

Funds are allocated to various land acquisitions programs as follows:

<u>Program</u>	<u>Percent</u>
Conservation and Recreation Lands Program	50.0%
Water Management Lands Program (Save Our Rivers, Surface Water Improvement and Management)	30.0%
Florida Communities Trust Program	10.0%
Division of Recreation and Parks for inholdings and additions	2.9%
Game and Freshwater Fish Commission for inholdings and additions	2.9%
Division of Forestry for inholdings and additions	2.9%
Department of Environmental Protection for recreational trails programs	1.3%

Note: Amounts may change for legislative set-asides for other purposes.

The service offices for these programs are contained within the various agencies already referenced.

3. Regional Role

a. Water Management Districts

Program: Wetlands Protection

One way the Water Management Districts achieve wetlands protection is through regulatory programs. The District's surface water permitting rules require that any impact to wetlands not specifically exempted must either be avoided or compensated. Compensation for impacts include, as a minimum, type-for-type mitigation at a one-to-one ratio. Other types of compensation may be required, including preservation of associated upland areas, alternate types of wetland creation, protection of exempt wetlands, and restoration of previously impacted wetlands. The intent is to ensure that the habitat necessary for the survival of fish and wildlife is maintained.

Rules are currently being revised as a part of the statewide Environmental Resource Permit (ERP) rule development process. These new rules will combine

existing Surface Water Management (MSSW) rules and the Wetlands Resource Management (WRM) permitting rules of the DEP. As stipulated in the *Environmental Reorganization Act of 1993*, these rules will include a single definition for wetlands, a unified methodology for wetland delineation, and criteria for the establishment and use of mitigation banks. As noted in the Flood Protection chapter, the Water Management District's Governing Boards have moved to adopt the ERP rule but have received administrative challenges that must be resolved before the rule can take effect.

Rules also address minimization of impacts to natural systems. One of the criteria for water use permitting is limitation of drawdowns in the surficial systems and controlling impacts to wetlands, lakes, and streamflow, all of which contribute to the protection of associated natural systems. Rules regulate well depth and casing requirements in order to prevent drawdowns and possible contamination.

Program: Land Acquisition and Management

It is widely recognized that public ownership is one of the most effective means of preserving Florida's remaining natural systems and their associated water resource benefits. The Water Management Districts, through the course of their local and regional water management activities, have undertaken the acquisition of lands for a broad spectrum of water resource protection and management benefits. These have included: flood protection; water quality protection and improvement; water supply development; protection of recharge areas; protection of wetland systems (such as headwater swamps and floodplains); and, restoration and management of uplands.

Land acquisition at the Districts is guided and funded by two major statewide initiatives: The Water Management Lands Trust Fund (Save Our Rivers or SOR), and Preservation 2000 (P-2000). These programs target the protection of natural resources at the local and regional level. Lands of importance to water resources and water management are acquired along with lands of unique environmental values endangered by development activities. The District owns over 204,000 acres, the majority of which were purchased through the SOR and P-2000 programs. The balance of this subsection provides a brief overview of the District's land acquisition, planning, and management efforts.

1. **Save Our Rivers Program.** The 1981 Florida Legislature enacted the Save Our Rivers program, thereby creating the Water Management Lands Trust Fund. The Trust Fund is administered by the Department of Environmental Protection (DEP) and funded from the Documentary Stamp Tax. The legislation enables the Water Management Districts to acquire lands necessary for water management, water supply, and the conservation and protection of water resources. All land to be acquired must be included in a five-year land acquisition plan. The program was amended in 1990 to require Water Management Districts to identify lands needed to

protect or recharge ground water as necessary to protect water supplies. Such lands shall also serve to protect other valuable natural resources and/or provide space for natural resource-based recreation.

