

EMINENT DOMAIN PROCEEDINGS AS A CRUCIAL FINAL STEP IN THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LAND IN SOUTH FLORIDA

HUBERT B. STROUD AND JUDY K. WARRICK

Introduction

Developers of pre-platted subdivisions, in their attempts to rapidly convert raw land into potential vacation-homesites, made poor site selection decisions and ignored many environmental constraints as they superimposed their land development infrastructure across large tracts of land. As a result, numerous problems have been created including wasteful and environmentally unsound land use practices, scattered development, inefficient and unequal distribution of basic services, and an overtaxing of the resource capabilities in some locations.

Even though many of these land development projects may have conformed to whatever regulations existed at the time the project first began, their layout and design are inadequate by today's standards and are now obsolete or antiquated. Land was subdivided to take advantage of the perceived demand for single-family homesites on individual lots. Many subdividers, with little or no planning or environmental impact assessment, superimposed a rigid gridiron network of roads (and canals in some locations) across extensive acreages. Master planning, environmental constraints, and the overall suitability of a site for development

Hubert B. Stroud is a Professor in the Department of Criminology, Sociology, and Geography at Arkansas State University. Judy K. Warrick is a Senior Acquisition Review Agent in the Bureau of Land Acquisition, Division of State Lands, Florida

were largely ignored. Lack of foresight on the part of the developer has created significant land use problems in numerous locations including the wetlands of Florida, the mountains of Colorado, and arid environments in Arizona, New Mexico, and California (Stroud, 1995).

Multiple ownership subdivisions are a real challenge for those trying to find solutions to some of the numerous and vexing problems that have been created. After a development has been subdivided and sold to thousands of individual owners, correcting mistakes or changing land use patterns become extremely difficult (Stroud and Spikowski, 1999). The challenge is to find solutions that will correct problems without infringing upon the property rights of the individual land owner. Several options for resolving platted lands problems are available and include plat vacation, lot merger, transfer of development rights, special assessments, tax delinquent lot purchase, community redevelopment, and lot acquisition or buy-out plans (see, for example, Elliott, 1997). For one reason or another but often because of inadequate financial resources, these options have not been widely used. One notable exception is the land acquisition and hydrologic restoration plan that is currently underway for the southern portion of Golden Gate Estates (Stroud and Payton, 2001, p. 59).

Golden Gate Estates, advertised by the developers as the world's largest subdivision, sprawls across more than 113,000 acres of sensitive wetland in western Collier County east of Naples, Florida. A rigid network of 813 miles of roads and 183 miles of canals was superimposed over the entire site during the late 1950s and early 1960s. By 1965, 900/0 of the land had been platted into 1.25, 2.5, and 5 acre parcels for residential and commercial use (Stroud and Payton, 2001, p. 59).

The portion of the subdivision located north of I-75 (Figure 1), now called North Golden Gate Estates (NGGE), is the fastest growing area in Collier County and has a permanent population of nearly 30,000 (Edwards and Staats, 1999). Problems as-

