joseph Tringali, a member of the Charlotte County Board of County Commissioners, pointed out that local people do support OFW designation. He did not want the designation to put a stranglehold on development, but does want development done properly. He also proposed some technical corrections in the department's boundary description for the OFW designation.

Mr. Frank Geroult, President of the West Charlotte County Civic Association, supported OFW designation for not only Lemon Bay but for tributaries to the Bay.

Mr. Tom Reese, representing the petitioners, commended the department's recommendation, except that it excluded too many tributaries. Water quality is not the only criterion for OFW designation. All of the tributaries, at least at their mouths, provide good habitat for marine creatures. It would clearly be in the public interest to designate them.

Other citizens also supported OFW designation.

Mr. Randy Armstrong closed the workshop at about 8:00 P.M.

OUTSTANDING FLORIDA WATERS WORKSHOP

SARASOTA BAY AND LEMON BAY

SARASOTA, FLORIDA

NOVEMBER 7, 1985

## WORKSHOP SUMMARY

DER staff made a presentation similar to that made in Murdock the night before. About 79 people were present in Sarasota.

Mr. Bill Kline, Mayor of Sarasota, again expressed the city's support for OFW designation. That support included not only the bay itself but also Whitaker Bayou. Whitaker Bayou, although not clean now, will be clean after the city removes its sewage discharge and begins to operate its spray field to the east.

Ms. Martha Hedrick, representing Senator Bob Johnson, stated the Senator's support for OFW designation, including the bays and tributaries we have named.

Dr. Andy Huggins, representing the consulting firm Environmental Research Management, opposed OFW exemption for a semi-circle around Whitaker Bayou. He pointed out that there were sea grasses still existing just to the north of Whitaker Bayou.

Ms. Mary Shepard, Co-chairman of the Manatee/Sarasota Sierra Club, with 850 members, expressed their support for OFW designation of Sarasota Bay and Lemon Bay. The bays receive high recreational use. She has been an outing leader for canoe trips on North Creek and South Creek with hundreds of people at different times of the year. She felt that both North Creek and South Creek merit OFW designations.

Mr. Fred Duisberg, of the Lemon Bay Conservancy, expressed the feelings of that group that not enough tributaries were included in the designation. You can't protect a bay without protecting the tributaries. Some of those that should be designated are Catfish Creek, Buck Creek, and Forked Creek.

Mr. Ken Kyle, of the Sarasota County Chamber of Commerce, stated the Chamber's support for OFW designation.

Mr. Paul Fulford, President of the Cortez Chapter of the Organized Fishermen of Florida, stated they were happy about OFW designation for Sarasota Bay. Finally, there was a significant step to protect the bay.

Mr. Kinyon, on the behalf of the Midnight Pass Society, expressed again their support for OFW designation, but also their concerns about the re-opening of the Pass.

Ms. Judy Kavanaugh, attorney for the Myakka Valley Improvement Association, submitted a letter to Secretary Tschinkel expressing her concerns about the effect of an OFW designation. She wished the Department to make it clear that an OFW designation of the bay would not have the effect of absolutely precluding all discharges to Whitaker Bayou, including the possibility of an improved sewage discharge from the City of Sarasota's sewage treatment plant.

Mr. Maynard Hiss, environmental consultant, expressed his belief that the tributaries to the bay should also receive OFW designation. They receive high recreational use.

Mr. Armstrong closed the workshop at about 9:30 P.M.

APPENDIX K

Supplemental Water Quality Data

The following data represent only a portion of the water quality data evaluated by the Department. More specific and additional data are available for public inspection at the Florida Department of Environmental Regulation.

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PROPOSED DESIGNATION OF SARASOTA BAY AND LEMON BAY AS  
OUTSTANDING FLORIDA WATERS

NOTE: Coding symbols on water quality maps in  
Appendix K (Supplemental Water Quality)  
did not reproduce correctly during printing.  
The symbols for both GOOD and POOR look  
identical on the maps.



NOTE: The following figures were prepared by the Water Quality Analysis Section, Florida Department of Environmental Regulation with the assistance of DER Bureau of Laboratories and Special Programs staff.

Water quality symbols represent average values at discrete sampling stations. Shaded areas on Historical Water Quality (Parameter: Dissolved Oxygen) figures show water designated as Class II. Waters in areas not shaded are Class III.

Historical water quality data were obtained from STORET. 1985 water quality data were collected during several intensive surveys conducted by DER, Sarasota County, and Manatee County staff as part of the proposed OFW designation fact-finding process.

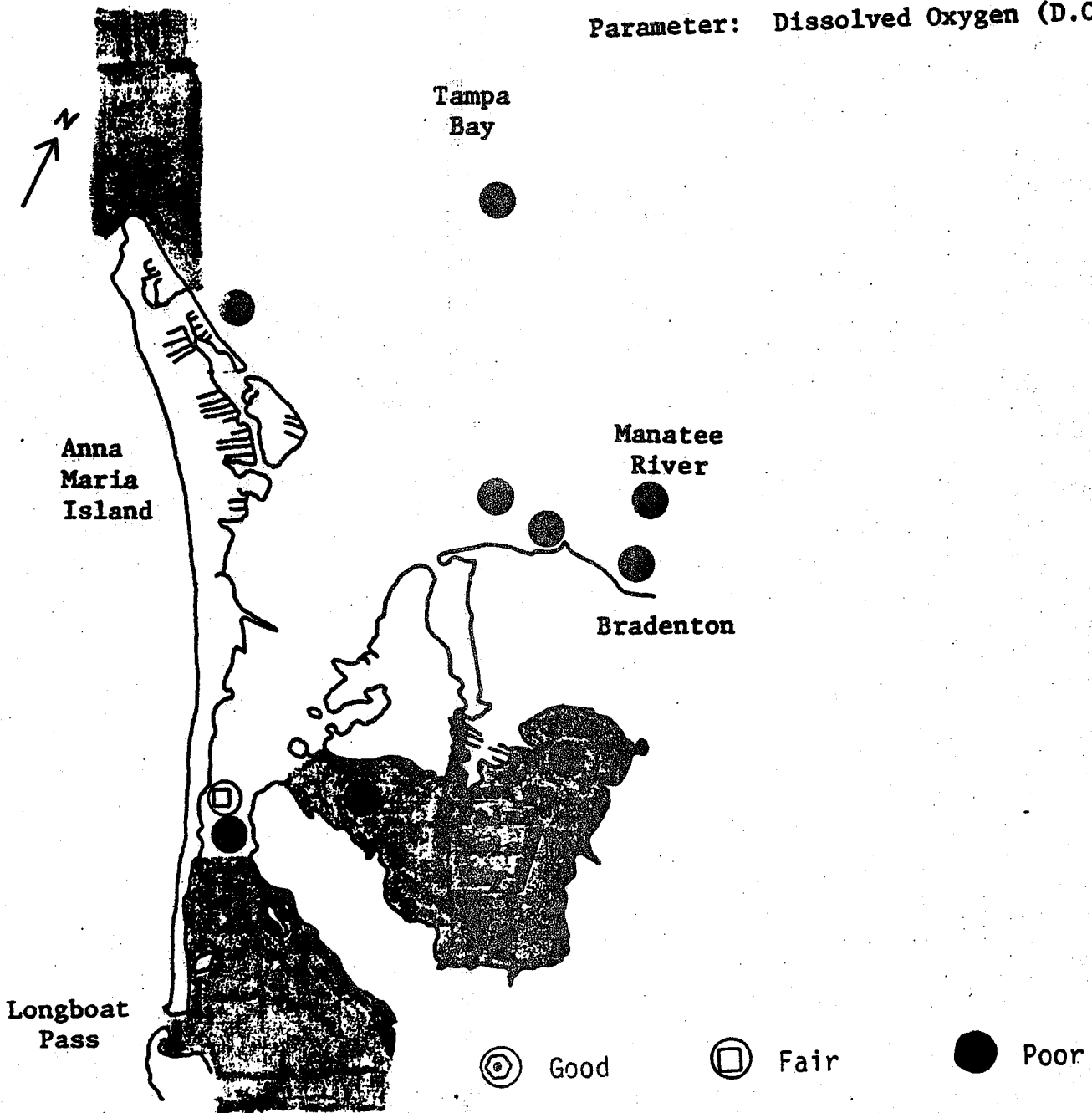
These figures are intended to reflect "typical" water quality in the bays and do not show all water quality stations or data.

Egmont  
Key

Mullet  
Key

WATER QUALITY HISTORICAL DATA

Parameter: Dissolved Oxygen (D.O.)



Anna  
Maria  
Island

Tampa  
Bay

Manatee  
River

Bradenton

Longboat  
Pass

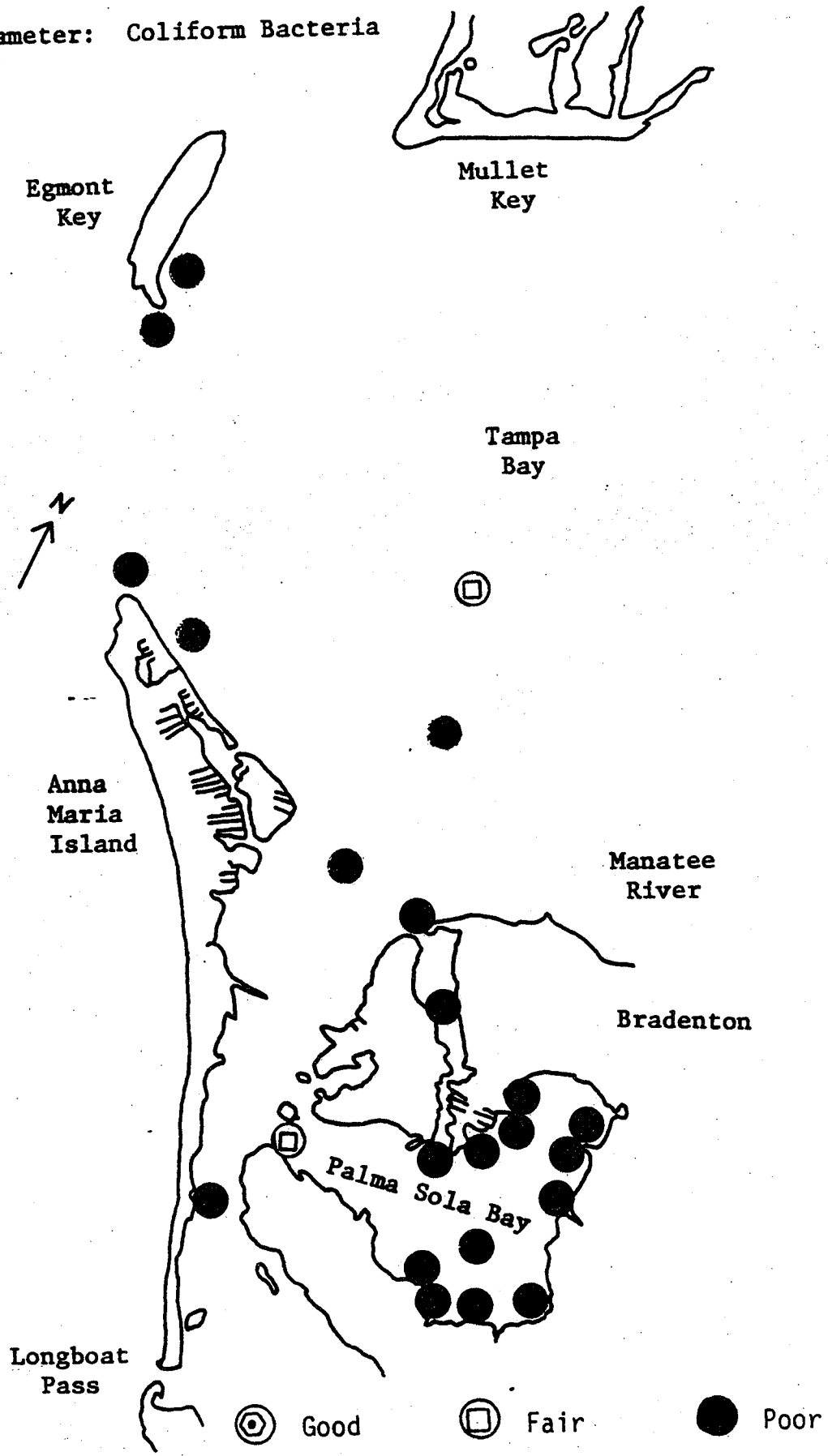
⊙ Good

◻ Fair

● Poor

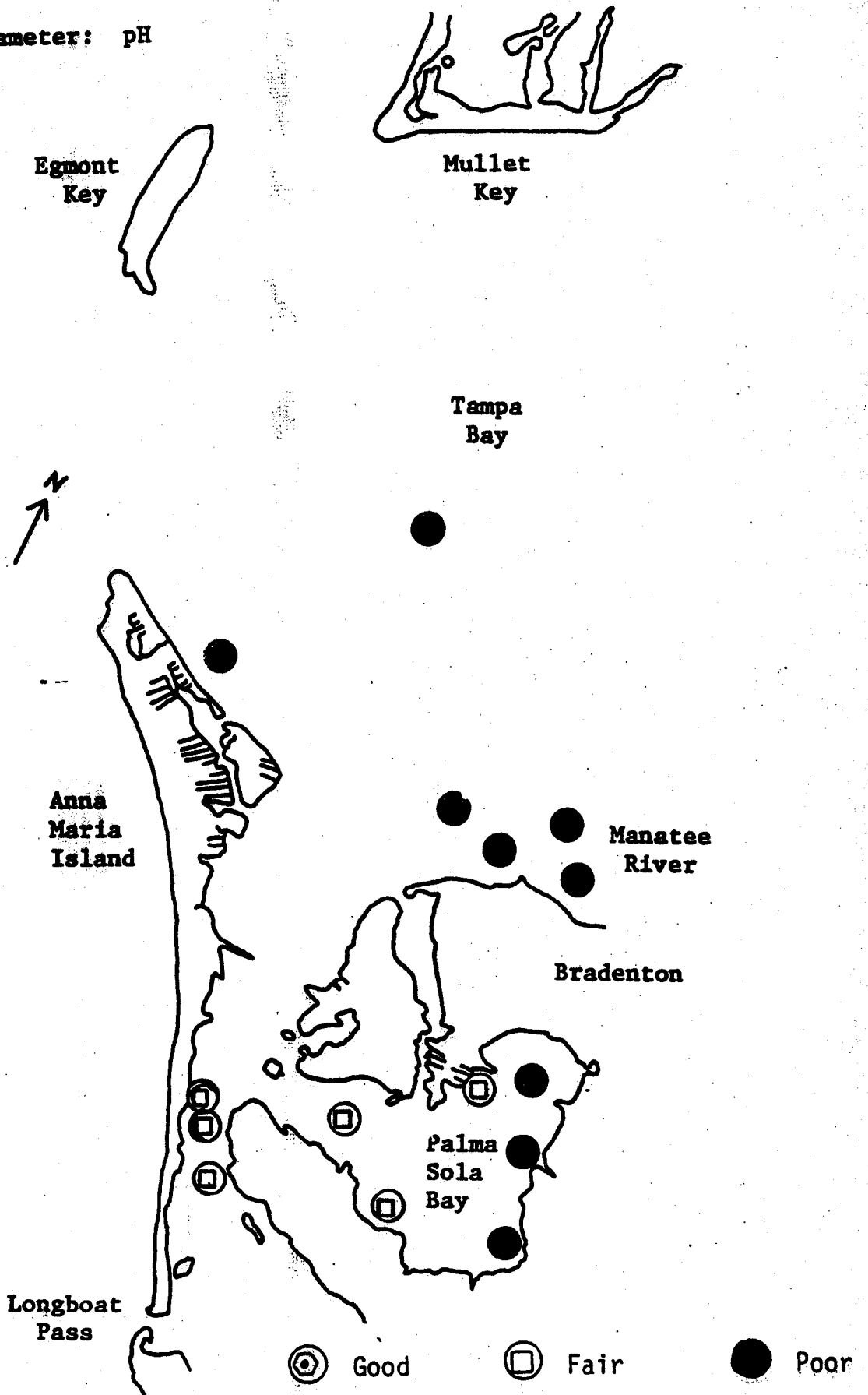
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Parameter: Coliform Bacteria



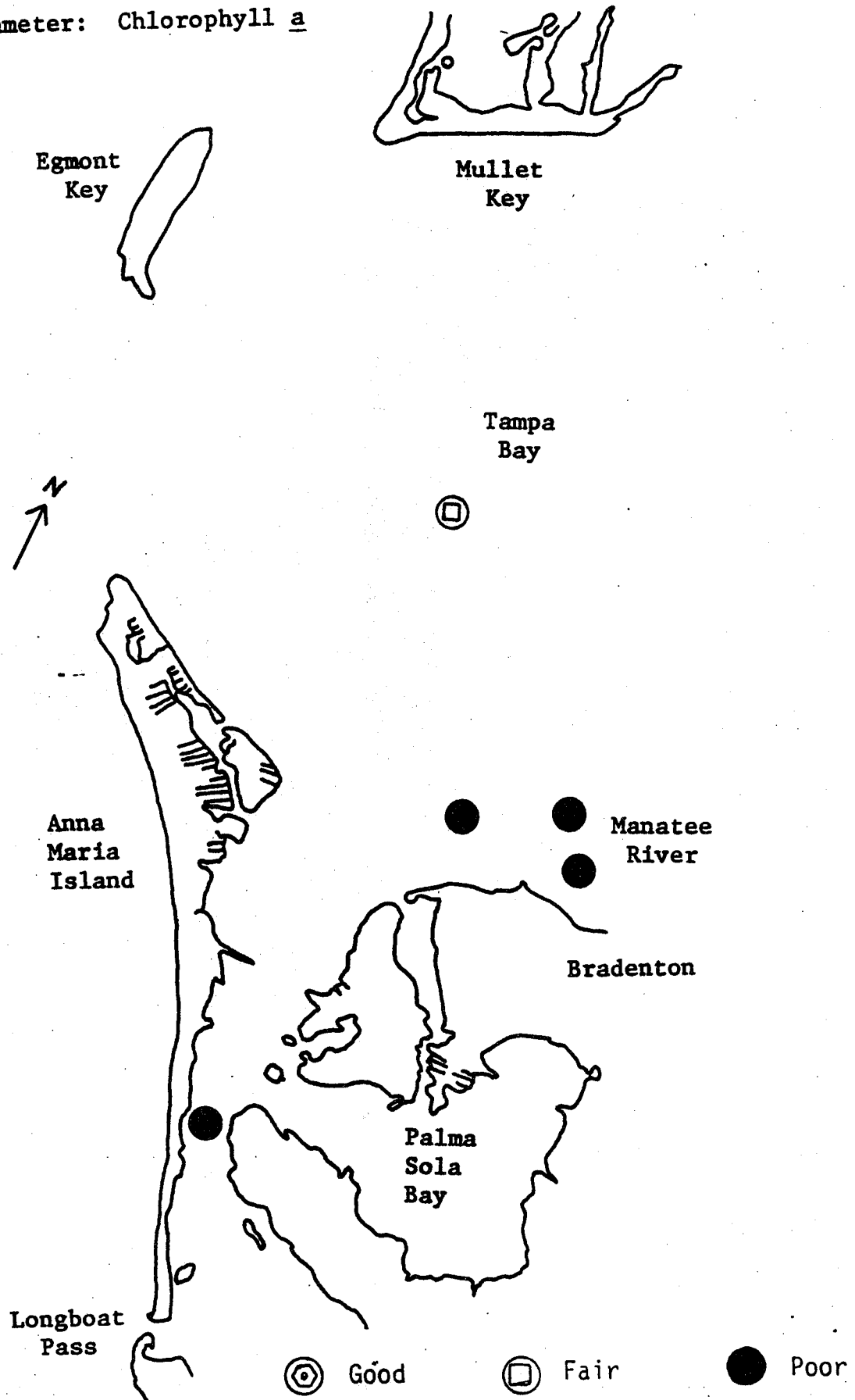
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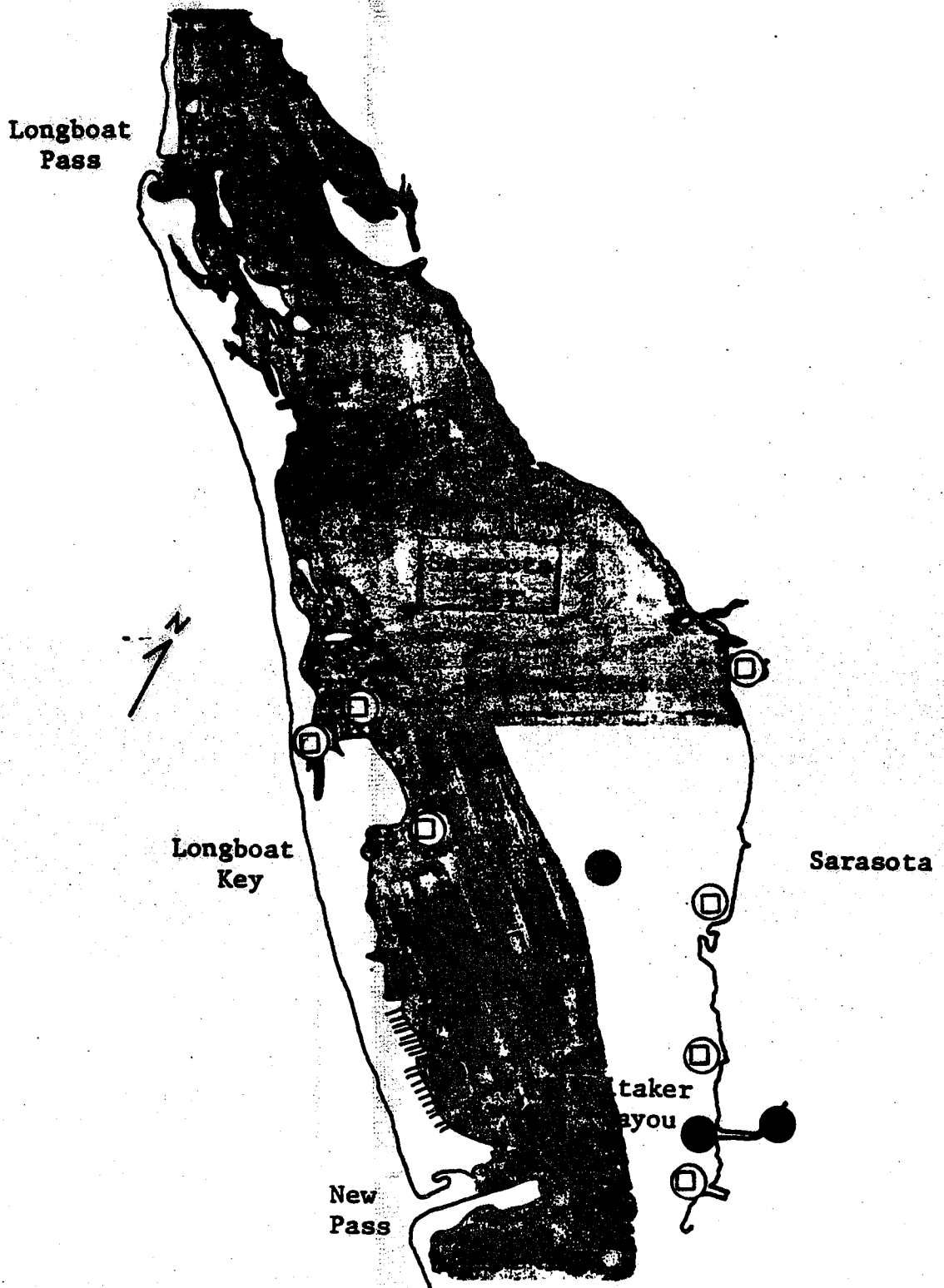
WATER QUALITY HISTORICAL DATA

