

The Everglades Coordinating Council

Coordinating the Conservation Efforts of South Florida Sportsmen's Associations

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Big Cypress National Preserve
Addition General Management Plan
National Park Service
Denver Service Center—Planning
P.O. Box 25287
Denver, CO 80225

VIA ATTACHMENT TO ELECTRONIC MAIL

Dear Planning Team:

**Regarding: Draft General Management Plan/Wilderness Study/Off-Road Vehicle
Management Plan/Environmental Impact Statement, Big Cypress National Preserve
Addition**

The Everglades Coordinating Council (Council) is an umbrella organization of national, state, and regional sportsmen's conservation organizations whose affiliate memberships are largely comprised of members of the Gladesman culture. The Council has a long history of involvement in matters related to providing responsible, well managed access to public lands in order to preserve the rights of the Gladesman community to pursue their traditional cultural activities, as well as the right of the American public in general to enjoy nature-based recreation on state and federal lands.

Integral to the Council's mission is assuring continued traditional uses of Big Cypress National Preserve in a manner that honors the resource as well as assures that future generations of Gladesmen, yet unborn, will inherit the benefits of their cultural heritage. It is in this spirit that I thank the National Park Service on behalf of the Council for the opportunity to review the Draft GMP, Wilderness Study, ORV Management Plan and EIS for the Big Cypress National Preserve Addition, and to submit these comments.

After a thorough analysis of the Draft Plan, it appears to the Council as if a Solomon-style Preferred Alternative has been selected in a well-intended attempt to separate the Addition into zones to appease proponents on both sides of the management philosophy debate. However, the Council feels, and the wise King Solomon would agree, the baby is best left whole.

The enabling legislation stipulates: "That in order to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof, the Big Cypress National Preserve is hereby established." [Emphasis added.] Although it has been clearly affirmed that protection of the resource is, of course, paramount, it is equally clear that the agency has a strong

dual mandate to enhance and provide for the public enjoyment of the recreational values of the Preserve.

It is noteworthy that hunting, fishing, trapping, and frogging and other traditional opportunities--which include customary ORV access for these pursuits--are the only forms of recreation in the enabling legislation specifically stipulates shall be provided. It was a matter of such importance that these traditional uses be "enhanced and enjoyed" that lawmakers also stipulated that federal agencies shall cooperate with the State of Florida in access and management for these uses.

The Council is not suggesting that lawmakers excluded other forms of recreational use of the Preserve. Quite to the contrary, we strongly affirm that the Preserve is a "new breed of cat" in which *all* Americans must have an opportunity to pursue unstructured nature-based recreation. What we vehemently object to, however, is an alarming trend in the demands of recreational interests new to the Preserve to dramatically reduce or eliminate traditional uses that have been pursued in the Cypress for generations, in order to mitigate their emerging uses. These discriminatory demands should not be rewarded or enabled by the National Park Service.

After attending a very generous round of public meetings (for which we deeply appreciate the NPS scheduling), and listening to and reading public input and myriad agency comments, many of the Council delegates were left scratching their heads wondering Where are all the misconceptions coming from about the perceived effects of uses associated with a properly managed, all-inclusive Backcountry Recreation designation? Regretfully, after better scrutinizing the Draft Plan, it soon became painfully apparent that much of the misconceptions are derived from this document itself.

The Draft Plan does not provide a full range of alternatives: NEPA requires a full range of alternatives, yet no alternative was offered that would convey to the entire Addition the designation of Backcountry Recreation, with proper resource protections provided through education, regulation, and designated trails. Each alternative presented contained different levels of Wilderness, or in the case of the Status Quo Alternative, de facto Wilderness, revealing pre-decisional institutional bias toward denying reasonable access and excluding congressionally mandated traditional recreational uses to all or at least large portions of the Addition.

Wilderness Study: Although the Preserve's enabling legislation provides standard language requiring a review of Wilderness suitability, former Undersecretary of Interior Nat Reed assured Congress the historical uses and projected uses of the Preserve would preclude that designation. Had the Wilderness review been conducted in a timely fashion, as mandated by Congress, rather than a decade and a half after the creation of the Addition, the matter would not even be an issue.

Given the strong mandate for traditional uses, the crucial need for assertive habitat and wildlife management (including protected species and harmful exotic species), highway safety issues on I-75 and State Rd 29 associated smoke from wildfires, law enforcement needs, modern resource management tools needed for assertive land management protocols, and the impending exercise of minerals exploration and extraction activities, and an extensive network of existing trails, not one acre of the Addition Lands is suitable for Wilderness Designation. *All*, the Addition Lands, however, can be appropriately managed through conventional regulation.

