

STORAGE NAME: h1085.nrep.doc

DATE: March 22, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMITTEE ON NATURAL RESOURCES & ENVIROMENT PROTECTION
ANALYSIS**

BILL #: HB 1085

RELATING TO: State Reserves

SPONSOR(S): Representative(s) Pickens & Others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

HB 1085 designates and establishes the Rodman Reservoir State Reserve. The Reserve is to include all state-owned lands within the floodplain of the Ocklawaha River, and future state acquisitions in Marion and Putnam counties from Eureka Dam to Buckman Lock.

The bill charges the Department of Environmental Protection's (DEP) Division of Recreation and Parks with developing multipurpose recreational opportunities for the Reserve and its care, upkeep, maintenance and beautification. Also, public hunting is to be permitted on the reserve under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

HB 1085 requires that any action that would substantially alter the Reserve, as it existed on January 1, 2000, be approved by the Legislature. Additionally, the bill directs the Division of State Lands to identify, contact, and inform property owners that entered into easements within the Rodman Reservoir of the state reserve designation. It also requires the submission of a report by the Division of State Lands to the Governor and Legislature by January 1, 2002, that:

- Identifies each entity that has an easement within the taking line of the reservoir.
- Indicates if the holder is willing to sell the easement.
- Estimates the easement acquisition costs.
- Identifies additional issues resulting from the designation.

HB 1085 has an indeterminate fiscal impact. However, it does not appear to raise constitutional or other legal concerns. The bill will become effective upon becoming law.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

In 1935, the U.S. Army Corps of Engineers began dredging what was envisioned as a 110-mile-long canal crossing Florida to open new shipping and transportation routes from the Atlantic Ocean to the Gulf of Mexico. Federal funds ran out a year after the barge canal project began, and it remained uncompleted until 1964 when the Corps received federal funding to resurrect the project. In 1968, construction of the Rodman Dam was completed, blocking off and re-routing 16 miles of the Ocklawaha River and creating the 9,000-acre Rodman Reservoir. Completing the dam and reservoir required the use of federal forest lands and private lands. Rather than purchasing the privately owned lands, the Corps bought easements allowing it to flood the property. In exchange, property owners were compensated monetarily and promised economic benefits once the Florida Barge Canal was finished. All easement agreements stated that the easements were acquired "in connection with the construction, operation and maintenance of the Cross-Florida Barge Canal." According to DEP, "several of the easements contained additional reverter language expressly stating that the easements reverted back to the fee-simple landowner if the land was no longer needed for the Barge Canal." Several lawsuits have been filed and are ongoing regarding this matter as the canal was never completed. Settlement agreements for two of the lawsuits regarding the purchase of the contested easements were approved by the Governor and Cabinet on March 28, 2000.

Construction on the canal ceased for the final time in 1971 when President Nixon signed an executive order to stop the project after federal courts granted the request of environmental groups for an injunction. At the time the work stopped, the project was roughly one-third completed and had consumed \$60 million in federal tax dollars and \$14 million in state and local funds. It wasn't until 19 years later that the barge canal project was officially deauthorized, first by Congress in 1990 and by the Governor and Cabinet in 1992. In its place was designated the Cross Florida State Recreation and Conservation Area, later renamed the Cross Florida Greenway.

In 1991, a team of scientists working on the Canal Lands Advisory Committee (CLAC) developed a management plan for the new Greenway. The CLAC plan envisioned a multiple-use conservation and recreational area flexible enough to allow the Greenway's boundary to expand, to allow land exchanges with the counties for special projects that meet criteria, and to create opportunities for alternate uses of certain lands not needed for conservation or recreation. A final CLAC recommendation called for further study on the restoration of the Ocklawaha.

The Governor and Cabinet adopted the CLAC plan in 1992. However, they amended the plan to call for the removal of the dam structures at Rodman Reservoir in Marion County in order to restore

the Ocklawaha River to a free-flowing condition. To date, no appropriation has been made by the Legislature for dam removal.