Parameter: Chlorophyll a



WATER QUALITY HISTORICAL DAT

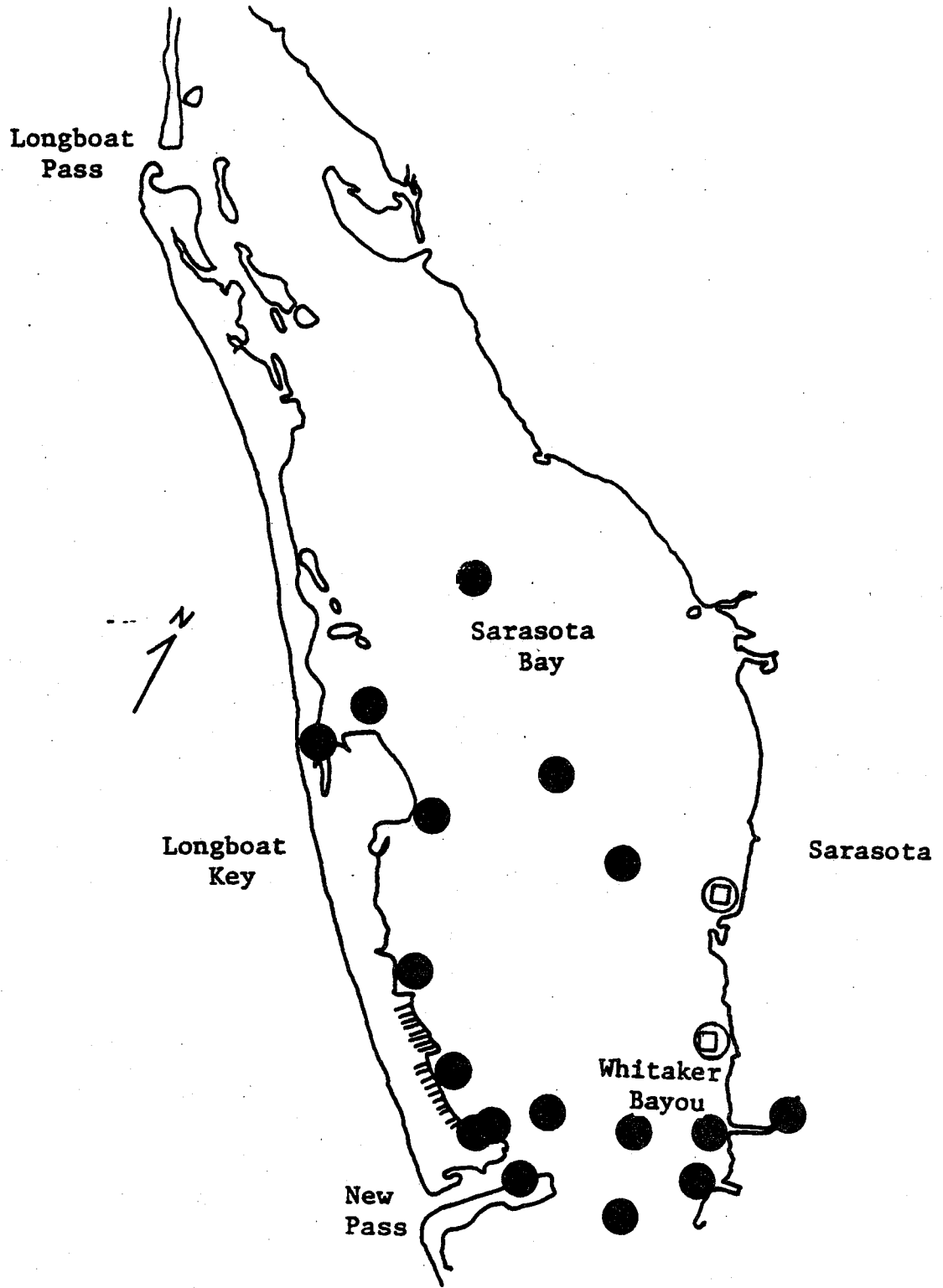
Parameter: Dissolved Oxygen



⊙ Good      □ Fair      ● Poor

WATER QUALITY HISTOR

Parameter: Coliform



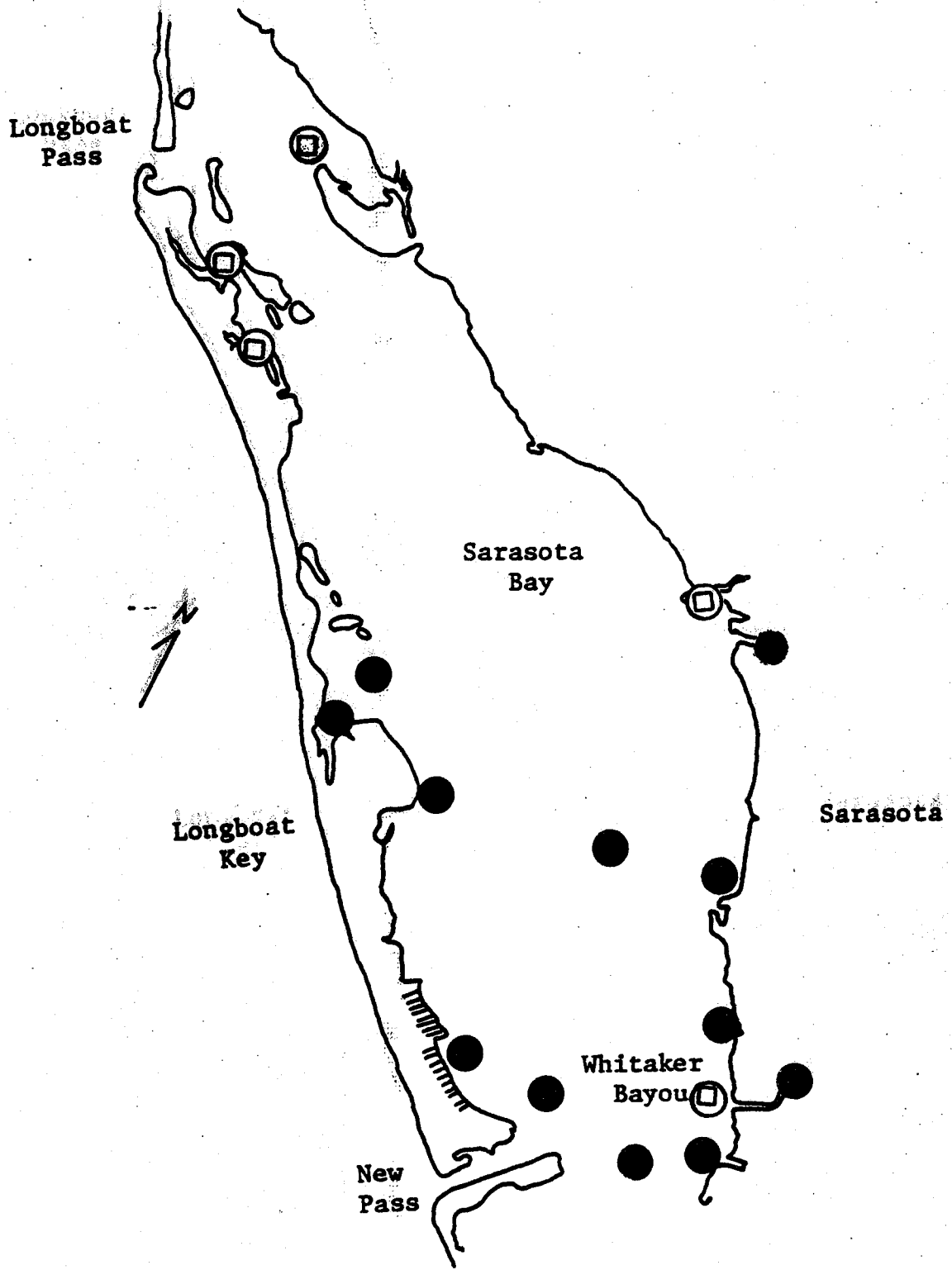
⊙ Good

◻ Fair

● Poor

WATER QUALITY HISTORIC.

Parameter: pH



⊙ Good

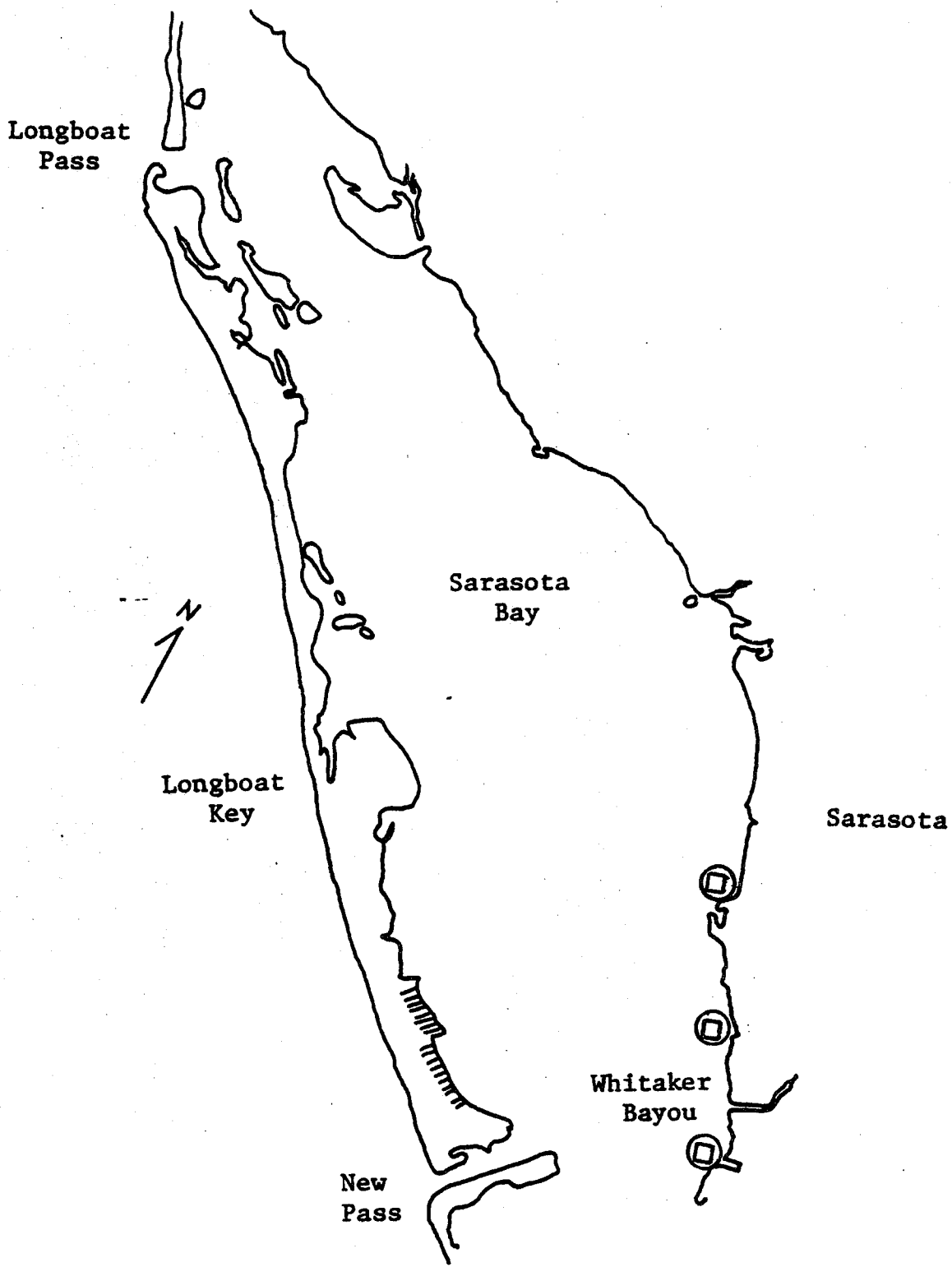
⊠ Fair

● Poor



WATER QUALITY HISTORI

Parameter: Chloropl



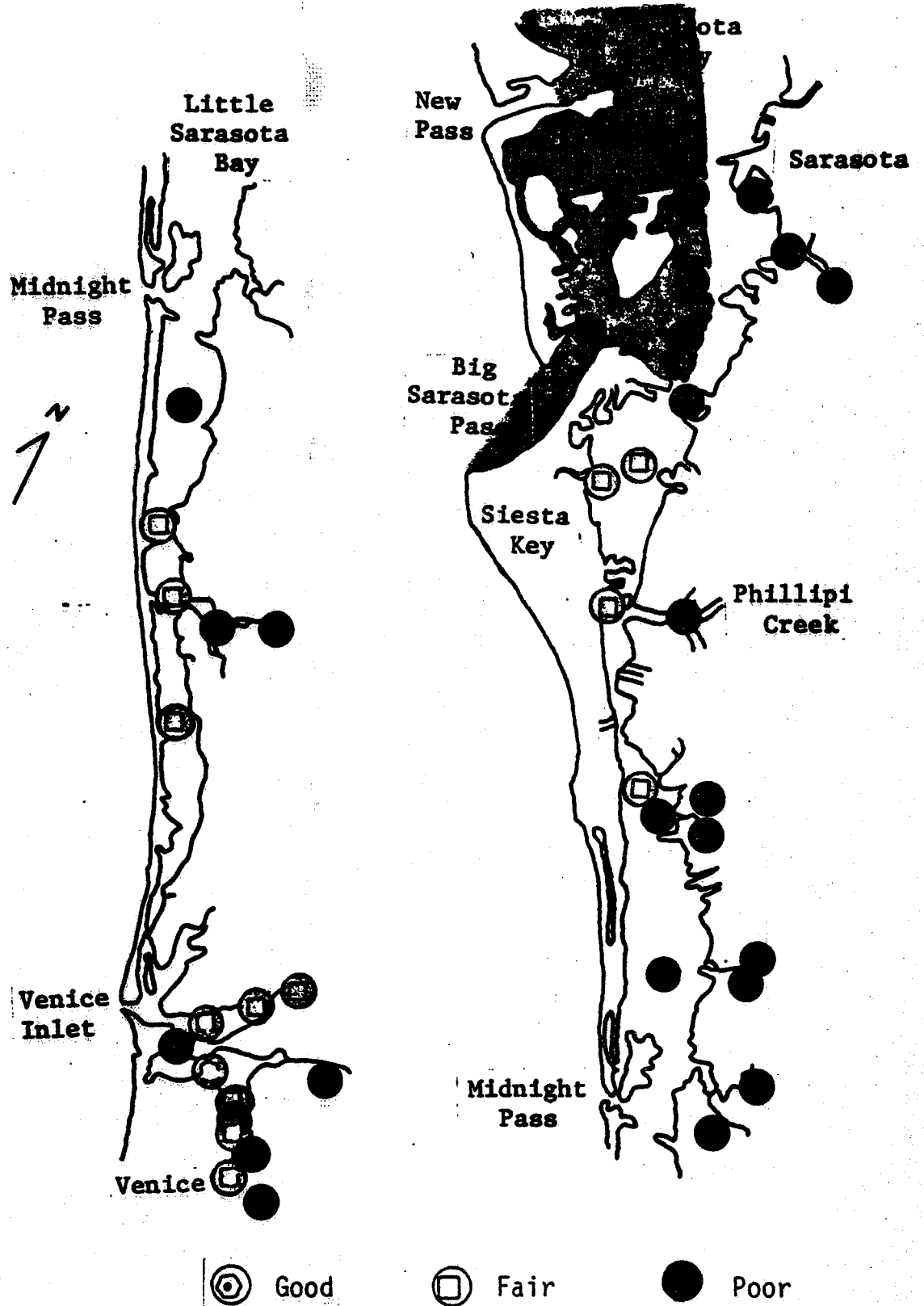
(•) Good

(□) Fair

(●) Poor

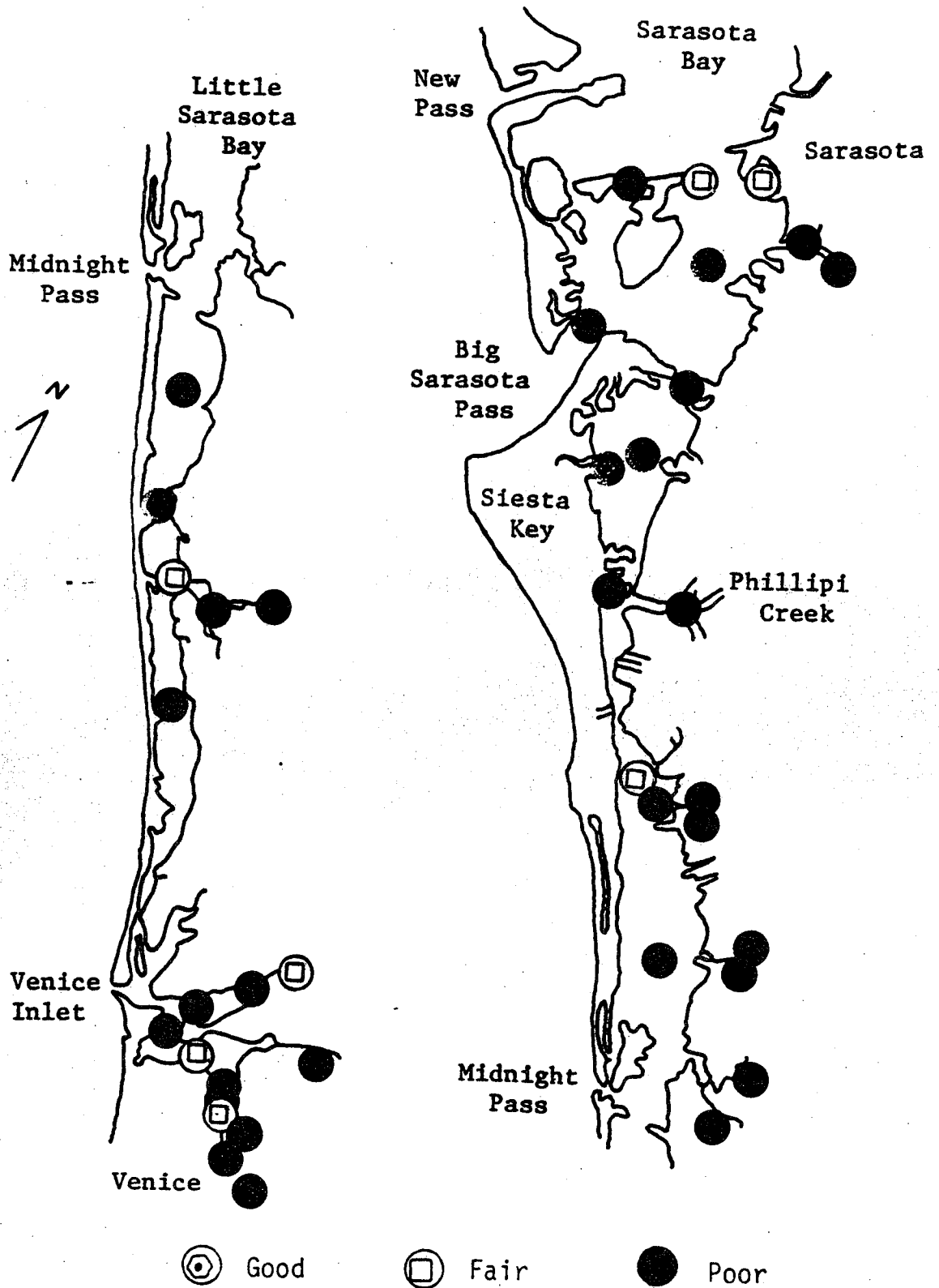
WATER QUALITY HISTORICAL DATA

Parameter: Dissolved Oxygen (D.O.)



