



WEKIVA BASIN AREA TASK FORCE

Final Report:

*Recommendations for Planning and Locating the Wekiva Parkway
while Preserving the Wekiva River Basin Ecosystem*

SUBMITTED TO

GOVERNOR JEB BUSH

FLORIDA DEPARTMENT OF TRANSPORTATION

ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY

SEMINOLE COUNTY EXPRESSWAY AUTHORITY

PURSUANT TO EXECUTIVE ORDER 2002-259

JANUARY 15, 2003



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January 15, 2003

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Dear Governor Bush, Secretary Barry, Dr. Worrall, and Chairman Morris:

On behalf of the members of the Wekiva Basin Area Task Force, it is my pleasure to transmit our recommendations in this final report. The vote to approve the recommendations was unanimous, marking the first time in the contentious history of the Central Florida Beltway project that transportation agencies, local governments and the environmental community reached significant consensus.

The Task Force agreed to recommendations in four broad areas: a proposed corridor for the beltway connector, enhanced land use planning and water resources regulation to protect the spring shed, priorities for acquiring conservation lands, and an implementation plan. While we believe that the recommendations respond fully to the charges of Executive Order 2002-259, we offer them as the point of beginning for the process that ultimately culminates in constructing the "Wekiva Parkway." We also ask that you consider the following recommendations as a whole; because each recommendation complements the other, exclusion of one undermines the balance of improving both the transportation system and the Wekiva Basin ecosystem, as required by the Executive Order.

Governor, thank you for creating the Task Force and selecting members who are knowledgeable about the issues and committed to finding solutions. The staff of the Department of Community Affairs, with the timely and able assistance of the staff of the St. Johns River Water Management District, the Florida Department of Transportation, the Department of Environmental Protection, the Orlando-Orange County Expressway Authority, the Seminole County Expressway Authority, and the East Central Florida Regional Planning Council provided the staff support needed to bring this effort to a successful conclusion in approximately three months. It was a remarkable effort in such a short time.

Finally, I commend the people of central Florida for their conscientious participation in the deliberations of the Task Force.

Again, on behalf of members of the Task Force, it was a honor to serve Florida in this capacity.

Very truly yours,

Steven M. Seibert
Chairman

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*Through January 15, 2003

** Through January 6, 2003

ACKNOWLEDGEMENTS

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Lake County Conservation Council

1000 Friends of Florida

Seminole Audubon Society

Sierra Club

The Nature Conservancy

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INTRODUCTION

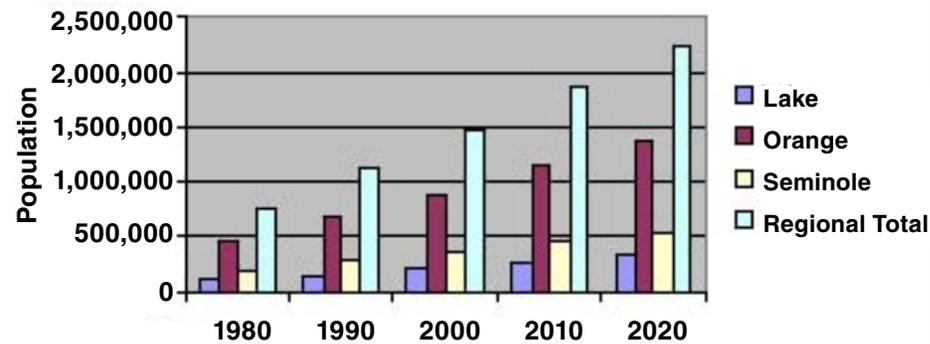
The Wekiva River and its tributaries, along with the St. Johns River and associated lands in central Florida, have long been recognized as one of the most valuable natural assets of the state. The Wekiva Basin ecosystem is an outstanding natural resource: the Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National Wild and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve.

Since the early 1980s, the central Florida region has continued to experience tremendous growth that has resulted in increasing demands on the region's transportation system and rising development pressures on the land surrounding the Wekiva River Protection Area. In the decade

between 1980 and 1990, the growth rate in the three-county area exceeded 30 percent (see Figure 1). While the rate of growth has slowed, it is projected to exceed 20 percent

through 2010 (six percent higher than the state rate) and slow only slightly to 17 percent by the year 2020 (compared to the projected state rate of 13 percent).

Figure 1. Population Growth in the Wekiva Basin Area



Source: Demographic Estimating Conference Database, updated August 2002.

INTRODUCTION

Recognizing that new growth and the future transportation needs of the region must be balanced with the protection of the Wekiva Basin Area, Governor Jeb Bush created the Wekiva Basin Area Task Force on September 26, 2002, by Executive Order Number 2002-259. A copy of the complete text of the Executive Order is contained in **Appendix A** of this report. The Governor charged the Task Force with considering, evaluating, and making recommendations concerning the following issues:

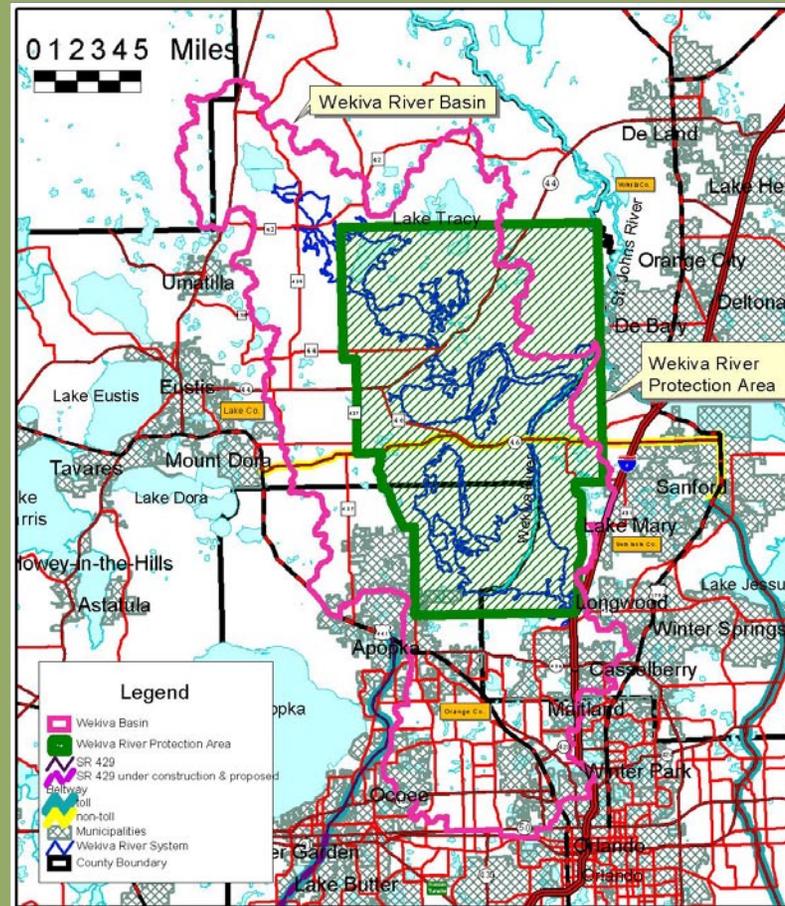
1. *The most appropriate location for a highway route that connects State Road 429 to Interstate 4, and which causes the least disruption and provides the greatest protection to the Wekiva Basin ecosystem, while also achieving the goal of connecting the two routes. In making its recommendations, the Task Force shall consider the following:*
 - a. *Innovative construction and design methods to provide maximum passage of wildlife in identified wildlife corridors;*
 - b. *Limitations on interchanges to assure that any proposed highway route does not result in added growth pressures within or affecting the Wekiva Basin.*
 - c. *Proposals to concentrate mitigation activities required in connection with highway construction permits to achieve land acquisition and environmental restoration goals within the Wekiva River protection area and adjacent portions of the ecosystem.*
 - d. *Acquisition of conservation easements, access rights or other interests in property adjacent to highway routes which may be necessary to assure that the construction of a major regional transportation corridor does not result in future land development activities that violate the goal of protecting the rural character of the Wekiva River Protection Area.*
 - e. *Fiscal impact and feasibility of the various design and conservation options for construction of the connecting highway route.*
2. *A transportation plan that evaluates the diverse considerations associated with the potential expansion of roads or corridors within the Wekiva Basin Area. The plan should address, but need not be limited to, the subjects of land acquisition, springshed protection, innovative road design, protection of rural character, protection of habitat, utilization of financial resources, and the adequacy of local government plans as they relate to growth related impacts of transportation corridors.*

The Wekiva River Basin Area: Resource of State Significance

The Wekiva River is a spring-fed system associated with 19 springs connected to the Florida Aquifer. Of these, 11 are known to be second and third magnitude springs. The Wekiva Basin Area comprises two elements: surface water and ground water. The geographic area of the Wekiva River surface water basin (see Figure 2), combined with the geographic area of the recharge basin – or “springshed” – (see Figure 5) form the Wekiva Basin Area referred to in this report.

Potable water in central Florida is supplied almost exclusively by groundwater from the Floridan aquifer. The viability of the Wekiva ecosystem and regional water supply are dependent on maintaining groundwater recharge to the aquifer. The abundance of public lands and significant large tracts of privately owned lands create large blocks of contiguous wildlife habitat for numerous listed species, including

Figure 2. Wekiva River Protection Area and Wekiva River Surface Water Basin



Source: Department of Community Affairs and St. Johns River Water Management District, October 2002

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black bear, burrowing owl, scrub jay, gopher tortoise, and limpkin. The area also supports one of only five remaining black bear populations in Florida.

In 1988, the Florida Legislature enacted the Wekiva River Protection Act, codified as Chapter 369, Part II, *Florida Statutes*, to protect the resources of the Wekiva River Basin (See **Appendix B**). The Act declared the Wekiva River to be a natural resource of state and regional importance, and delineated an area comprising portions of Lake, Seminole and Orange Counties as the Wekiva River Protection Area. The Act prescribed certain standards related to the review of local government comprehensive plans, land development regulations, and development permits, and reduced numeric standards and guidelines for determining whether a large-scale development proposed in the area would be subject to regional and state review as a development of regional impact.