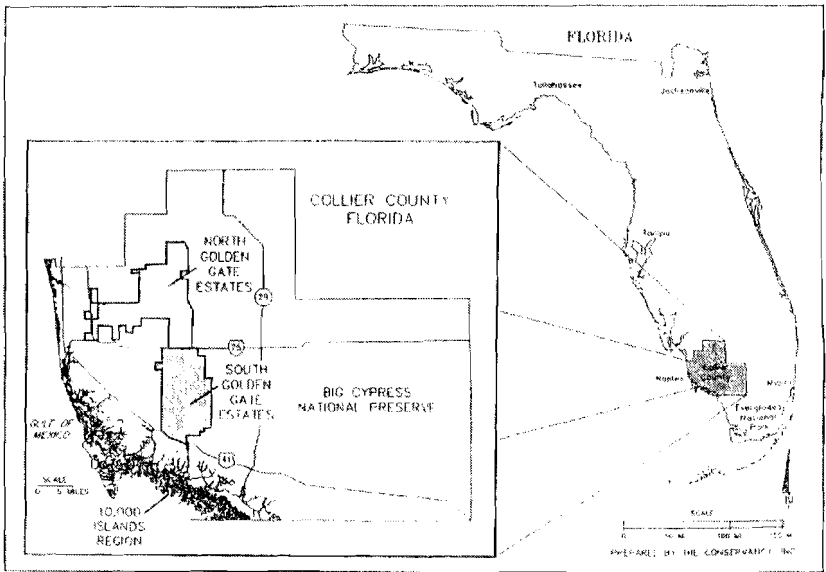


Figure 1. Location of Golden Gate Estates, Collier County, Florida.

Figure 1. Map depicting the location of North Golden Gate Estates (NGGE) and South Golden Gate Estates (SGGE) in Collier County, Florida.

Source: The Conservancy, Inc., Naples, Florida.

sociated with rapid growth are compounded by nearly 22,000 platted lots in NGGE that are located east of the Urban Designed Area. If all of these parcels become owner-occupied (built-on), the total population for NGGE will approach 100,000 (Mosca, 2000) (Stroud and Payton, 2001, p. 59).

The area south of I-75 (see Figure 1), known as South Golden Gate Estates (SGGE), remains virtually uninhabited. It is this largely undeveloped portion of Golden Gate Estates that has been designated for acquisition and restoration. Restoration is crucial since vacant or abandoned subdivisions are vulnerable or susceptible to many negative activities. Some of the more significant problems include squatters, illegal weapons use, poaching of plants and animals, illegal dumping of trash, debris, and toxic substances, and, in some cases, illegal drug activity. Without

proper police protection or management of the subdivision, the public is at risk. Because of these and other problems, it is extremely important for state and local officials to find feasible solutions or alternatives for vast, multiple-ownership parcels that were ill-conceived from the outset. One significant, yet expensive, way of dealing with vacant subdivisions is acquisition and restoration. This article, which is a follow-up to the publication entitled "Protecting Environmentally Sensitive Land from Mistakes of the Past: A South Florida Example" (Stroud and Payton, 2001), highlights some of the most significant and recent events associated with the acquisition/restoration process at South Golden Gate Estates. At the time of the previous publication, it was unclear whether or not the state would use eminent domain to complete the acquisition process. Fortunately, the state has shown the resolve and commitment needed to move forward with eminent domain proceedings, a bold step that is often rejected by state and local officials either because of concerns over property rights or because of financial constraints. This research examines the eminent domain process in some detail and highlights some of the more significant problems associated with the final stages of land acquisition and briefly describes the preferred restoration alternative that will be implemented after all the property is in the hands of the state.

Eminent Domain as a Land Acquisition Tool

South Golden Gate Estates was added to the Conservation and Recreational Lands (CARL) acquisition list in 1984 as part of then Governor Bob Graham's Save Our Everglades plan. The CARL program was established in 1979 by the Florida legislature and is an expanded version of the 1972 Environmentally Endangered Lands (EEL) Program. In 1990, the legislature passed the Florida Preservation 2000 (P-2000) Act which renewed funding for CARL and other resource conservation measures. Act P-2000 proposed raising nearly \$3 billion over a 10-year period for the

state's land acquisition programs. In 2000, the legislature passed the Florida Forever Act, which is a continuation of Florida's commitment to its land acquisition program. To receive funding, CARL (now designated Florida Forever) projects must meet one of seven specific public purposes criteria. Public purposes include such things as protecting unique and irreplaceable lands that contain native flora and fauna that are unique or scarce within the state; and conserving and protecting lands within areas that have been designated as areas of critical state concern (Florida Department of Environmental Protection, 1998).