In 1993, legislators agreed with the CLAC that the scientific and economic data pertaining to the Rodman Reservoir/Ocklawaha River issues were inconclusive, and appropriated \$900,000 for additional studies, to be conducted by DEP and the St. Johns River Water Management District over an 18-month period. Those studies, plus recommendations, were due to the Legislature by the end of 1994. The Legislature also directed DEP to consider both the economic and environmental benefits and drawbacks of complete restoration of the river, partial restoration, complete retention of the reservoir, and partial retention. The extensive study was completed in 1995. While no definitive conclusions were drawn, cost estimates were given for the different restoration and retention options.

A special-use permit for the Rodman Dam, issued to the state by the U.S. Forest Service in 1994 for the continued use of flooded forestry lands, expired at the end of 1998, but was extended for 12 months pending completion of an environmental impact study by the state. The extension also was granted to allow the U.S. Forest Service to consult with the U.S. Fish and Wildlife Service regarding manatee deaths in the reservoir. At least 10 manatees have been killed by the dam or lock since 1977, according to Florida Marine Research Institute records.

In 1997, DEP applied to the St. Johns River Water Management District for a permit to minimally restore the Rodman Dam and recently met deadlines for additional information requests on the permit application. DEP stated on January 31, 2000 that the agency had "met another deadline towards the state's long-standing objective of partially restoring the Ocklawaha River ecosystem."

C. EFFECT OF PROPOSED CHANGES:

HB 1085 creates s. 258.166, F.S., which proposes to designate all state owned lands within the Ocklawaha floodplain from Eureka Dam in Marion County to Buckman Lock in Putnam County as the Rodman Reservoir State Reserve (an area totaling approximately 16,000 acres). This designation will be created in Chapter 258, F.S., dealing with state parks, and will remove Rodman from its current Cross Florida Greenway designation under Chapter 253, F.S. DEP's Division of Recreation and Parks will take over management of the area from the Division of Greenways and Trails and shall develop multipurpose recreational opportunities for the area. An additional provision directs that public hunting shall be allowed in the reserve provided it is authorized by Florida Fish and Wildlife Conservation Commission.

HB 1085 requires that any actions that would "substantially alter" the reserve area as it existed on January 1, 2000 must have legislative authorization. The bill authorizes the Division of State Lands to acquire additional property for improved management and recreational opportunities in the recreational area.

Finally, HB 1085 requires a study of easements within the reservoir, whether the holder would be a willing seller, and at what cost the easements might be purchased, as well as identifying other issues related to the Reserve. The study will be due to the Legislature by January 1, 2002.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 258.166, F.S., establishing the Rodman Reservoir State Reserve, providing for duties of the department, describing hunting rights, permitting acquisitions, and providing for a report.

Section 2: Provides that the act shall take effect upon becoming law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Revenues to the state are expected to increase an indeterminate amount as the state reserve designation will allow for entrance fees. In addition, an increase in visitors due to improvements to the recreational area might also increase revenues. The DEP currently estimates there are 500,000 visitors annually to the Rodman Reservoir area.

2. Expenditures:

Expenditures associated with the Reserve are expected to increase as park management is more intensive than that for greenways. In addition, the development of "multipurpose recreational opportunities" will require funds.

Recent reports by the DEP estimate that annual maintenance costs to "adequately and safely continue complete lock and dam operations" are between \$400,000 and \$500,000. The reports also estimate that \$2 million to \$2.5 million would be necessary for "past-scheduled repairs and maintenance."

Costs associated with the purchase of easements are indeterminate at this time. However, the appraised values of easement acreage currently under litigation is estimated at \$9.4 million.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate, but there possibly will be an increase in local sales and gasoline tax revenues due to increased visitors as a result of improvements to the area.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

As a result of improvements to the area merchants may see increased revenues due to higher visitor numbers.

D. FISCAL COMMENTS:

The 1995 DEP report on the Rodman Reservoir estimated that costs to remove the Rodman Dam and restore the Ocklawaha River ranged from \$5 million to \$23.4 million.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 1085 does not require counties or municipalities to expend funds or to take an action requiring the expenditure of funds.

STORAGE NAME: h1085.nrep.doc

DATE: March 22, 2001

PAGE: 5

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1085 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 1085 does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON NATURAL RESOURCES & ENVIROMENT PROTECTION:

Prepared by:

Staff Director:

Wayne S. Kiger

Wayne S. Kiger