Finally, the Act also directed the Department of Environmental Protection to proceed with

acquisition of conservation and recreational lands in the area. To date, the State of Florida has acquired more than 60,000 acres of public conservation lands in the Wekiva Basin Area at a cost of approximately \$139 million. In addition, local governments in the Wekiva River Basin Area have also made significant investment in the acquisition of lands for conservation and recreation. These large public land holdings boast some of the most visited outdoor recreation areas in the state and contribute significantly to the area's economy. In addition to the state and county parks and preserves, residents and visitors to the area can pursue wilderness experiences on the Wekiva River State Recreational Canoe Trail and on the Florida National Scenic Trail. One of eight Congressionally designated National Scenic Trails in the United States, the Florida National Scenic Trail winds its way through the Wekiva River Basin.

Transportation Purpose and Need

Just as population growth has placed pressures on the water supply and

unique resources of the Wekiva River Basin ecosystem, so has it created an ever-increasing demand on the transportation network. The Task Force received background information from the Florida Department of Transportation about the regional transportation system and the purpose and need for a route to link State Road 429 to Interstate 4 – a beltway connector. The region is served by the Florida Turnpike and Interstate 4, both of which are heavily traveled. Another primary component of regional transportation system is an eastern beltway around Orlando and a portion of a western beltway located between I-4 on the south and US 441 in Apopka, which serve as bypasses for Interstate 4. Completing the beltway connector is an essential component of meeting regional transportation needs.

Previous plans to complete the beltway were deferred in response to both environmental and community concerns. While alternate plans – including widening State Road 46 and building a northwest arterial – to address the connector have been studied, none were completed due to environmental and community concerns.

In Fiscal Year 2005-06, the Florida Department of Transportation is scheduled to begin the Project Development and Environmental study for the proposed SR 46 widening in Lake and Seminole Counties. Existing transportation studies, however, document that traditional widening of SR 46 will not alleviate the constrained traffic on I-4, and the existing roadway network is inadequate to serve travel demand. The need for the beltway connector, includes the following:

- **Regional connectivity** – only three east-west travel options exist in a 25-mile envelope;
- **Improved safety** – From 1997 to 2001, SR 46 has been the location of 14 traffic fatalities and more than 30 bear kills;
- **Projected growth** – both population and economic growth as forecasted in local government comprehensive plans; and
- **Increased travel demands** – the capacity for SR 46 is 24,900 vehicles per day; with historical traffic volume growth exceeding seven percent per year, by 2025, SR 46 would have to support

more than 33,000 vehicles per day.

According to the FDOT, by the year 2025, the beltway system— if completed – would divert 46,000 daily trips from I-4, with the connector carrying up to an estimated 27,000 daily trips.

Undertaking the Governor’s Charge

The Governor appointed Task Force members on October 23, 2002, and the initial meeting of the Task Force was held on October 30, 2002. Subsequent meetings were held on November 25 and 26, 2002, and December 16 and 17, 2002, and January 9 and 10, 2003. The work plan generally followed the charges as laid out in the Executive Order. The meeting agendas provided for background briefings on key issues, presentations by environmental and neighborhood coalitions, and public comment.

Background briefings – During the first three meetings, the Task Force received presentations from the staff of state and regional agencies with

responsibilities in the following areas of key interest to the Task Force:

- Wekiva River Protection Act
- Transportation Overview (purpose and need)
- Land Use and Environmental Overview
- Local Government Comprehensive Plans and Land Development Regulations
- Road Corridors and Growth Pressures
- Public Lands
- Water Quality and Recharge
- Wildlife Resources and Habitat Issues
- Wekiva Basin Development Impacts Model
- Water Resources: Surface Water and Springshed Protection
- Rural Character: Land Use Planning and Transportation Strategies
- Permitting and Mitigation Requirements for Roadways in the Wekiva River Basin

As part of information gathering, the Task Force took a bus tour of the area and visited Rock Springs. The tour provided Task Force members and staff with a first-

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hand overview of the northwest Orange County area, the character of land uses as they transitioned from urban to suburban to rural, the foliage businesses in the area, public conservation and recreation lands, the boundaries of the Wekiva River Protection Area, Rock Springs, Apopka Blue Sink, tracts of land identified for purchase through Florida Forever to complete the Wekiva-Ocala Greenway, the Mt. Plymouth/Sorrento Area Study, wildlife underpasses, and the Seminole-Wekiva Trail overpass.

Public Comment – All meetings included periods for public comment. All speakers agreed about the importance of protecting the fragile and unique ecosystem in the Wekiva Basin Area. Many speakers expressed concern with the environmental impact of locating new road corridor within the Protection Area, particularly those related to impacts on water resources and wildlife and their habitat. These speakers suggested that consideration of appropriate corridor alignment, design, and elevation of, the new road could minimize environmental impacts, and bear

kills could actually decline in the area as a result of the completion of the beltway connector.

Speakers also voiced concern about induced development from a new expressway and the related impacts on the springs recharge area, water quality and quantity, existing residential neighborhoods, and established businesses. They commented on the need for land use controls to regulate impacts from development and expressed concern about possible impacts to private property through condemnation for the roadway.

Participation by local governments – Representatives of several local governments from within the Wekiva Basin Area participated in the Task Force meetings. In addition to observing the Task Force proceedings, they provided comment on issues considered by the Task Force, particularly as discussions related to selection of the corridor for the beltway connector. Representatives of the City of Mount Dora and Volusia and Seminole Counties presented

resolutions opposing certain corridor configurations, while representatives of the City of Eustis and the City of Apopka addressed issues related to the overall work of the Task Force. The Task Force also received testimony on the increasing trend of annexations by municipalities into rural areas of Lake and Orange Counties. The annexation by the cities and subsequent increases in development potential have undermined the counties' efforts to retain the rural character of the Wekiva Basin Area. Historic and potential annexations by the City of Apopka were identified as a particular concern due to their proximity to the Wekiva River Protection Area.

Group Presentations – In addition to agency staff briefings and public comment, the Task Force received suggested recommendations (in presentation and written form) from the Wekiva Coalition, the Northwest Orange County Coalition of Communities, and 1000 Friends of Florida.



- The *Northwest Orange County Coalition of Communities*, provided the Task Force with its vision plan for a growth management and transportation plan that will preserve rural character. The vision plan noted that a 1997 report by the Center for Urban Transportation Research found that 75 percent of new dwelling units, 80 percent of new commercial space, 64 percent of new industrial space and nearly 73 percent of new hotel rooms in pending major developments are located within one mile of the Expressway system and provided examples of preferred roadway designs for preserving rural character.
- The *Wekiva Coalition* presented a “Blueprint for Action,” including recommendations for a proposed route for the transportation corridor and principles for corridor alignment, roadway design, acquisition of lands for conservation purposes, and a unified Wekiva Basin community.
- *1000 Friends of Florida* in collaboration with the Wekiva Coalition, presented a series of strategies and recommendations to address springshed protection and preserve rural character.

Synopses of comments made are included in respective meeting summaries and copies of written materials are maintained in the Task Force records.

Access to Task Force Proceedings

To ensure that the public, as well as all Task Force members and support staff, had complete access to all meeting notices, agendas, and data, a site on the Department of Community Affairs, Division of Community Planning’s web page was established. This site, <http://www.dca.state.fl.us/fdcp/DCP/wekiva/wekivariver.htm>, will be maintained during the next year to allow any interested person to review reports, materials, and data from the Task Force.

RECOMMENDATIONS

As described above, the Wekiva Basin Area Task Force received information on and considered a range of issues over the course of its study. The Task Force evaluated habitat characteristics and needs of listed species, and discussed wetlands, rivers, springs and ground water recharge. Task Force staff presented information on the status of and approaches to land acquisition for conservation and recreation in the Ocala-Wekiva Greenway. The Task Force also considered the pressure to convert rural and agricultural lands to urban uses — including municipal annexations in portions of Lake, Seminole, and Orange Counties located within the Wekiva Basin Area. The Task Force also considered impacts on the area's rural character likely to result from the beltway

connector and expansion of roads in the area. Related to its charge to address transportation needs, the Task Force discussed the need for new and improved transportation facilities and possible innovative transportation design approaches. Finally, the Task Force considered land use strategies and best management practices to protect the area's unique springs and spring recharge areas.

The recommendations of the Task Force are presented below and are grouped as follows:

- recommendations related to achieving the connection of SR 429 to Interstate 4, including corridor selection and roadway design, as well as a future plans for transportation improvements in the Wekiva Basin Area; and

- recommendations related to protecting the Wekiva Basin Area ecosystem, including land acquisition, protection of wildlife and habitat and the springshed/recharge areas, and preserving rural character.

Recommendation 1: The Task Force recommends that all recommendations included in this Final Report be taken as a whole; it is important to recognize that each recommendation is complementary to the others. The Task Force believes that for any transportation corridor to be considered in this fragile area, its recommendation related to the corridor and the accompanying recommendations related to roadway design features, springshed and wildlife habitat protection, land use strategies, and land acquisition priorities must be integrated into a unified plan of implementation.

Completing the Beltway Connection – *The “Wekiva Parkway”*

The Executive Order that created the Task Force included a two-fold charge related to transportation. First, the Task Force was to evaluate and make recommendations concerning the most appropriate location for a highway route that connects SR 429 (near its present terminus at US 441) to I-4. Second, the Task Force was to evaluate a transportation plan for the expansion of roads or transportation corridors within the Wekiva Basin Area. To address the charge, the Task Force used a consensus process to identify guiding principles for both selection of the corridor within which the transportation agencies would study the specific alignment, and the design features of the roadway. Applying the guiding principles, a recommended corridor was selected. Once the corridor for the beltway connector was determined, the Task Force turned its attention to the regional transportation plan.

Selection of the Wekiva Parkway Corridor

During its initial meeting, the Task Force discussed an image for the beltway connector. Within this idea was the concept of creating a parkway similar in stature to the Blue Ridge Parkway. Consistent with this vision, the Task Force adopted the following guiding principles for corridor location.