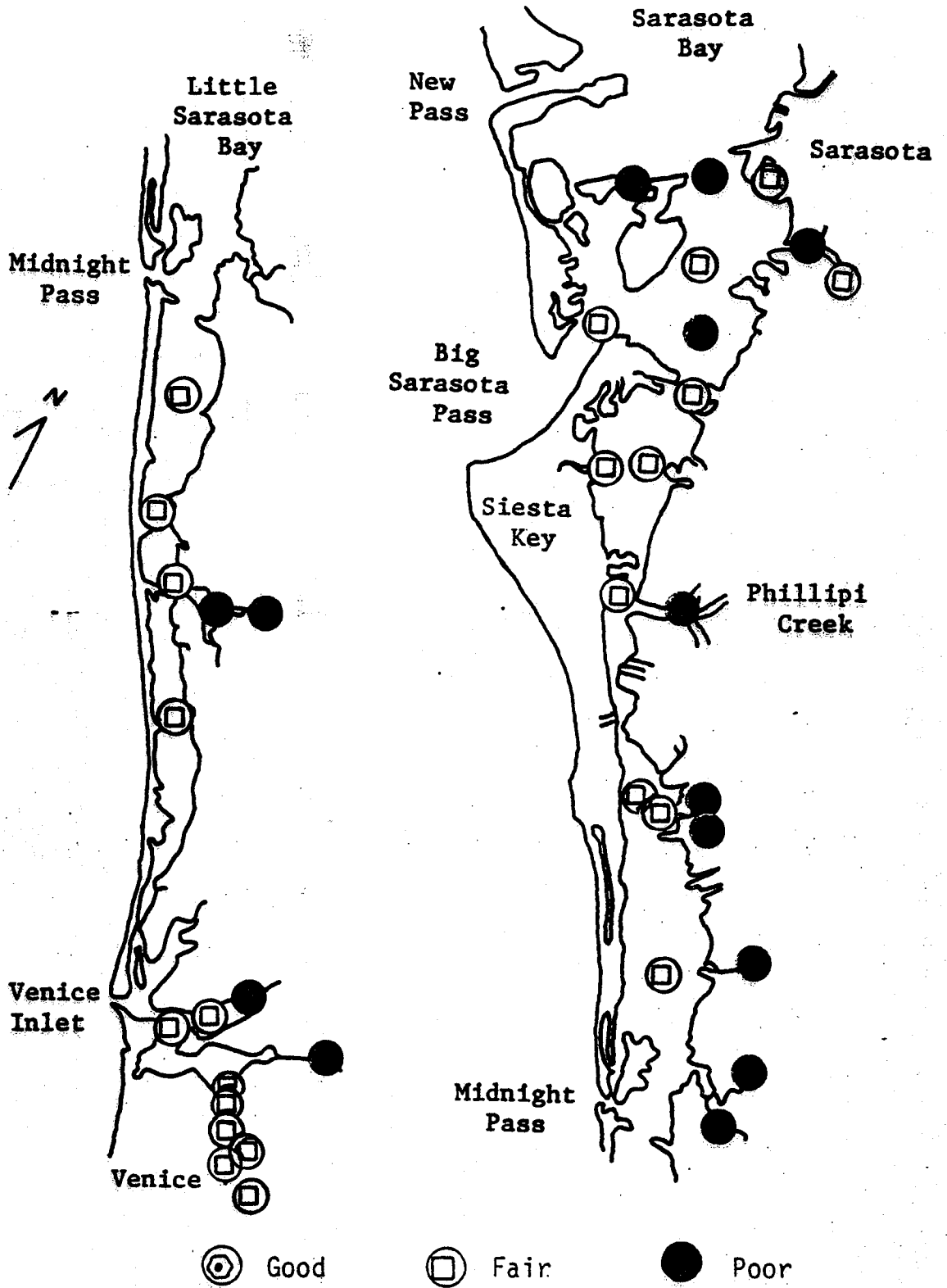
WATER QUALITY HISTORICAL DATA

Parameter: Coliform Bacteria



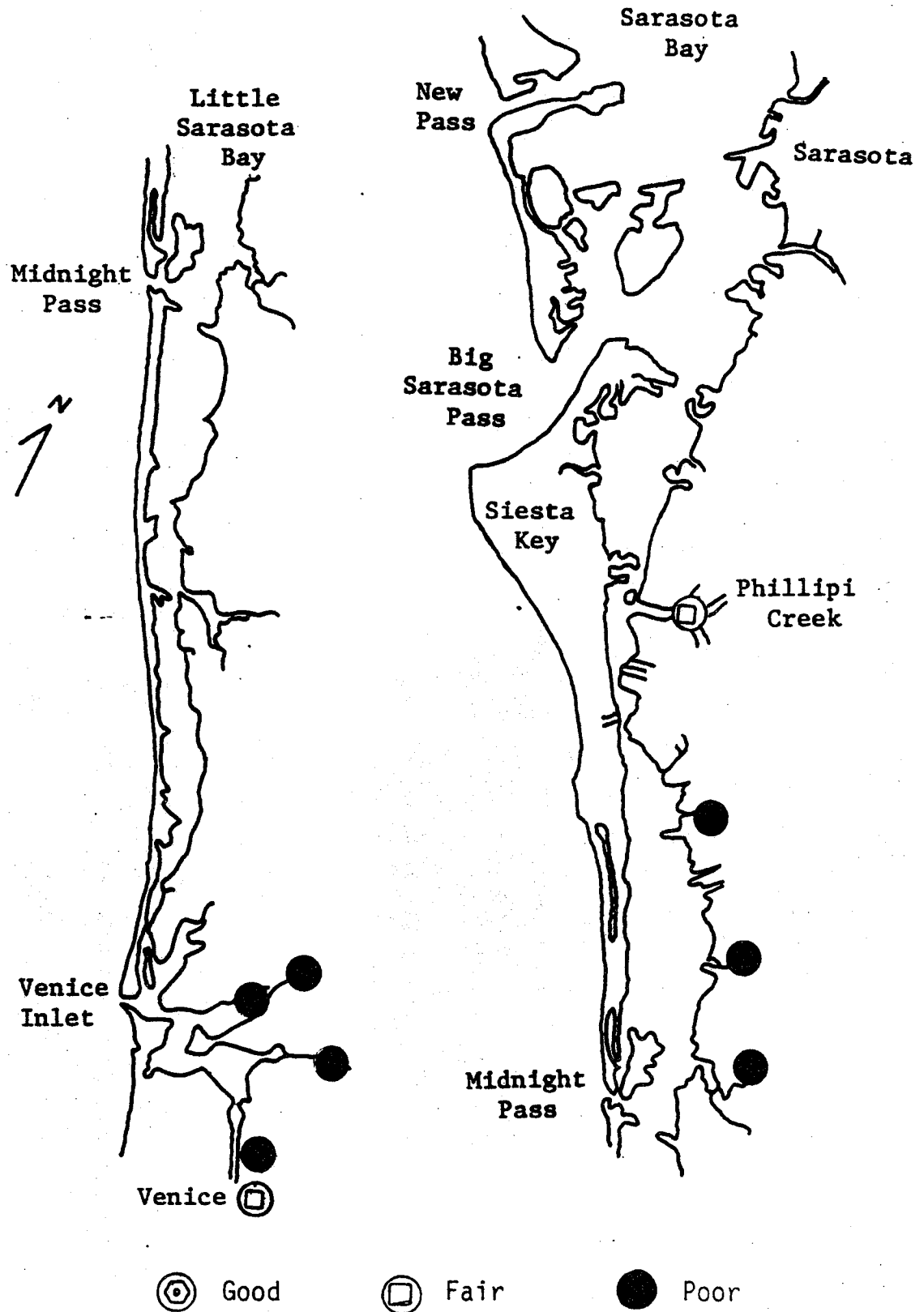
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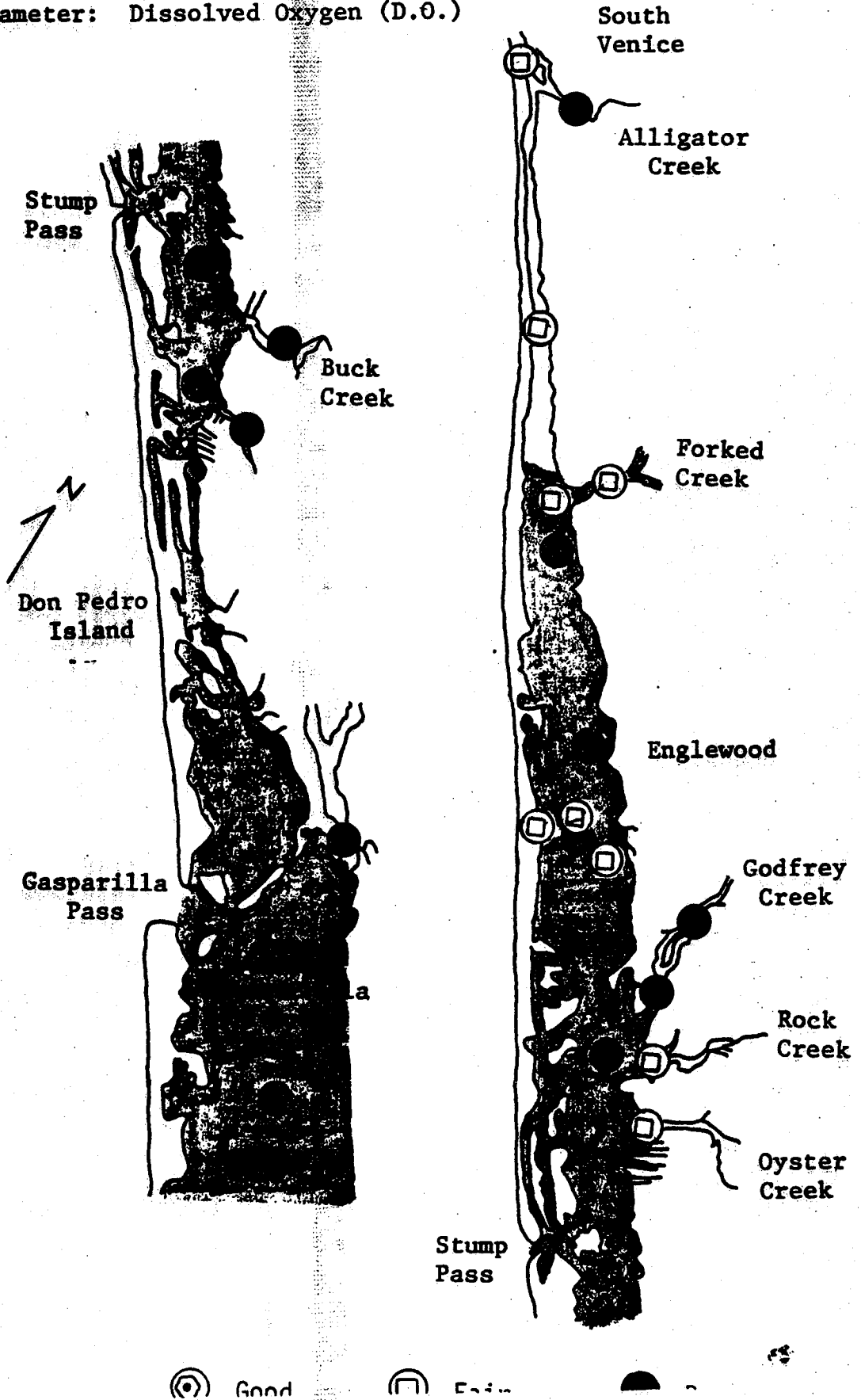
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Parameter: Chlorophyll a



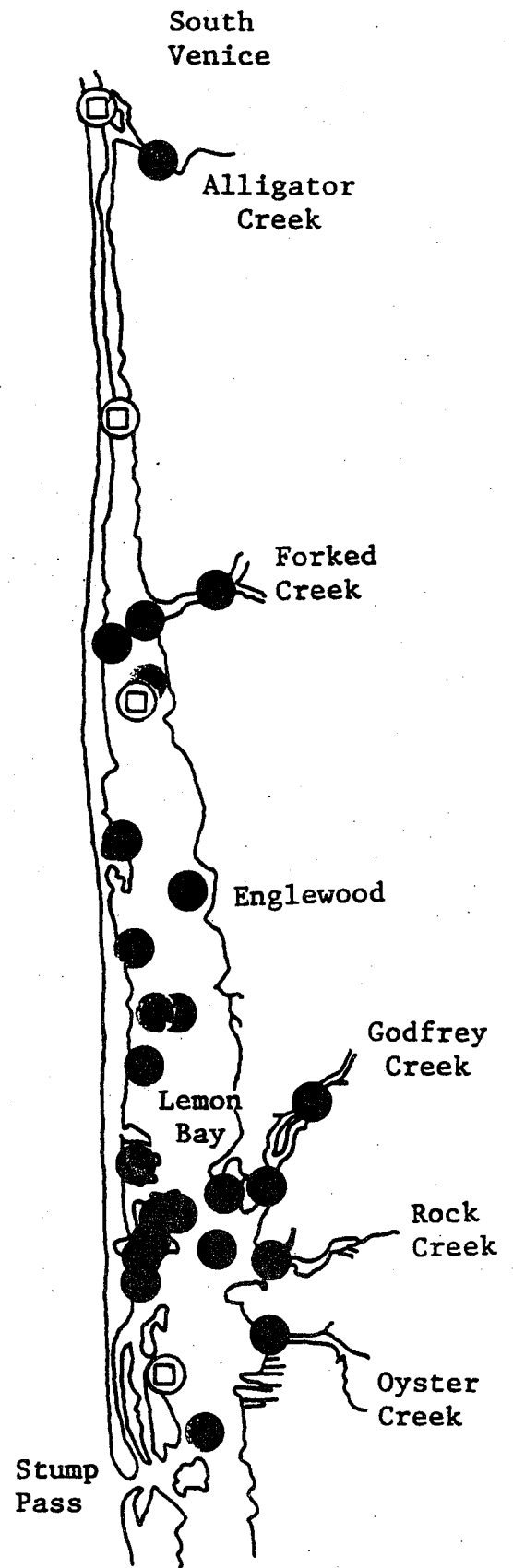
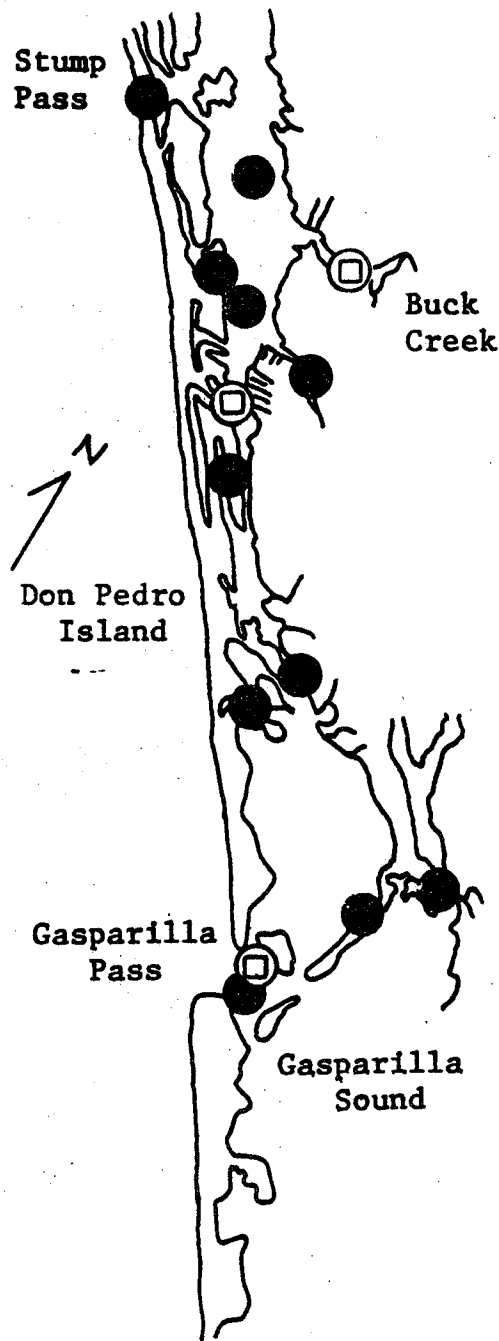
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Parameter: Dissolved Oxygen (D.O.)



WATER QUALITY HISTORICAL DATA

Parameter: Coliform Bacteria



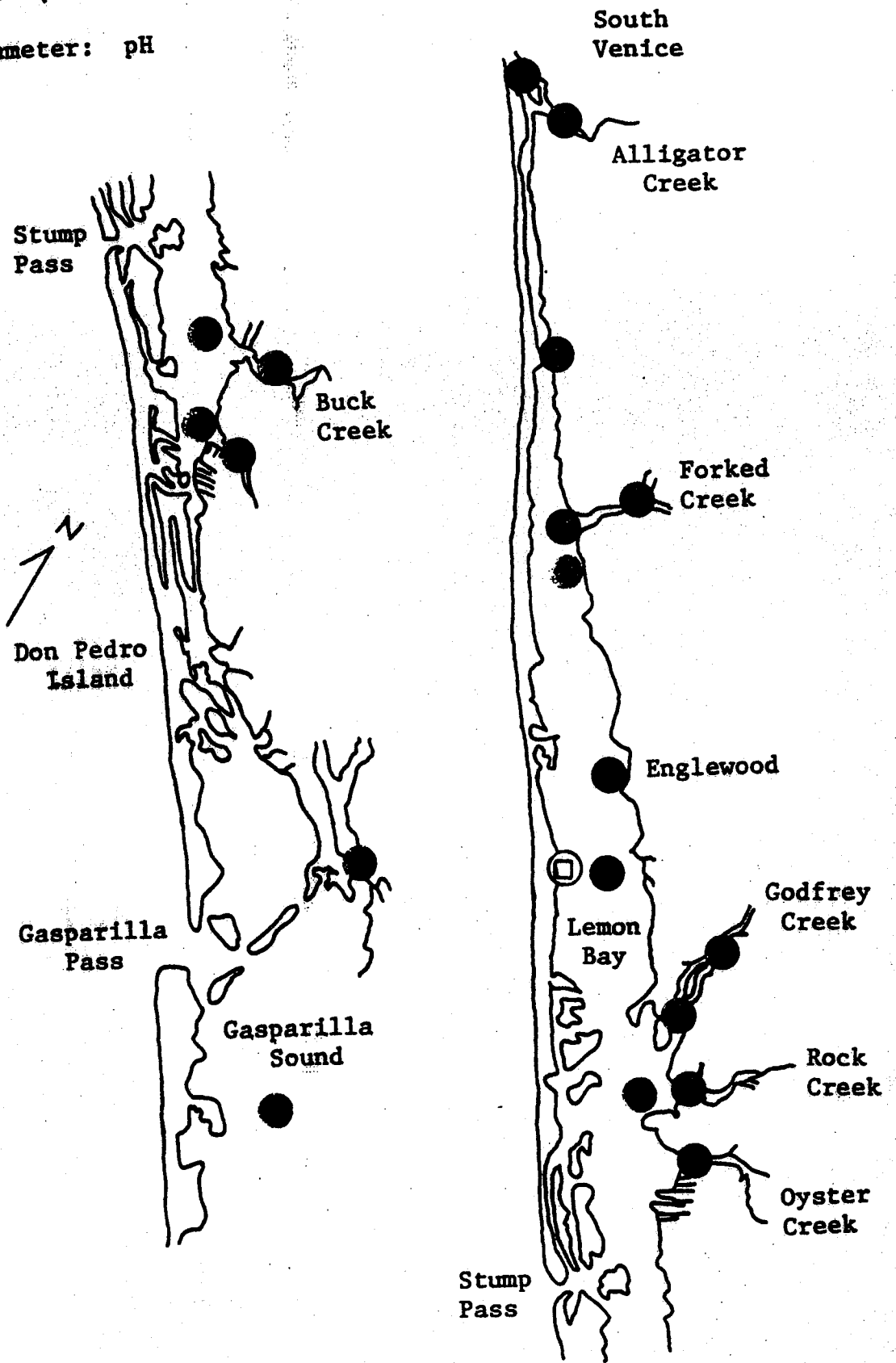
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◐ Fair

● Poor

# WATER QUALITY HISTORICAL DATA

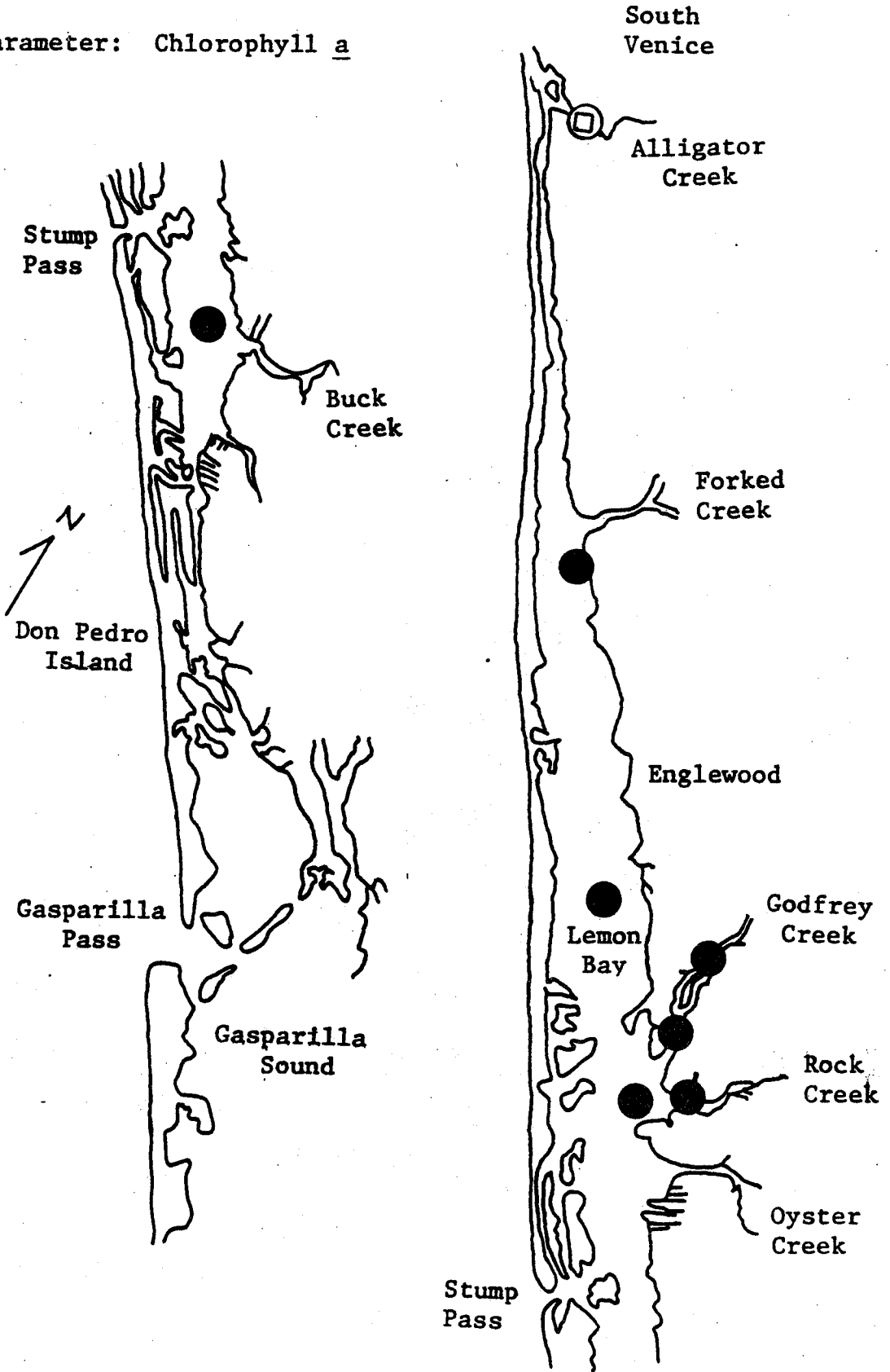
Parameter: pH





WATER QUALITY HISTORICAL DATA

Parameter: Chlorophyll a







Egmont  
Key



Mullet  
Key

WATER QUALITY 1985 D.