One of the first steps in the acquisition process of SGGE was to survey and appraise all 19,992 lots that had been subdivided and sold to approximately 17,000 owners. Lot appraisals ranged from \$300 to \$2000 an acre depending on lot location and elevation. Acquisition was slowed by angry lot owners who felt that the appraised value was far too low. Many of these disgruntled lot owners filed suit against the state in 1988. The lawsuit requesting new appraisals, cumbersome techniques, and an inadequate land acquisition staff resulted in a very slow acquisition process. From 1985 to 1991, for example, the state had purchased only 1,000 acres of SGGE real estate.

In 1991, The Conservancy, Inc. (The Conservancy of Southwest Florida), concerned over the slow pace of the acquisition process, implemented a volunteers and interns program to help process repurchase offers that were being made to SGGE landowners. Financial support for the Conservancy's acquisition assistance project was provided by the Harder Foundation. A larger staff and the computerization of the project greatly reduced the time required to contact lot owners and to finalize purchase agreements. With the Conservancy's assistance, 4,000 acres were purchased by the state in 1992 alone (Ramsey and Addison, 1996).

A second group of 900 SGGE landowners that were also upset over low lot appraisals filed a civil complaint in 1992 that

was similar to the 1988 suit. This brought the total number of landowners demanding new appraisals to 3,900. Even though the lawsuits drastically slowed acquisition efforts, the state continued to extend first time offers to lot owners; a process that was completed in 1993.

In April of 1996, the U. S. Congress provided the Secretary of the Interior \$200 million from the Farm Bill for restoration activities in the Everglades ecosystem, including land acquisition and resource protection and maintenance. The very next month, Vice President Al Gore announced a grant of \$20 million to the South Florida Water Management District to be used to acquire lands in South Florida. This doubled the amount that had previously been provided to the District for land acquisitions in the East Coast Water Preserve and Everglades Agricultural Area, the top two priorities recommended to Secretary of the Interior Bruce Babbitt for the use of Farm Bill funds. The Southern Florida Ecosystem Restoration Task Force ranked SGGE fourth on a list of 33 prioritized projects that could be funded.

Between 1985 and 1997 the state purchased 22,000 acres from more than 7,600 lot owners. In 1997, SGGE moved up to the third ranking on the CARL acquisition list and Vice President Al Gore announced an additional \$25 million Farm Bill Grant to complete the state's buyout of SGGE. In 1999, Florida received an additional \$13 million from the federal government to ensure complete acquisition by December 2003.

In August, 1997, Governor Lawton Chiles and the Cabinet unanimously approved a proposed settlement that called for new appraisals of some 7,500 acres in South Golden Gate Estates. Between 3,200 and 4,000 plaintiffs signed a settlement agreement whereby new appraisals would become binding purchase prices. This settlement was crucial to the completion of land purchases throughout SGGE. Unfortunately, the ownership patterns were complicated by the activities of Avatar Properties, Inc., a land development company with substantial holdings in

SGGE. Avatar continued to sell lots within the acquisition area with buyers paying 3 times the price of comparable lots in the area. The practice continued until an agreement was reached with the state in December of 1998 for the purchase of some 8,000 acres of land. Avatar Properties, Inc. is a Coral Gables-based successor company to the corporation that carved SGGE out of pristine wetlands in the early 1950s. The Avatar deal and the settlement of the landowner lawsuits almost doubled the amount of land the state owned. The momentum continued and by June 2000, the state had acquired more than 40,500 acres. Even though the state had now acquired more than 70 percent of the property, over 14,000 acres remained in private hands (Hicks, 2000).

Several important steps associated with land acquisition must be taken before water resources at the site can be protected. Fortunately, the efforts to complete the buyout of private land owners were aided by federal grant money and the resulting settlement of the lawsuits. Another turning point was the state purchase of all parcels held by Avatar Properties, Inc., the largest single land owner within SGGE (Staat, 1998). In 2001, the acquisition process had reached a crucial stage with much of the remaining acreage in the hands of "unwilling sellers." The Governor and the Cabinet made a bold and essential decision to use eminent domain to acquire property from uncooperative land owners. To understand the significance of this action in the land acquisition efforts, a brief history of the Board of Trustees' (the Governor and Cabinet) involvement in the exercise of its eminent domain power is essential.