Guiding Principles for Corridor Location

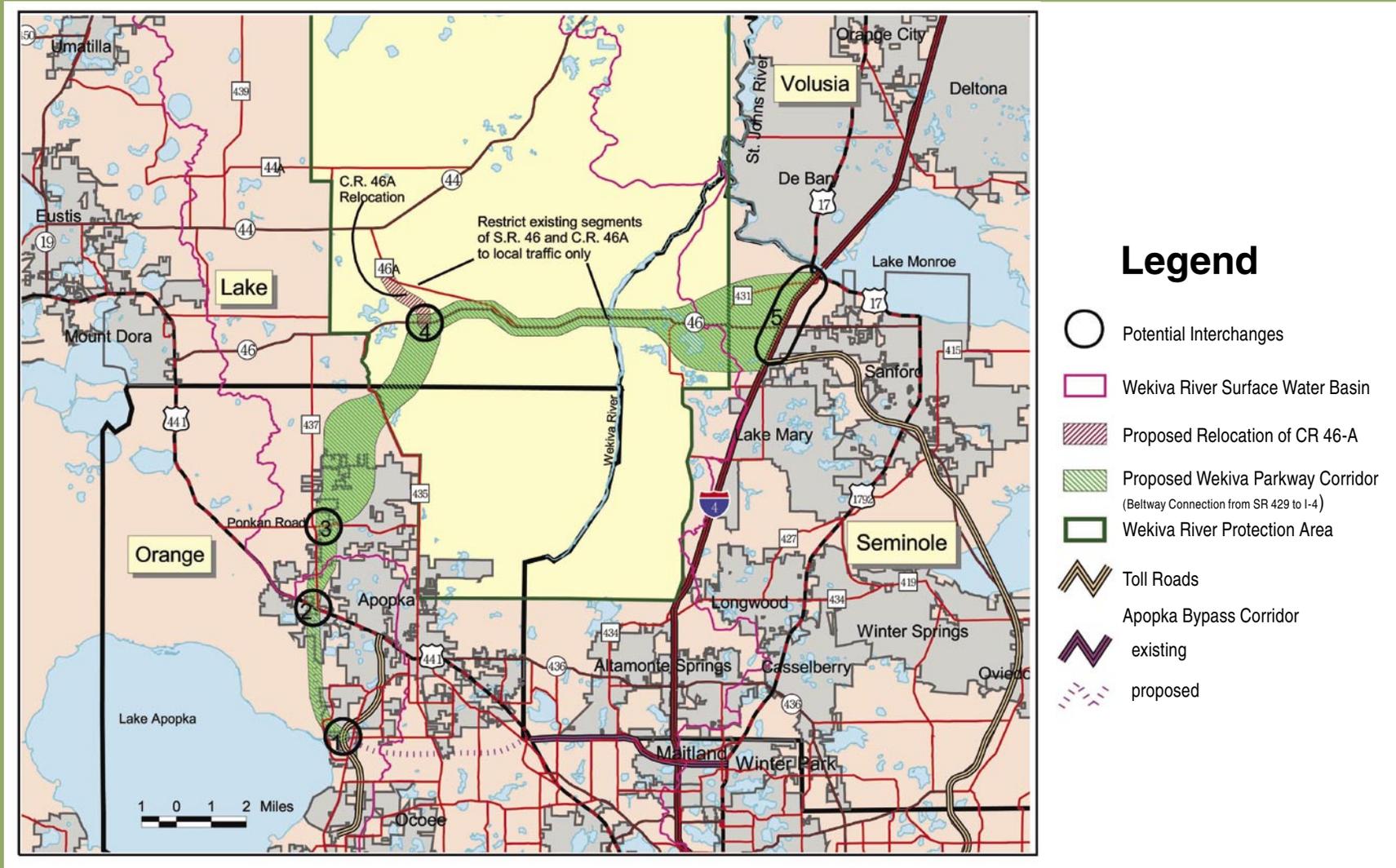
In considering any facility, it should be located such that it:

- Serves an identified long-term regional transportation need;
- Does not encourage or promote additional development from already approved land uses;
- Relieves or removes traffic demands on SR 46 and provides a North-South connection from SR 46 to US 441 with limited interchanges;
- Minimizes any impacts to habitat and species;
- Minimizes impacts on spring-shed and ground water recharge areas;
- Minimizes direct impacts to wetlands;
- Avoids, or mitigates if required, impacts on conservation lands, and their proper management;
- Seeks to minimize the impacts on existing neighborhoods and residential communities;
- Follows, where feasible, existing road alignments through environmentally sensitive areas; and
- Attempts to improve the connectivity of existing wildlife corridors.

Based on these principles, the Task Force considered possible corridors and determined that the broad corridor illustrated in green on Figure 3, “Recommended Corridor for the Wekiva Parkway” and which is described below should serve as the general route for the beltway connector.

RECOMMENDATIONS

Figure 3. Recommended Corridor for the Wekiva Parkway with Potential Interchange Locations



Source: Wekiva Basin Area Task Force, January 15, 2003



Recommendation 2: The Task Force recommends that the appropriate transportation agency(ies) use the corridor that is depicted on Figure 3, “Recommended Corridor for the Wekiva Parkway” to undertake the environmental and engineering studies to determine the precise alignment. In addition to the studies, the appropriate transportation agency(ies) shall also apply the “Guiding Principles for Corridor Location” listed herein in selecting the final roadway alignment. The final alignment within Seminole County shall be subject to the approval of the Seminole County Expressway Authority. The Wekiva Parkway must be planned in its entirety, rather than in phases.

The Florida Department of Transportation performed a study to extend Maitland Boulevard toward the west to link with SR 429 south of US 441. This extension of Maitland Boulevard will create an Apopka Bypass south of the City of Apopka. The Task Force recommendation would begin at this interchange of the Apopka Bypass and SR 429, extend to the west and north and

interchange with US 441 near CR 437. From the interchange at US 441, the recommended corridor proceeds generally north to SR 46 and west of the Wekiva River Protection Area (see Figure 3).

Through the Wekiva River Protection Area, the recommended corridor closely follows existing SR 46 to east of the Wekiva River in Seminole County. This corridor is generally on higher ground and will have less impact on the Wekiva River Protection Area and its associated wetlands. It is through this area that appropriate bridges to provide habitat connectivity and safe wildlife crossings are to be provided.

From east of the Wekiva River in Seminole County, the corridor should connect to I-4 no farther north than the St. Johns River bridge on I-4 and no farther south than the I-4 and SR 417 interchange. This broad area within which to identify the actual alignment of the Wekiva Parkway provides the implementing transportation agency with the most flexibility to avoid impacts on public conservation lands, existing residential communities,

and established commercial areas in Seminole County, while still achieving the connection of SR 429 to I-4 directed by the Governor’s Executive Order.

On December 10, 2002, the Seminole County Board of Commissioners adopted a resolution opposing a new toll road or expressway crossing the Wekiva River into Seminole County. At the December 16, 2002, meeting of the Task Force, Seminole County Commissioner and Seminole County Expressway Authority Chairman, Randall Morris, urged the Task Force to reconsider its recommendation to locate the beltway connector through the county and instead recommend that SR 46 be upgraded as a four-lane, controlled access facility from near the Wekiva River to I-4. The Task Force noted the strong local preference to use the SR 46 corridor to the maximum extent feasible and observed that its recommendation for location of the corridor within Seminole County both accommodated the County’s request and provided maximum flexibility to the transportation agency(ies) in selecting the most appropriate alignment.

RECOMMENDATIONS

Wekiva Parkway Design Features and Construction

A key issue discussed by the Task Force was that of the ultimate design and construction of the Wekiva Parkway. As part of its vision to create an expressway corridor that would be similar to well known scenic highways, the Task Force sought to recommend standards for the Wekiva Parkway that would also result in a model for future expressways in Florida. Noting that its work in preparing the recommendations included in this report marked only the preliminary work to create the Wekiva Parkway, the Task Force adopted broad guiding principles for consideration as the project development and environmental studies, engineering and design, and, ultimately, construction proceeded.

Recommendation 3: The Task Force recommends that the appropriate transportation agency(ies) use the following “Guiding Principles for the Wekiva Parkway Design Features and Construction.” The guiding principles should also be

applied to the construction of new expressways and the expansion of existing expressways, as applicable. When the design of any new expressway facility is completed it should:

- a. Provide that all new expressways be fully limited access, with interchanges;
- b. Promote a “Parkway” look with appropriate natural buffers between the roadways and the adjacent areas;
- c. Include the maximum provision for bridging through strategically important wetlands;
- d. Elevate (bridge) identified functionally significant wildlife corridors, and provide appropriate wildlife bridges with barriers to direct wildlife to safe crossing points;
- e. Design storm water treatment facilities to minimize habitat loss and promote restoration of impacted sites and assure capture and treatment of runoff from bridges over Outstanding Florida Waters to Outstanding Florida Waters standards;
- f. Offer opportunities to view, understand, and access the environmental uniqueness of the Wekiva River ecosystem;
- g. Provide non-intrusive and minimal roadway and bridge lighting in the Wekiva River Protection Area to support the conservation of dark skies in the basin; and
- h. Incorporate safety and access design features to promote the continuation of prescribed burning in the basin.

Figure 4. Examples of Elevated Roadway and Wildlife Underpass



RECOMMENDATIONS

Recommendation 4: The Task Force further recommends that when the design and construction of the Wekiva Parkway is completed it should:

- a. Reduce hazards to wildlife by relocating CR 46-A to tie into SR 46 at the proposed SR 46 interchange;
- b. Close the portions of CR 46-A that parallel and duplicate SR 46 (east of the recommended relocation) and serve only the traffic necessary to provide access to local property;
- c. Elevate the Wekiva Parkway through the Wekiva River Protection Area to the maximum extent feasible, and have bridges and adequate barriers as often as practical to provide for adequate wildlife passages;
- d. Bridge Wekiva River wetlands and floodplains on publicly owned lands that are adjacent to the Wekiva Parkway where known wildlife crossings exist;

- e. Close existing SR 46 at an appropriate location west of the Lake-Seminole County line so that the remaining sections of SR 46 continue to be open only to provide local access to private properties and recreational and conservation lands, and prevent through traffic; and
- f. Where the at-grade portions of the existing SR 46 remain in place to provide local access, there will be no need to provide wildlife passages on this low-volume, low-speed service road.

