

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 697 w/CS Rodman Reservoir

**SPONSOR(S):** Pickens

**TIED BILLS:** IDEN./SIM. BILLS: SB 2042

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Lands &amp; Water Resources (Sub)</u>	<u>9 Y, 0 N</u>	<u>McKinnon</u>	<u>Lotspeich</u>
2) <u>Natural Resources</u>	<u>16 Y, 1 N w/CS</u>	<u>McKinnon</u>	<u>Lotspeich</u>
3) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 697 provides for the following:

- Establishes Rodman Reservoir State Reserve as a unit of the state park system. Designates the boundary of the reserve;
- Requires the Department of Environmental Protection's (DEP) Division of Recreation and Parks (DRP) to develop and maintain outdoor recreational facilities and maintain all water control structures;
- Requires legislative approval for "any action that would substantially alter the reserve as it existed on January 1, 2003";
- Provides for public hunting as authorized by the Fish and Wildlife Conservation Commission;
- Authorizes the DEP's Division of State Lands (DSL) to acquire additional property adjacent or contiguous to the reserve;
- Requires DSL to notify all property owners who entered into easements for the Rodman Reservoir as to the property's status as a state reserve; and
- Requires DSL to submit a report to the Governor and Legislature on the easements by January 1, 2004.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0697c.nr.doc

**DATE:** April 9, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Section 253.782, F.S., creates the Cross-Florida Greenway within the former Cross-Florida Barge Canal lands located within the Ocklawaha River Valley. Section 253.7829, F.S., requires the former Canal Authority to develop a management plan for the newly created Cross-Florida Greenway, and to submit that plan to the Governor, Cabinet and Legislature for approval by a certain time. The plan requires, *inter alia*, a statement relating to the final disposition of the canal works at the Rodman Reservoir. A plan was submitted which included four alternatives for the disposition of the Rodman Reservoir: (1) total retention of the reservoir; (2) total restoration of the Ocklawaha River; (3) partial retention of the reservoir; and (4) partial restoration of the river. In 1992, the Governor and Cabinet approved the management plan and selected the partial restoration option. During the 1993 Legislative Session, the Legislature adopted the management plan (see s. 48, 93-213, Laws of Florida) and directed additional study on the four alternatives for Rodman Reservoir and presentation of recommendations to the Governor and Cabinet, the Speaker of the House of Representatives and the President of the Senate. In 1995, the study was completed, and DEP informed the Governor and Cabinet that its recommendation of partial restoration had not changed. The Governor and Cabinet took no action to select another alternative, and the Governor directed DEP to proceed with partial restoration.

In 2000, Governor Bush renewed DEP's charge to proceed with partial restoration. Applications for necessary state and federal permits have been filed and remain pending before the St. Johns River Water Management District, the United States Forest Service and the United States Army Corps of Engineers. In January of this year, the required environmental impact statement (EIS) was completed as part of the U.S. Forest Service permitting process.

Rodman Reservoir is currently managed as part of the Cross Florida Greenway State Recreation and Conservation Area, by the DEP's Office of Greenways & Trails. Rodman Reservoir is managed as a multiple use area (s. 258.7825, F.S.). A comprehensive greenway management plan has been prepared by the University of Florida to help guide future management of Rodman Reservoir and the greenway.

Most of the significant ownerships within the easement area in Putnam County have already been acquired by the State. Most of the easement areas in Marion County, including those associated with Eureka Dam, have *not* been mapped or appraised. The remaining easement ownerships, however, are relatively small in size and number.

##### **Effect of the proposed changes**

HB 697 would make substantial changes to management responsibilities within portions of the Cross-Florida Greenway. The Cross-Florida Greenway was created in 1992 and placed under management of the Office of Greenways & Trails. The bill severs the lands around the Rodman Reservoir from the Cross Florida Greenway and places them under a separate managing entity within the DEP's Division of Recreation and Parks. The bill would essentially reverse the Governor's charge to DEP to proceed with

the restoration of the Ocklawaha River, by requiring any action substantially altering the newly created reserve to be approved by an act of the Legislature. HB 697 directs the DEP's DRP to develop the area as a multi-use recreational area, and expressly authorizes hunting on the property.