The power to take private property for the public good is specifically recognized in the Florida Constitution in Article X, Section 6(a) which provides "no private property shall be taken except for a public purpose and with full compensation therefore paid..." Prior to 1989, the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, had

not been granted any special power of eminent domain; but, from time to time, the legislature did grant the Board of Trustees or various state agencies the authority to take specific parcels of land through the use of eminent domain.

In 1989, however, the legislature, for the first time, granted the Board of Trustees the authority to direct the then Department of Natural Resources to acquire property on the CARL list by exercising the power of eminent domain (Florida Statutes, Title XVIII, Chapter 259.041(14)). The Board of Trustee's authority to use eminent domain was conditioned on the Department having been unsuccessful in its efforts to acquire the property through voluntary negotiations and a determination that the property was of special significance to the state for enumerated reasons. In addition, the Board of Trustee's ability to exercise the power was dependant on a unanimous vote of all seven members of the Board of Trustees. In 1990 the requirement for a unanimous vote was changed to the requirement of a majority of seven members and again amended in 2001 from a unanimous vote of seven members to the majority vote of all of its members (Florida Statutes, Title XVIII, Chapter 259.041 (14)).

Between 1989 and 1995, the Board of Trustees exercised its eminent domain authority only three times. In none of those three instances had the Board of Trustees ever voted to take a parcel of improved residential property. In virtually every case, eminent domain is used as a last resort to resolve issues of value.

In spite of the limited exercise of its authority to use eminent domain, the Department of Environmental Protection (DEP) supported the concept of placing some reasonable restrictions on the broad authority granted by the legislature. Much of the opposition to the use of eminent domain came from citizens who feared it would be used to take their family farms and residences. To address this issue, DEP recommended exempting homestead property as defined in the State Constitution unless the owner expressly consents to the taking. In this project area, using the

broad letter of "intent," it has been the practice to define a homestead as those parcels in which the owner has received an exemption of the real property tax. The property owner must also provide legal documentation showing that he/she resided at the parcel location, and in good faith made the same his or her permanent residence. Additionally, the homestead provision would allow the owner to exempt his primary residence and up to 160 acres of contiguous land to ensure that no property will be subject to eminent domain unless the owner has been specifically notified and given a chance to be heard.

On June 13, 1996, the Board of Trustees approved its eminent domain policy which states that eminent domain will be used only after DEP has made at least two (2) bona fide offers to purchase the parcel and the landowner has rejected these offers. A letter must also be provided by the managing agency supporting the need for the parcel's acquisition because of the following reasons: (1) it involves an endangered or natural resource and is in imminent danger of development; (2) it is of unique value to the state and failure to acquire it will result in irreparable loss; or (3) the failure to acquire the parcel will seriously impair the managing agency's ability to manage or protect other state-owned land within the project; and (4) the parcel is designated in the current CARL Annual Report as an essential parcel within the project in which it is located.

To further comply with its policy, prior to requesting permission from the Board of Trustees to use eminent domain, DEP must adhere to a number of specific guidelines to ensure the landowner has been provided ample opportunity to respond to the offer by DEP to purchase the land at issue. These guidelines include mailing to the owner by return receipt mail a notice which provides the date, time, and place of the Board of Trustee's meeting where the use of eminent domain will be considered and provides information about how an owner may make an appearance and presentation.