In addition to the recommendations made above, and in keeping with the concept of creating a scenic roadway through the Wekiva Basin Area, the Task Force expressed its desire to maximize the natural attributes of the area, including maintaining the native forested landscape to minimize mowed landscapes and preclude the need to plant potentially invasive exotic species for groundcover. Further, because the Wekiva Basin Area hosts several recreational trails and the Wekiva National Wild

and Scenic River, the Task Force recognized the potential to co-locate other linear facilities within the corridor. The special nature of federal and state conservation and recreational designations require that the planning and construction of the Wekiva Parkway abide by parameters outlined in regulations and legislation making those designations.

Recommendation 5: The Task Force recommends that the Florida Department of Transportation, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority consider the recommendations of the Task Force and prepare a report to the Governor and Legislature of their joint recommendations for the appropriate transportation entity(ies) to operate the Wekiva Parkway. The report shall also include joint recommendations on the following:

- a. A funding plan that addresses the Task Force recommendations, including those related to wider rights of way to promote the parkway

concept, preserve rural character, buffer interchanges, and other design features; and

- b. Any legislation needed to secure the authority needed to acquire private lands or development rights within the Wekiva River Protection Area and the proposed Wekiva River Springshed Protection Area in excess of that which is required for right-of-way and associated roadway construction.

Recommendation 6: The Task Force recommends that the plan for mitigating impacts of the construction of the Wekiva Parkway shall assure that to the maximum extent feasible, land acquisition and mitigation occur prior to roadway construction, and mitigation must occur only within the Wekiva River Protection Area, Wekiva River Basin, or Wekiva River Springshed.

As part of promoting a rural character for the Wekiva Parkway, the Task Force observed that acquiring lands near interchanges

might prove to be an effective strategy to both mitigate the impacts of the expressway and to preserve the pastoral landscape.

Enhancing Mobility While Protecting Rural Character

The Governor directed the Task Force to recommend a transportation plan that evaluates the diverse considerations associated with the potential expansion of roads or transportation corridors within the Wekiva Basin Area. In the course of its study to answer the regional transportation plan portion of the Governor’s charge, the Task Force considered both the need for limited interchanges on the Wekiva Parkway and the long-range transportation improvements planned by each of the transportation agencies and Lake, Orange, and Seminole Counties.

Recommended locations for interchanges.—The Governor’s charge to the Task Force requires recommendations to limit interchanges to assure that any proposed highway route does not result in added growth pressures

within or affecting the Wekiva Basin Area. Consistent with this charge, the Task Force makes the following recommendation:

Recommendation 7: The Task Force recommends that the number of interchanges located along the Wekiva Parkway not exceed five, and be located as follows:

- a. SR 429, south of US 441.
 - The most southerly interchange would occur south of US 441 and serve as a junction with the current SR 429 to allow a continuation of the route to the northwest and then north and also to serve as a future connection to the proposed extension to Maitland Boulevard (the Apopka Bypass).
- b. US 441. – An interchange would be located where SR 429 reaches US 441.
- c. Between US 441 and SR 46. – A single interchange, at an appropriate location, between US 441 and SR 46

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and a potential system connection to the proposed US 441 bypass to be determined by the appropriate transportation agencies, in cooperation with local governments, consistent with the guiding principles for corridor location, as applicable. The ultimate location of the interchange will be reflected in the transportation component of the sector plan developed pursuant to Recommendation 11.

- d. ***SR 46.*** – An interchange would be located at SR 46 near the area where CR 46-A should be relocated.
- e. ***Interstate 4.*** – An interchange would be located where the Wekiva Parkway reaches I-4 in Seminole County no farther north than the St. John’s River Bridge and no farther south than the SR 417 interchange on I-4.

In the context of springshed protection and rural character, the

potential interchanges will create both direct and secondary impacts on rural character in Lake and Orange Counties and groundwater recharge areas in the Wekiva Basin Area. The Task Force recommends land use and development planning at interchange locations be completed prior to commencing construction. In addition, land use plans for these interchanges shall include land use strategies (including land acquisition), development standards, and best management practices to maintain rural character and protect groundwater recharge areas.

US 441 Bypass. — There have been previous studies of ways to connect the Western Beltway in Apopka to US 441 in Orange County near Mount Dora. There have also been discussions with Lake County regarding the possibility of extending the bypass to near Eustis to relieve this congested section of US 441. The Task Force considered this proposal in light of the corridor it is recommending for the SR 429 to I-4 connection.

Recommendation 8: The Task Force recommends creation of a working group of stakeholders of applicable local governments, transportation agencies, environmental groups, citizen representatives, and state and regional agencies to study the corridor for a new, limited access facility — the US 441 Bypass –to link the Wekiva Parkway south of SR 46 and west of the Wekiva River Protection Area, to US 441 to Lake and northwest Orange Counties. As recommended above, the “Guiding Principles for Corridor Location and the Guiding Principles for the Wekiva Parkway Design and Construction,” as applicable, shall also be applied to the corridor selection, design, and construction of the US 441 Bypass. The US 441 Bypass shall be planned in its entirety, rather than in phases. This working group shall also consider, evaluate, and make recommendations concerning the potential capacity expansion of the other roadways listed in Table 1, as identified in Recommendation 9 in light of the creation of a US 441 Bypass and the Wekiva Parkway.



Recommendation 9: The Task Force recommends that all affected local governments review their long-range transportation improvement plans in light of the Task Force’s recommendations. Transportation agencies and local governments in the Wekiva Basin area have plans to increase the number of travel lanes on certain roadways located within the Wekiva River Protection Area and within the recharge area for the Wekiva River springshed (see Table 1 for details). The Task Force anticipates that the Wekiva Parkway and the US 441 Bypass should replace the need to widen many of the existing two-lane rural roads in this area, including the proposed expansion of SR 44 from two to four lanes. Widening these existing rural roads will add to the development pressures, and make it more difficult to maintain the rural character of the area and protect the springs recharge areas.

Recommendation 10: The Task Force recommends that if any improvements are considered to SR 44 through the Wekiva River Protection Area, that the

appropriate “Guiding Principles for Designing and Construction” be applied.

Preserving the Wekiva River Ecosystem

In the Executive Order establishing the Task Force, Governor Jeb Bush directed it to recommend a transportation plan that evaluates the diverse considerations associated with the potential expansion of roads within the Wekiva Basin Area. Among the components of the plan are objectives to protect the springshed, preserve rural character, and protect wildlife and habitat. The Task Force believes that much of the groundwork to achieve these objectives was put in place with the Wekiva River Protection Act. The recommendations that follow build on the established foundations of the adopted local government comprehensive plans and land development regulations, the regulatory programs of the St. Johns River Water Management District, and state and local programs for acquiring environmentally significant lands for conservation and recreational use.

To address the Governor’s directive to achieve a careful balance of improving the highway corridors while protecting the Wekiva Basin Ecosystem, the Task Force formulated recommendations related to protecting the Wekiva River Springshed (which includes the groundwater basin that contributes to and replenishes the aquifer and sustains spring flows). The recommendations include enhanced local government comprehensive planning procedures, implementing refinements to the water resources regulatory framework, and protecting wildlife and habitat by accelerating the acquisition of public lands.

Enhancing Local Government Comprehensive Planning Procedures

According to the final report of the Governor’s Florida Springs Task Force, “A spring is only as healthy as its recharge basin...The groundwater that feeds springs is recharged by seepage from the surface and through direct conduits such as sinkholes. Because of this, the health of spring systems is directly influenced by activities and

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Table 1. Planned Highway Projects in the Wekiva River Springshed

Project Name	From	To	Description	Status
ORANGE COUNTY — Funded in Transportation Improvement Program (FY 2002/03 to 2006/07)				
Rock Springs Rd. (CR435)	Ponkan Road	Kelly Park Road	Widen to 4 Lanes	PE-02/03 ROW - 03/04 Const. - 04/05
SR429 Recreation Way	US441 Ponkan Road	SR44 Kelly Park Road	PD&E for Toll Road New 2-lane	PD&E- 02/03 Funded
Lester Road	Plymouth-Sorrento Rd.	Rock Springs Road	New 2-lane	Funded
ORANGE COUNTY — In Long Range Transportation Plan but unfunded at this time				
Clarcona Road	Clarcona-Ocoee Road	Orange Blossom Trail	Widen to 4 Lanes	2020 Comp Plan
Plymouth Sorrento Rd. (CR437)	US 441	Ponkan Road	Widen to 4 Lanes	2020 Comp Plan
Plymouth Sorrento Rd. (CR437)	Ponkan Road	Kelly Park Road	Widen to 4 Lanes	2020 Comp Plan
Plymouth Sorrento Rd. (CR437)	Kelly Park Road	Orange/Lake Co. Line	Widen to 4 Lanes	2020 Comp Plan
US 441	Orange/Lake Co. Line	Western Expressway	Widen to 6 Lanes	MPO Plan
Thompson Rd. Ext.	SR436	Sheeler Road	New 2 Lanes	Orange Co. Mobility 20/20
Vick Road	Old Dixie Hwy	Ponkan Road	Widen to 4 Lanes	Orange Co. Mobility 20/20
Welch Road	Rock Springs Road	Piedmont-Wekiva Road	Widen to 4 Lanes	Orange Co. Mobility 20/20
LAKE COUNTY — Funded in Transportation Improvement Program (FY2002/03 to 2006/07)				
SR46	US 441	Seminole County Line	Widen to 4 Lanes	Through Const. - 03/06
LAKE COUNTY— unfunded				
SR 44	Hazelton St.	Volusia County Line	Widen to 4 Lanes	County 2020 Long Term Transportation Plan (LTP)
CR 44	CR 452	SR 44	Widen to 4 Lanes	County 2020 LTP
CR 44B	US 441	SR 44	Widen to 4 Lanes	County 2020 LTP
CR 46A	SR 46	SR 44	Widen to 4 Lanes	County 2020 LTP
Ranch Road	Wolf Branch Road	SR 44	Widen to 4 Lanes	County 2020 LTP
Round Lake Road	Wolf Branch Road	Orange County Line	Widen to 4 Lanes	MPO Plan
SEMINOLE COUNTY — Funded in Transportation Improvement Program (FY 2002/03 to 2006/07)				
SR 46	Lake/Seminole Co. Line	Orange Blvd.	Widen to 4 Lanes	PD&E 05/06

Source: Florida Department of Community Affairs compiled from local government transportation plans, January 2003

land uses within the spring recharge basin.” Springs are the miner’s canary of the aquifer.