Best available science: NEPA requires that the best available science be employed in decision-making, yet outdated science or science irrelevant to existing management protocols, as well as maps that did not accurately reflect existing and historical conditions have made their way into the Draft Plan. At the same time, ongoing studies, internal or external agency reports, existing maps reflecting the full extent of the trail system in the Addition, and other documents that would have provided balance to the various impact hypotheses were withheld. This lack of the complete best available science has denied many members of the public, as well as some cooperating agencies, the right to offer informed input.

For example:

The Draft Plan cites negative excerpts from the Janis and Clark "*Final Report to the Big Cypress National Preserve, National Park Service: The Effects of Recreational Deer and Hog Hunting on the Behavior of Florida Panthers.*" Yet the Draft Plan omits reference to an official, highly critical critique of that study by Frank Montalbano, the Director of the Division of Wildlife for the Fish and Wildlife Conservation Commission, a congressionally mandated cooperating state agency.

Similarly, the Draft Plan cites negative excerpts from a 1981 by Duever, "*ORVs and Their Impacts in Big Cypress National Preserve*" and another Duever report published in 1986, "*The Big Cypress National Preserve.*" Both reports referenced impacts from unregulated practices that are no longer permitted in the Preserve. Yet, it would have been helpful—and certainly would have relieved many concerns, for the Draft Plan to have listed the positive aspects that have been employed in the years since to reduce or ORV impacts in the Original Preserve. These include an ongoing educational program, the creation of a diverse ORV Advisory Committee, implementation of a designated trail system, and development of a policy on what constitutes appropriate and inappropriate uses of ORVs, to name only a few.

Map 3 of Alternative A/No-Action Alternative, on page 71, fails to reflect an extensive, existing trail system resulting from over one hundred years of commercial and unregulated recreational uses that pre-dated the enabling act. The Status Quo appears to the unenlightened to be Eden with a single hiking trail, more than likely blazed by Adam and Eve.

Although the 1998 Welch and Madden "*ORV Trail Database for BICY National Preserve. Final Research Report*" was cited, the remote sensing maps that were used to justify a dramatic reduction in historical access in the Original Preserve, the same maps depicting an equally extensive trail system in the Addition was not presented as a component of best available science.

The Draft Plan cites myriad presumptions of impacts to wildlife. We are sure there must be a formula for determining such things, but sufficient care must be taken to include the full range of best available science in making the determination. Reports such as the aforementioned, yet questionable Janis and Clark study that purports adverse disturbance by ORVs and hunting on Florida panthers were not balanced with other reports documenting that the deer population in the hunted Preserve during a period when disbursed use of airboats had been used ever since airboats were invented experienced better deer recruitment and higher survival rates than in the non-hunted Everglades National Park.

Wildlife routinely converge in areas frequented by tourists: Fox squirrels in golf courses; nuisance bears all over the place; wood storks complicating construction of the Modified Water Deliveries Project by roosting in the Tamiami Trail right-of-way; and panther populations so dense in the vicinity of residences on Loop Road that the Chairman of the Miccosukee Tribe wrote an official letter to the NPS expressing concern about the safety of the Tribe's children.

Despite all this documentation of wildlife's ability to adapt to interaction with humans, members of the public and state agencies reviewing the Draft Plan have been lead by the to conclude that survival of these charismatic species depends upon permanent severance of reasonable access to tens of thousands of acres of public lands. This is not employment of best available science, and it has contributed to an almost rabid call for discriminatory closure of access by members of the Gladesman culture.

The Council is not suggesting that our wildlife resources should be disregarded. To the contrary we insist that they be wisely managed. But it is harmful to the Gladesman culture, and to the species themselves, to be allowed to be used as a tool to implement a management protocol that excludes diverse recreational and cultural enjoyment of the Preserve by all but one segment of society: hikers. Introduction of the Florida panther will never be accepted by residents of North Florida and neighboring states as long as these abuses are allowed to occur.

Gladesman Culture: The most egregious example of lack of best available science, from the Council's perspective, is the Draft Plan's total disregard for the Gladesman culture.