Once granted the authority by the Board of Trustees to use the power of eminent domain, the Secretary of the DEP executes a parcel-specific resolution for condemnation and grants the authority to the Attorney General of the state of Florida to represent the state's interest in a court action. Between January 23, 2001 and January 28, 2003, DEP requested and received approval to send 1,862 non-homestead parcels to eminent domain (a term used for condemnation of a parcel of land and requires a court action). Of the 1,862 parcels sent to the Attorney General's office for processing, the state of Florida has obtained fee-simple title to 1,859 through court proceedings.

The Assistant Attorney General files a court action (lawsuit) against the landowner and after providing proper service of the Petition and other court documents sets a court hearing date before the Judge in the county where the land is in ownership, in this case Collier County, Florida. At the hearing to request an Order of Taking, the Assistant Attorney General argues the state has made at least two bona fide offers to purchase the land through negotiation and an impasse between the state and the landowner has been reached and argues to the satisfaction of the court the public necessity of the Order as discussed in previous paragraphs.

After the Judge has executed the Order of Taking, title is transferred to the state of Florida under what is called the "quick take" procedure. The state then deposits, within 21 days of the hearing, an amount of money into the court registry that equals the current value of the parcel at the day of the hearing. To insure the values are indeed current, the appraisal establishing the value of the initial and second offer is updated and the current value is then deposited into the court account.

A parcel would require such a court action if the seller was unwilling to negotiate a purchase price of his parcel and negotiations were at an impasse. The court would assist in establishing a value for the parcels in question.

EMINENT DOMAIN AS AN ALTERNATIVE LAND ACQUISITION STRATEGY IN SGGE

Reason for Eminent Domain Action *	Total parcels sent to eminent domain 1,862	Percentage by Category	Comments
	Estimates only		
unwilling seller	714	38%	majority of landowners would usually fall under this category
probate	283	15%	owner is deceased and has no probate within the county of residence
absentee landowner	363	19%	Offer packages were undeliverable to landowner, moved left no forwarding address, required publication for notice of action
unresolved title matters	152	8%	title issues that could not be resolved with title underwriter
other	350	19%	an example would be 1/2 of the title holders wanted to sell, the other 1/2 of the title holders didn't want to sell
TOTAL ESTIMATED	1862	100%	
Total number of parcels obtained by Orders of Taking within SGGE project	1859		
Number of parcels pending Order of Taking hearing	3		As of June 5, 2004

*While the Board of Trustees grants the authority for the use of eminent domain, the Division of State Lands oversees the completion of the action

Table 1. Eminent domain as an alternative land acquisition strategy in SGGE. Source: The Division of State Lands, Department of Environmental Protection, Tallahassee, Florida, 2004.

Seeking the authority to use the power of eminent domain is not only reserved for the unwilling seller. Circumstances such as a deceased owner, an absentee owner who has moved and left no forwarding address, a foreign national claiming ownership interest in a parcel and who can not be located, a dissolved corporation, and other such title challenges would suggest eminent domain is a viable last-resort alternative to acquire these parcels as well. It is important to note that of the 1,862 eminent domain cases shown in Table 1, only 3 remain unresolved.

Three important events have occurred within the acquisition process that deserves comment. On February 11, 2003 the Board of Trustees approved the donation of the 813 miles of roads within the platted portion of the project area. This donation

also included Collier County's interest in Miller Boulevard Extension, the portion of road extending from the plat of SGGE to U.S. 41 south through the unplatted portion of the project area known within the local community as "South of the Border." Also included in the donation was Janes Scenic Drive, a road that extends east of the SGGE area and south through Fakahatchee Strand Florida Forever project area to U.S. 41. With the donation of the road system within the abandoned subdivision and surrounding unplatted areas, litigation to obtain the fee simple title to the roads was avoided.

A second significant event occurred on May 25, 2004 when the DEP requested and received the authority to take the final remaining homestead parcel to eminent domain. Due to the unique circumstances that this property is a homestead parcel, both landowner and DEP staff continue negotiation efforts to obtain fee-simple title to the parcel as a voluntary acquisition. This particular acquisition is historic in nature because DEP requested and obtained a waiver of the Board of Trustee's policy that specifies that eminent domain will not be exercised to acquire a homestead property without the written approval of the property owner. This approval to move forward with eminent domain speaks to the resolve of the Board of Trustees to acknowledge and support the importance of the restoration effort to the citizens of South Florida.