During the deliberations of the Wekiva Basin Area Task Force, it became clear that protection of groundwater recharge to Wekiwa Springs, Rock Springs, and the many other springs that feed the Wekiva River is crucial to the long-term health of the Wekiva Basin Ecosystem. Simply put, if the necessary quantity and quality of recharge of groundwater to the aquifer does not occur, then the vegetative and wildlife resources of the Wekiva River Basin will not be sustained.

Because the primary groundwater recharge area lies to the west and outside of the Wekiva River Protection Area no special statutory protection presently exists for critical groundwater recharge lands. The volume of groundwater moving toward discharge to form the Wekiva Basin spring systems has diminished over time given withdrawals of water for consumptive use and loss of recharge due to land development. The St. Johns River Water

Management District’s projection of a 20 percent reduction in spring flows by the year 2020 confirms the critical need to protect the high recharge areas that furnish water to the springs.

Land uses within the Wekiva River Springshed dictate the health of the spring system; therefore, the assignment of appropriate types of land use and density and intensity of development is crucial. Low-impact land uses should be located near the springs and in areas of high or moderate recharge. *Protecting Florida Springs: Land Use Strategies and Best Management Practices* manual recommends low-impact land uses, including preservation, conservation, recreation, open space, unimproved rangeland, long-crop rotation silviculture and very low density rural residential (generally no more than one unit per 10 acres) be located in springshed recharge areas. High-impact land use such as mining, industrial, heavy commercial and urban uses with extensive impervious surfaces should be avoided.

The fragile nature of the Wekiva River Springshed requires land use development standards to protect the quality and quantity of recharge that replenish the aquifer and maintain springs flows. Development standards are best management practices (BMP) that help to mitigate land use impacts and protect the health of the recharge basin. The following best management practices should be used to mitigate impacts in the Wekiva River Springshed:

- Reduce impervious surface (streets and parking areas) to reduce runoff and retain recharge;
- Maintain open space and natural recharge areas to protect groundwater resources and wildlife habitat;
- Manage stormwater impacts to reduce runoff and maintain water quality of recharge;
- Provide enhanced wastewater treatment for septic tanks, and central treatment systems, and a septic tank maintenance and inspection program; and
- Landscape design and maintenance to reduce impacts from chemicals and conserve water resources.

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Table 2. Springs of the Wekiva River Ecosystem

Spring Name	Magnitude	Discharges
<i>SEMINOLE COUNTY</i>		
Sanlando	2	Little Wekiva River
Starbuck (Sheppard) Spring	2	Little Wekiva River
Palm Spring	3	Little Wekiva River
Miami Spring	3	Wekiva River
Harden Spring	Unexamined	Wekiva River
<i>ORANGE COUNTY</i>		
Rock Springs	2	Wekiva River via Rock Springs Run
Wekiwa Springs	2	Wekiva River via Wekiwa Springs Run
Witherington Springs	3	Wekiva River via Rock Springs Run
<i>LAKE COUNTY</i>		
Island Spring	3	Wekiva River
Barrel Spring	Unexamined	Wekiva River
Messant Spring	2	Wekiva River via Seminole Creek
Seminole Springs	2	Wekiva River via Seminole Creek
Camp La No Che Spring	2	Wekiva River via Blackwater Creek
Moccasin Spring	Unexamined	Wekiva River via Blackwater Creek via Seminole Creek
Palm Spring	Unexamined	Wekiva River via Blackwater Creek via Seminole Creek
Droty (Drody) Spring	Unexamined	Wekiva River via Blackwater Creek via Seminole Creek
Sulfur Spring	Unexamined	Wekiva River via Blackwater Creek via Sulfur Run
Sharks Tooth Spring	Unexamined	Wekiva River via Blackwater Creek via Sulfur Run
Unnamed Springs (.5 mi. E of Sharks Tooth Spring)	Unexamined	Wekiva River via Blackwater Creek via Sulfur Run

Source: Jennifer McMurtry, Defenders of Wildlife, January 2003



The U.S. Geological Survey has defined “Most Effective Recharge Areas” as areas having greater than 10 inches of recharge per year. Essentially, recharge is considered as the amount of rainfall that percolates through soils and reaches the aquifer. Figure 5 , which is derived from data provided by the St. Johns River Water Management District, documents the recharge areas and recharge rates within the Wekiva River Springshed, and shows that most of the land in the springshed has a recharge rate greater than 12 inches. Figure 5 also shows an area with high potential for designation as a Wekiva River Springshed Sector Planning Area. The area includes about 55,000 acres located outside of the boundary of the Wekiva River Protection Area, and comprises land located within the jurisdictions of Orange County, City of Apopka, Lake County, the City of Eustis, and the City Mount Dora. There are also high and moderate recharge areas that extend farther south and west and also to the east within Seminole County.

These sensitive recharge areas must be protected through appropriate

land use planning techniques, such as sector planning. “Sector planning” refers to preparation of a more detailed land use plan for a specific geographic area. A sector plan provides more specific information and guidance than is provided under the general comprehensive plan. Such information typically includes area-specific information on population trends, economic forecasts, existing and future land use, development standards and best management practices, protection of natural resources including groundwater recharge, transportation and infrastructure, and community design features applicable to the specific area of study.

The recommended corridor for the Wekiva Parkway and several potential interchanges traverse the recharge area. Given improved access and market pressures that will result, local government comprehensive plans should anticipate future development pressures. In addition, the counties have plans in place for additional roadway improvements within the Wekiva River Springshed. The direct

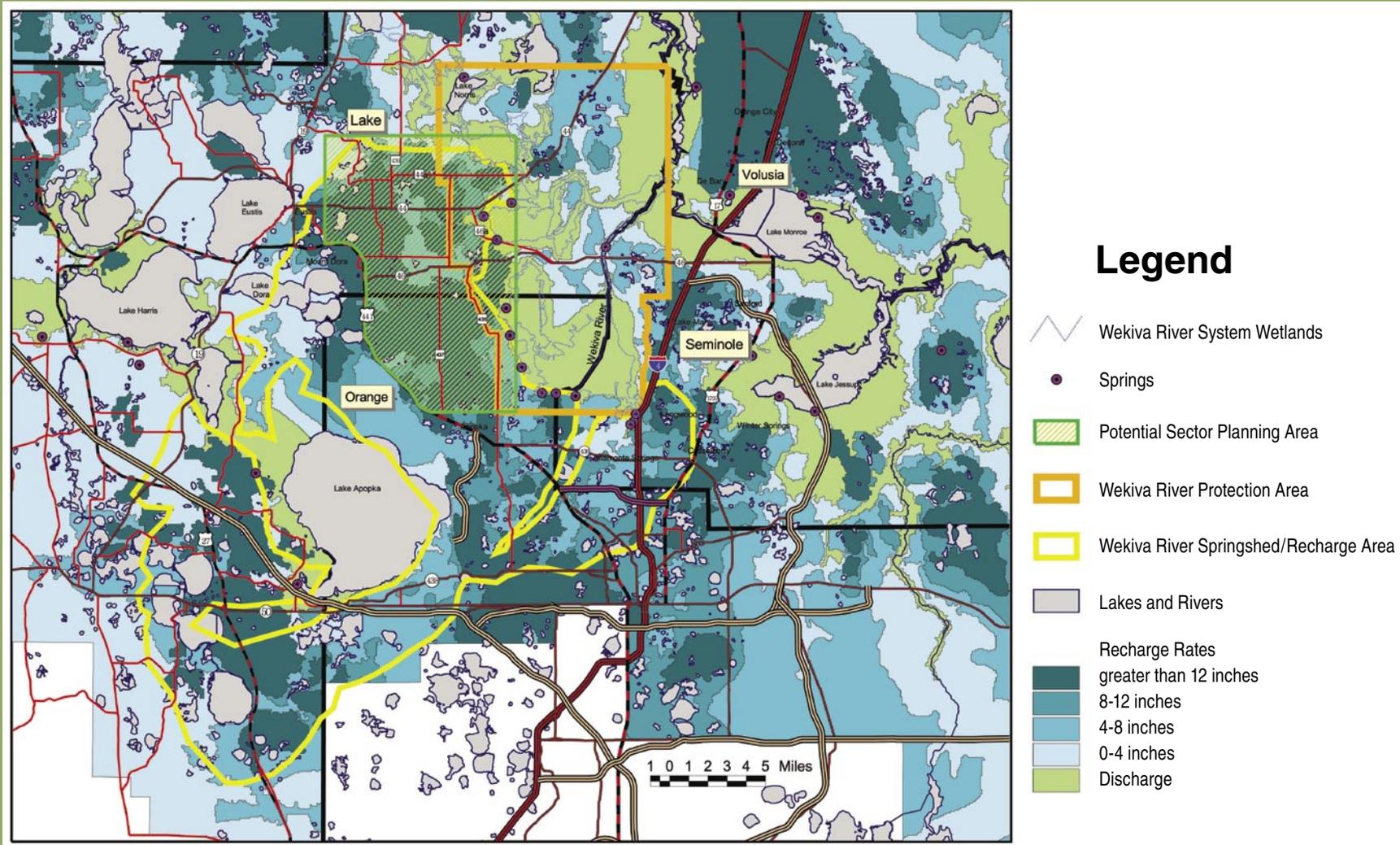
and secondary impacts of these proposed road improvements also need to be addressed in a sector plan.