HB 697 will establish Rodman Reservoir as a state reserve managed by DRP as part of the state park system. This classification was apparently selected so that hunting could be continued. Multiple agency management programs have been established on other state reserves, under which hunting is managed by the Fish and Wildlife Conservation Commission. The Office of Greenways & Trails has been constructing recreational and support facilities on the Cross Florida Greenway and this bill contemplates further such construction.

HB 697 will require DRP to assume management of Rodman Reservoir. As part of DRP's management program, the dams, locks and other structures that were transferred from the federal government would be maintained. HB 697 directs DEP's Division of State Lands to acquire land adjacent or contiguous to the new reserve for the purposes of improved management or increased recreational opportunities. The DSL must notify all remaining easement holders of the reserve designation.

Finally, HB 697 directs the DSL to assemble an inventory of all less-than-fee holdings within the newly created reserve and provide a report by January 1, 2004, to the Governor, the Speaker of the House and the President of the Senate which: (1) identifies those entities that have an easement within the taking line of the reservoir; (2) indicates whether the easement holders are willing sellers of the easement; (3) estimates the costs of acquiring the easements; and (4) identifies other issues that result from this designation.

#### C. SECTION DIRECTORY:

Section1: Creates 258.166, F.S, establishing the Rodman Reservoir State Reserve which includes all state-owned lands in Marion and Putnam Counties within the floodplain of the Ocklawaha River from Eureka Dam to Buckman Lock.

Section2: Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None.

#### 2. Expenditures:

##### 1. Non-recurring Effects:

According to DEP, an additional \$547,000 in non-recurring Fixed Capital Outlay funds are necessary to construct 2 residences and a 3 bay shop, and to install utilities. Also, \$189,847 in non-recurring OCO and expense funds are needed to purchase equipment necessary to manage the site.

DSL costs associated with contacting remaining easement owners and preparing the required report should be relatively minimal. The time and costs of defining optimum management and recreational reserve boundaries and trying to acquire the associated ownerships are unknown at this time.

2. Recurring Effects: According to DEP, recurring operating costs of \$238,738 are necessary to staff the park and provide for utilities and other expenses.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

According to DEP, the total expenditures for the first year are anticipated to be \$975,585.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

In section 1., Line 21, Oklawaha River is misspelled. Additionally, in s. 373.0693, F.S., Oklawaha River is misspelled throughout the section. Numerous scientific journals and federal documents refer to the river as the "**Ocklawaha River**". A revisers bill may be needed to correct the spelling.

HB 697 requires that services currently being provided by the Office of Greenways & Trails be performed by the Division of Recreation and Parks. Since the management of the property would not change, this bill re-creates a process that already exists in a separate division. HB 697 will effectively prevent the restoration of the Ocklawaha River, which is a priority of the DEP, and require the reservoir to be left in place. According to the St. Johns Water Management District, dam removal could release significant nutrient loads resulting in a deleterious impact on the St. Johns River.

The bill is silent to the fact that the United States Forest Service owns approximately one-half of the George Kirkpatrick Dam and about one quarter of the land beneath the reservoir, and would require the state to hold a "Special Use Permit" to maintain the dam and reservoir on Forest Service land. HB 697 is silent on what would happen if the Forest Service refuses to issue the State of Florida a special use permit and orders the removal of the dam and reservoir from its property.

HB 697 requires that "any action that would substantially alter the reserve" be approved by the Legislature. Without a clear definition or understanding of what would constitute a "substantial" alteration, DRP, may be restricted to operating the reserve in the manner and in the condition that existed upon DRP's assumption

of management authority. This could prevent DRP from making improvements in the current day-to-day management of the reserve and would also prohibit DRP from constructing or improving fixed capital facilities in the reserve.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On April 2, 2003, the committee on House Natural Resources favorably adopted a substitute strike all amendment that did the following:

- Provides that nothing within the bill will preclude the Division of Recreation and Parks of the Department of Environmental Protection to perform necessary maintenance and improvements as required for the continued operation of the Rodman Dam.