

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 427

State Reserves

SPONSOR(S): Pickens

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Conservation & State Lands</u>	<u>6 Y, 2 N</u>	<u>Palmer</u>	<u>Zeiler</u>
2) <u>Environment & Natural Resources Council</u>	<u></u>	<u>Palmer</u>	<u>Hamby</u>
3) <u>Policy & Budget Council</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>

SUMMARY ANALYSIS

The bill establishes the George Kirkpatrick State Reserve and designates the boundary of the reserve as all state owned lands in the flood plane of the Ocklawaha River from the Eureka dam in Marion County to the Buckman Lock in Putnam County. The bill further requires the Office of Greenways and Trails (OGT) to develop and maintain multipurpose recreational facilities and to maintain all dams, locks, and other structures transferred to the state from the federal government. The bill further provides that, except for necessary maintenance and improvements required for the continued operation of all dams, locks, and other structures within the reserve as the area existed on January 1, 2007, any action that would substantially alter the area in the reserve must be approved by general law. The bill allows for public hunting as authorized by the Fish and Wildlife Conservation Commission and authorizes the Division of State Lands to acquire additional property adjacent or contiguous to the reserve.

This bill could have a fiscal impact on DEP since there is no provision in the bill to fund modernization and upgrade needs with respect to the dam. However, DEP currently is responsible for and budgets for maintenance of the facilities in the green way.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 253.781, F.S., created the Cross Florida Greenway within the former Cross-Florida Barge Canal lands in 1993 including those 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, among other things, 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, the governor renewed DEP's charge to proceed with partial restoration. Applications for necessary state and federal permits have been filed and remain pending.

Rodman Reservoir is currently managed as part of the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area by the Department of Environmental Protection's Office of Greenways and Trails. Rodman Reservoir is managed as a multiple-use area (s. 253.7825, 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.

The proposed state reserve encompasses state and federal land, including Kirkpatrick Dam and Rodman Reservoir. Under a lease from the Board of Trustees of the Internal Improvement Trust Fund, the Department of Environmental Protection's Office of Greenways and Trails manages the area as part of the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area. The federal government, specifically the United States Forest Service, owns approximately one-third of the land beneath the Kirkpatrick Dam and about 550 acres of land under the 9,600-acre Rodman Reservoir.

The Kirkpatrick Dam, formerly known as the Rodman Dam, was built by the Army Corps of Engineers as part of a comprehensive plan to construct the Cross Florida Barge Canal, a man-made waterway designed to cut across the state's peninsula and link the Atlantic Ocean with the Gulf of Mexico. Completed in 1968, the dam blocked a 16-mile stretch of the Ocklawaha River -- flooding 7,500 acres of forest and land and creating the Rodman Reservoir in the process. Three years later, President Richard Nixon halted the project, and in 1990, President George Bush de-authorized construction of the canal. In 2002, Florida did not renew a special use permit with the United States Forest Service for use of the national forest lands that include portions of Kirkpatrick Dam, Rodman Reservoir and Eureka Lock and Dam. Under the terms of the permit, Florida was required to complete partial restoration of the Ocklawaha River by 2006.

The 2003 Legislature passed a bill similar to this bill. Governor Bush vetoed that bill. Subsequently, the Department of Environmental Protection has obtained approval from the Florida Historical Commission to name the Rodman Reservoir recreational area in Putnam County as the George Kirkpatrick State Reserve. The dam at the reservoir was named in honor of Senator Kirkpatrick in 2001.

Effect of Proposed Changes

This bill designates the George Kirkpatrick State Reserve in Marion and Putnam counties. All state-owned lands within the floodplain of the Ocklawaha River, and any lands acquired by the state from Eureka Dam in Marion County to Buckman Lock in Putnam County, are part of the Reserve. The bill provides that the Office of Greenways and Trails in the Department of Environmental Protection will have supervision over the Reserve. The Office is responsible for developing multipurpose recreational opportunities in the Reserve, and is responsible for the care, upkeep, maintenance and beautification of the George Kirkpatrick State Reserve including all those dams, locks and other structures transferred by the federal government to the state. The Fish and Wildlife Conservation Commission is authorized to allow public hunting in the Reserve.

Any action that would substantially alter the area encompassing the reserve as the area existed on January 1, 2007, must be approved by general law. However, the Division of State lands of the Department of Environmental Protection may perform necessary maintenance and improvements as required for the continued operation of the dams, locks, or other structures and facilities within the reserve.

The Division of State lands of the Department of Environmental Protection may acquire in the name of the Board of Trustees of the Internal Improvement Trust Fund any additional property adjacent or contiguous to the George Kirkpatrick State Reserve from private owners or from the U. S. Government for improved management and recreational opportunities.

C. SECTION DIRECTORY:

Section 1. The bill creates s. 258.166, establishing the George Kirkpatrick 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. The bill further specifies that any substantive change to the area of the reserve, as it existed on January 1, 2007, requires approval by general law.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DEP estimates¹:

(1) 15-year maintenance schedule as well as other modernization and upgrade needs would be \$9.4 million.

(2) Ongoing maintenance costs currently range up to \$150,000 annually.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

¹ DEP, 2007. Personal communication.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds, nor does it appear to reduce the authority that cities or counties have to raise revenues in the aggregate, nor does it appear to reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

FWC Comments:

Per our conversation, HB 427, which establishes the George Kirkpatrick State Preserve, allows public hunting as authorized by the Fish and Wildlife Conservation Commission. The bill would have no adverse affect on FWC as it currently offers public hunting opportunities on most parts of the designated area. This is done in partnership with the Office of Greenways and Trails of the Department of Environmental Protection.

DEP Comments:

FYI, we offered several yrs ago to allow the renaming of the area as Kirkpatrick recreation area and got Dept of State permission for that as a separate issue. That is all we were willing to support in this bill. Likely there will be some changes to the fiscal aspects of the analysis as some of those figures will have changed in the ensuing years.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None