The same Floridan aquifer which feeds the Wekiva River and its spring system is the primary source of potable water for central Florida. The Task Force recognizes that the proposed Wekiva Parkway, associated interchanges and other roadways in the area will improve access and thereby increase development pressure in the critical recharge area for the Floridan Aquifer and Wekiva River spring system. To address these issues, the Task Force recommends the following:

Recommendation 11: The Florida Legislature should amend Florida Statutes to establish a Wekiva River Springshed Protection Area to complement the existing Wekiva River Protection Area. A Wekiva River Springshed Sector Planning Area will be established by the Administration Commission. Within the Wekiva River Springshed Sector Planning Area, the legislation should preclude local governments

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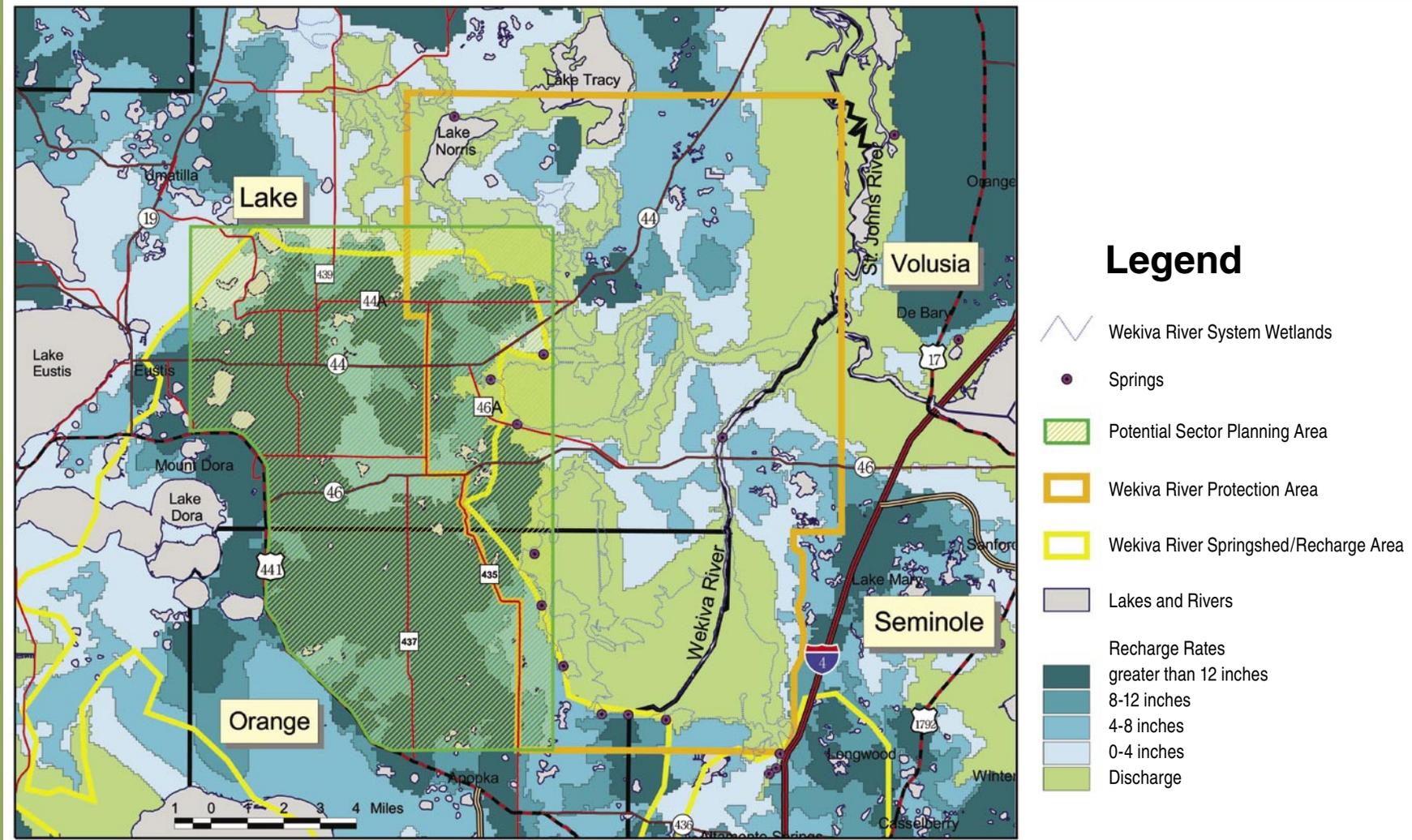
Figure 5. Wekiva River Springshed/Recharge Area



Source: Department of Community Affairs and St. Johns River Water Management District, December 2003



Figure 5a. Potential Wekiva River Springshed Sector Planning Area



Source: Department of Community Affairs and St. Johns River Water Management District, December 2003

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with jurisdiction from amending their comprehensive plans within the area to increase the types, intensities and densities of land uses, or to identify or schedule new road improvements, until such time as a springshed sector plan as an amendment to the local government comprehensive plan is adopted pursuant to Chapter 163, Part II, Florida Statutes, consistent with Wekiva River Springshed Protection Area legislation, except for the necessary comprehensive plan amendments needed to plan, design, engineer, and acquire the right of way for the Wekiva Parkway and the US 441 Bypass. Permitting and construction of the Wekiva Parkway and the US 441 Bypass shall not occur until the completion of springshed sector plan. The Task Force recommends that the springshed sector plan be a cooperative, coordinated effort with the objectives of maintaining rural character and protecting groundwater recharge resulting in a no net loss of recharge potential. The legislation should direct the local governments to adopt their respective portions of the springshed sector plan by May 30,

2004. Plan amendments related to the implementation of the Wekiva Parkway and the US 441 Bypass, and the springshed sector plan shall *not* be counted toward the twice per year limit on the adoption of plan amendments.

Recommendation 12: The legislation to create the Wekiva River Springshed Protection Area should include the following content requirements for the springshed sector plan:

- A detailed land use plan that does not exceed the overall types, intensities and densities of development now permitted by the applicable local comprehensive plan within the springshed area. However, flexibility is available to convert between future land use categories, provided that provisions to protect rural character and groundwater recharge are equal to or greater than existing levels. The springshed sector plan may include innovative and flexible

planning techniques such as performance standards for open space and impervious surface coverage, clustering, transfer of development rights, and land acquisition for the purposes of conservation, recreation and open space.

- A detailed transportation plan which addresses as applicable the Wekiva Parkway alignment, interchange locations, and the need for any additional or expanded regional or local roadways including alignment and design and construction features consistent with the Task Force recommendations. The transportation plan should include an evaluation of any programmed road improvements within or which might affect the Springshed Protection Area and eliminate any improvements that are inconsistent with maintaining rural character and protecting groundwater recharge or which are made unnecessary by the Wekiva Parkway.

- **Infrastructure planning including best practices for wastewater treatment and effluent disposal, and stormwater management.**
- **Land use strategies, development standards and best management practices for springshed and recharge protection consistent with Florida Springs: Land Use Strategies and Best Management Practices Manual and the definition of “rural character” included in Recommendation 14.**
- **Provision for non-regulatory programs to reduce residential and other development rights such as conservation easements, purchase of development rights, and transfer of development rights.**
- **Provisions requiring design standards for commercial signs and associated advertising that reflect the rural character of the area.**
- **Encourage the inspection and maintenance of existing septic systems and provide incentives for installation of enhanced on-site treatment and disposal systems.**
- **Interchange land use plans, as applicable. In addition to the interchange planning requirements in Recommendation 13 below, the interchanges in the sector planning area are to include land use strategies, development standards and best management practices to maintain rural character and protect groundwater recharge.**

Protecting Rural Character in the Wekiva River Springshed

The Wekiva River Protection Act does not define “rural character” yet directs that within the designated protection area, rural character be preserved through appropriate local government comprehensive plan provisions to control development density and intensity. In the Wekiva River Protection Area and the Wekiva River Springshed, rural character includes recognizing current limits on the types, densities, and intensities of land use on an

overall basis as approved through local comprehensive plans.

As described in the introduction, municipalities in the Wekiva River Springshed are increasing annexation of rural lands in Orange and Lake Counties near the Wekiva River Protection Area. As municipal boundaries expand into the Wekiva Basin Area, cities will play an important role in preserving the rural landscape through planning efforts that give due consideration to the Wekiva River Protection Act’s directive to maintain rural character.

Another factor important to preserving rural character is placing limits on the number of interchanges on the Wekiva Parkway (see Recommendation 7) and assuring that any development that may occur near potential interchanges is consistent with the sector plan for maintaining the area’s rural character and protecting the springshed.

The Executive Order required the Task Force to address the rural character of the Wekiva Basin Area. In response, the Task Force makes the following recommendation.

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Recommendation 13: The Task Force recommends that legislation to implement its recommendation related to creation of a Wekiva River Springshed Protection Area and the related sector planning process should include provisions for land use planning requirements for each potential interchange recommended for the Wekiva Parkway. The interchange land use plans should address appropriate land uses and compatible development, secondary road access, access management, right-of-way protection, vegetative protection and landscaping, signage, and the height and appearance of structures. The interchange land use plans will also direct appropriate changes to land development regulations. The interchange land use plans should be adopted as an amendment to the local government comprehensive plans pursuant to Chapter 163, Part II, *Florida Statutes*, by May 30, 2004.

Recommendation 14: The Task Force recommends that “rural character,” be defined as patterns of land use:

- Where open space, agricultural and silvicultural lands, the natural landscape, and vegetation predominate over the built environment;
- That foster traditional rural lifestyles, support rural-based economies such as agriculture, timber, eco-tourism, aquaculture, and provide opportunities to both live and work in rural areas;
- That provide visual landscapes associated with rural areas and rural communities; and
- That are compatible with the use of the land by wildlife and are consistent with the protection of the quality and quantity of water resources including natural surface water flows and groundwater recharge and discharge areas.

Strengthening the Water Resources Regulatory Framework

The St. Johns River Water Management District presented

model results indicating that by the year 2020 Wekiva groundwater recharge areas will decline from predevelopment levels due primarily to water withdrawals to supply the region’s water demands.

In addition, the District has conducted the Water Supply Needs and Sources Assessment and the Wekiva Basin is located in a Priority Water Resource Caution Area. The District indicates that water supply problems have become critical or are projected to become critical by the year 2010. This assessment indicates that projected water use may result in unacceptable impacts to natural systems and groundwater quality. This assessment further indicates that harm to native vegetation potentially could occur as a result of a decline in the water table, primarily effecting wetland vegetation.

