

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SM 1656

SPONSOR: Senator Smith

SUBJECT: National Forest Lands/Palatka

DATE: March 24, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Branning</u>	<u>Kassack</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill is a memorial urging Congress to provide for the conveyance to the State of Florida of certain National Forest lands underlying the Senator George Kirkpatrick Dam on the Ocklawaha River.

II. Present Situation:

The Cross Florida Barge Canal Project was initially authorized in 1935 to create a shipping route across the state of Florida from the Atlantic Ocean to the Gulf of Mexico, but ran out of funds within one year of the start of construction. Construction did not start again until 1964 when the U.S. Army Corps of Engineers received federal funding to restart to the project.

The Rodman Reservoir was created in 1968 when construction of the Rodman Dam was completed, blocking off and re-routing 16 miles of the Ocklawaha River. The 9,000 acre Rodman Reservoir was designed to provide a constant source of water for the locks needed to move barges through the elevation changes of the Cross Florida Barge Canal Project. Completion of the dam project included use of federal forest lands, and the purchase of easements on private property which the Army Corps of Engineers could use for flooding purposes to create the Reservoir. The private property easements usually contained a "reverter" clause which provided that the easements would revert to the original property owner if use of the easement for purposes of the Canal project was discontinued.

In 1969, a preliminary injunction against construction of the Canal Project was issued as a result of a lawsuit filed by the Environmental Defense Fund and others. In 1971, before a permanent injunction could be issued, President Nixon suspended work on the Canal Project through an

Executive Order. More than \$74 million had been spent on land acquisition and construction at that time, including construction of the Rodman Dam.

In 1974, the permanent injunction was issued, and in 1990, President Bush deauthorized the Canal Project on the federal level. In 1991, Florida's Governor and Cabinet adopted a resolution accepting the federal legislation, and the Canal Project was officially deauthorized. This led to the creation of the Cross Florida Greenway State Recreation and Conservation Area, now known as the Marjorie Harris Carr Cross Florida Greenway. The Rodman Reservoir is managed for multiple use purposes by the Office of Greenways & Trails at the Department of Environmental Protection as part of the Cross Florida Greenway.

About 600 acres of the Reservoir are flooded federal forestry lands which were managed under a special-use permit issued to the state by the U.S. Forest Service. The permit, which expired in 1998, was extended for a 12-month period pending completion of an environmental impact study by the state. In 2001, the Department of Environmental Protection applied for a permit to occupy and use national forest system land for the operation and maintenance of the Senator George Kirkpatrick Dam¹, the Rodman Reservoir, and the Eureka Lock. In early 2002, the U.S. Forest Service told the state to start working on restoring the Ocklawaha River. Water draw downs in the Reservoir to a level of 4 feet will allow about 2,000 feet of the dam to be removed to let the river flow through. If the state fails to begin restoration efforts, the Forestry Service can step in to tear down the dam and force the state to pay for the work.

III. Effect of Proposed Changes:

This bill is a memorial to Congress to provide for the conveyance to the State of Florida of the National Forest lands underlying the George Kirkpatrick Dam on the Ocklawaha River near Palatka, Florida, and the National Forest lands lying below the 21-foot National Geodetic Vertical Datum (NGVD) underlying the Rodman Reservoir formed by such dam and National Forest Service tract #C-615.

The reasons for the bill are stated in the bill's whereas clauses.

- Congress, through the Water Resources Act of 1990, has deauthorized the Cross Florida Barge Canal project.
- The State of Florida has established and maintained a greenway corridor that is open to the public for compatible recreation and conservation activities.
- In order to continue these efforts it has become necessary to consolidate and collect these lands.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹ In 1998, ch. 98-398, L.O.F., redesignated the Rodman Dam as the Senator George Kirkpatrick Dam.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.