Parameter: pH



Tampa  
Bay

Anna  
Maria  
Island

Manatee  
River

Bradenton

Longboat  
Pass



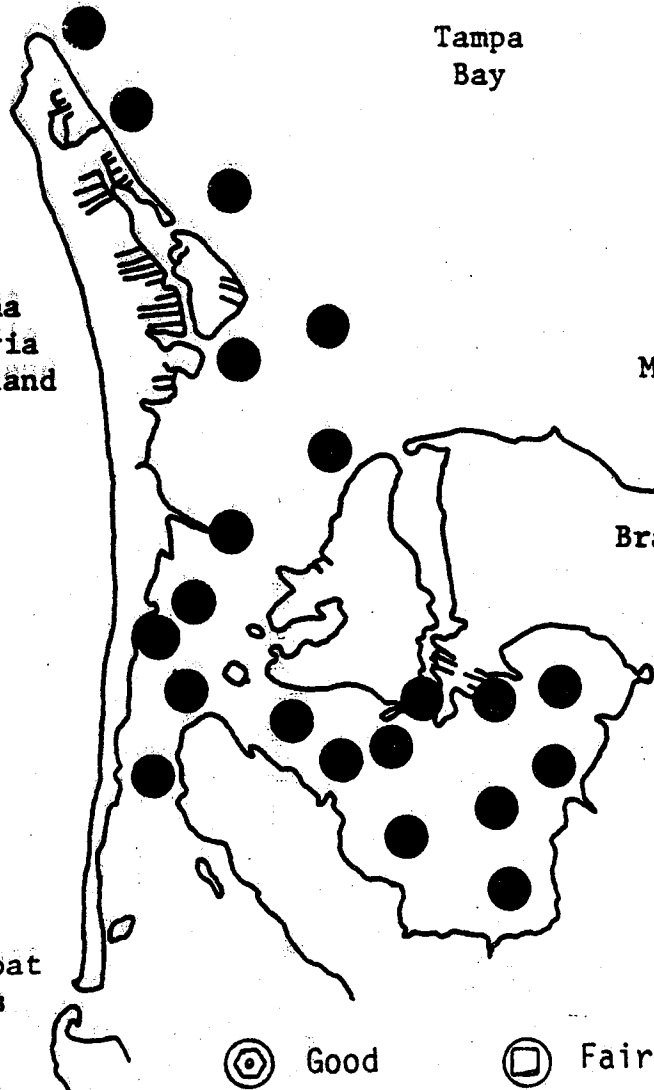
Good



Fair

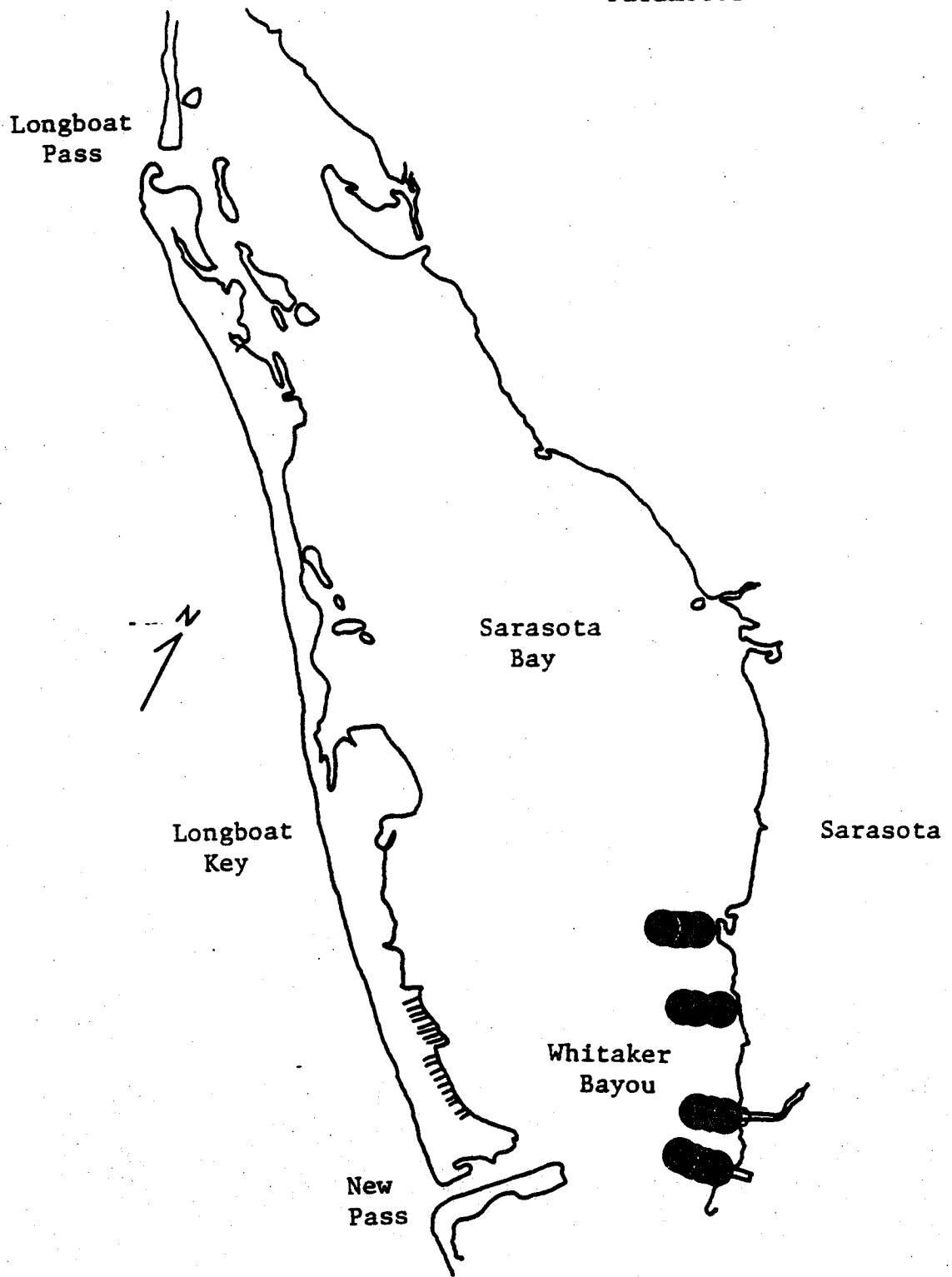


Poor



WATER QUALITY 1985 DATA

Parameter: Dissolved Oxygen

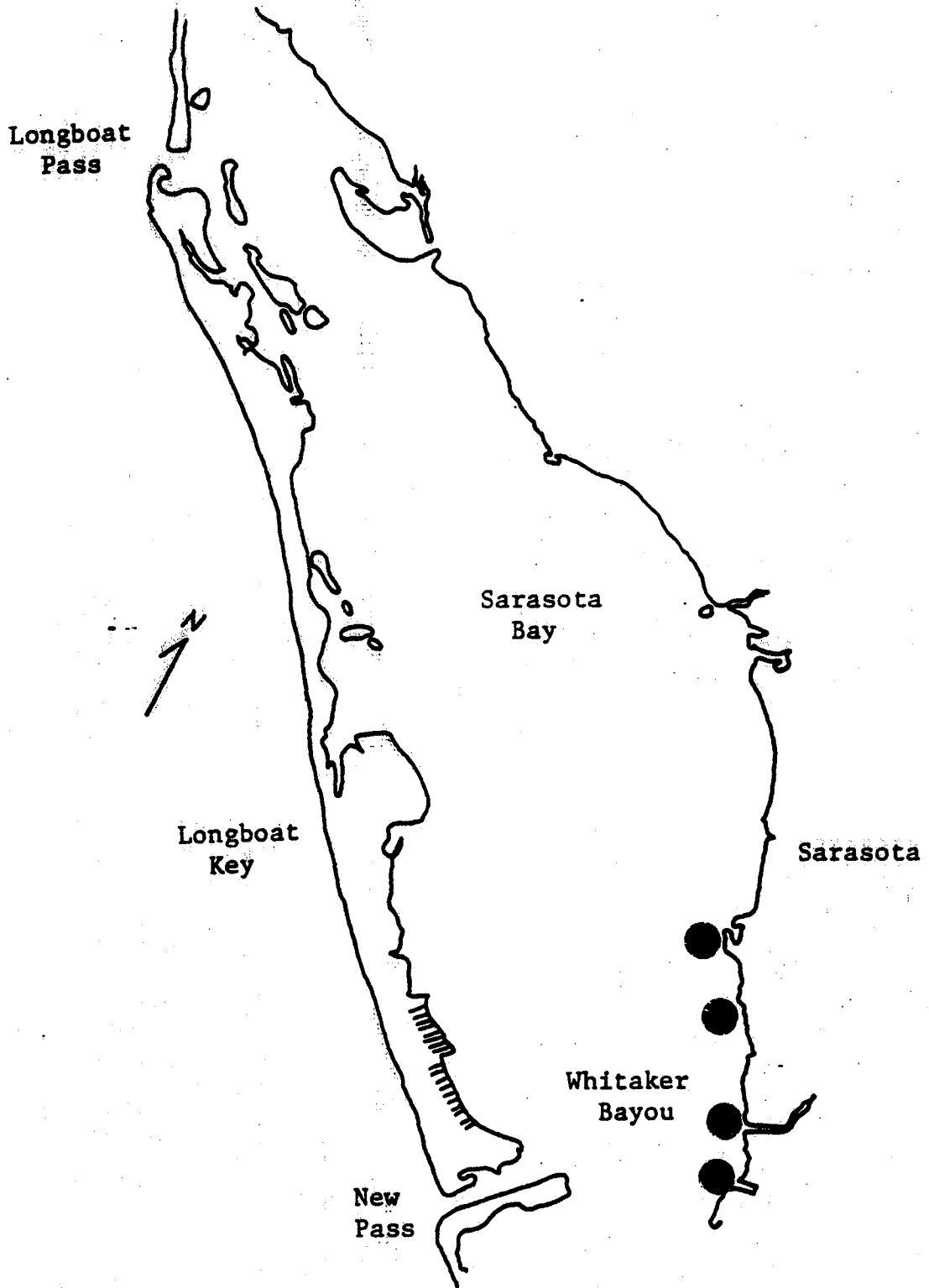


⊙ Good

◓ Fair

● Poor

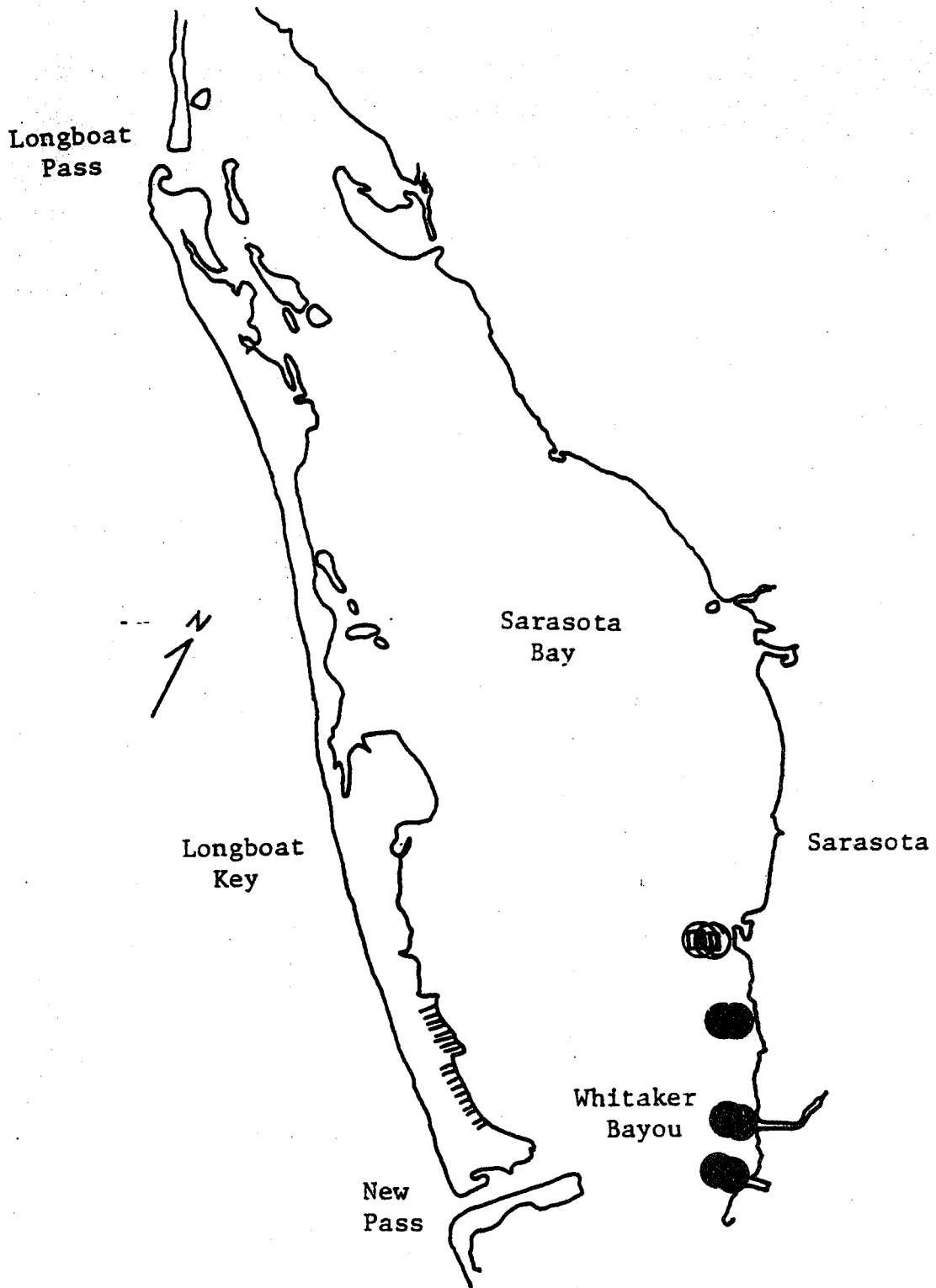
WATER QUALITY 1985 DATA  
Parameter: Coliform



⊙ Good      □ Fair      ● Poor

WATER QUALITY 1985 DATA

Parameter: pH



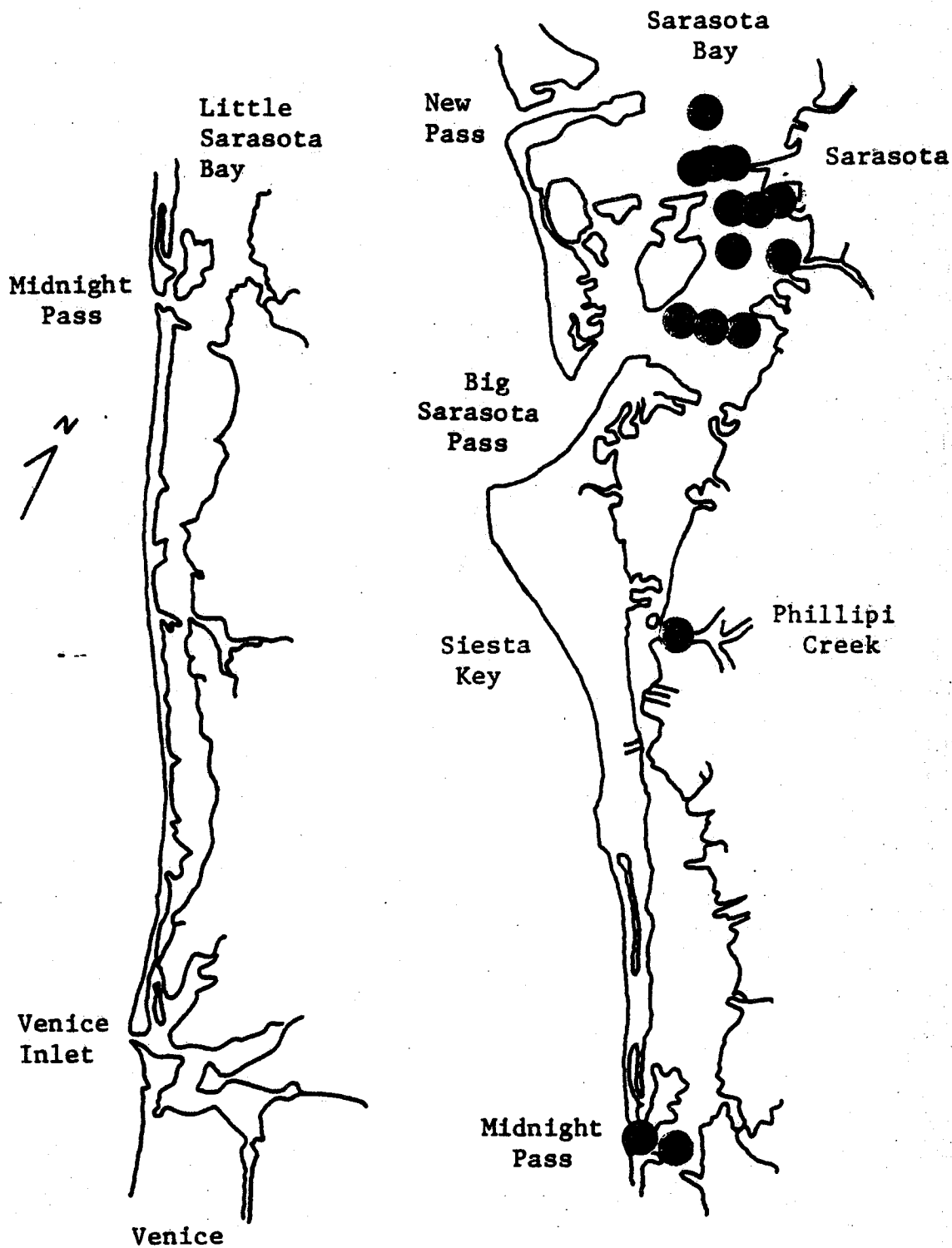
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⊠ Fair

● Poor

WATER QUALITY 1985 DATA

Parameter: Dissolved Oxygen (D.O.)



Good



Fair

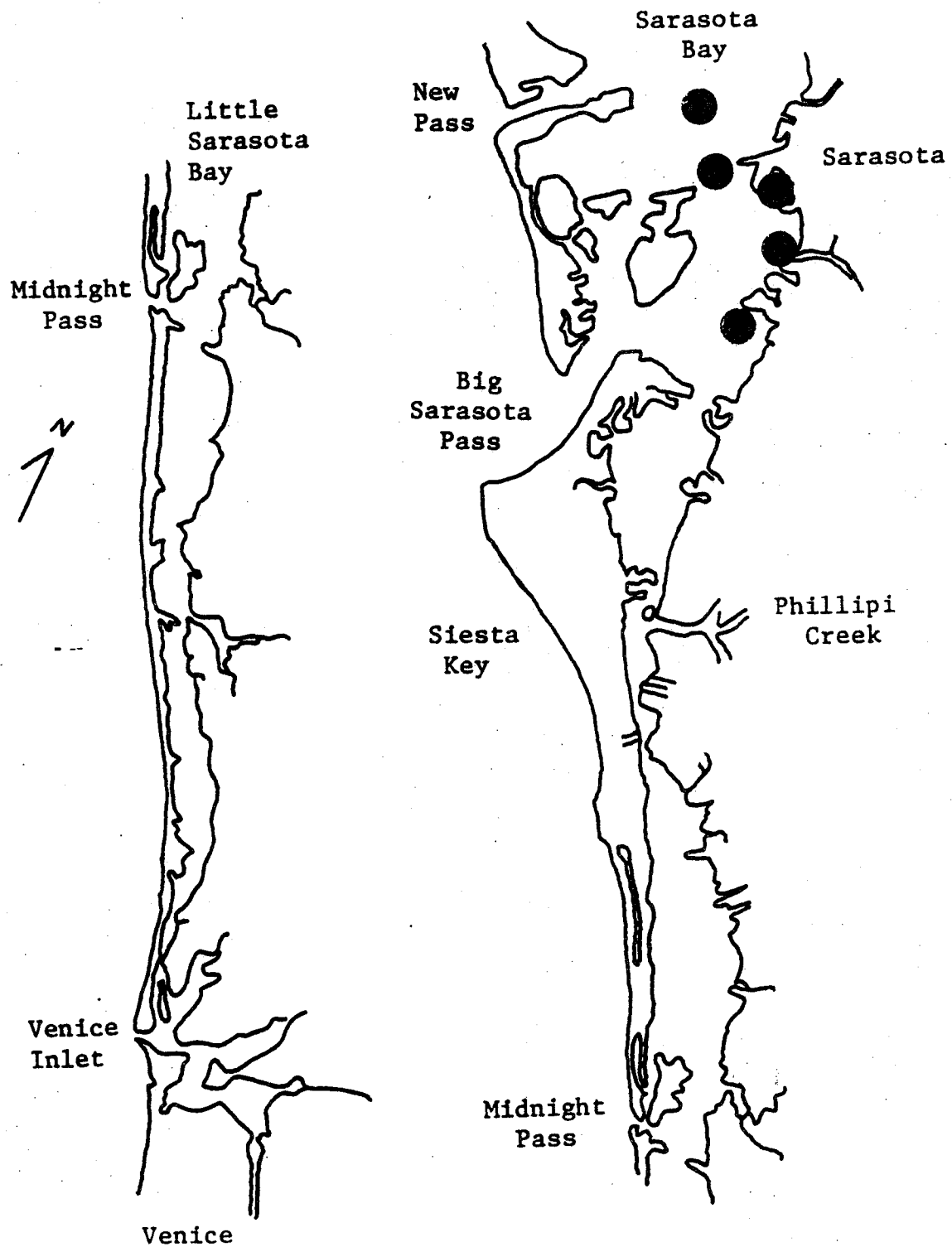


Poor



WATER QUALITY 1985 DATA

Parameter: Coliform Bacteria



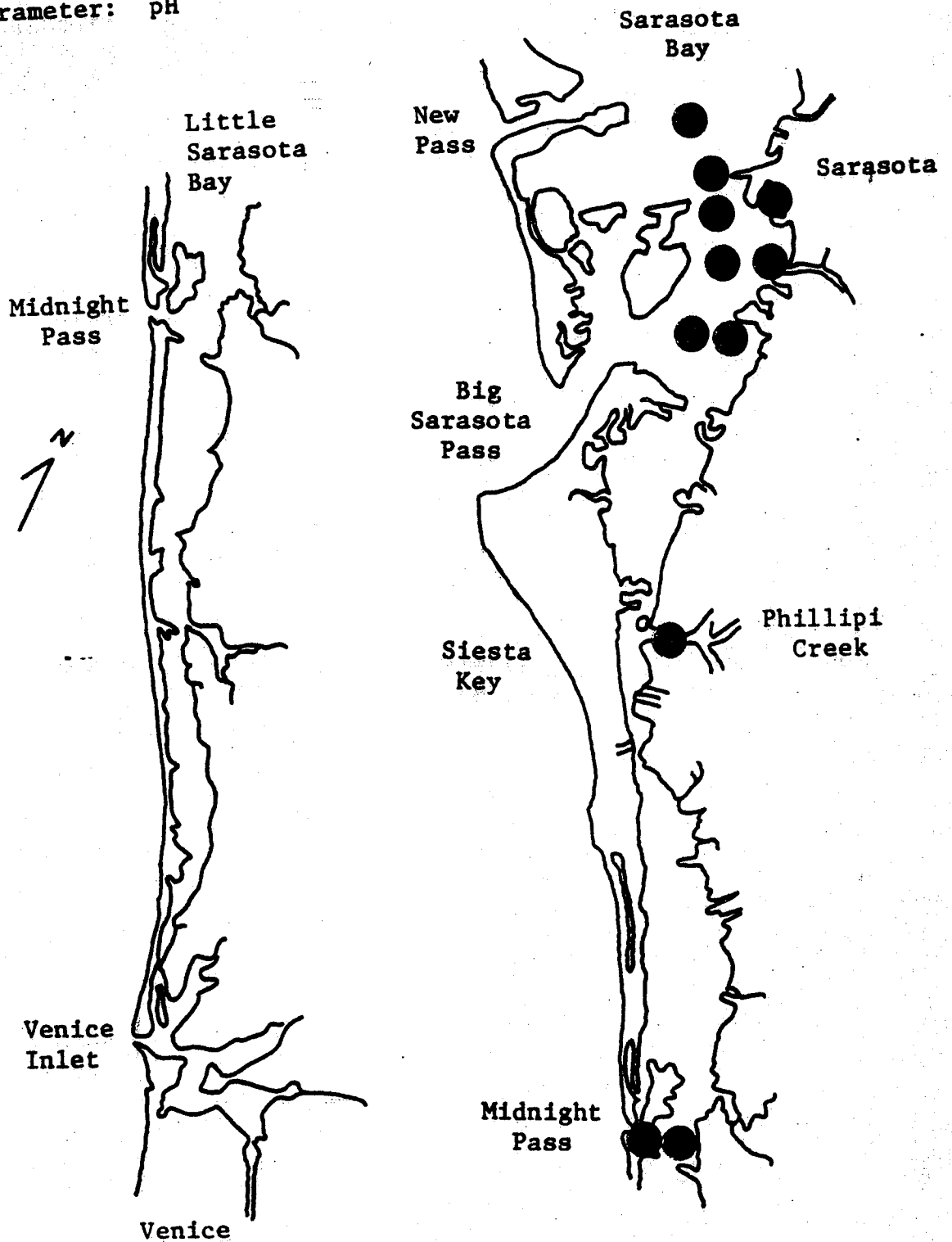
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● Poor