Continued reductions in the spring flows of both Rock Springs and Wekiwa Springs, indicated by the assessment, would also be problematic. Flow in the Wekiva River is dependent upon the flow from Wekiwa Springs. Furthermore, District staff testified that the regional



water supply plan developed for the region because anticipated sources of water are inadequate to meet 2020 projected demands did not take into account further urbanization and growth in the Wekiva River Springs recharge area. Determining sustainable yields for water resources will continue to present challenges until the establishment of minimum flows and levels in the Wekiva River Basin is completed.

Recommendation 15: The Task Force recommends that legislation to implement its recommendation related to creation of Wekiva River Springshed Protection Area will result in new permitting criteria to be applied by the St. Johns River Water Management District through its existing permit programs governing Management and Storage of Surface Waters and Environmental Resource Permits under Chapter 373, Part IV, Florida Statutes, and Consumptive Uses of Water, under Chapter 373, Part II, Florida Statutes. The District should review its existing rules to determine the appropriateness of adding specific criteria to achieve the following goals:

- a. **Pre-development and post-development recharge rates for each permitted system shall be equalized so that no loss of recharge occurs.**
- b. **Retention/detention systems are constructed so as to minimize losses of water due to evapotranspiration.**
- c. **Impervious surfaces are limited to a density and spatial distribution within each permitted project necessary to maximize recharge rates.**
- d. **Projects involving the redevelopment of existing developed sites will include features to re-establish recharge at rates which, as nearly as practicable, match the recharge rates at the site existing prior to disturbance by any development.**
- e. **Projects which involve landscaping use landscape components, such as xeriscape, which minimize the need for irrigation.**
- f. **Reclaimed water use is required to the greatest extent practicable for irrigation purposes.**
- g. **New consumptive uses of water within the protection area do not increase in aggregate volume within the protection area. Additional consumptive uses which are permitted must be offset by additional recharge provided, retirement of other existing consumptive uses, or net reductions in water use achieved due to the implementation of water conservation methods.**
- h. **Best Management Practices shall be required limiting the impacts of nitrate fertilizers.**
- i. **Thresholds for Consumptive Use Permits shall be appropriately lowered, as necessary to achieve the other goals established above.**
- j. **Thresholds for Surface Water Management**

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Permits shall be appropriately lowered, as necessary to achieve the other goals established above.

- k. Concurrent approval of Environmental Resource Permits/Surface Water Management Permits and any related Consumptive Use Permits shall be required.**

Protecting Wildlife and Habitat

As noted in the introduction, the Wekiva River Basin Area is a resource of state significance, largely due to its natural resource value. The Task Force received testimony about the wide variety of listed species supported by the Wekiva River ecosystem and the importance of recommending certain measures to protect the abundant wildlife in the area. The Task Force's recommendations related to the selection of the proposed corridor and the design and construction of the roadway give careful consideration to minimizing the impacts of the expanded

transportation system on wildlife and the connectivity of habitat. The Task Force also recognizes that the optimum means for protected wildlife is bringing important habitat areas into public ownership and thus makes the following recommendation:

Recommendation 16: The State of Florida shall use all means at its disposal to complete the acquisition of the Wekiva-Ocala Greenway Florida Forever Project. The highest priority shall be given to completing the acquisition of the following specific parcels prior to construction associated with the Wekiva Parkway and US 441 Bypass:

- **Neighborhood Lakes (1,507 acres)**
- **Seminole Woods/Swamp (approx. 5,500 acres)**
- **New Garden Coal (1,643 acres)**
- **Pine plantation (approx. 700 acres)**

In addition, effort should be made to identify and acquire additional lands located within the Wekiva River Springs recharge area. To

the maximum extent feasible, these lands shall be managed as part of the Florida State Park System or by another appropriate state land management agency.

Implementation Plan

The Task Force recommends a two-step implementation process: First, a working group of all affected local governments and interest groups represented on the Task Force be formed to provide input related to proposed legislation. Second, legislation is recommended to ensure that the springshed areas are protected consistent with the recommendations of this report.

Recommendation 17: The Task Force recommends the following proposed implementation steps:

- a. Wekiva Basin Area Task Force completes its recommendations.**
- b. The Department of Community Affairs with the assistance of the East Central Florida Regional Planning Council meets with each affected local government (either individually or in small groups).**



- c. Local governments are asked to review their existing plans and regulations in relation to the Task force recommendations and subsequently submit a summary report regarding consistency of their plans and regulations with the Task Force recommendations.
- d. The Department of Community Affairs receives and reviews the reports submitted by each local government and prepares a summary report regarding consistency of local plans and land development regulations with Task Force recommendations.
- e. The Department of Community Affairs with the assistance of the East Central Florida Regional Planning Council convenes a meeting of all affected local governments and interest groups represented on the Task Force, and other state and federal agencies with land management or oversight responsibilities in the Wekiva Basin Area to:
 - i. review the Department of Community Affairs' summary report;
 - ii. consider any potential local government issues; and
 - iii. review and provide input regarding proposed legislative changes.
- f. The Florida Senate and the Florida House of Representatives convene at least one field hearing in the Wekiva River Springshed area.
- g. Draft legislation is submitted for consideration by the Legislature—completed by February 28, 2003.

APPENDIX A

EXECUTIVE ORDER 2002-259

WHEREAS, it is the policy of the State of Florida to protect and manage its natural resources for the health, safety, and enjoyment of all citizens; and

WHEREAS, the ecosystem comprising the Wekiva River and its tributaries, the St. Johns River and associated lands, the “Wekiva Basin Area,” represents one of the most valuable natural assets of this State; and

WHEREAS, the State of Florida has acquired over 60,000 acres of public conservation lands in the Wekiva area, at a cost in excess of 139 million dollars; and

WHEREAS, the Wekiva Basin Area is located in Central Florida, a region which is experiencing tremendous growth; and

WHEREAS, the tremendous growth has caused increasing transportation demands; and

WHEREAS, the future transportation needs of the Central Florida region compel the careful balance of improving highway corridors and roadways while protecting the Wekiva Basin Area and related ecosystem components; and

WHEREAS, the Wekiva River Task Force, created in 1988 by Executive Order 88-26, was charged with formulating a plan for the protection of the Wekiva River, and provided the plan; and

WHEREAS, the Wekiva River Task Force is not available to consider this new transportation concern as it no longer exists.

NOW, THEREFORE, I, JEB BUSH, Governor of the State of Florida, by the powers vested in me by the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, effective immediately:

1. There is hereby created the “Wekiva Basin Area Task Force,” hereinafter referred to as the “Task Force.”
2. Members of the Task Force shall be appointed by and serve at the pleasure of the Governor. The Task Force shall include the

Secretaries of the Department of Community Affairs, the Department of Environmental Protection, the Department of Transportation, the Executive Director of the St. Johns River Water Management District, the Executive Director of the East Central Florida Regional Planning Council, the Chairperson of the Orlando-Orange County Expressway Authority, the Chairperson of the Board of Metroplan Orlando, a designee from the Board of County Commissioners of Orange, Lake, and Seminole Counties, two appointed individuals representing the business community, and shall also include four appointed individuals representing major environmental or conservation organizations.

3. The Agency Secretaries or Executive Directors named herein may designate a senior staff person from the agency to attend meetings of the Task Force with voting authority; however, the final recommendations of the Task Force must be approved by a direct vote of the named Agency Secretaries or Directors.
4. The Task Force shall be chaired by the Secretary of the Department of Community Affairs. The Secretary of the Department of Community Affairs shall assign a staff member familiar with the Wekiva River Protection Area and Wekiva ecosystem to coordinate Task Force activities.
5. The Task Force shall consider, evaluate and make recommendations concerning the following issues:
 - a. The most appropriate location for a highway route that connects State Road 429 to Interstate 4, and which causes the least disruption and provides the greatest protection to the Wekiva Basin ecosystem, while also achieving the goal of connecting the two routes. In making its recommendations, the Task Force shall consider the following:
 - i. Innovative construction and design methods to provide maximum passage of wildlife in identified wildlife corridors;



- ii. Limitations on interchanges to assure that any proposed highway route does not result in added growth pressures within or affecting the Wekiva Basin.
 - iii. Proposals to concentrate mitigation activities required in connection with highway construction permits to achieve land acquisition and environmental restoration goals within the Wekiva River protection area and adjacent portions of the ecosystem.
 - iv. Acquisition of conservation easements, access rights or other interests in property adjacent to highway routes which may be necessary to assure that the construction of a major regional transportation corridor does not result in future land development activities that violate the goal of protecting the rural character of the Wekiva River Protection Area.
 - v. Fiscal impact and feasibility of the various design and conservation options for construction of the connecting highway route.
- b. A transportation plan that evaluates the diverse considerations associated with the potential expansion of roads or corridors within the Wekiva Basin Area. The plan should address, but need not be limited to, the subjects of land acquisition, spring-shed protection, innovative road design, protection of rural character, protection of habitat, utilization of financial resources, and the adequacy of local government plans as they relate to growth related impacts of transportation corridors.
6. All agencies under the control of the Governor are directed, and all other agencies are requested, to render assistance to, and cooperate with, the Task Force.
 7. Members of the Task Force shall not receive compensation or reimbursement for travel expenses or other expenses incurred while fulfilling their duties as Task Force members; provided, however, that those members of the Task Force who are employees of the State may receive reimbursement from their respective agencies to the extent allowed by Section 112.061, Florida Statutes. The Department of Community Affairs shall be responsible for payment for any operational, administrative or organizational expenses incurred by the Task Force. Operational, administrative or organizational expenses shall not be incurred by the Task Force without prior approval of the Secretary of the Department of Community Affairs.
 8. The Task Force shall meet at times and places designated by the Chairman. Any vacancy occurring in the Task Force shall be filled in the manner of the original appointment.
 9. The Task Force shall present a report of its findings and recommendations to the Orlando-Orange County Expressway Authority, the Florida Department of Transportation, and the Executive Office of the Governor no later than January 15, 2003, at which time the Task Force's existence shall terminate.
- IN TESTIMONY WHEREOF**, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, The Capitol, this 26th day of September, 2002.