A significant amendment in 1986 allowed for the use of up to ten percent of the funds for management, maintenance, and capital improvements, including, but not limited to, habitat protection and wildlife conservation, prescribed burning, restoration, fencing, road and bridge maintenance, and recreation. This allocation was increased in 1992 to 15 percent. Making funds available for management is essential to maintain and protect natural resources, once acquired, in accordance with the legislative mandates of the SOR program.

2. Aquatic Plant Management. The protection and preservation of natural aquatic systems, especially the native plant communities they support, cannot be accomplished without effectively managing exotic aquatic plant species. Because of their rapid growth rates and competitiveness, introduced species, such as water hyacinth, water lettuce and hydrilla reduce the abundance and diversity of native plant populations, affecting fish and wildlife habitat and interfering with recreational utilization of surface waters. Unmanaged growth of these invasive species can degrade water quality, impede flows, and increase sedimentation rates.

Aquatic plant management operations on natural waters are funded and/or coordinated with the Department of Environmental Protection, the GFC, the U.S. Army Corps of Engineers, and local government agencies since this operation also provides recreational, water quality, and habitat preservation benefits. The District's Basin boards also provide funding where appropriate.

3. Surface Water Improvement and Management (SWIM). The *SWIM Act of 1987* was enacted in response to growing concerns of the legislature and others over continuing declines in water quality within the state's regionally significant surface water bodies and associated degradation of natural systems. The act mandated that priority be given to Tampa Bay and its tributaries, as one of the eight water bodies identified in the enabling legislation. The act also mandated that each of the five Water Management Districts prepare and submit a prioritized list of water bodies of regional or statewide significance within their boundaries.

The SWIM process calls for preparation of management plans for each priority water body. SWIM plans are action-oriented documents, not summaries of issues or policy, intended to serve as a guide to restoration and protection efforts for the priority water bodies. Management plans have been adopted for all nine of the priority water bodies.

The SWIM Department of the Southwest Florida Water Management District is involved in a wide range of activities to implement its mission and plans. Tampa Bay has been the focal point of the District's SWIM program activities, having been identified as the number one priority water body for preservation and restoration. Significant research, resources, and remedial actions have also been directed at the District's other ranked priority water bodies. The SWIM Program has undertaken a wide variety of activities, including environmental assessments, urban stormwater analyses, seagrass mapping and habitat restoration, model ordinance development, wildlife assessments, and lake rehabilitation like that at Banana Lake in Polk County.

It is expected that as ranked waterbodies are successfully addressed by the SWIM Program, additional surface water bodies will be added. The Districts are presently required to periodically review SWIM priorities. The process to accomplish such additions will build on government agencies since this operation also provides recreational, water quality, and habitat preservation benefits. The District's Basin Boards also provide funding where appropriate. No SWIM activities are currently underway within the South Florida Water Management District portions of the study area, however, initial studies are underway in preparation for future SWIM programs.

Statutory Citations/

Service Office: Southwest Florida Water Management District
Surface Water Improvement and Management Section
7601 Highway 301 North
Tampa, FL 33637-6759
(813) 985-7481

- b. Regional Planning Councils.** See the Regional Planning Council section contained in the Hydrologic Alterations portion of this report.

4. Local Governments

As indicated in the water quality section above, all local governments are required to have conservation elements within their comprehensive plans that recognize the habitats of listed species. Not all local governments, however, have specific programs for habitat protection, often deferring to the authority of federal and state entities.

5. Private Initiatives

Private initiatives predate most public efforts for habitat protection. The National Audubon Society made a particular name for itself through the valor of its Rangers in trying to protect wildlife and habitat. This section identifies private agencies that actively manage lands and waters for habitat.

- a. **Sanibel-Captiva Conservation Foundation.** The Sanibel-Captiva Conservation Foundation (SCCF) was formed in 1967 following the establishment of the J.N. "Ding" Darling National Wildlife Refuge. The organization then launched a drive to acquire lands with the assistance of The Nature Conservancy. The SCCF currently holds title to nearly 1,000 acres on and around Sanibel and Captiva Islands.

