

ARTICLE IV. PUBLIC RECREATIONAL ACCESS AND USE

Sec. 140-171. Scope.

This policy shall apply to lands of the South Florida Water Management District and to District involvement in the management of other lands or planning of other water resource related activities and facilities. Nothing in this policy shall negate, supercede or replace any existing statute, administrative rule, permit, license, subordination, delegation, agreement, contract or other non-recreational policy. This policy may be reviewed and approved by the District Governing Board at five-year intervals or earlier, and updated as required. Public comment shall be solicited as part of the review process. (Res. No. 2004-356, § I, 3-10-2004)

Sec. 140-72. Purpose.

This policy establishes a commitment to the responsible planning, management, and promotion of public recreational access and use on District lands. This policy shall provide guidance for the South Florida Water Management District in decisions related to public recreational access and use of District lands, including stormwater treatment areas and Comprehensive Everglades Restoration Plan (CERP) projects. It incorporates by reference, recommendations of the South Florida Ecosystem Restoration Task Force in Strategy for Restoration of the South Florida Ecosystem, and reports from the Governor's Commission for a Sustainable South Florida. These references are set forth in appendix A.

(Res. No. 2004-356, § II, 3-10-2004)

Sec. 140-73. Statement of Policy.

(a) *Generally.* Public recreational access and use shall be provided for and encouraged to ensure the public's opportunity for enjoyment and appreciation of the natural resources of south Florida. District lands shall be open to public recreational access and use activities as is practicable and in a manner consistent with legislative directives, intended uses, legal considerations, and resources. Land and project plans shall incorporate public recreational access and use.

(b) *Intended Uses.*

- (1) The intended uses of the property shall be given primary consideration.
- (2) A balanced mix of public recreational access and use shall be allowed except when specific activities are not in the best interest of the land.
- (3) Public recreational access and use shall be consistent with the protection of natural resources, ecological value and function of lands.

(c) *Legal Considerations.*

- (1) Public recreational access and use shall be consistent with the District's land ownership rights and environmental laws.
- (2) All access and use of District lands shall be governed by rules and policies of the District and/or other units of government in partnership with the District, and/or general laws of the State of Florida.

(d) *Resources.*

- (1) There shall be a reasonable dedication of land, financial, and human resources as directed by the Governing Board, to ensure an equitable distribution and variety of recreational activities.
 - (2) Reasonable consideration of public recreational access and use and the resources required to accomplish such shall be given to lands in transition.
 - (3) Stable partnerships with private and public entities that expand the opportunities for public recreational access and use shall be encouraged.
 - (e) *Planning.*
 - (10) Recreational use plans for public recreational access and use on District lands shall be undertaken by the District in a proactive manner.
 - (2) Recreational use plans for public recreational access and use on District lands shall undergo public review and comment.
 - (3) New projects shall be designed to enhance fish and wildlife, as appropriate, and in consideration of a recreation compatibility analysis, shall have plans for appropriate public recreational access and use facilities. Two examples of fish and wildlife enhancements include:
 - a. Leave trees in reservoirs to create "stick marsh;"
 - b. Scalp canal banks to create littoral zones.
 - (4) Facilities to accomplish current and reasonably optimistic future general public access needs, such as parking and other facilities that support many activities, shall be a necessary part of planning and site design for District water resource management projects.
 - (f) *Recreational Advisory Committee.*
 - (1) The District shall establish a standing recreation advisory committee to assist staff and provide recommendations to the WRAC and the Governing Board on District recreational matters.
 - (2) The committee shall meet at various locations within the District on a semi-annual basis.
 - (3) The committee shall include a WRAC member, community leaders and interested stakeholder groups.
- (Res. No. 2004-356, § III, 3-10-2004)

Sec. 140-74. Definitions.

All definitions provided are for the purposes of this policy only.

Access means the right to enter an area and the means or facilities provided to accomplish entrance.

Cooperative Management Agreement means an agreement between two or more government agencies outlining the respective duties and responsibilities of each agency in the management of a specific tract of land.

Interim Land means land purchased for a future use in projects.

Lands means, for the purpose of this policy, those lands in which the South Florida Water Management District has a fee simple interest or sufficient ownership rights.

These lands shall include:

Stewardship lands;

Interim lands;

Stormwater treatment areas;

CERP lands;
Canal and levee rights of way adopted as works of the District;
Spoil areas;
Such other lands as the District may acquire from time to time.

These lands shall not include:

Headquarters and service centers sites;
Field stations;
Pump stations;
Navigation locks and lock tender residences;
Water control structure sites;
Telemetry or tower sites;
Lands with less than sufficient ownership interests or control;
Other lands defined by management.

Recreation means resource based activities such as, but not limited to, hiking, biking, horse back riding, camping, canoeing, kayaking, boating, off road vehicles, wildlife viewing, fishing, and hunting. Facility based activities such as team and field games or swimming pools are not typical.

Recreational Use Plan means a document that defines the recreational uses of a property that are consistent with the primary use of the property and are compatible with the resource and other uses.

Stormwater Treatment Area (STA) means a human-made marsh constructed to filter nutrients; a water resource project.

Water Resource Management Project means lands constructed or operated for the purpose of water supply, flood protection, environmental enhancement or water quality improvement, such as an STA.

Works of the District means those canals, levees, structures, lands, water bodies and other associated facilities or works which have been specifically adopted as works of the District, pursuant to Chapter 373.086, Florida Statutes.