WATER QUALITY 1985 DATA

Parameter: pH



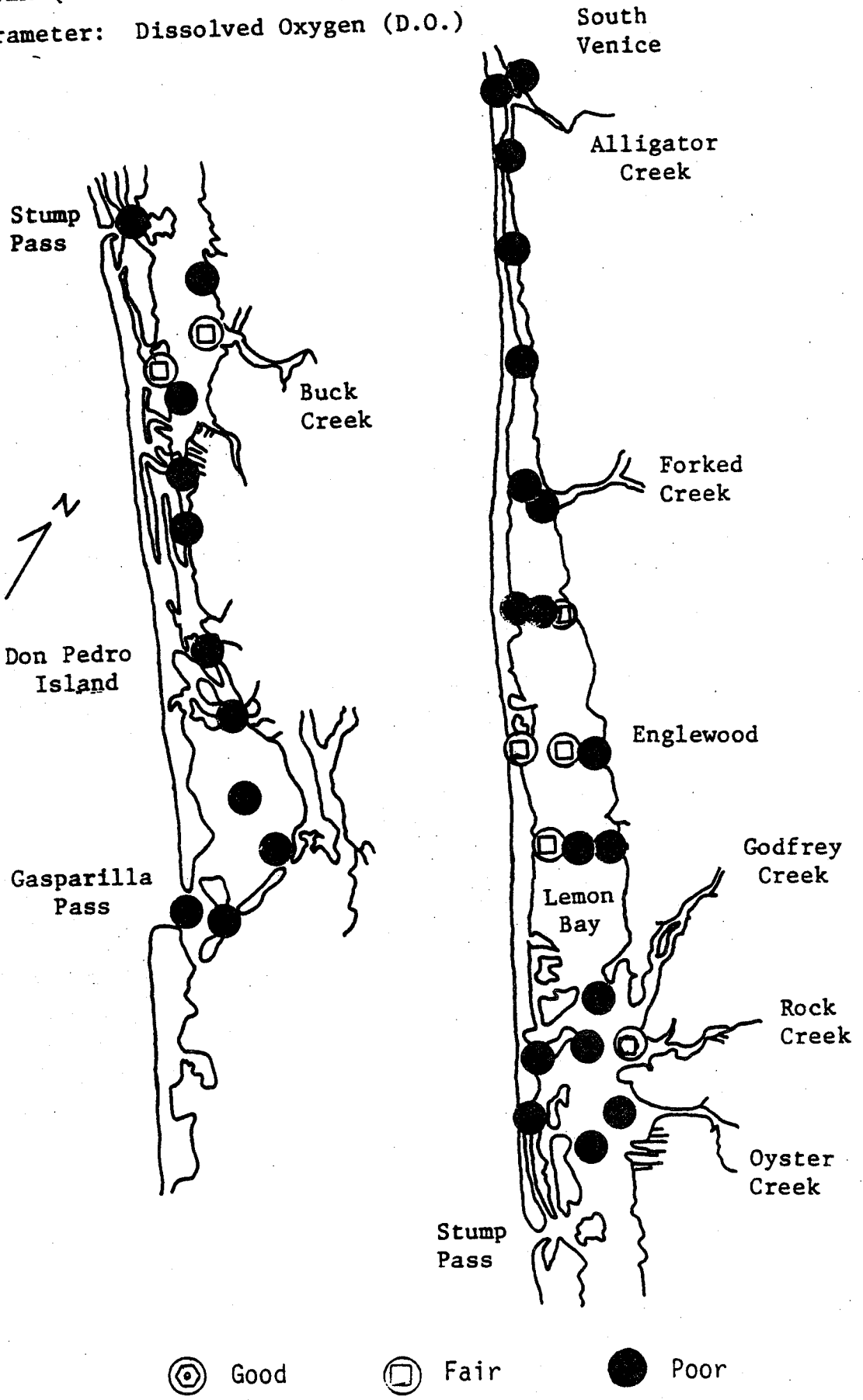
⊙ Good

◻ Fair

● Poor

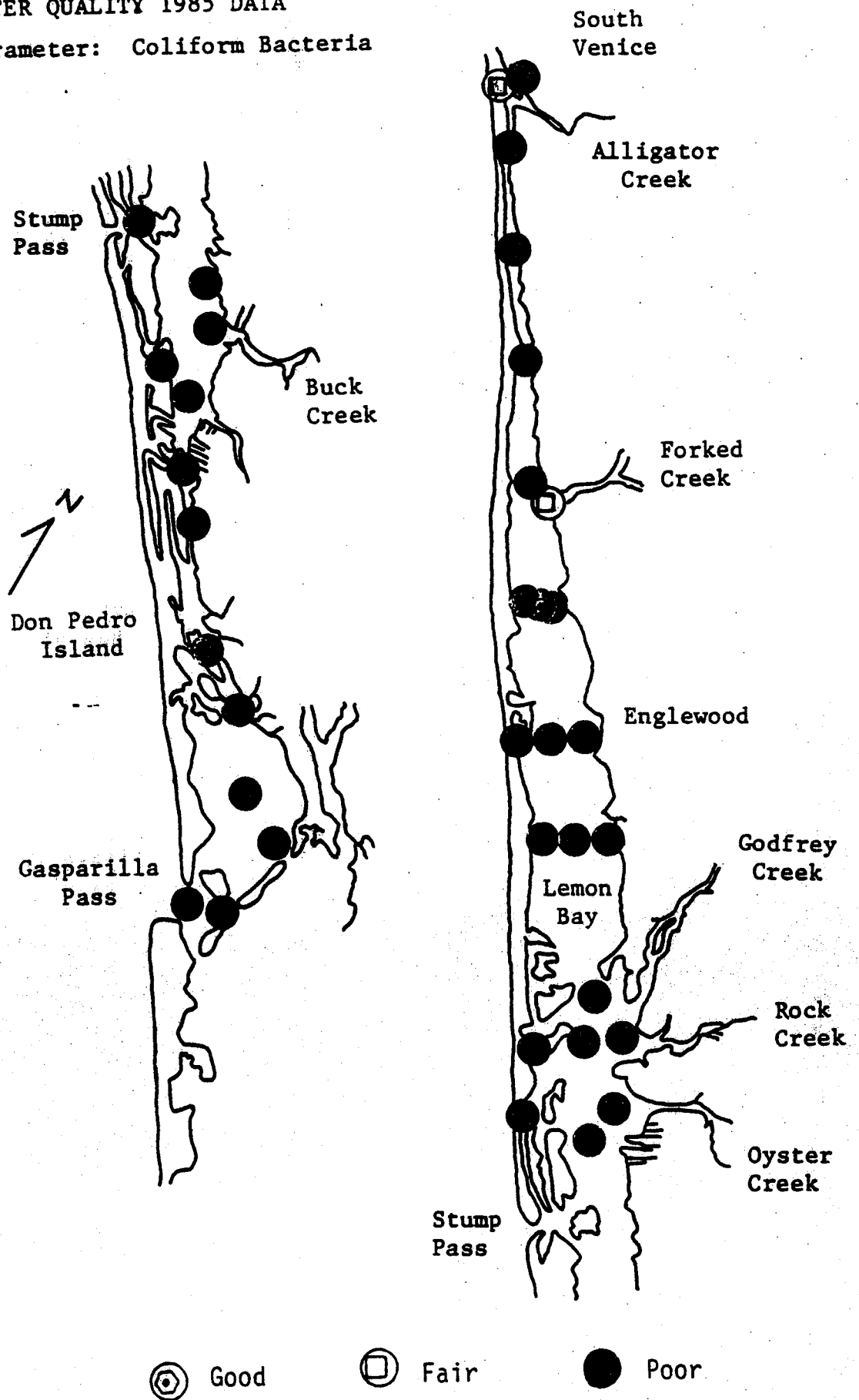
WATER QUALITY 1985 DATA

Parameter: Dissolved Oxygen (D.O.)



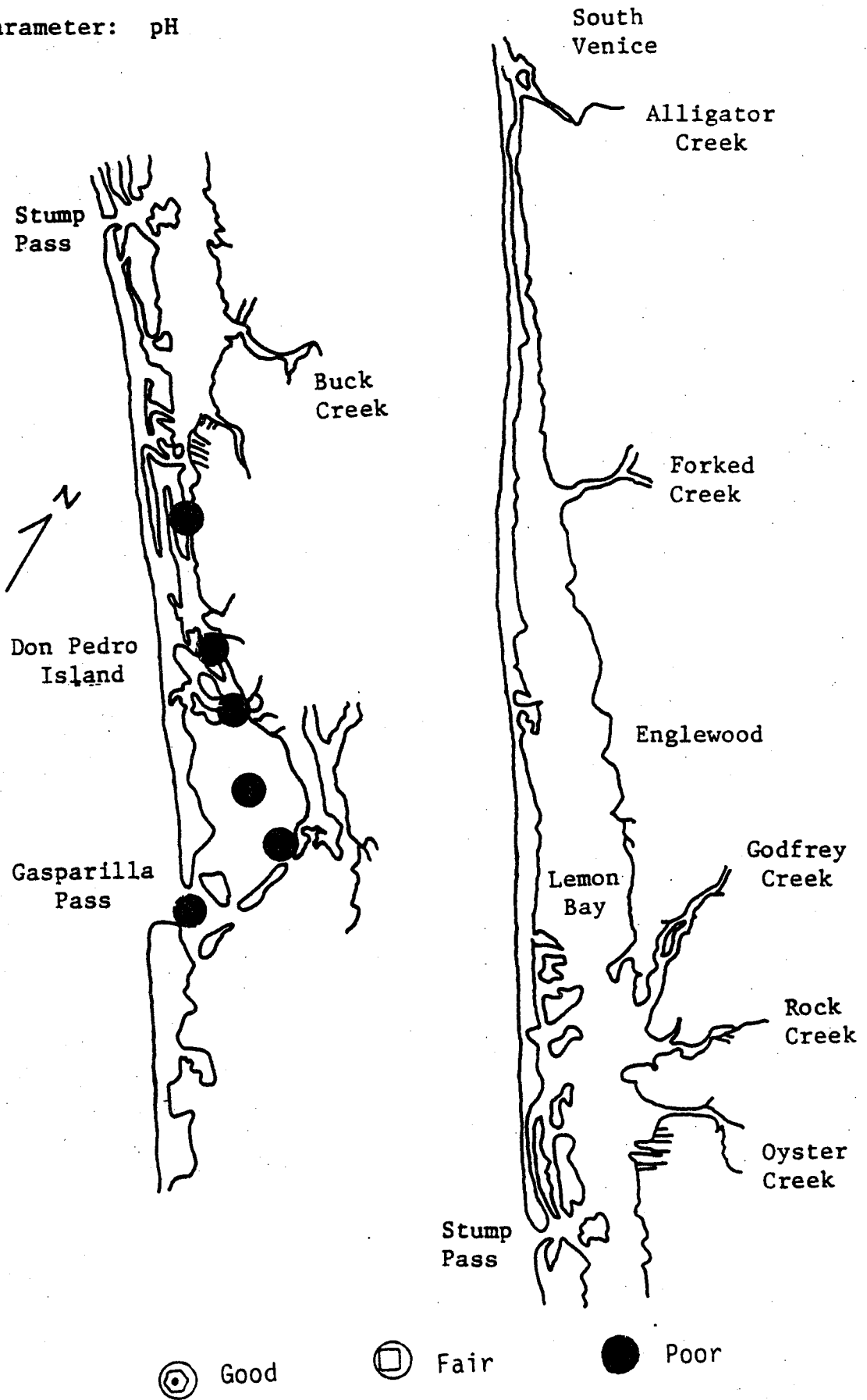
WATER QUALITY 1985 DATA

Parameter: Coliform Bacteria



WATER QUALITY 1985 DATA

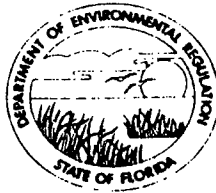
Parameter: pH



STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL REGULATION

SOUTH FLORIDA  
BRANCH OFFICE

3201 GOLF COURSE BOULEVARD  
PUNTA GORDA, FLORIDA 33950-9359



BOB GRAHAM  
GOVERNOR

VICTORIA J. TSCHINKEL  
SECRETARY

December 6, 1983

INTEROFFICE MEMORANDUM

TO: Doug Jones

THROUGH: Philip R. Edwards

THROUGH: Louis M. Fendt, Jr. *LF*

THROUGH: Don Sessions *DS*

FROM: David Winkler *DW*

SUBJECT: Report on Special Study on Lemon Bay

Because of intense local interest in this system, a limited study of the water quality of Lemon Bay was undertaken by the Punta Gorda laboratory staff during fiscal year 1983. This study was intended to generate current water quality data to define existing conditions at various locations throughout the bay, as well as in two of the major tributaries, Gottfried and Ainger Creeks. It was hoped that this data might also be useful in determining trends and existing problem areas likely to be further negatively impacted by the continuing rapid urban development of the Englewood metropolitan area.

Lemon Bay is located in the southwestern part of Sarasota County and the northwestern part of Charlotte County, being intersected by the county line. It is separated from the Gulf of Mexico by two large barrier islands, Manasota Key and Knight Island, and is connected to the Gulf of Mexico by Stump Pass, which divides these two islands. At the northern end of the bay is the Intracoastal Waterway, which eventually connects to Roberts Bay in the Venice area. The southern end of the bay also connects with the Intracoastal Waterway, which leads south to Gasparilla Sound and Charlotte Harbor.

The area surrounding Lemon Bay is largely urban, but with some large undeveloped tracts. Manasota Key, which comprises the north and central western boundary, is heavily developed. Knight Island, the southwestern boundary, is lightly developed, but with a significant artificial canal system inviting future development. The area adjacent to the northeastern boundary is piney woodlands for about one-third the length of the bay. Continuing south to the end of the bay, the area is urbanized with many small canal systems and altered tributaries.

The two tributaries included in this study, Gottfried and Ainger Creeks, are similar in that their eastern reaches drain undeveloped woodlands while the western, tidally influenced parts are bordered by urban areas. Both have small artificial canal systems and have significant stretches in the natural creek that have been channelized. In addition, both creeks have bridges and corresponding filled areas near their mouths which restrict natural tidal exchange.

In approximately the center of Lemon Bay is the Tom Adams Bridge and Causeway, which is also a significant tidal barrier. For the purpose of this report, the portion of the bay lying north of this bridge will be referred to as the upper bay, while south of the bridge will be called the lower bay.

The study consists of four quarterly samplings at each of four locations in Lemon Bay, plus at one location in each of the tributaries above. Two sites were located in the upper bay, 25 yards west of channel marker 36 (station number 24.01.0663), and 25 yards west of channel marker 26 (station 24.01.0662). In the lower bay the sites are 10 yards east of channel marker 23 (station 24.01.0664) and 25 yards east of channel marker 13 (station 24.01.0673). The Gottfried Creek station is 5 yards north of the State Road 775 bridge (station 24.01.0591), and Ainger Creek was sampled 5 yards west of its State Road 775 bridge (station 24.01.0600). A site location map is attached (Appendix A).

Chemical and physical parameter analyses were performed in accordance with methods in "Methods for Chemical Analysis of Water and Wastes", available from the U.S. EPA, and in Standard Methods for the Examination of Water and Wastewater, 14th edition. Parameters included in this study are dissolved oxygen (DO), specific conductance, pH, biochemical oxygen demand (BOD), color, turbidity, chlorophyll A, and fecal coliform bacteria. Also included are the following nutrient analyses: ammonia ( $\text{NH}_3$ ), organic nitrogen (Org-N), nitrate ( $\text{NO}_3$ ), nitrite ( $\text{NO}_2$ ), total kjeldahl nitrogen (TKN), and total phosphorus ( $\text{TPO}_4$ ). Two additional sites, at the Captain's Club boat basin and at a site five yards south of a small package plant (see site location map), were also sampled for fecal coliform bacteria; because high counts in samples collected by the Department of Natural Resources at these locations contributed to their decision to close Lemon Bay to shellfishing. Complete summaries of the physical, chemical, and bacteria data for each station are attached (see appendices B and C).

Because of the limited nature of this study, conclusions of consequence which can be drawn from this data are not numerous. However, a few interesting observations can be made.

The most apparent observation is that the chemical water quality of Lemon Bay proper is still quite good. DO levels are excellent, and verdant sea grass growth throughout the shallower parts of the bay also indicate good water quality. However, the nutrient levels of the upper bay, particularly organic nitrogen and total phosphorus, were higher than expected and significantly higher than in the lower bay. For example, on 10/13/83 the organic nitrogen concentration at the northernmost station (marker 36) was 1.18 mg/l, compared to only .59 mg/l at the southernmost station (marker 13). This, of course, indicates a potential for future degradation of the upper portion of the system.

Report on Special Study on Lemon Bay  
December 6, 1983  
Page three

The two tributaries, particularly Gottfried Creek, have significantly poorer water quality than in the bay proper. On 8/16/83 the bottom DO concentrations were 3.5 mg/l in Ainger Creek and 3.4 mg/l in Gottfried Creek. A bottom reading of 2.7 mg/l was recorded in both creeks on 10/3/83. Organic nitrogen and total phosphorus levels were also found to be elevated relative to the bay. Significant parameter concentrations are circled in red on the data summaries.

The principal benefit of this study has been the production of current, verifiable, chemical water quality data on Lemon Bay, a system which has seen little water quality monitoring work in recent years. This data will give a point of reference to determine the extent of future degradation.

In order to further delineate more specific water quality problems and pollution sources, more extensive study would be required. Candidates for future study include the following projects:

1. More extensive study of Gottfried and Ainger Creeks, including headwaters and canal systems.
2. Sampling other tributaries and major canal systems, especially in the upper bay, to determine sources of nutrient and chemical pollution..
3. Rechecking the stations monitored in this study on a regular basis, perhaps yearly, to compare with data collected in this study.

Enclosures

cc: Don Sessions  
Ron McGregor



State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION  
INTEROFFICE MEMORANDUM

For Routing To District Offices And/Or To Other Than The Addressee		
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To: _____	Loctn.: _____	
From: _____	Date: _____	
Reply Optional	Reply Required	Info. Only
Date Due: _____	Date Due: _____	

TO: Randy Armstrong  
Jan Maudrup-Poulsen

FROM: Don Moores *Don*

DATE: September 12, 1985

SUBJECT: Sarasota Bay OFW Petition

Attached are bacteriological results from the August 20 sampling of Sarasota Pass (SP) and Palma Sola Bay (PSB). If you have any questions, please call.

DDM/ms  
attachments

RESULTS OF BACTERIOLOGICAL TESTS

SOURCE: Sarasota Bay, Sarasota & Manatee Counties

DATE OF COLLECTION: August 20, 1985

SAMPLERS: Don Moores, Nan Baggett

LABORATORY ANALYST: Alexander Padva

Station #	Total Coliform #/100 ml	Fecal Coliform #/100 ml
1SP	K100	K10
2SP	K100	K10
3SP	K100	K10
4SP	K100	K10
Dup. 4SP	K100	K10
5SP	K100	K10
6SP	K100	K10
7SP	K100	K10
8SP	K100	K10
9SP	K100	K10
Dup. 9SP	K100	K10
10SP	K100	K10
1PSB	K100	K10
2PSB	K100	K10
3PSB	K100	K10
4PSB	K100	K10
5PSB	400	B100
6PSB	K100	K10
7PSB	K100	10
8PSB	400	K10
9PSB	K100	K10
10PSB	K100	K10

1. All 8 blanks processed with the samples did not develop any colonies.
2. Code K means that actual value is known to be less than value given.
3. Code B means that results reported are based on plate counts outside the acceptable range.

Analyst: A. Padva 9-11-85

State of Florida  
DEPARTMENT OF ENVIRONMENTAL REGULATION

## INTEROFFICE MEMORANDUM

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To: _____	Loctn.: _____	
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From: _____	Date: _____	
Reply Optional	Reply Required	Info. Only
Date Due: _____	Date Due: _____	

TO: Tom Swihart, Administrator  
Water Resources Programs

THROUGH: Roxane Dow, <sup>Co. for</sup> Chief  
Bureau of Water Quality Management

FROM: Al Bishop, <sup>Co. for</sup> Administrator  
Water Quality Analysis Section

DATE: October 17, 1985

SUBJECT: Water Quality in Areas of Proposed OFW Designation.

Water quality data for the coastal waters from southern Tampa Bay south through Lemon Bay have been reviewed. The criteria used to evaluate the data were the water quality standards outlined in Chapter 17-3 for the parameters DO, pH, and coliform bacteria. The minimum standard for DO concentrations is 4.0 mg/l for predominantly marine waters (and a daily average of at least 5.0 mg/l). The minimum and maximum pH standards for marine waters are 6.5 and 8.5. Bacteriological quality standards for Class III waters (recreation and propagation of fish and wildlife) are monthly average maximum fecal coliform counts of 200/100 ml and maximum total coliform counts of 1000/100 ml. Bacteria standards for Class II waters (propagation and harvesting of shellfish) are maximum fecal coliform counts of 14/100 ml and total coliform counts of 70/100 ml. Chlorophyll "a" concentrations were considered to be high if they were greater than 15 ug/l. Total N concentrations greater than 1.2 mg/l and total P concentrations greater than 0.2 mg/l were considered to be higher than acceptable for good water quality.

For each station, the number of times each parameter failed to meet the standard was determined, and if this number was less than 10% of the total number of observations for that parameter, the water quality was considered good. If the standards were not met in more than 10% of the samples, water quality was considered poor. Stations were assigned borderline status if the standards were not met in about 10% of the samples. Water quality at each station was indicated on figures already provided to your office for the historical data. Figures illustrating water quality in the recent surveys are attached to this correspondence. As on the historical data figures, good water quality is indicated by a blue dot, poor quality by a red dot, and a yellow dot indicates borderline water quality.

The historical data summarized here consists of data retrieved from STORET for each station from 1960-1985 and data collected by the counties involved from 1979-1985. The recently-collected data discussed here consists of data from a one-day survey undertaken either in August, September, or October, 1985. Field data for these surveys were collected three or four times over a 24 hour period for each station.

MEMO to Tom Swihart FROM Al Bishop  
October 3, 1985  
Page Two

Southern Tampa Bay, Palma Sola Bay, Sarasota Pass

Historical data:

Water quality with respect to chlorophyll "a" concentrations was poor at all stations in Southern Tampa Bay. At one of the five stations, pH values and coliform bacteria counts also exceeded the standards. Palma Sola Bay waters are classified as Class II - shellfish propagation and harvesting, and virtually every station consistently failed to meet the coliform bacteria standards. Some stations also had DO values lower than the standard. The only evidence of poor water quality in Sarasota Pass was some borderline (high) pH values at the southern end of the pass. Water quality with respect to nutrient concentrations (total P and total N) was good in these areas.

Recent data:

This area was sampled on August 20, 1985, and coliform bacteria counts in excess of the standards were found at Perico Bayou and in eastern Palma Sola Bay. Dissolved oxygen concentrations less than the standard were found in Perico Bayou and in western Palm Sola Bay. No cases of failure to meet pH, DO, or coliform standards were found in Sarasota Pass. Nutrient concentrations were not high in these areas.

Sarasota Bay

Historical data:

Many stations did not meet pH standards, and the pH values were at or near the upper limit of the standards (8.5) at most other stations. Coliform bacteria counts in excess of the standards were found at stations on or near Whitaker Bayou. High concentrations of total P were found at all stations in the southern half of the bay, with those stations at Whitaker Bayou exhibiting very high levels of both total P and total N.