APPENDIX B

WEKIVA RIVER PROTECTION ACT

CHAPTER 369, PART II, WEKIVA RIVER PROTECTION

- 369.301 Short title.
- 369.303 Definitions.
- 369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.
- 369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.
- 369.309 Airboats prohibited; exceptions; penalties.

369.301 Short title.--This part may be cited as the "Wekiva River Protection Act."

History.--s. 1, ch. 88-121; s. 26, ch. 88-393.

369.303 Definitions.--As used in this part:

- (1) "Council" means the East Central Florida Regional Planning Council.
- (2) "Counties" means Orange, Seminole, and Lake Counties.
- (3) "Department" means the Department of Community Affairs.
- (4) "Development of regional impact" means a development which is subject to the review procedures established by s. 380.06 or s. 380.065, and s. 380.07.
- (5) "Land development regulation" means a regulation covered by the definition in s. 163.3164(23) and any of the types of regulations described in s. 163.3202.
- (6) "Local comprehensive plan" means a comprehensive plan adopted pursuant to ss. 163.3164-163.3215.
- (7) "Revised comprehensive plan" means a comprehensive plan prepared pursuant to ss. 163.3164-163.3215 which has been revised pursuant to chapters 85-55, 86-191, and 87-338, Laws of Florida, and subsequent laws amending said sections.
- (8) "Wekiva River development permit" means any zoning permit, subdivision approval, rezoning, special exception, variance, site plan approval, or other official action of local government having the effect of permitting the development of land in the Wekiva River Protection Area. "Wekiva River development permit" shall not include a building permit, certificate of occupancy, or other permit

relating to the compliance of a development with applicable electrical, plumbing, or other building codes.

(9) "Wekiva River Protection Area" means the lands within: Township 18 south range 28 east; Township 18 south range 29 east; Township 19 south range 28 east, less those lands lying west of a line formed by County Road 437, State Road 46, and County Road 435; Township 19 south range 29 east; Township 20 south range 28 east, less all lands lying west of County Road 435; and Township 20 south range 29 east, less all those lands east of Markham Woods Road.

(10) "Wekiva River System" means the Wekiva River, the Little Wekiva River, Black Water Creek, Rock Springs Run, Sulphur Run, and Seminole Creek.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 46, ch. 91-221; s. 4, ch. 93-206.

369.305 Review of local comprehensive plans, land development regulations, Wekiva River development permits, and amendments.--

(1) It is the intent of the Legislature that comprehensive plans and land development regulations of Orange, Lake, and Seminole Counties be revised to protect the Wekiva River Protection Area prior to the due dates established in ss. 163.3167(2) and 163.3202 and chapter 9J-12, Florida Administrative Code. It is also the intent of the Legislature that the counties emphasize this important state resource in their planning and regulation efforts. Therefore, each county shall, by April 1, 1989, review and amend those portions of its local comprehensive plan and its land development regulations applicable to the Wekiva River Protection Area, and, if necessary, adopt additional land development regulations which are applicable to the Wekiva River Protection Area to meet the following criteria:

(a) Each county's local comprehensive plan shall contain goals, policies, and objectives which result in the protection of the:

1. Water quantity, water quality, and hydrology of the Wekiva River System;
2. Wetlands associated with the Wekiva River System;
3. Aquatic and wetland-dependent wildlife species associated with the Wekiva River System;
4. Habitat within the Wekiva River Protection Area of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code; and



5. Native vegetation within the Wekiva River Protection Area.

(b) The various land uses and densities and intensities of development permitted by the local comprehensive plan shall protect the resources enumerated in paragraph (a) and the rural character of the Wekiva River Protection Area. The plan shall also include:

1. Provisions to ensure the preservation of sufficient habitat for feeding, nesting, roosting, and resting so as to maintain viable populations of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, within the Wekiva River Protection Area.

2. Restrictions on the clearing of native vegetation within the 100-year flood plain.

3. Prohibition of development that is not low-density residential in nature, unless that development has less impacts on natural resources than low-density residential development.

4. Provisions for setbacks along the Wekiva River for areas that do not fall within the protection zones established pursuant to s. 373.415.

5. Restrictions on intensity of development adjacent to publicly owned lands to prevent adverse impacts to such lands.

6. Restrictions on filling and alteration of wetlands in the Wekiva River Protection Area.

7. Provisions encouraging clustering of residential development when it promotes protection of environmentally sensitive areas, and ensuring that residential development in the aggregate shall be of a rural density and character.

(c) The local comprehensive plan shall require that the density or intensity of development permitted on parcels of property adjacent to the Wekiva River System be concentrated on those portions of the parcels which are the farthest from the surface waters and wetlands of the Wekiva River System.

(d) The local comprehensive plan shall require that parcels of land adjacent to the surface waters and watercourses of the Wekiva River System not be subdivided so as to interfere with the implementation of protection zones as established pursuant to s. 373.415, any applicable setbacks from the surface waters in the Wekiva River System which are established by local governments, or the policy established in paragraph (c) of concentrating development in the Wekiva River Protection Area as far from the surface waters and wetlands of the Wekiva River System as practicable.

(e) The local land development regulations shall implement the provisions of paragraphs (a), (b), (c), and (d) and shall also include restrictions on the location of septic tanks and drainfields in the 100-year flood plain and discharges of stormwater to the Wekiva River System.

(2) Each county shall, within 10 days of adopting any necessary amendments

to its local comprehensive plan and land development regulations or new land development regulations pursuant to subsection (1), submit them to the department, which shall, within 90 days, review the amendments and any new land development regulations and make a determination.

(3) If the department determines that the local comprehensive plan and land development regulations as amended or supplemented comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to confirm its determination. If the department determines that the amendments and any new land development regulations that a county has adopted do not meet the criteria established in subsection (1), or the department receives no amendments or new land development regulations and determines that the county's existing local comprehensive plan and land development regulations do not comply with the provisions of subsection (1), the department shall petition the Governor and Cabinet to order the county to adopt such amendments to its local comprehensive plan or land development regulations or such new land development regulations as it deems necessary to meet the criteria in subsection (1). A determination or petition made by the department pursuant to this subsection shall not be final agency action.

(4) The Governor and Cabinet, sitting as the Land and Water Adjudicatory Commission, shall render an order on the petition. Any local government comprehensive plan amendments directly related to the requirements of this subsection and subsections (1), (2), and (3) may be initiated by a local planning agency and considered by the local governing body without regard to statutory or local ordinance limitations on the frequency of consideration of amendments to local comprehensive plans.

(5) During the period of time between the effective date of this act and the due date of a county's revised local government comprehensive plan as established by s. 163.3167(2) and chapter 9J-12, Florida Administrative Code, any local comprehensive plan amendment or amendment to a land development regulation, adopted or issued by a county, which applies to the Wekiva River Protection Area, or any Wekiva River development permit adopted by a county, solely within protection zones established pursuant to s. 373.415, shall be sent to the department within 10 days after its adoption or issuance by the local governing body but shall not become effective until certified by the department as being in compliance with purposes described in subsection (1). The department shall make its decision on certification within 60 days after receipt of the amendment or development permit solely within protection zones established pursuant to s. 373.415. The department's decision on certification shall be final agency action. This subsection shall not apply to any amendments or new land development regulations adopted pursuant to subsections (1)-(4) or

to any development order approving, approving with conditions, or denying a development of regional impact.

(6) In its review of revised comprehensive plans after the due dates described in subsection (5), and in its review of comprehensive plan amendments after those due dates, the department shall review the local comprehensive plans, and any amendments, which are applicable to portions of the Wekiva River Protection Area for compliance with the provisions of subsection (1) in addition to its review of local comprehensive plans and amendments for compliance as defined in s. 163.3184; and all the procedures and penalties described in s. 163.3184 shall be applicable to this review.

(7) The department may adopt reasonable rules and orders to implement the provisions of this section.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 95-146.

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.-- (1) Notwithstanding the provisions of s. 380.06(15), the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

(2) Notwithstanding the provisions of s. 380.0651 or any other provisions of chapter 380, the numerical standards and guidelines provided in chapter 28-24, Florida Administrative Code, shall be reduced by 50 percent as applied to proposed developments entirely or partially located within the Wekiva River Protection Area.

(3) The Wekiva River Protection Area is hereby declared to be a natural resource of state and regional importance. The East Central Florida Regional Planning Council shall adopt policies as part of its strategic regional policy plan and regional issues list which will protect the water quantity, water quality, hydrology, wetlands, aquatic and wetland-dependent wildlife species, habitat of species designated pursuant to rules 39-27.003, 39-27.004, and 39-27.005, Florida Administrative Code, and native vegetation in the Wekiva River Protection Area. The council shall also cooperate with the department in the department's implementation of the provisions of s. 369.305.

(4) The provisions of s. 369.305 of this act shall be inapplicable to developments of regional impact in the Wekiva River Protection Area if an application for development approval was filed prior to June 1, 1988, and in the event that a development order is issued pursuant to such application on or before April 1, 1989.

(5) The Department of Environmental Protection is directed to proceed to negotiate for acquisition of conservation and recreation lands projects within the Wekiva River Protection Area provided that such projects have been deemed qualified under statutory and rule criteria for purchase and have been placed on the priority list for acquisition by the advisory council created in s. 259.035 or its successor.

History.--s. 1, ch. 88-121; s. 26, ch. 88-393; s. 14, ch. 89-116; s. 191, ch. 94-356; s. 10, ch. 95-149; s. 31, ch. 99-247.

369.309 Airboats prohibited; exceptions; penalties.--

(1) The operation of an airboat on the Wekiva River System shall be prohibited. For the purposes of this section, an airboat is any boat, sled, skiff, or swamp vessel that is pushed, pulled, or propelled by air power generated by a nondetachable motor of more than 10 horsepower.

(2) The provisions of this section shall not apply in the case of an emergency or to any employee of a municipal, county, state, or federal agency or their agents on official government business.

(3) Persons convicted for violation of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 1, ch. 90-81.



Wekiva Basin Area Task Force

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