(Res. No. 2004-356, § IV, 3-10-2004)

Sec. 140-75. Recreational Use Plans.

(a) *Generally.* Recreational use plans shall define the recreational uses of a property that are consistent with the primary use of the property, and are compatible with the resource and other uses. Copies of the recreational use plans shall be provided to the recreation advisory committee at the periodic meetings. Recreational use plans shall determine the best mix of opportunities for public recreational access and use. The District recognizes that the lands and the public recreational access and use described in recreational use plans may vary. Recreational use plans may coordinate between management areas to accomplish separation of activities and the related facilities. Provided below is guidance on how specific activities may typically be considered by recreational use plans. Lands declared works of the District may use those applicable rules as the recreational use plans. The absence of a Recreational Use Plan does not negate the District's policy that all District lands are open and available for outdoor recreational purposes unless otherwise specifically prohibited.

(b) *Fishing.* Fishing shall be permitted where public access is allowed. Fishing shall be in compliance with Florida State laws and seasons.

(c) *Hunting*. Hunting shall be allowed on District lands except when determined to be incompatible with land use or other policy concerns. Hunting on District lands shall be managed through the authority of the Florida Fish and Wildlife Conservation Commission (FWC). The District and FWC shall work in cooperation to plan for hunting. Where lands are not open to hunting the discharging of firearms shall not be allowed unless provided for as an activity in the recreational use plan.

(d) *Equestrian Activities*. Equestrian trails and facilities shall be developed through partnerships with equestrian groups or associations that express an interest.

(e) *Trails*. Trails shall be developed, using appropriate partnerships, where access and trail heads can be sufficiently provided. Trails and Greenways shall be incorporated to create links or spurs, as possible, with the various state and county trails, blueways, and greenway programs and systems.

(f) *Motorized Vehicles and Boats*.

(1) Street legal vehicles may be allowed on named or numbered roadways. The use of vehicles may be defined as to purpose of use, seasonal conditions or other. Off road vehicles may be allowed in specific areas, for defined purposes, when specifically authorized. Off-road vehicles, including airboats, all-terrain vehicles, swamp buggies and other motorized recreational vehicles, shall be allowed only where it is deemed compatible with adjacent land use and other users. Off-road vehicle use shall not cause serious harm to nor interfere with ecosystem restoration or operations and maintenance activities.

(2) Where appropriate, the size and type of boat ramps shall be based upon user and resource, and a compatibility analysis. The use of motorized boats may require consideration of wave action and levee sizes.

(3) Non-motorized aquatic access, such as canoeing and kayaking, shall be a priority for sensitive areas where visitors can experience natural sounds.

(Res. No. 2004-356, § V, 3-10-2004)

Sec. 140-76. Appendix A.

(a) Provided here are statements on recreation from the Governor's Commission for a Sustainable South Florida and the South Florida Ecosystem Restoration Task Force.

(b) In its 1998 Interim Report the Governor's Commission for a Sustainable South Florida (Governor's Commission) included as Recommendation 9: "Procured lands should be managed for compatible multiple uses consistent with Florida law. Use and management activities on these lands must be compatible with overall conservation and conservation goals." In its 1995 Initial Report the Governor's Commission objectives included:

(1) Creating an array of cultural and recreational opportunities that are affordable and available to all

(2) Shared and extended use of public facilities for recreational purposes

(3) Ensuring appropriate public access to public lands consistent with the purposes for which the public lands were acquired and managed.

(c) Likewise, the South Florida Ecosystem Restoration Task Force in its Strategy for Restoration of the South Florida Ecosystem stated: "As citizens and their governments work to restore and protect the unique South Florida ecosystem, they must not lose sight of the importance of public access to natural areas. At the same time, the public must

respect the sensitivities of the natural system and ensure that their activities do not unduly stress the wildlife and the landscapes that are such an important part of their heritage."
(Res. No. 2004-356, § VI, 3-10-2004)

Sec. 140-77. Appendix B.

(a) *Generally.* The following appendix is provided as a reference for the reader. These are parts of the existing rules at the time of the development of this public recreational access and use policy that have provided guidance and with which this policy is intended to be consistent.

(b) *Land Stewardship.* Please see Chapter 40E-7.5, Florida Administrative Code and SFWMD Policy 140, Land Resources.

(c) *Right of Way Management.* The right of way program was developed to preserve the District's ability to construct, operate and maintain the canal and levee system of the federally-authorized Central and Southern Florida Flood Control Project and other "works of the District" while allowing for compatible uses. The program also seeks to preserve the District's proprietary interests in the works of the District and to minimize exposure to unnecessary litigation. The following policies guide implementation of this objective:

(1) The works of the District shall be those works or lands adopted by the governing board. (Chapter 373.085, Florida Statutes)

(2) The Governing Board has the authority to prescribe the manner in which the works or lands may be used. (Chapter 373.085, Florida Statutes)

(3) It is the policy of the District to allow, without charge for admission or use, public, passive recreational uses of District owned rights of way, given legally sufficient District property interests. However, the District retains the ability to, either temporarily or permanently, limit or otherwise preclude public access to certain portions of the District works or lands, such as structures and associated facilities. (Rule 40E-6.011 and 40E-6.311(1))

(4) The District may close works and lands of the District temporarily or, with Governing Board approval, permanently. (Rule 40E-6.311(1)(2))

(Res. No. 2004-356, § VII, 3-10-2004)