Recent data:

Southern Sarasota Bay was sampled on August 28, 1985. Dissolved oxygen concentrations less than the standard were found near Whitaker Bayou and south of Cedar Pt. High pH values and total P concentrations were recorded near Stephens Pt. No examples of high coliform bacteria counts were found.

Roberts Bay, Little Sarasota Bay, Venice Inlet

Historical data:

Only two of the 41 stations in these bays had good water quality with respect to all four of these parameters: DO, pH, chlorophyll "a", and coliform bacteria. Half of the stations had poor water quality with respect to at least

MEMO to Tom Swihart FROM Al Bishop  
October 3, 1985  
Page Three

one parameter. Tributaries in this area had consistently high coliform counts and low DO concentrations. Virtually all stations in Roberts Bay and Little Sarasota Bay exhibited high concentrations of total P and total N.

Recent data:

On September 25, 1985, pH and DO measurements were made at three stations in Roberts Bay (Phillippi Cr.) and Little Sarasota Bay. The values of these parameters were within the standards at all three stations.

Lemon Bay

Historical data:

All but one of the 17 stations sampled had poor water quality with respect to at least one parameter. This area is classified as Class II and the coliform bacteria counts exceeded the standards at most stations. Tributaries of Lemon Bay were all characterized by high numbers of coliform bacteria and low DO concentrations. High levels of nutrients (total P and total N) were found at stations at the northern end of the bay, especially in the tributaries.

Recent data:

Coliform bacteria samples and DO measurements were taken at 16 stations in upper Lemon Bay (Alligator Creek to Redfish Cove) on October 2, 1985. Water at three stations (near Alligator and Forked Creeks) failed to meet coliform standards and four stations had low DO concentrations.

Twenty stations in lower Lemon Bay (from Redfish Cove south to Gasparilla Pass) were sampled on September 4, 1985. Failures to meet the DO standard were recorded at three stations, near Oyster and Buck Creeks. Water quality was good with respect to pH, coliform bacteria counts, and nutrient concentrations.

Summary

An examination of the historical data reveals poor water quality in a number of areas of Palma Sola, Sarasota, Roberts, Little Sarasota, and Lemon Bays. Bacterial contamination, low DO concentrations, high pH values, and high concentrations of nutrients were recorded at many stations, especially in tributaries to these bays. Recent one-day surveys indicated that water quality was good in many areas, but even in these limited surveys, some stations failed to meet coliform, DO, and pH standards.

AB/KC/hp

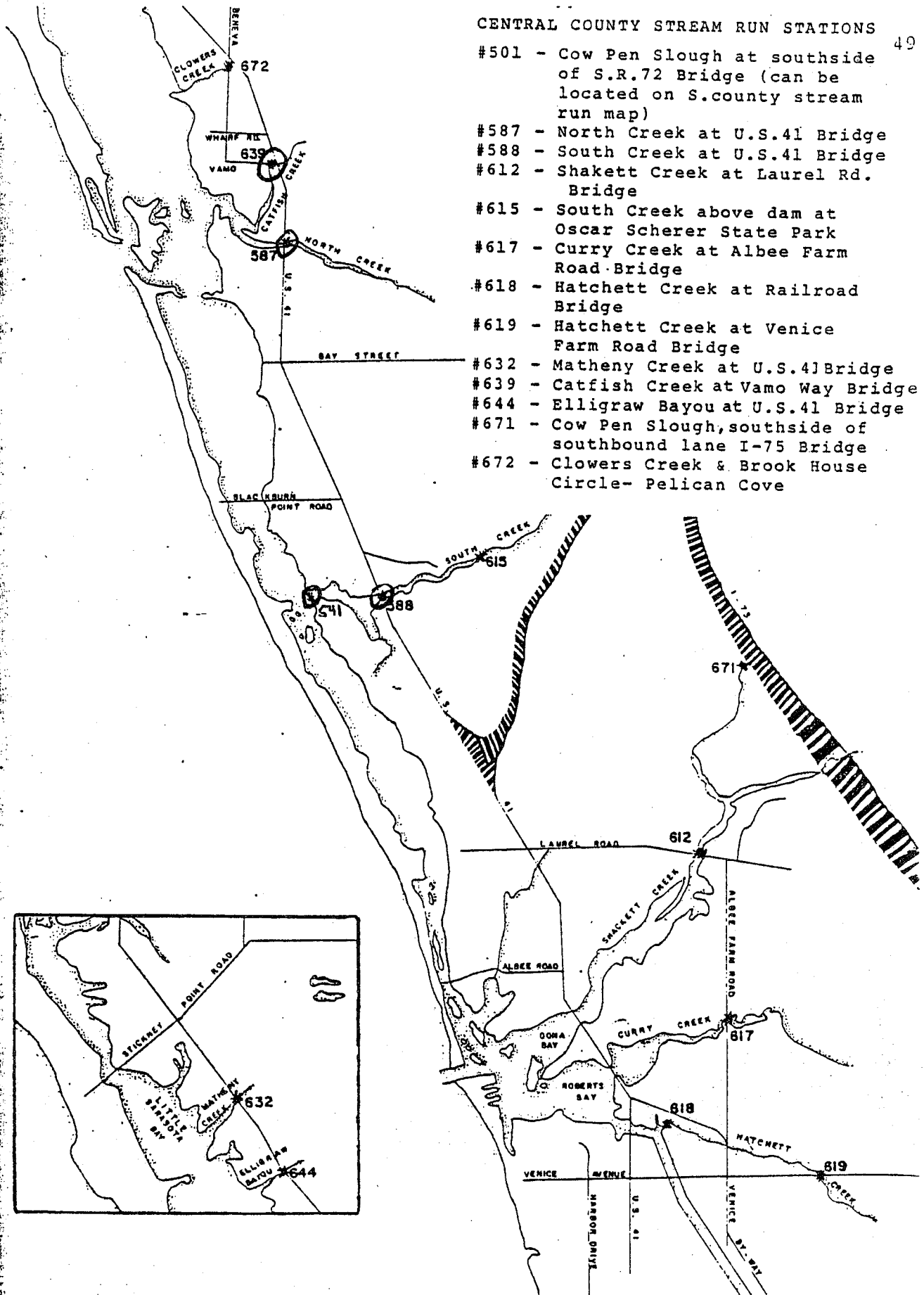
Attachments

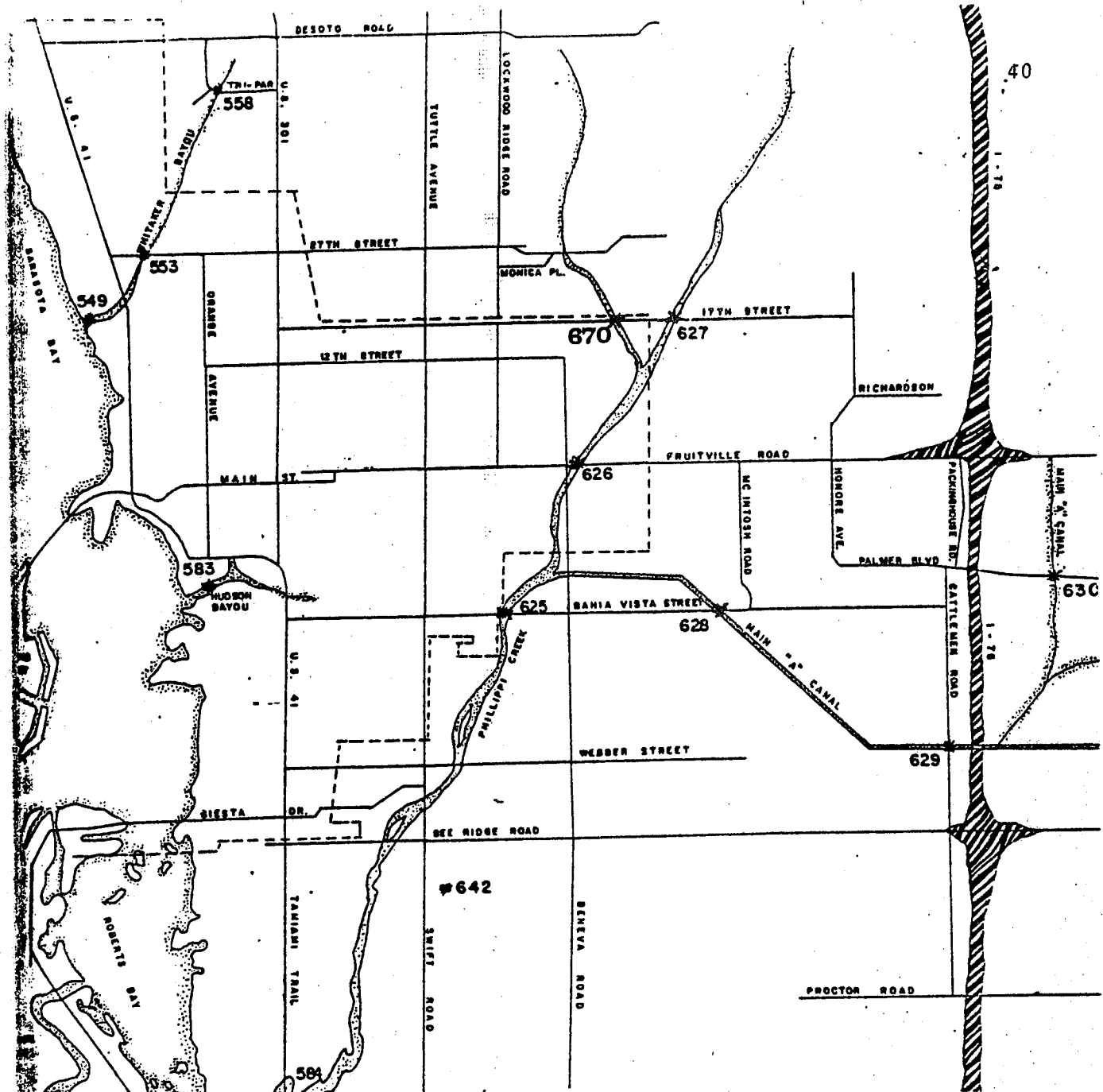
**Water Quality Data Submitted By  
Sarasota County**

**Re: North Creek, Catfish Creek,  
and South Creek**

CENTRAL COUNTY STREAM RUN STATIONS

- #501 - Cow Pen Slough at southside of S.R.72 Bridge (can be located on S.county stream run map)
- #587 - North Creek at U.S.41 Bridge
- #588 - South Creek at U.S.41 Bridge
- #612 - Shakett Creek at Laurel Rd. Bridge
- #615 - South Creek above dam at Oscar Scherer State Park
- #617 - Curry Creek at Albee Farm Road Bridge
- #618 - Hatchett Creek at Railroad Bridge
- #619 - Hatchett Creek at Venice Farm Road Bridge
- #632 - Matheny Creek at U.S.41 Bridge
- #639 - Catfish Creek at Vamo Way Bridge
- #644 - Elligraw Bayou at U.S.41 Bridge
- #671 - Cow Pen Slough, southside of southbound lane I-75 Bridge
- #672 - Clowers Creek & Brook House Circle- Pelican Cove

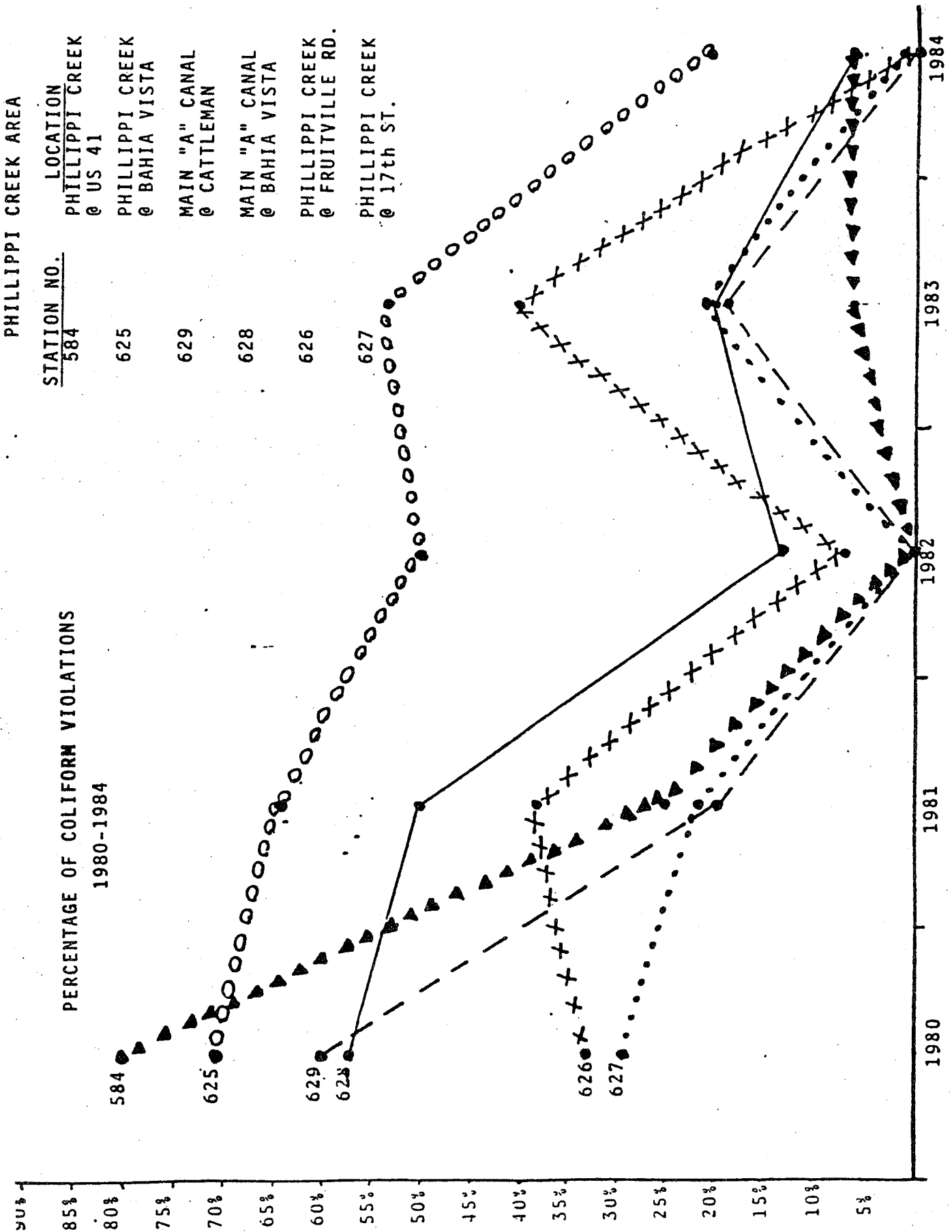




**NORTH COUNTY STREAM RUN STATIONS**

- #549 - Entrance of Whitaker Bayou & Sarasota Bay
- #553 - Whitaker Bayou, on 27th St. Bridge
- #558 - Tri-Par Dr. Bridge & Brook Dr. in Tri-Par Estates
- #583 - Hudson Bayou at Orange Ave. Bridge
- #584 - Phillippi Creek at U.S.41 Bridge
- #625 - Phillippi Creek at Bahia Vista St. Bridge
- #626 - Phillippi Creek at Fruitville Rd. Bridge
- #627 - Phillippi Creek at 17th St. Bridge
- #628 - Main "A" Canal at Bahia Vista St. Bridge
- #629 - Main "A" Canal at Cattlemen Rd. Bridge
- #630 - Main "A" Canal at Palmer Blvd. Bridge
- #642 - Clark Lakes drainage canal at Wilkinson Road Bridge
- #670 - Phillippi Creek at 17th Street Bridge West Branch





PHILLIPPI CREEK AREA

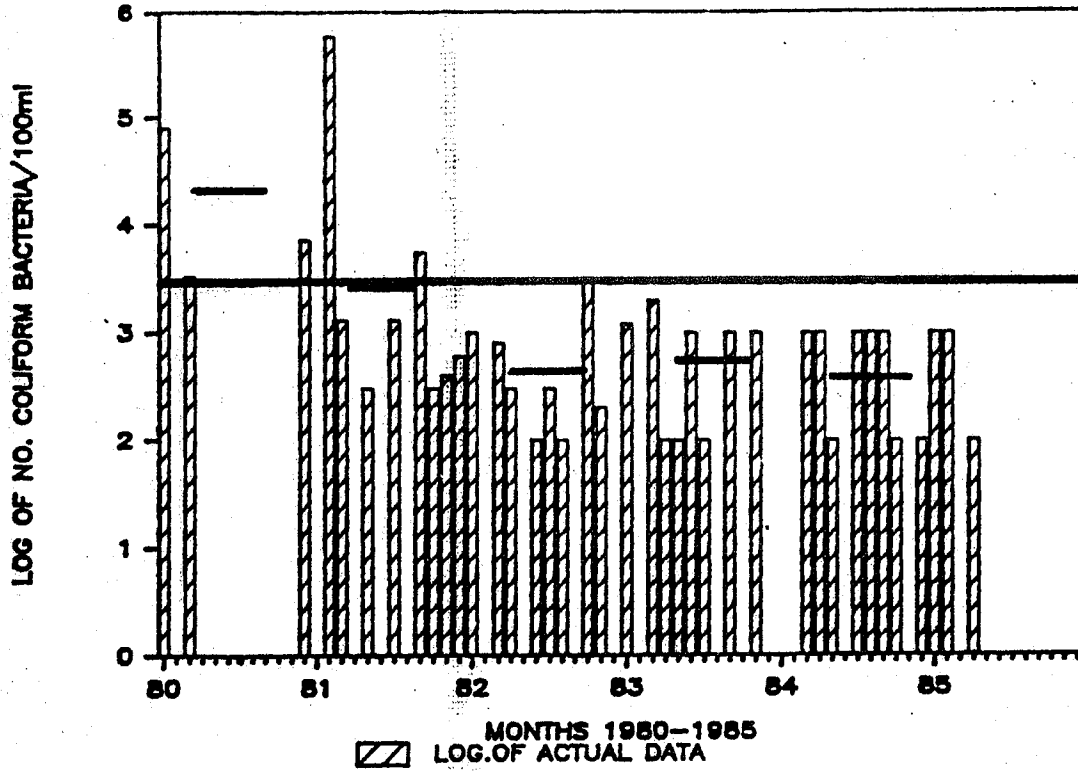
STATION NO.	LOCATION
584	PHILLIPPI CREEK @ US 41
625	PHILLIPPI CREEK @ BAHIA VISTA
629	MAIN "A" CANAL @ CATTLEMAN
628	MAIN "A" CANAL @ BAHIA VISTA
626	PHILLIPPI CREEK @ FRUITVILLE RD.
627	PHILLIPPI CREEK @ 17th ST.

PERCENTAGE OF COLIFORM VIOLATIONS  
1980-1984

NO. OF SAMPLES TAKEN (5-7)

# LOC 584-PHILLIPPI CK. @ US 41

## TOTAL COLIFORM



# LOC 584-PHILLIPPI CK. @ US 41

## FECAL COLIFORM

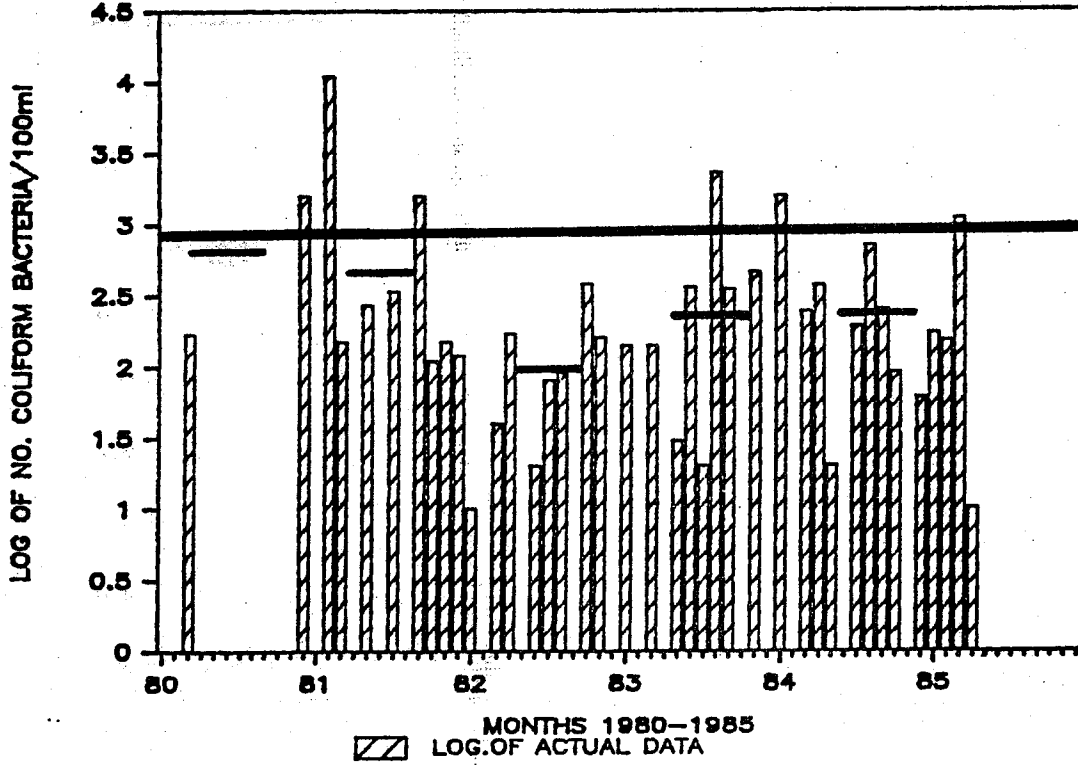


Table 1. (Continued).

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard
Dissolved Oxygen (mg/l)	3	#639	May 2, 1984	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	June 6, 1984	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	July 9, 1984	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Aug. 1, 1984	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Sept. 19, 1984	3.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Oct. 24, 1984	0.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Feb. 25, 1985	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Mar. 25, 1985	3.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	April 22, 1985	2.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Aug. 20, 1985	1.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Sept. 25, 1985	4.6	Min. of 5 mg/l
<b>V. BACTERIA</b>					
Fecal Coliform (#/100 ml)	1	#5	Feb. 1984	930	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	May 1983	1600	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	July 1983	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	Sept. 1983	920	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	Nov. 1983	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	Jan. 1984	1600	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	CC-5	Mar. 1984	920	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Mar. 18, 1980	4600	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	April 15, 1980	2500	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Feb. 2, 1981	3100	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Aug. 3, 1981	5500	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Jan. 10, 1983	980	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Aug. 10, 1983	>6000	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Nov. 21, 1983	1200	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#639	Mar. 25, 1985	2300	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	5	CX2	Nov. 18, 1983	9000	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	5	CX3	Nov. 18, 1985	5000	Max. of 800/100 ml
Total Coliform (#/100 ml)	2	CC-5	May 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	CC-5	July 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	CC-5	Nov. 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	CC-5	Jan. 1985	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	CC-5	Mar. 1985	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Feb. 4, 1980	4200	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Mar. 18, 1980	20,000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	April 15, 1980	3700	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Sept. 8, 1980	4300	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Feb. 2, 1981	34,000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Aug. 3, 1981	6,000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Jan. 5, 1982	2700	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Nov. 30, 1982	23,000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Jan. 10, 1983	3200	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Mar. 28, 1983	3000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#639	Nov. 21, 1983	3100	Max. of 2400/100 ml
Total Coliform (#/100 ml)	4	CC-5	Sept. 16, 1985	34,000	Max. of 2400/100 ml

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

Table 2. Summary of Surface Water Quality Violations Reported in the Lower Reach of North Creek during the Period of 1980-1985.