The "BICY ORV Recreation and Its Benefits" report by Bruce Hull and Jeff Marion was contracted by the NPS in association with the development of the ORV plan for the original Preserve. It captured in a manner no Big Cypress sportsman ever imagine it would, the essence of what we came to realize was an independent culture integrally linked to the use of airboats and swampbuggies in the wild marshes of South Florida. This report shook our people to the core. It opened our eyes to who we are--an independent culture—and to what were we losing though biased and over-zealous and punitive regulations.

The Benefits Report was subsequently used as a reverse template in the ORV Plan to target specific components of the listed benefits of the cultural traditions associated with those uses. The impact on our culture in Big Cypress was immediate and catastrophic.

In order to preserve our newly realized culture and to preserve our children and grandchildren's Gladesman heritage, we started pressing for official recognition. First, commissioners of Monroe County, and then Collier County affirmed the Gladesman culture in county proclamations. Soon after, the diverse members of the federal CSOP Advisory Team acknowledged our culture, followed by the Town of Southwest Ranches. By this time the U.S. Army Corps, realizing the obvious, contracted a study of our culture, the conclusion of which is that we are, indeed, Gladesmen, from one end of the Everglades eco-system to the other. From the Kissimmee Chain of Lakes to FL Bay, we are Gladesmen.

The public input period for the cultural designation process recently concluded and official designation is anticipated very soon. As on-going and highly publicized research—required as a component of best available science—it was not included in

the Draft Plan. As result, the Department of State Historical Preservation Board was denied crucial information that would have affected their official analysis, resulting in all probability in a completely different conclusion than was submitted. Our members were harmed by this course of events, but not necessarily irreversibly if the NPS will correct the oversight by re-evaluating every component of the Draft Plan for possible impacts the Gladesman culture.

The planning process: This planning process has regrettably drifted into the weeds as a result of single-focused entities trying to revise history by using their 2009 interpretation of twenty-one and thirty-five year old congressional mandates, and by employing obsolete and irrelevant data left over from now illegal unregulated ORV uses to predict the impacts that may or could or might result from now tightly regulated ORV use. Few are looking at the big picture. Machiavellianism has mutated the planning process. We all need to stand back, take a deep cleansing breath, and seek guidance from the broad congressional mandate.

Participants on all levels must put aside personal and organizational philosophies, institutional biases, and destructive animosities, and weigh the spirit of the enabling legislation and its history with the *genuinely* best available science to develop a management plan that will conserve the living resources of Big Cypress National Preserve for future generations.

All must recognize that in order to carry out the dual mandates of the enabling legislation, *impacts* are to be expected, but not *impairment* of the integrity of the overall Preserve. The measure of success must be protection of the resource *and* the ability to provide, in a multi-use fashion, the quality-of-life sustaining spiritual, recreational and cultural interests of all Americans, including the Gladesmen whose very survival as a culture depends upon access to and traditional use of these lands. Those who are incapable of this altruistic, holistic approach to resolving this mess have a legal right to be there, but morally they should leave the room.

Everglades Coordinating Council recommendations: The Everglades Coordinating Council cannot accept any of the alternatives as offered. The minimum the Council can consider is a completely new alternative, based upon a modified Alternative B, with complete removal of Wilderness or Primitive Backcountry designation, and a designated trail system sufficient to convey all Preserve visitors of all ages and levels of fitness to all parts of the Addition. There must be connectivity between the Addition and the Original Preserve in all directions, and the buffer zones between the Original and Addition portions of the Preserve must be lifted. Trails must be based on need, protection of sensitive areas, and geological constraints, and not based upon an arbitrary miles-to-acres formula.

We strongly feel, however--and the enabling legislation confirms--that the Addition must not be managed as a separate entity, with separate rules and separate permitting requirements. The Council is confident this can be most efficiently and cost effectively achieved as congress intended, by tiering off the existing GMP rather than by developing a separate GMP for the Addition from which the original preserve will later be tiered into.

Closing observations: The Council and its individual delegates and members of its affiliate organizations are committed to wise management and lasting protection of our wild lands. We are genuinely grateful for the outreach, inclusion in the planning process, and the courtesy consistently extended by the current Preserve management and staff. They are the best. Constructive criticism and other observations offered in these comments relate to the *process*, not the dedicated members of staff. Our comments are intended to foster a productive resolution to the planning challenges we are all faced with.

Sincerely,

Barbara Jean Powell

(signed electronically)

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Cc: Pedro Ramos, Superintendent, BICY National Preserve

Bc: 128 individuals and organizations