Service Office: Erick Lindblad, Executive Director
Sanibel-Captiva Conservation Foundation
3333 Sanibel Captiva Road
Sanibel, FL 33957
(941) 472-2329

- b. **CREW Trust.** The CREW Trust was created in 1989 to coordinate the land acquisition, land management, and public use of the 60,000 acre Corkscrew Regional Ecosystem Watershed (CREW) Project. The CREW Project is made up of the largest undisturbed watershed left in Southwest Florida and is located in southern Lee and Collier Counties. The watershed is managed for maintaining aquifer recharge, water storage, wildlife habitat, and recreation.

Service Office: Ellen Lindblad
Corkscrew Regional Ecosystem Watershed
2301 McGregor Blvd.
Fort Myers, FL 33901
(941) 332-7771

- c. **Calusa Land Trust.** The Calusa Land Trust and Nature Preserve is a non-profit, charitable organization whose mission is to acquire and hold land in perpetuity for environmental value. The Trust was created in 1976, and focuses on the lands in and around Pine Island in Lee County. The Trust currently has approximately 300 members, and holds title to approximately 1000 acres at six locations, three on Pine Island, and three off-island, but within Charlotte Harbor. The Trust is a volunteer operated organization with public notice of its meetings.

Service Office: P.O. Box 216
Bokeelia, FL 33922
(941) 283-1206

D. Land Use and Management

Humanity's habitat is the community, whether urban or rural. Humans have altered the natural environment in order to improve their individual habitat and the overall community; attempting to increase individual and community prosperity. The alterations of the land and the physical placement of structural changes may be called "land use," while activities that are pursued for prosperity may be considered "economic." The following sections describe the legal authority and activities by which public and unique private entities promote or enact land use changes that negatively influence the priority problems of nutrient enrichment, hydrologic alteration, and fish and wildlife habitat loss.

1. Federal Role

Federal entities do not directly issue land use approvals, although for special uses (such as nuclear power plants) their approval is required regardless of location. Federal tax, general welfare (grants and loans) and economic policy, however, can increase or diminish activities that have land use impacts. Further, the Federal government is a proprietor, and its own land and water policies have direct results in land use. The entities are discussed below:

a. Department of Agriculture

Under Secretary for Rural Economic and Community Development:

Program: Rural Housing and Community Development Service

Relevant portions supports Farmers Home Administration (rural housing loans), Rural Development Administration (supports rural community loan programs), and Rural Electrification Administration (supports rural electrification efforts, such as those through electrical cooperatives).

Statutory Citations: *Consolidated Farm and Rural Development Act (7 U.S.C. 1921); Title V of the Housing Act of 1949 (42 U.S.C. 1471)*

Servicing Office: Rural Housing and Community Development Service
Department of Agriculture
Washington, D.C. 20250
Phone (202) 740-4323

Program: Rural Business and Cooperative Development Service

Relevant portions support water and waste loans, business and industry loans, and Florida's Rural Development Council and its Rural Economic Development Initiative (REDI).

Statutory Citations: *Title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2006); Consolidated Farm and Rural Development Act (7 U.S.C. 1921)*

Service Office: Rural Business and Cooperative Service
Room 5405-S
Department of Agriculture
14th Street and Independence Avenue, SW
Washington, DC 20250-0320
Phone (202) 690-2394.

Program: Rural Utilities Service

Provides assistance for telephone, electricity, water, and sewerage programs.

Statutory Citations: *Rural Electrification Act of 1936 (7 U.S.C. 901)*

Servicing Office: Rural Utilities Service
Department of Agriculture
Washington, DC 20250
Phone (202) 720-1255.

Under Secretary for Farm and Foreign Agricultural Services:

Program: Consolidated Farm Service Agency

Includes the former Agricultural Stabilization and Conservation Service, the Federal Crop Insurance Corporation, and the farm loan component of the Farmers Home Administration. Provides price stabilization for certain commodities, and emergency assistance cost sharing or loans for natural disasters, and loans or loan guarantees for beginning farmers. Also provides the Agricultural Conservation Program by which farmers receive an annual rental for not using certain designated fragile lands and provides for termination of benefits for adverse environmental impacts.