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard
<b>I. ORGANICS</b>					
Oil & Grease (mg/l)	1	#6	Oct. 1983	6	Max. of 5 mg/l
<b>II. TRACE ELEMENTS</b>					
Cadmium (ug/l)	1	#6	Oct. 1983	2.0	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#6	Dec. 1983	2.0	Max. of 1.2 ug/l
Copper (ug/l)	5	NX1	Nov. 14, 1985	53	Max. of 15 ug/l
Iron (mg/l)	5	NX1	Nov. 14, 1985	0.35	Max. of 0.3 mg/l
Iron (mg/l)	5	NX2	Nov. 14, 1985	5.07	Max. of 1.0 mg/l
Lead (ug/l)	2	NC-6	May 1984	90	Max. of 30 ug/l
Mercury (ug/l)	4	NC-6	Sept. 1985	0.4	Max. of 0.2 ug/l
Nickel (mg/l)	5	NX1	Nov. 14, 1985	0.21	Max. of 0.1 mg/l
<b>III. INORGANICS</b>					
Dissolved Oxygen (mg/l)	1	#6	Aug. 1983	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#6	Sept. 1983	1.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#6	Oct. 1983	2.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#6	Dec. 1983	1.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#6	Jan. 1984	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#6	Feb. 1984	4.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	NC-6	May 1984	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	NC-6	July 1984	1.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	NC-6	Sept. 1984	1.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	NC-6	Nov. 1984	3.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Feb. 2, 1980	4.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Mar. 18, 1980	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	April 15, 1980	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	May 5, 1980	3.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	June 30, 1980	2.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	July 28, 1980	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Sept. 8, 1980	1.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Oct. 13, 1980	2.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Dec. 15, 1980	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Feb. 2, 1981	3.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	April 6, 1981	2.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	May 11, 1981	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	June 15, 1981	2.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	June 30, 1981	2.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Aug. 3, 1981	3.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Aug. 31, 1981	2.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Oct. 5, 1981	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Jan. 5, 1982	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	April 5, 1982	4.5	Min. of 5 mg/l

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

Table 2. (Continued).

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard
Dissolved Oxygen (mg/l)	3	#587	Aug. 24, 1982	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Sept. 20, 1982	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Mar. 28, 1983	4.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	May 31, 1983	3.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Aug. 10, 1983	3.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Sept. 6, 1983	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	May 2, 1984	3.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	June 6, 1984	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	July 9, 1984	3.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Aug. 1, 1984	4.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Sept. 19, 1984	3.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Oct. 24, 1984	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Mar. 25, 1985	4.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Aug. 20, 1985	2.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#587	Sept. 25, 1985	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	4	NC-6	Sept. 16, 1985	0.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	5	NX2	Nov. 14, 1985	0.7	Min. of 5 mg/l
<b>V. BACTERIA</b>					
Fecal Coliform (#/100 ml)	1	#6	Sept. 1983	1100	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	1	#6	Dec. 1983	24,000	Max. of 800/100 ml
Fecal Coliform (#/100-ml)	2	NC-6	May 1984	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	NC-6	Nov. 1984	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#587	Feb. 2, 1981	940	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#587	Mar. 28, 1983	830	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#587	Nov. 21, 1983	1300	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	5	NX2	Nov. 18, 1985	1300	Max. of 800/100 ml
Total Coliform (#/100 ml)	3	#587	Mar. 18, 1980	3400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#587	Oct. 13, 1980	5100	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#587	Feb. 2, 1981	3300	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#587	Nov. 21, 1980	5000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	1	#6	Dec. 1983	24,000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	NC-6	May 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	NC-6	Sept. 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	NC-6	Nov. 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	4	NC-6	Sept. 16, 1985	44,000	Max. of 2400/100 ml

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

Table 3. Summary of Surface Water Quality Violations Reported in the Lower Reach of South Creek during the Period of 1980-1985.

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard <sup>b</sup>
<b>I. ORGANICS</b>					
Oil & Grease (mg/l)	1	#8	Aug. 1983	8	Max. of 5 mg/l
Oil & Grease (mg/l)	1	#8	Oct. 1983	9	Max. of 5 mg/l
Oil & Grease (mg/l)	2	SC-8	Mar. 1985	8.8	Max. of 5 mg/l
<b>II. TRACE ELEMENTS</b>					
Arsenic (ug/l)	1	#8	Dec. 1983	63	Max. of 50 ug/l
Cadmium (ug/l)	1	#8	Sept. 1983	3	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#8	Oct. 1983	2	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#8	Dec. 1983	2	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#8	Jan. 1984	13	Max. of 1.2 ug/l
Copper (ug/l)	5	SX1	Nov. 14, 1985	71	Max. of 15 ug/l
Copper (ug/l)	5	SX2	Nov. 14, 1985	74	Max. of 15 ug/l
Iron (mg/l)	5	SX1	Nov. 14, 1985	0.44	Max. of 0.3 mg/l
Iron (mg/l)	5	SX2	Nov. 14, 1985	0.43	Max. of 0.3 mg/l
Iron (mg/l)	5	SX3	Nov. 14, 1985	0.62	Max. of 0.3 mg/l
Iron (mg/l)	5	SX3	Nov. 14, 1985	1.54	Max. of 1.0 mg/l
Lead (ug/l)	1	#8	Sept. 1984	42	Max. of 30 ug/l
Lead (ug/l)	2	SC-8	May 1984	60	Max. of 30 ug/l
Lead (ug/l)	2	SC-8	Jan. 1985	70	Max. of 30 ug/l
Mercury (ug/l)	1	#8	Sept. 1984	24	Max. of 0.2 ug/l
Mercury (ug/l)	5	SX5	Nov. 14, 1985	0.9	Max. of 0.2 ug/l
Nickel (mg/l)	5	SX1	Nov. 14, 1985	0.28	Max of 0.1 mg/l
Nickel (mg/l)	5	SX2	Nov. 14, 1985	0.27	Max of 0.1 mg/l
<b>III. INORGANICS</b>					
Dissolved Oxygen (mg/l)	1	#8	Aug. 1983	4.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#8	Sept. 1983	2.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#8	Oct. 1983	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	1	#8	Dec. 1983	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	SC-8	July 1984	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	SC-8	Sept. 1984	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	SC-8	Nov. 1984	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	SC-8	Jan. 1985	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	SC-8	Mar. 1985	4.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Mar. 18, 1980	4.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Mar. 18, 1980	3.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 5, 1980	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	April 15, 1980	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 5, 1980	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	June 30, 1980	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	June 30, 1980	3.0	Min. of 5 mg/l

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

<sup>b</sup>Class III standards were used as a basis of determining violations at Station #615 which is located in a segment of South Creek classified as an Outstanding Florida Water.

Table 3. (Continued).

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard <sup>b</sup>
Dissolved Oxygen (mg/l)	3	#588	July 28, 1980	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 28, 1980	2.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Sept. 8, 1980	1.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Sept. 8, 1980	1.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Nov. 3, 1980	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Nov. 3, 1980	3.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Jan. 26, 1981	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Mar. 30, 1981	1.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 4, 1981	4.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 4, 1981	4.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	June 22, 1981	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	June 22, 1981	1.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	July 20, 1981	1.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 20, 1981	2.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Sept. 21, 1981	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Sept. 21, 1981	0.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Nov. 2, 1981	2.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Dec. 28, 1981	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Feb. 16, 1982	4.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Feb. 16, 1982	4.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Mar. 29, 1982	4.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 24, 1982	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 24, 1982	3.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	July 20, 1982	2.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 20, 1982	1.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Oct. 18, 1982	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Dec. 13, 1982	4.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 23, 1983	3.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 28, 1983	4.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	June 20, 1983	2.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	June 20, 1983	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 27, 1983	4.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Aug. 29, 1983	2.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Aug. 29, 1983	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Oct. 11, 1983	2.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Oct. 11, 1983	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Nov. 14, 1983	4.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Dec. 7, 1983	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Mar. 26, 1984	4.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	April 24, 1984	4.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 29, 1984	3.4	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 29, 1984	3.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	July 23, 1984	2.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 23, 1984	2.1	Min. of 5 mg/l

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

<sup>b</sup>Class III standards were used as a basis of determining violations at Station #615 which is located in a segment of South Creek classified as an Outstanding Florida Water.

Table 3. (Continued).

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard <sup>b</sup>
Dissolved Oxygen (mg/l)	3	#588	Aug. 15, 1984	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Aug. 15, 1984	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Oct. 29, 1984	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	April 15, 1985	3.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 1, 1985	4.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 1, 1985	2.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	May 22, 1985	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	May 22, 1985	2.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	July 22, 1985	3.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	July 22, 1985	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#588	Sept. 3, 1985	3.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#615	Sept. 3, 1985	3.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	4	SC-8	Sept. 16, 1985	2.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	5	SX3	Nov. 14, 1985	2.6	Min. of 4 mg/l
Dissolved Oxygen (mg/l)	5	SX5	Nov. 14, 1985	4.1	Min. of 5 mg/l
<b>I. BACTERIA</b>					
Fecal Coliform (#/100 ml)	1	#8	Dec. 1983	1100	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	1	#8	Jan. 1984	2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	SC-8	July 1984	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	SC-8	Nov. 1984	>2400	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	2	SC-8	Jan. 1985	1600	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#615	Sept. 8, 1980	900	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#588	Jan. 26, 1981	2600	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#615	Jan. 26, 1981	>6000	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#615	Mar. 29, 1982	820	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#588	Sept. 27, 1982	900	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#615	July 27, 1983	2300	Max. of 800/100 ml
Fecal Coliform (#/100 ml)	3	#615	Nov. 14, 1983	1100	Max. of 800/100 ml
Total Coliform (#/100 ml)	1	#8	Dec. 1983	2900	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	SC-8	Sept. 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	SC-8	Nov. 1984	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	SC-8	Jan. 1985	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	2	SC-8	Mar. 1985	>2400	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#588	Feb. 4, 1980	4800	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#615	Feb. 4, 1980	6700	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#588	Mar. 18, 1980	3200	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#615	Mar. 18, 1980	5000	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#615	Nov. 3, 1980	2900	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#588	Jan. 26, 1981	3600	Max. of 2400/100 ml
Total Coliform (#/100 ml)	3	#615	Jan. 26, 1981	7100	Max. of 2400/100 ml
Total Coliform (#/100 ml)	4	SC-8	Sept. 16, 1985	33000	Max. of 2400/100 ml

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).

<sup>b</sup>Class III standards were used as a basis of determining violations at Station #615 which is located in a segment of South Creek classified as an Outstanding Florida Water.



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### 3.0 REFERENCES CITED

1. Patton & Associates, Inc., 1984. Surface Water Quality Assessment, Palmer Ranch, Sarasota County, Florida, An Interim Report: First Six Months' Monitoring. Prepared for Palmer Venture. Sarasota, Florida.
2. Palmer Venture, 1985. Surface Water Quality Monitoring and Assessment, May, 1984 - March, 1985. The Palmer Ranch, Sarasota, Florida. (In preparation)
3. Sarasota County - Environmental Services Laboratory, 1985. Ambient water quality data acquired at Catfish Creek Station #639, North Creek Station #587, and South Creek Stations #588 and #615 during the period of 1980 - 1985.
4. Conservation Consultants, Inc. 1985. Results of surface water quality monitoring of Catfish Creek, North Creek, and South Creek during September, 1985. Monitoring performed for Palmer Venture, Sarasota, Florida.

The "Common Ditch" transect was along an offshore line bearing 42 to the shoreline. In addition to the six transect samples, a monthly "Bay" sample was collected and analyzed in the same manner as has been practiced for the past three years (data previously furnished to your staff).

The "86th Street Ditch" sample was taken as a surface grab sample from the drainage ditch paralleling 86th Street this ditch receives reject irrigation water and presumably storm drainage from the Cortez Road vicinity. Although there was no apparent storm water input at the time of sampling, there was a moderate input of reject irrigation water which reaches the ditch after passing through a small wetland area adjacent to the ditch. This agricultural input is controlled by a small wier board assembly. The ditch sample was collected just upstream of the Tidy Island security post.

Because of the local terrain at the end of the 86th Street Ditch, a true transect could not be sampled. A "dog-leg" transect was sampled, with sample distances actually being radiuses from the end of the ditch. The ditch discharges into a shallow, semi-enclosed lagoon, bordered on the South by a native mangrove forest and on the north by the low density Tidy Island residential development.

I hope you find these results meaningful as you finalize your Sarasota Bay OFW designation. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Michael G. Heyl  
Environmental Specialist

*Michael G. Heyl / EMP*

cc: R. A. Wilford  
H. Kingsbury  
T. Larkin (with enclosures)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

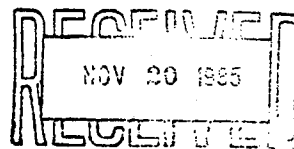
345 COURTLAND STREET  
ATLANTA, GEORGIA 30365

MANATEE COUNTY

NOV 14 1985

REF: 4WM-FP

Mr. Richard A. Wilford  
Director, Manatee County Public Util.  
4501 66th Street West  
Bradenton, Florida 33507



PUBLIC UTILITIES DEPT.

RE: NPDES Permit Renewal Application - FL0027847

Dear Mr. Wilford:

Acknowledgement is made of receipt of your application dated October 30, 1985, for renewal of your National Pollutant Discharge Elimination System (NPDES) permit.

Your renewal application will carry the same NPDES number as was previously assigned to this facility. Because of a large number of applicants there may be some delays in reissuing your permit. Since you have submitted your reapplication one year before the existing permit expiration date, your permit is automatically extended and you may continue to operate only in accordance with the terms of your existing permit pursuant to 5 U.S.C. Section 558(c) of the Administrative Procedure Act. The present permit will, therefore, remain fully effective and enforceable pending issuance of your new permit, and the monitoring and reporting requirements still apply.

If you have questions or comments, please contact me at 404/881-3012.

Sincerely yours,

James R. Patrick, Jr.  
Chief, Permits Section  
Facilities Performance Branch  
Water Management Division

Sarasota Bay 22 November, 1985

(N. Heyl, T. Larkin)

(Transect, meters)	5 M	50 M	75 M	100 M	200 M	300 M
Temperature						
Long Bar Pt.	24	24	24	24	24	24
Common Ditch	18 24	24	24	24	24	24
86 St. Ditch	20 25	25	25	25	25	25
"Bay"	26					
pH						
Long Bar Pt.	7.75	7.98	8.09	8.06	--	8.01
Common Ditch	7.28 7.79	6.79	8.01	7.94	8.19	8.11
86 St. Ditch	7.25 7.6	--	--	--	--	--
"Bay"	7.92					
DO						
Long Bar Pt.	3.98	3.28	5.62	5.79	5.45	5.54
Common Ditch	1.8 5.62	5.62	6.29	6.63	6.54	6.54
86 St. Ditch	6.2 2.6	3.27	3.44	3.69	5.45	5.29
"Bay"	7.5					
Conductivity						
Long Bar Pt.	48000	49500	47000	49500	49500	49800
Common Ditch	1650 43500	46100	48500	48000	50000	50000
86 St. Ditch	1230 44900	41200	43000	40000	43200	43500
"Bay"	33800					
Salinity (from Cond.)						
Long Bar Pt.	31.3	31.6	30.6	32.4	32.4	32.6
Common Ditch	0.7 28	29.9	31.6	31.3	32.8	32.8
86 St. Ditch	0.5 29	26.4	27.7	25.5	27.8	28
"Bay"	21.2					
Chloride						
Long Bar Pt.	18690	18350	18490	18930	19270	19660
Common Ditch	716 15820	17420	19320	19370	19520	19560
86 St. Ditch	311 10950	15670	15870	16890	16160	15280
"Bay"	14300					
TSS						
Long Bar Pt.	83	101	90	138	110	109
Common Ditch	33 90	92	98	91	136	96
86 St. Ditch	16 57	102	124	139	146	104
"Bay"	--					
Phosphorus, Total						
Long Bar Pt.	0.2	0.16	0.15	0.07	0.06	0.06
Common Ditch	1.44 0.33	0.17	0.11	0.1	0.09	0.07
86 St. Ditch	0.98 0.51	0.38	0.38	0.36	0.38	0.36
"Bay"	0.76					
TKN						
Long Bar Pt.	1.47	0.77	0.94	0.87	0.77	0.49
Common Ditch	10.92 1.86	1.39	0.94	0.91	0.66	0.63
86 St. Ditch	6.5 2.79	1.89	2.09	1.86	2.11	1.72
"Bay"	3.02					
NO2-N						
Long Bar Pt.	0.05	0.02	<0.004	<0.004	<0.004	<0.004
Common Ditch	0.88 0.14	0.11	0.03	0.03	<0.004	<0.004
86 St. Ditch	0.33 0.16	0.08	0.08	0.07	0.06	0.07
"Bay"	0.17					

		NO3-N					
Long Bar Pt.		0.06	0.01	0.01	<0.01	<0.01	<0.01
Common Ditch	1.65	0.15	0.15	0.05	0.05	<0.01	<0.01
86 St. Ditch	0.18	0.16	0.08	0.07	0.07	0.06	0.06
"Bay"	0.19						
		NH3-N					
Long Bar Pt.		0.08	0.03	0.02	<0.01	<0.01	<0.01
Common Ditch	7.7	0.84	0.24	0.15	0.04	<0.01	<0.01
86 St. Ditch	5.4	1.6	0.9	0.89	0.88	0.83	0.87
"Bay"	1.29						
		F.Colif.					
Long Bar Pt.		240	130	190	10	8	22
Common Ditch	158000	3700	600	10	400	2	1
86 St. Ditch	90	900	500	300	270	40	400
"Bay"	1200						
		T.Colif.					
Long Bar Pt.		170	4	--	<4	--	--
Common Ditch	800000	10000	2100	--	1100	--	--
86 St. Ditch	1100	10000	300	--	700	--	--
"Bay"	10000						
		CBOD-5					
Long Bar Pt.		2.4	1.6	1.5	1.3	1	0.9
Common Ditch	7.1	1.8	1.3	1.6	1.8	1.4	1.5
86 St. Ditch	1.4	2.1	2	2.4	1	2.5	2.2
"Bay"	1.7						
		BOD-5					
Long Bar Pt.		3.3	2.6	2.1	1	1.9	2
Common Ditch	8.6	2.6	2.1	2.3	2.3	2	2.1
86 St. Ditch	3.7	3.1	3.1	4.3	3.4	3.3	3.2
"Bay"	3.2						
		CBOD-20					
Long Bar Pt.		5.4	3.8	3.5	3.3	2.5	2.6
Common Ditch	14.7	4.5	3.6	3.5	4.3	3.4	3.4
86 St. Ditch	3.9	4.7	4.8	5	6.3	5	4.8
"Bay"	4.9						
		BOD-20					
Long Bar Pt.		7.3	5.5	4.5	3.6	4	4.2
Common Ditch	37.9	7	5	4.8	5	4.1	4.3
86 St. Ditch	26.3	9.9	8.1	9.8	7.6	8.4	7.5
"Bay"	8.4						



STATE OF FLORIDA  
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

December 27, 1985

Mr. Randy Armstrong,  
Bureau Chief  
Bureau of Laboratories and  
Special Programs  
Dept. of Environmental Regulation  
2600 Blair Stone Road  
Twin Towers Office Building  
Tallahassee, FL 32301

Dear Randy:

Please find enclosed, water quality data taken within Sarasota Bay, along the northeast shoreline, between Tidy Island and Bowlee's Creek.

These samples were taken in an effort to fill gaps in water data for that portion of the bay.

Please give me a call, if I can answer any questions you have pertaining to this information.

Sincerely,

*Tom*

Thomas B. Larkin,  
Environmental Specialist

TBL/rg

Enclosures

DISTRICT SIX  
MANATEE COUNTY PUBLIC HEALTH UNIT  
202 SIXTH AVENUE EAST, BRADENTON, FLORIDA 33508-1986  
(813) 748-0666

BOB GRAHAM, GOVERNOR

From: D.C. Busciglio  
 To: W. Priesmeyer  
 Sample Collector: T. Larkin and M. Heyl (M.C.P.U.D. employee)  
 Supervisor: W. Priesmeyer for T. Larkin

**SPECIAL STUDY**

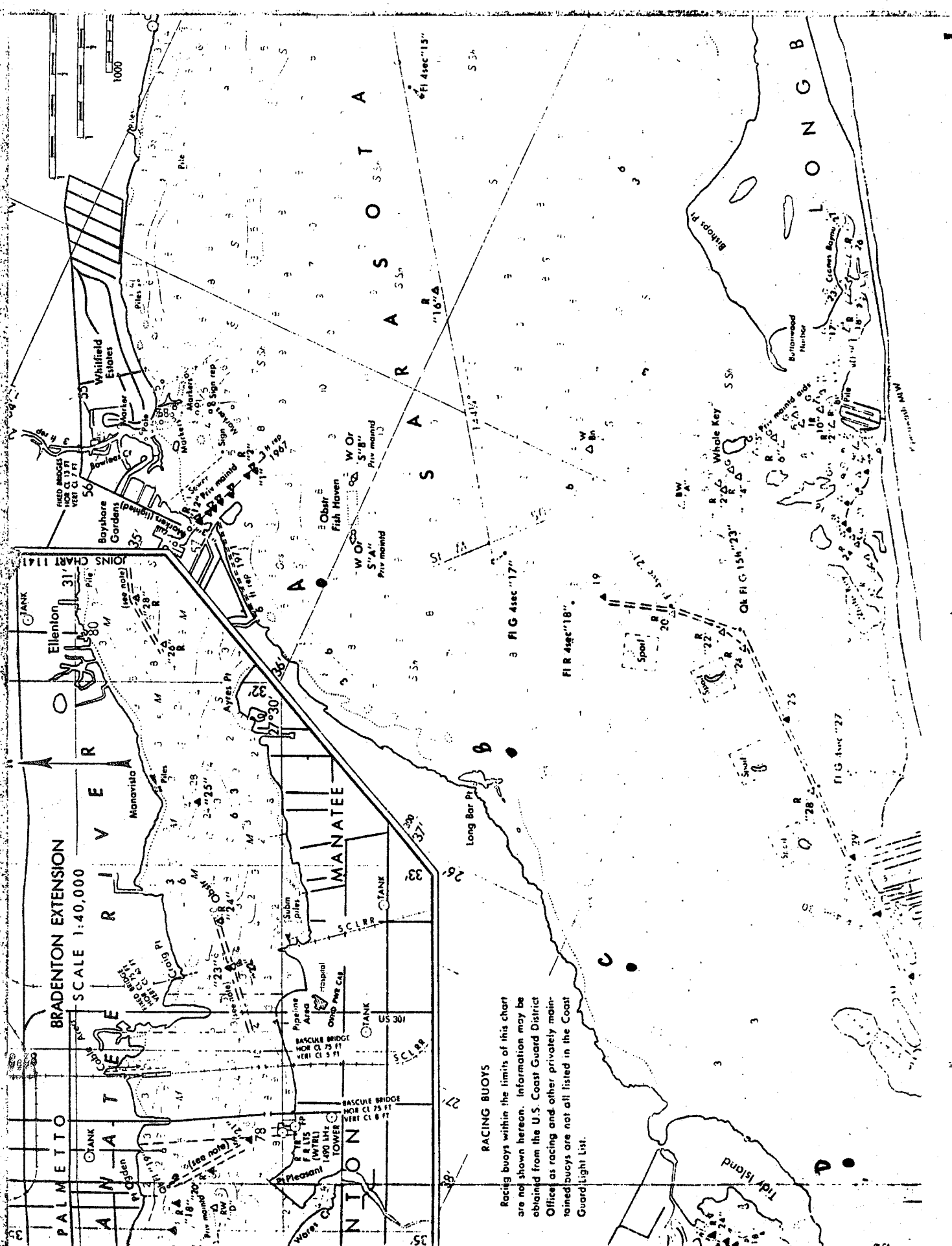
TYPE OF SAMPLE: DATE COLLECTED:  
 Surface Water 11-22-85  
 LOCATION: TIME COLLECTED:  
 Sarasota Bay 0841 - 1136

Analyses

Parameters	Station #'s and Locations		
	Station A Bottle #SS-7 El. Conquistador approx. 1/2 mile from shoreline	Station B Bottle #SS-5 Longbar Point approx. 300 yds. off Point	Station C Bottle #SS-3 Midway of Tidy Island & Longbar Point approx. 400 yds. off shore by Coon Key
Units	8.00	8.01	8.25
pH (Field)	Standard		
Temperature (Field)	24.0	25.0	25.2
B. O. D. - 5 day	2.3	1.5	2.3
Conductivity	51408	52122	51612
Dissolved Oxygen	6.0	5.5	6.7
Nitrate (NO <sub>3</sub> -N)	<0.01	<0.01	<0.01
Phosphate (PO <sub>4</sub> -P)	0.03	0.03	0.02
Salinity	35.5	35.5	35.5
Turbidity	N.T.U.	4.3	4.8

COLLECTOR'S COMMENTS: Weather: Overcast, cloudy; Wind - SW 15 - 25 mph. Hurricane Kate passed by the day before.  
 Sample Depth: 6 inches. Tide: Flood in to Ebb out by end of collection.  
 Sample D at Tidy Island not taken due to boat motor malfunction.