A third event occurred on March 25, 2003 when the Board of Trustees approved the use of eminent domain on three parcels totaling approximately 800 acres of land owned by the Miccosukee Indians of Florida (the Tribe). The Tribe's unwillingness to negotiate a voluntary purchase has necessitated the DEP requesting and receiving approval for the use of eminent domain. The court action is pending in Collier County.

Although the initial Order of Taking hearing conveys title to the state, the settlement of the court action begins with the landowner. After receiving the Order of Taking, the Assistant At-

torney General must negotiate with the landowner and come to an agreement on a price to compensate the landowner for the "taking" and then all parties must enter into a Stipulated Final Judgment, the avenue to provide for full compensation for the parcel. To date, 64% of the court cases have settled through negotiation.

This process, though rather complicated and time consuming, has aided tremendously in moving the acquisition along. It sent a strong message to the remaining holdout owners that the state was serious and that it was inevitable that the final stages of acquisition were going to occur either with or without cooperation from resistant property owners.

The defining moments in the land acquisition came in late 1998 and the early 1999 when decisions were made to expend federal relocation funds and seek authority for the use of eminent domain. When capturing the success of the land acquisition effort in the SGGE area, the application for a Federal Grant must be considered as instrumental in thrusting the project toward completion. With the infusion of federal money into the acquisition budget, the landowner who qualified under the provisions of the Federal Relocation and Assistance Act of 1970, as amended, received Federal relocation benefits in excess of the purchase price of the land. In addition to the 17 landowners claiming a homestead interest in a parcel, there were another 89 (for a parcel total of 106) landowners who used their property as a hunting camp, or other recreational activities, 52 of which qualified for some form of relocation benefits. Twenty-six of the 52 landowners received a new house or mobile home which by the federal guidelines provided moving expenses and closing costs in addition to the value of the new home. Twelve landowners qualified for moving expenses only, nine tenants qualified for tenant relocation benefits, and 5 businesses have been compensated with re-establishment expenses. Of those 106 parcels, 66 of these parcels were sold by the landowner on a voluntary basis and 40 parcels

were sent to eminent domain to establish the value (of the land and improvements) in dispute.

The legislature has recognized that the Everglades ecological system is unique in the world and is one of Florida's great treasures (Florida Statutes, Title xxviii, Chapter 373.459(1)). They also recognize that the Comprehensive Everglades Restoration Plan (CERP) is important for restoring the Everglades ecosystem and sustaining the environment, economy, and social well being of South Florida. The Everglades ecological system is endangered as a result of adverse changes in water quality, and in the quantity, distribution, and timing of flows and, therefore, must be restored and protected. The hydrological restoration of these lands is an essential component of the CERP.

As a result of the work of a number of committed individuals, and DEP's vigilant watch over the land acquisition efforts, the promise of the long anticipated restoration of the famed "river of grass" has moved from a 20 year "dream" to reality.

The Restoration Plan

The hydrologic restoration of SGGE is scheduled to begin shortly after the acquisition process has been completed. The restoration plan includes wetland hydro-period restoration that would return the area to pre-Golden Gate Estates conditions. Surface water sheet flow would be returned to pre-subdivision conditions and the concentrated shock load discharge into coastal estuaries would be replaced with a more widely distributed sheet flow. Other benefits include improved water storage, aquifer recharge and enhanced surface water deliveries to the adjacent Fakahatchee Strand State Preserve and Florida Panther National Wildlife Refuge. Restoration would also maintain or even enhance flood protection for North Golden Gates Estates and other areas north of Interstate 75 (Abbott and Nath, 1996, pp. 100-101).