Statutory Citations: *Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994; Food, Agriculture, Conservation, and Trade Act of 1990*

Service Office: Consolidated Farm Service Agency
Department of Agriculture
P.O. Box 2415
Washington, DC 20013
Phone (202) 720-5237

Program: Commodity Credit Corporation

Stabilizes farm income and prices for set commodities.

Statutory Citation: *Commodity Credit Corporation Charter Act of 1948
(15 U.S.C. 714)*

Service Office: Commodity Credit Corporation
Department of Agriculture
P.O. Box 2415
Washington, DC, 20013
Phone (202) 720-5237

Under Secretary for Natural Resources and Environment:

Program: Forest Service

Includes managing National Forests (none in the Charlotte Harbor NEP), cooperating with states and providing forest research.

Statutory Citation: *Cooperative Forestry Assistance Act (16 U.S.C. 2101)*

Service Office: Forest Service
Department of Agriculture
P.O. Box 96090
Washington, DC 20090-6090
Phone (202) 720-3760.

Program: Natural Resources Conservation Service (formerly Soil Conservation Service)

Provides conservation technical assistance to land users; the Natural Resources Inventory (5 year survey); and, soil surveys and soils mapping, typically on a county basis.

Statutory Citation: *Federal Agricultural Improvement and Reform Act of 1996,
Public Law 104-127*

Service Offices: Charlotte County
6900 Florida Street
Punta Gorda, FL 33950
(941) 639-6233

Desoto County
10 South Desoto Ave., Room 200
Arcadia, FL 34266
(941) 494-4040

Hardee County
505 Civic Center Drive
Wauchula, FL 33873
(941) 773-9644

Lee County
3434 Hancock Bridge Parkway
N. Ft. Myers, FL 33901
(941) 995-5678

Manatee County
1303 Seventeenth St. W.
Palmetto, FL 34221-2998
(941) 722-6636

Polk County
1700 Highway 17, South
Suite #2
Bartow, FL 33830-6633
(941) 533-7121

Sarasota County
7289-A, Palmer Blvd.
Sarasota, FL 34240
(941) 316-1100

b. Department of Commerce

Assistant Secretary for Economic Development, Economic Development Administration:

Program: Economic Development Assistance Programs

Provides public works and economic readjustment grants to economically distressed areas, including rural and urban areas outside of the economic mainstream. Rural and distressed areas in seven of the eight Charlotte Harbor NEP counties are covered by Economic Development Districts headquartered in the Central and Southwest Florida Regional Planning Councils.

Statutory Citations: *Public Works and Economic Development Act*
(42 U.S.C. 3121)

Service Office: 401 W. Peachtree St., N.W.
Suite 1820
Atlanta, GA 30308-3510
Phone (404) 730-3000

Assistant Secretary for National and Oceanic Administration:

Program: Coastal Zone Management

To reach compatibility between users of coastal resources, while sustaining the resources for the future.

Statutory Citation: *Coastal Zone Management Act of 1972 (16 U.S.C. 1451)*

Service Office: Florida Coastal Management Program
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
Phone (850) 922-5438

c. Department of Housing and Urban Development

Assistant Secretary for Community Planning and Development:

Program: Community Development Block Grant

A variety of community infrastructure programs, including (in association with the Assistant Secretary for Housing) the construction of housing of all types.

Statutory Citations: *Department of Housing and Urban Development Act of 1965 (42 U.S.C. 3532)*

Service Office: Richard B. Russell
Federal Building
75 Spring St. SW
Atlanta, GA 30303-3388
Phone (404) 331-5136

d. Department of Interior

Assistant Secretary, Fish and Wildlife and Parks.