ANALYST: G. Wilson, L. Shinneman, M. Maxwell  
 DATE REPORTED: 11-27-85



**RACING BUOYS**

Racing buoys within the limits of this chart are not shown hereon. Information may be obtained from the U.S. Coast Guard District Office as racing and other privately maintained buoys are not all listed in the Coast Guard Light List.



APPENDIX L

**Economic Impact Statement**

Economic Impact Statement  
for the Proposed Revisions of  
Chapter 17-3.041, F.A.C.  
Sarasota Bay and Lemon Bay OFW Designations  
Dockets No. 85-29R and 85-33R

Introduction

The proposed revisions of Section 17-3.041, Florida Administrative Code (F.A.C.), would add Sarasota Bay and Lemon Bay to the list of Outstanding Florida Waters (OFW). The OFW designation denotes a special class of waters which receive the state's highest degree of protection based on their recreational and/or ecological significance. After a body of water is so classified, the program intent is to prevent any significant degradation of ambient water quality. This Economic Impact Statement is intended to examine the economic benefits and costs associated with such a designation for Sarasota Bay (located in Manatee and Sarasota Counties) and for Lemon Bay (located in Charlotte County).

I. Costs of Implementation to State Agencies

No significant costs are expected to result to the Department of Environmental Regulation (DER) or any other state agency as a consequence of adoption of these revisions. The DER may incur a slight increase in costs associated with the processing of permits pertaining to these OFWs. The permitting process for an OFW and its adjacent area is basically the same as for any other waterbody, however a more thorough review and evaluation is required by the DER staff. The actual time increase is impossible to quantify due to the various circumstances and situations of any given permit. These costs would be absorbed within planned or existing resources and are not expected to be significant.

There are also potential incremental higher costs associated with some DER permitted activities in OFW areas which would likely be less costly in non-OFW areas. For example, while dredge and fill activities are allowed in OFW areas with restricted time-dependent mixing zones, the standards are more stringent than those set forth in the Class II or III application procedures, which could result in higher costs. All other areas of natural operation and maintenance dredging authorized for existing facilities under DER permits are allowed under OFW designation.

Some of the areas of proposed OFW designation in Sarasota Bay and Lemon Bay currently have very high water quality standards, which have been implemented by local government for a variety of ecological reasons. To date, the DER is unaware of any potential dischargers into Sarasota Bay or Lemon Bay who would be adversely affected and conclude that minimal incremental costs would be associated with the proposed OFW designations. Since the associated water quality benefits appear substantial and the costs of implementation appear minimal, the staff of the DER conclude that the economic benefits of the designations clearly outweigh the associated incremental costs.

### III. Analysis of Impact on Small Business

The proposed OFW designations contain no special provisions for small business. Therefore, the economic impact on small business will be the same as for larger business. The DER believes that the proposed OFW designations represent a legitimate set of standards for both small and large business alike, resulting in the highest level of water quality protection possible.

### IV. Effects on Competition and the Market for Employment

No significant effects on competition or the market for employment are expected to result from the the proposed designation of Sarasota Bay and Lemon Bay as Outstanding Florida Waters. There is, however, the potential for enhancing the competitive advantage of certain geographical areas for specific land-use related purposes associated with the proposed designation. For example, certain creeks, tributaries, and artificial water bodies are

excluded from the OFW proposals, and may incur higher competitive advantages for development of certain kinds of boat maintenance, docking, and other marina related activities. Therefore, owners of land adjacent to such exempt waterbodies may incur some incremental competitive benefits for certain types of developmental activities that would be prohibited or more restricted within the OFW designated waters. No additional effects on competition or the market for employment have been determined.

V. Statement of Data and Methodology

Standard economic methodology appropriate for qualitative and quantitative assessments was employed. Information used in preparation of this Economic Impact Statement was obtained from workshop participants and the professional staff of the DER. For further information, consult the appropriate reference in the bibliography or other sources of information referenced. Estimates of user willingness to pay (from Bell, 1979, and U.S. Water Resources Council, 1979) were updated to 1983 dollars by using the appropriate Consumer Price Indices (CPI).

Table 1.

Recreation Demand for Specified Saltwater-Related  
Recreational Activities in Manatee and Sarasota Counties, 1983

County	Demand (user occasions)							
	SW Fishing (non-boat)	SW Fishing (boat)	SW boat Ramp Use	Picnicking	Nature Study	Hiking	Canoeing	SW Beach Activities
Manatee	214,353	171,879	63,219	195,586	124,463	34,574	32,597	863,342
Sarasota	63,169	178,977	118,151	235,129	181,317	154,413	18,716	1,351,111
TOTAL:	277,522	350,856	181,370	430,715	305,780	188,987	51,313	2,214,453

NOTES: Demand figures include both resident and tourist demand. A "user occasion" is defined as one person doing one thing one time. These figures are county-wide and probably overestimate the true demand of the proposed area of OFW designation.

SOURCE: Florida Department of Natural Resources, Division of Recreation and Parks, 1983.

Table 2.

Economic Value of Saltwater Fishing in Sarasota Bay Area  
(in 1983 dollars)

County	Demand (user occasions)			Economic Value (in 1983 dollars)		
	Saltwater Fishing (Non - Boat)	Saltwater Fishing (Boat)	Total SW Fishing	Annual Gross Expenditures <sup>1</sup>	Annual User Value <sup>2</sup>	Total Annual Economic Value
<u>MANATEE</u>						
Tourists	25,683	37,537	63,220	3,682,565	2,311,323	5,993,888
Residents	188,670	134,342	323,012	5,310,317	11,809,319	17,119,636
<u>SARASOTA</u>						
Tourists	15,208	33,924	49,132	2,861,939	1,796,266	4,658,205
Residents	47,961	145,053	193,014	3,173,150	7,056,592	10,229,742

Grand Total: \$38,001,471

NOTES: <sup>1</sup> Estimated Gross Expenditure of \$58.25/day for tourists.  
<sup>2</sup> Estimated Gross Expenditure of \$16.44/day for residents.

<sup>2</sup> Estimated saltwater fishing user value of \$36.56/day for tourists and residents.

SOURCES: Florida Department of Natural Resources, Division of Recreation and Parks, 1983.  
 Bell, 1979.

Table 3.

Economic Value of All Other Recreational Activities in Sarasota Bay Area  
(in 1983 dollars)

County	Demand (user occasions)						Total Annual Economic Value <sup>1</sup> (in 1983 dollars)	
	SW Boat Ramp Use	Pic- nicking	Nature Study	Hiking	Canoeing	SW Beach Activities		Total Demand
Manatee	63,219	195,586	124,463	34,574	32,597	863,342	1,313,781	\$3,875,654
Sarasota	118,151	235,129	181,317	154,413	18,716	1,351,111	2,058,837	\$6,073,569

Grand Total: \$9,949,223

NOTES: 1 Estimated Average Outdoor Recreation User Value of \$2.95/day.

SOURCES: Florida Department of Natural Resources, Division of Recreation and Parks, 1983.  
U.S. Water Resources Council, 1979.

### Bibliography

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Triad Associates of Florida, Inc., Sarasota Vistors Guide, October/November 1985 issue, Venice, Florida, 1985.

U.S. Water Resources Council, Procedures for Evaluation of National Economic Development (NED) Benefits and Costs in Water Resources Planning, Federal Register, Vol.44, No.102, Washington, D.C., 1979.



A SUMMARY OF AMBIENT WATER QUALITY DATA FOR  
LOWER CATFISH CREEK, NORTH CREEK, AND SOUTH CREEK  
SARASOTA COUNTY, 1980 - 1985

1.0 INTRODUCTION

Conservation Consultants, Inc. was requested by Palmer Venture to assess ambient water quality in the lower reaches of Catfish Creek, North Creek and South Creek in Sarasota County, Florida. The 10,500 acre Palmer Ranch, a landholding of Palmer Venture, encompasses much of the area surrounding and upstream of the water bodies of concern.

The assessment included a single event sampling program conducted on November 14 and 18, 1985, and the compilation and review of historical data for the period 1980 through 1985. The purpose of the sampling program and historical data review was to document ambient water quality conditions in the areas of concern with specific reference to compliance with State of Florida Water Quality Standards (Ch. 17-3, F.A.C.).

The report presents the results of the sampling program and literature compilation. Ambient water quality data reflecting non-compliance with State Standards is tabulated by parameter for each creek. All source data of the sampling program and literature compilation are appended.

## 2.0 RESULTS

This section contains the results of the single-event water quality assessment of the lower reaches of Catfish Creek, North Creek, and South Creek performed on November 14 and 15, 1985, and provides a data review of four other water quality assessments performed in these streams since 1980. A summary of the non-compliance conditions observed during the single-event survey as well as those reported by other surveys are also provided herein.

Figure 1 shows the locations of the sampling sites used during these programs to assess the water quality of the lower reaches of Catfish Creek, North Creek, and South Creek.

### 2.1 Single-Event Water Quality Assessment

CCI performed a single-event water quality assessment at three sampling sites in Catfish Creek (CX1, CX2, and CX3), two sampling sites in North Creek (NX1 and NX2), and four sampling sites in South Creek (SX1, SX2, SX3, and SX5). The locations of these nine (9) sampling sites are shown in Figure 1.

Grab water samples and in situ measurements of dissolved oxygen, pH, specific conductivity, and water temperature were taken at mid-depth at each of the nine sampling sites on November 14, 1985. Grab samples were preserved in the field and returned to the laboratory for analysis using procedures approved by the Florida Department of Environmental Regulation. The following analyses were performed:

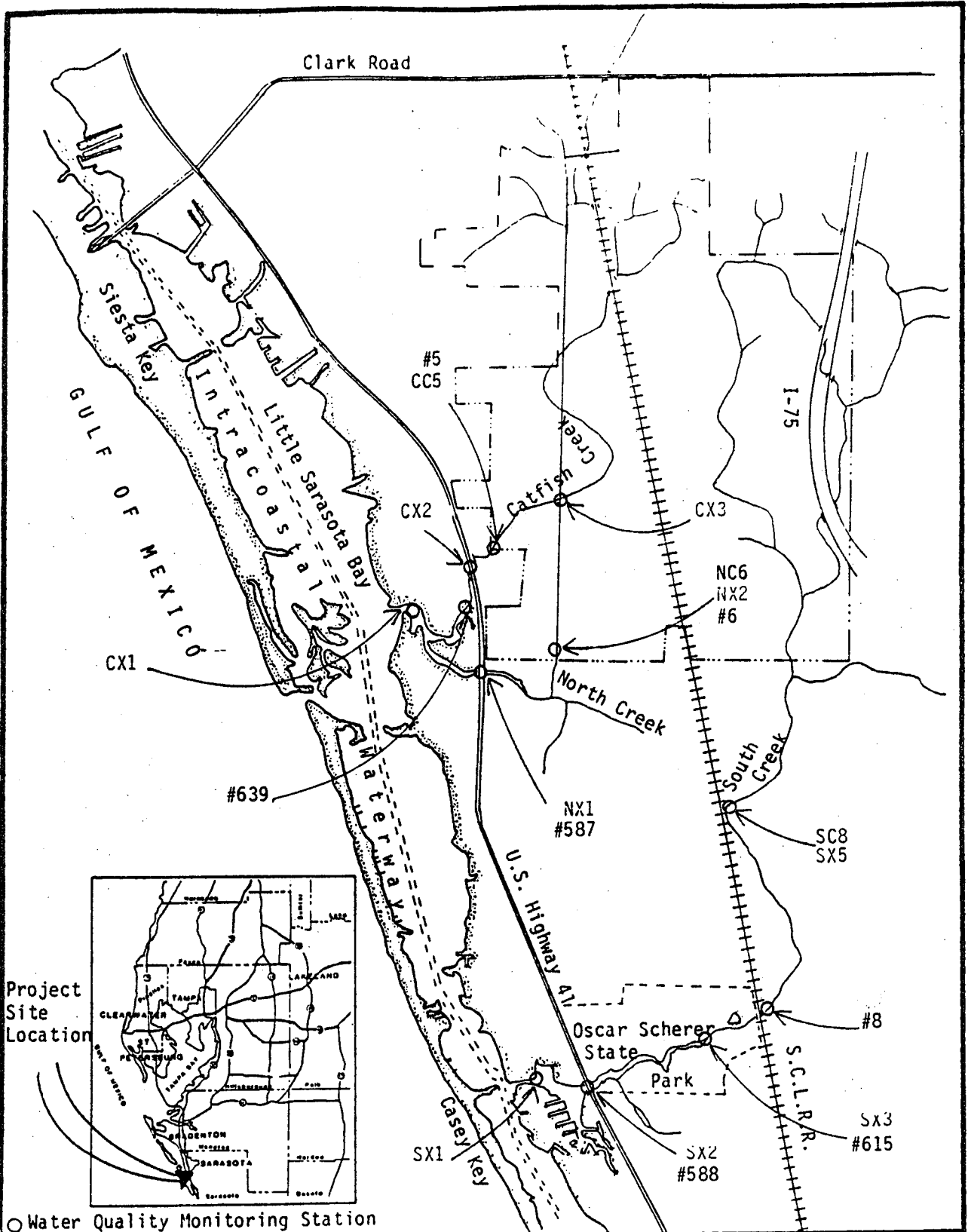


FIGURE 1. Locations of Monitoring Stations in the Lower Reaches of Catfish Creek, North Creek, and South Creek



Aluminum  
Arsenic  
Cadmium  
Chromium (Total & Hexavalent)  
Copper  
Cyanide  
Iron  
Lead  
Manganese  
Mercury  
Nickel  
Silver  
Zinc  
Selenium

Ammonium (Total & Unionized)  
Total Nitrogen  
Nitrate  
Nitrite  
Total Phosphate  
Orthophosphate  
Chloride  
Fluoride  
Oil & Grease  
Organochlorine Pesticides & PCB  
Gross Alpha  
Total Hardness

On November 18, 1985, another grab sample was collected at mid-depth at each of the nine (9) sampling sites and returned to the laboratory for bacteriological analyses of total and fecal coliforms.

The results of the single-event survey are tabulated in Exhibit A for Catfish Creek, Exhibit B for North Creek, and Exhibit C for South Creek. Data showing non-compliance conditions with respect to state water quality standards (F.A.C. 17-3) are denoted by asterisks.

## 2.2 Literature/Data Review

The literature/data review entailed a review of four sets of ambient water quality data. These included a surface water quality baseline assessment of the streams traversing Palmer Ranch (Patton & Associates, 1984). As shown in Figure 1, Patton and Associates (1984) monitored the lower reaches of Catfish Creek, North Creek, and South Creek at Sites #5, #6, and #8, respectively. They conducted grab sampling and in situ measurements at each site on a bimonthly frequency during the six-month period of August, 1983 through February, 1984. The following parameters were measured:

Dissolved Oxygen  
Temperature  
Conductivity  
pH  
Ammonia  
Nitrite  
Nitrate  
Total Kjeldahl Nitrogen  
Orthophosphate  
Total Phosphate  
Total Suspended Solids  
BOD

Fecal Coliform  
Total Coliform  
Oil & Grease  
Pesticide scan  
Arsenic  
Cadmium  
Chromium  
Lead  
Mercury  
Nickel  
Zinc  
Copper

Tabulated results of the acquired data including an identification of non-compliance conditions are provided in Exhibit D (lower Catfish Creek), Exhibit E (lower North Creek), and Exhibit F (lower South Creek).

Similarly, Palmer Venture (1985) reported ambient water quality data acquired in the lower reaches of Catfish Creek, North Creek, and South Creek during the period of May, 1984 - March, 1985. Two sites, one located in lower Catfish Creek (CC-5) and the other site located in lower North Creek (NC-6) corresponded with two sites monitored by Patton and Associates (1984). A third sampling site (SC-8) was located on South Creek upstream of Oscar Scherer State Park. Sampling and analysis was performed bimonthly for the following parameters:

Ammonia  
Total Kjeldahl Nitrogen  
Nitrite  
Nitrate  
Orthophosphate  
Total Phosphate  
BOD  
Oil & Grease  
Lead

Total Suspended Solids  
Turbidity  
Total Coliform  
Fecal Coliform  
Pesticide scan  
Temperature  
Conductivity  
pH  
Dissolved Oxygen

Data reported by Palmer Venture (1985) are presented in Exhibits G, H, and I for Catfish Creek, North Creek, and South Creek, respectively. Non-compliance conditions are denoted by asterisks.

The Environmental Services Laboratory of Sarasota County (1985) is conducting a continuing countywide monitoring program which includes stations located in the lower reaches of Catfish Creek (#639), North Creek (#587), and South Creek (#588 and #615). These stations are identified in Figure 1. Sarasota County monitors each station on a monthly or bimonthly basis for the following parameters:

Total Coliform	Color
Fecal Coliform	Orthophosphate
Fecal Streptococcus	Total Phosphate
Temperature	Nitrite
Dissolved Oxygen	Nitrate
Conductivity	Ammonia
pH	Organic Nitrogen
Turbidity	Total Nitrogen

Results of the Sarasota County monitoring program including notations of non-compliance levels are presented in Exhibit J (lower Catfish Creek), Exhibit K (lower North Creek), and Exhibit L (lower South Creek) for the period of 1980-1985.

Conservation Consultants, Inc. (1985) initiated a quarterly water quality monitoring program in the streams traversing the Palmer Ranch site during September, 1985. Three of the sampling sites are located in lower Catfish Creek (CC-5), North Creek (NC-6), and South Creek (SC-8) as shown in Figure 1. Samples are collected quarterly and analyzed for the following list of parameters:

BOD  
Cadmium  
Chromium  
Total Coliform  
Fecal Coliform  
Copper  
Lead  
Nickel  
Ammonia  
Total Nitrogen  
Nitrate  
Nitrite  
Total Phosphate

Orthophosphate  
Total Suspended Solids  
Turbidity  
Zinc  
Conductivity  
Dissolved Oxygen  
pH  
Temperature  
Arsenic  
Mercury  
Oil & Grease  
Pesticides  
PCB

Exhibits M, N, and O provide tabulated listings of the ambient water quality data acquired by Conservation Consultants, Inc. in lower Catfish Creek, North Creek, and South Creek during September, 1985.

### 2.3 Summary of Reported Violations

Non-compliance data noted in the review of these four databases as well as observed during the single-event sampling program are summarized in the following tables. Table 1 lists the violations reported in lower Catfish Creek, and Table 2 lists those reported in lower North Creek. South Creek violations are provided in Table 3.

Table 1. Summary of Surface Water Quality Violations Reported in the Lower Reach of Catfish Creek during the Period of 1980-1985.

Parameter	Reference <sup>a</sup>	Station	Date	Value	Standard
<b>I. ORGANICS</b>					
Oil & Grease (mg/l)	1	#5	Oct. 1983	8.5	Max. of 5.0 mg/l
<b>II. TRACE ELEMENTS</b>					
Cadmium (ug/l)	1	#5	Sept. 1983	3	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#5	Oct. 1983	2	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#5	Dec. 1983	2	Max. of 1.2 ug/l
Cadmium (ug/l)	1	#5	Jan. 1984	7	Max. of 1.2 ug/l
Copper (ug/l)	5	CX1	Nov. 14, 1985	51	Max. of 15 ug/l
Iron (mg/l)	5	CX1	Nov. 14, 1985	0.48	Max. of 0.3 mg/l
Lead (ug/l)	1	#5	Sept. 1983	42	Max. of 30 ug/l
Lead (ug/l)	2	CC-5	May 1984	60	Max. of 30 ug/l
Lead (ug/l)	2	CC-5	Jan. 1985	52	Max. of 30 ug/l
Mercury (ug/l)	1	#5	Sept. 1983	24	Max. of 0.2 ug/l
Nickel (mg/l)	5	CX1	Nov. 14, 1985	0.33	Max. of 0.1 mg/l
<b>III. INORGANICS</b>					
Dissolved Oxygen (mg/l)	1	#5	Aug. 1983	4.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	CC-5	Nov. 1984	2.8	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	CC-5	Jan. 1985	4.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	2	CC-5	Mar. 1985	2.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Feb. 4, 1980	2.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Mar. 18, 1980	4.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	May 5, 1980	1.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	June 30, 1980	1.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	July 28, 1980	1.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Sept. 8, 1980	0.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Oct. 13, 1980	1.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Dec. 15, 1980	0.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Feb. 2, 1981	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Mar. 2, 1981	3.2	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	April 6, 1981	4.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	May 11, 1981	2.7	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	June 15, 1981	0.1	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	June 30, 1981	0.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Aug. 3, 1981	0.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Oct. 5, 1981	0.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Nov. 9, 1981	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Jan. 5, 1982	3.9	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	April 5, 1982	4.6	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Aug. 24, 1982	3.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Sept. 20, 1982	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	May 31, 1983	2.3	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	July 5, 1983	2.5	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Aug. 10, 1983	3.0	Min. of 5 mg/l
Dissolved Oxygen (mg/l)	3	#639	Sept. 6, 1983	2.5	Min. of 5 mg/l

<sup>a</sup>References: Patton & Associates, 1984 (1); Palmer Venture, 1985 (2); Sarasota County, 1985 (3); Conservation Consultants, Inc., 1985 (4); and single event sampling program performed by Conservation Consultants, Inc., during November, 1985 (5).