Numerous options are available to meet, at least in part, the restoration objectives of the project. Previous studies suggest

the use of weir type water control structures on the canals to reduce overdrainage and to restore the overall hydrology of SGGE. Unfortunately, more is needed to fully restore the wetland hydroperiods. Weir structures would increase water storage and aquifer recharge but would not eliminate the freshwater point load discharge into Faka Union Bay. Because of this shortcoming, several alternative measures were originally formulated to accomplish the stated objectives of the restoration project. These include Alternative 1, Alternative 2, and Alternatives 3A, 3B, and 3C.

Hydrologic restoration alternatives were designed to meet the objectives stated above and based on the assumption that the entire area of SGGE will be under public ownership when the acquisition process is completed. Alternative 1 is only a partial plan that utilizes diversion structures and a spreader channel to dissipate flows. This plan would not achieve the full range of objectives identified for the SGGE restoration project (Abbott and Nath, 1996, pp. 101-102). Alternative 2 suggested removal of all the roads and canals south of I-75. Such an option would be cost prohibitive and was not seriously considered as feasible option by officials with the South Florida Water Management District (Nath, 2000 and 2003). Alternative 3 was designed with three different configurations (alternatives 3A, 3B, and 3C), all of which have some common key components. These common components included spreader channels, pump stations on each of the three major north-south canals which contribute drainage from NGGE, removal or grading down of selected roads, canal plugs and roadside swale blocks, elimination of canal maintenance south of the spreader channel locations, and continuation of the groundwater level monitoring program (Abbott and Nath, 1996, pp. 105-118).

In 2001, after much debate and serious consideration, officials with the South Florida Water Management District selected Alternative 3C as the preferred option and suggested that it would be the best configuration to achieve the desired objectives of the

Alternative 3D- Most Roads Removed and Northern Spreader

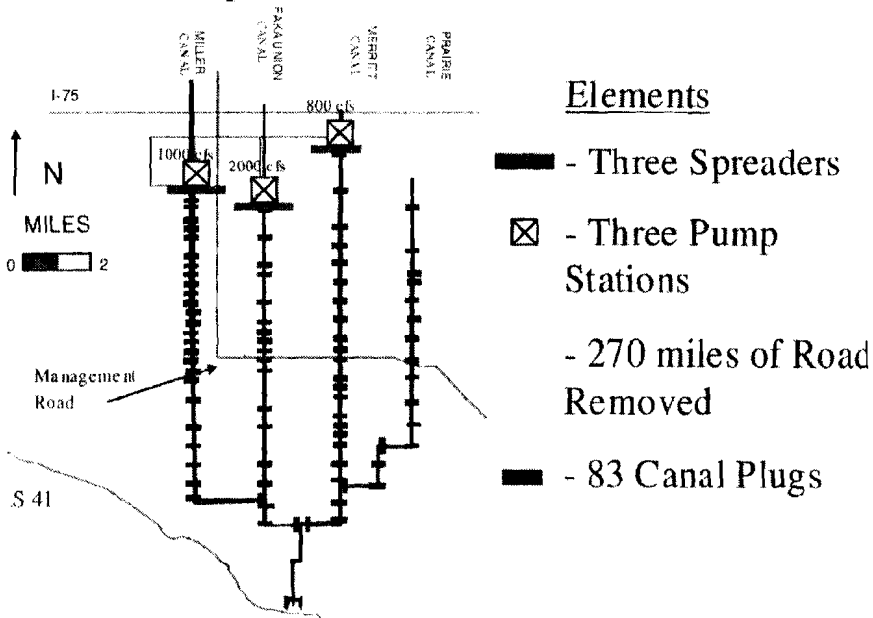


Figure 2. Detailed illustration depicting the South Florida Water Management District’s preferred hydrologic restoration alternative for South Golden Gate Estates.