Program: U.S. Fish and Wildlife Service

In addition to its habitat role discussed elsewhere, the U.S. Fish and Wildlife Service is a significant landowner within the Charlotte Harbor NEP, particularly the wildlife refuges found within Charlotte Harbor proper. This provides open space (a land use classification) and economic activity through motoring, hiking, boating, fishing, and wildlife observation, lately called "ecotourism."

Statutory Citations: *Fish and Wildlife Act of 1956 (16 U.S.C. 742)*

Service Office: 1 Wildlife Drive
Sanibel, FL 33957
Phone (941) 472-1100

Program: Coastal Barrier Resources System

The objectives of the Service's coastal barrier protection program are taken directly from the *Coastal Barrier Resources Act (CBRA)*, as modified by the *Coastal Barrier Improvement Act (CBIA)*. The *CBRA* established the Coastal Barrier Resource System (CBRS) to minimize: (a) loss of life; (b) wasteful expenditure of federal revenues; and, (c) damage to fish, wildlife, and other natural resources.

The CBRS is comprised of specifically defined geographical areas designated by Congress. Prohibition on new federal financial expenditures and assistance other than flood insurance went into effect upon enactment of *CBRA* in 1982. Flood insurance to new development was prohibited after October 1, 1983. The size of the *CBRA* was significantly increased in 1990 through the passage of the *Coastal Barrier Improvement Act* through the expansion of existing sites and the addition of new units. Federal agencies must consult with the Service prior to making expenditures or financial assistance that directly affect such sites. These sites are depicted for the Charlotte Harbor NEP on Map 9.

Statutory Citation: *Coastal Barrier Resources Act (PL 97-349);*
Coastal Barrier Improvement Act (PL 101-591)

Service Office: 1 Wildlife Drive
Sanibel, FL 33957
Phone (941) 472-1100

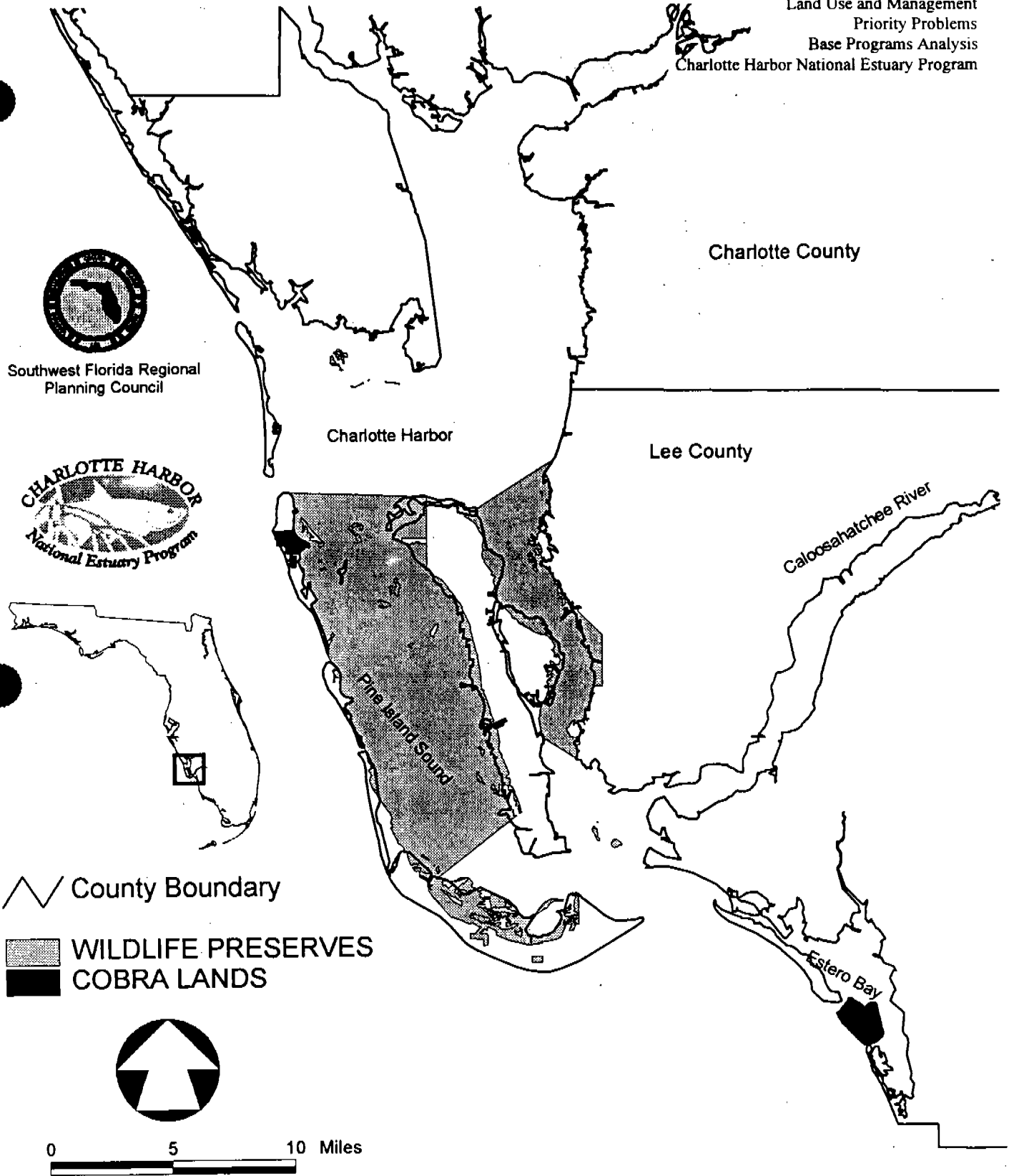
Assistant Secretary, Land and Minerals Management:

Program: Minerals Management Service (including Offshore Minerals Management)

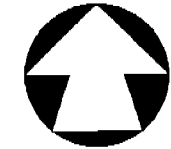
Leases mineral rights on federal property, including offshore oil and gas deposits.

Statutory Citation: *Reorganization Plan #3 of 1950 (5 U.S.C. app.)* and
Secretarial Order 3087

Service Office: 1201 Elmwood Park Blvd.
New Orleans, LA 70123-2394



Southwest Florida Regional
Planning Council



December 3, 1997
nep9cobr.apr

Map 9
Charlotte Harbor NEP
Coastal Barrier Resources (COBRA) Lands
US Fish and Wildlife Preserves (WP)

e. **Department of Transportation**

Commandant, United States Coast Guard:

Program: Waterways Management and Aids to Navigation

Provide impetus for marina locations, boat ramp locations, and boating operations on our navigable waterways.

Statutory Citation: *Department of Transportation Act of 1966
(49 U.S.C. 1651)*

Service Office: U.S. Coast Guard
909 SE 1st Ave
Miami, FL 33131-3050
Phone (305) 536-5654

Federal Aviation Administration:

Program: Air Navigation Facilities

Including physical aids to navigation, clearing of lands, and construction of facilities.

Statutory Citation: *Federal Aviation Act of 1958 (49 U.S.C. 106) and
Department of Transportation Act (49 U.S.C. app. 1651)*

Service Office: Federal Aviation Administration
PO Box 20636
Atlanta, GA 30320

f. **Federal Emergency Management Agency**

Program: Mitigation Directorate

Prepares Federal Insurance Administration maps, which classify lands according to their hazard risk for flooding. These maps act to eliminate the availability of federal insurance or investments on extremely exposed resources, such as the areas near beaches on barrier islands.

Statutory Citation: *42 USC 5121*

Service Office: Federal Emergency Management Agency
Suite 700
2nd Floor, Liberty Square Building
1371 Peachtree Street
Atlanta, Georgia 30309-3108
Phone (770) 220-5200