Source: South Florida Water Management District, Naples, Florida, August 2003.

proposed project (Nath, 2000 and 2003). This decision was based on hydrologic-hydraulic and economic evaluations and assessment of the impacts of all the alternative restoration options. Alternative 3C included the construction of three pump stations, three spreader channels, 83 canal blocks and removal of 130 miles of roads. Canal maintenance south of the spreader channels would be discontinued. Since the acquisition phase of the project was delayed, the South Florida Water Management District had more time to review restoration options and to refine the alter-

ative even more. The result is Alternative 3D, the latest and final hydrologic restoration option of choice. It is similar to 3C but has larger pumps and removes 270 miles of road rather than 130 miles (Figure 2). This plan will be implemented immediately after the acquisition has been completed and as soon as it has received federal approval (Starnes, 2003).

Additional recommendations included as part of this plan are: maintenance of a travel corridor for fire management by the Florida Division of Forestry (managers of Picayune Strand State Forest) and for recreational public access; collection of stream flow data of three canals at Interstate 75 on the north project boundary; continued groundwater monitoring programs; and development of a phased approach for project implementation. This plan, when implemented, will reintroduce sheetflow across SGGE, re-establish three historical flowways, increase groundwater recharge and reduce the possibility of wildfires. Selected road removal is crucial to the restoration of the flowways. A main objective is to change the point flow discharge through the Faka Union Canal into distributed flow across SGGE and through improved culverts under U. S. 41 into the tidal coastal marshes (Abbott and Nath, 1996, pp. 118-120).

Several other recommendations are to become a part of the South Florida Water Management District overall restoration plan. These include accommodating the Florida Division of Forestry's needs for management of the area (utilizing some of the existing roads combined with low water crossings to maintain a travel corridor through the project, for example) (Division of Forestry, 1996 and Durrwachter, 1999); collecting additional stream-flow data by installing surface water monitoring stations on Miller, Faka Union, and Merritt Canals at the three major inflow points into SGGE at I-75; continuation and enhancement of the existing groundwater monitoring program that is to be a part of the overall restoration project; increasing water storage and conveyance capacity; restoration of wetlands; and phased implemen-

tation of the restoration plan (Tears, 1999 and 2003).

Phased implementation of the restoration has several advantages. It would be financially and ecologically advantageous and could be designed to incorporate most of the major "elements" of the plan including pump stations, spreader channels, canal plugs, and road removal all in manageable segments.

Summary and Conclusion

Even though the acquisition and hydrologic restoration is a difficult and time consuming process, its successful completion is very important to South Florida. This is particularly true since a regional watershed management plan for western Collier County has been undertaken by the Big Cypress Basin/South Florida Water Management District. A restored SGGE would then fit into a broader regional framework that links vital wildlife corridors and enhances water resources by allowing natural sheetflow to recharge groundwater supplies and restore (sustain) original plant and animal communities of the region (Florida Panther Interagency Committee, 1993). This would provide a more homogeneous natural system for adjacent areas and promote the notion of a comprehensive plan for the hydrology of a much larger portion of South Florida. Such an approach is vital in protecting the future water supplies and environmental resources of Collier County and southwest Florida (Florida Fish and Wildlife Conservation Commission, 1994).

Now that the acquisition phase is almost completed with only a few parcels yet to be acquired, there is little doubt that restoration of the property will occur. An important concern associated with the acquisition process was centered on the state's willingness to take the final major step of using eminent domain to acquire the property needed to allow the restoration to go forward. This concern was alleviated by the Florida Cabinet's January 23, 2001 decision to approve the first in a series of legal procedures to acquire the remaining parcels from

resistant lot owners. This important commitment by the Florida Cabinet was a major turning point in making the restoration a reality (Peltier, 2001). The next important step is to complete the negotiation and acquisition process with the remaining "holdout" property owners and to obtain federal approval of restoration Alternative 3D. Hopefully, these final steps can be accomplished within the next few months so that actual restoration efforts can begin in a timely manner.

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