



CHAPTER 5

CONSULTATION AND COORDINATION

PUBLIC AND AGENCY INVOLVEMENT

This *Draft General Management Plan / Wilderness Study / Off-road Vehicle Management Plan / Environmental Impact Statement* for the Big Cypress National Preserve Addition was based on input from the National Park Service, other agencies, American Indian tribes, and the public. Consultation and coordination among these groups were vitally important throughout the planning process. The public had several available avenues to provide comments during the development of the plan, including public meetings, postal mail, email, and the Internet.

PUBLIC MEETINGS AND NEWSLETTERS

Public meetings and six newsletters were used to keep the public informed and involved in the planning process for the Addition. A mailing list was compiled that consisted of governmental agencies, nongovernmental organizations, businesses, legislators, local governments, and interested citizens.

The notice of intent to prepare an environmental impact statement was published in the *Federal Register* on June 12, 2001.

The first newsletter concerning the general management plan for the Addition was issued in July 2001, and it outlined the purpose of the Preserve and the Addition. It also stated the Addition's significance, including its natural and cultural heritage, and outlined the planning process for completing the general management plan. It urged the public to actively participate in the process by commenting on the purpose and significance statements and by attending one of the four public scoping meetings held during the summer of 2001 in Everglades City, Naples, Miami, and the Big Cypress Seminole Reservation.

The public was engaged in the project as shown by the number of responses received following the release of the first newsletter. Approximately 90 people attended the scoping meetings, and more than 100 comments and suggestions were received from individuals, organizations, and agencies.

Comments received following publication of the first newsletter focused on the Addition's role in the Comprehensive Everglades Restoration Plan (CERP); the need to implement science-based resource management; restoration of previously disturbed lands; and the need to address exotic species, fire, threatened and endangered species recovery, and protection of contemporary cultural sites.

The planning staff paid close attention to comments and suggestions received. In addition, the Addition's enabling legislation, legislative history, and federal law and policy were carefully reexamined. This process resulted in the revision of the purpose and significance statements proposed in the first newsletter.

The second newsletter was issued in August 2002 and included revised purpose and significance statements, an overview of the issues and comments received in response to the first newsletter, and a description of the next steps for the project.

The third newsletter, issued in October 2005, outlined the preliminary alternatives and management zones for the Addition. Three public meetings were held in December 2005 in Everglades City, Naples, and Weston to discuss and receive feedback on the preliminary alternatives. A total of 794 individuals provided comments in response to this newsletter, with more than 70% of the responses attributed to commentors from outside Florida. The comments indicated

support for both ends of the spectrum of preliminary alternatives — from full motorized ORV access to little or no ORV access.

A fourth newsletter was released in May 2006 outlining the need for a wilderness study and off-road vehicle management plan for the Addition. The expansion of the scope of the planning process was a result of the strong response received from interested individuals, organizations, and public agencies as well as legal requirements. The notice of intent to expand the scope of the plan was published in the *Federal Register* on April 25, 2006. Three public meetings were announced and held in May 2006 in Everglades City, Naples, and Fort Lauderdale to gather comments on expanding the scope of the project to include the additional planning elements.

A fifth newsletter was released in April 2007 that outlined the revised preliminary alternatives and management zones for the Addition, incorporating proposed wilderness and ORV trails. Three public meetings were held in May 2007 in Everglades City, Naples, and Weston to gather input concerning the revised preliminary alternatives. Public interest was again significant, with about 4,800 responses. Common issues and concerns included impacts of off-road vehicles on wildlife and vegetation; level of ORV access provided for recreational riding, hunting, and game management; trailhead parking capacities; impacts on the Florida panther from motorized use at Bear Island; and spending on proposed visitor facilities.

A sixth newsletter published in February 2008 provided a status update, with emphasis on how the general management plan would address access to the Addition from I-75.

CONSULTATION WITH AGENCIES, TRIBES, AND ORGANIZATIONS

National Historic Preservation Act Section 106 Consultation

Federal agencies that have direct or indirect jurisdiction over historic properties are required by Section 106 of the National Historic Preservation Act of 1966, as amended (16 *United States Code* 270, et seq.) to take into account the effect of any undertaking on properties eligible for listing in the National Register of Historic Places. To meet the requirements of 36 *Code of Federal Regulations* 800, the National Park Service mailed a letter to the Florida state historic preservation officer on February 22, 2001, inviting their participation in the planning process.

The National Park Service determined that the draft plan would have no adverse effect on cultural resources and mailed a copy of the draft management plan to the state historic preservation officer with a request for written concurrence with that determination.

Endangered Species Act Section 7 Consultation

During the preparation of this document, NPS staff coordinated with the U.S. Fish and Wildlife Service (USFWS), Vero Beach, Florida office, and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA-NMFS). A letter was sent to the U.S. Fish and Wildlife Service on August 21, 2001 (see appendix C), initiating informal consultation and requesting a species list. The list of threatened and endangered species included in this plan was compiled using lists and information received from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

In accordance with the Endangered Species Act and relevant regulations at 50 CFR Part 402, the National Park Service determined

that the preferred alternative is likely to adversely affect two listed species, the Florida panther and red-cockaded woodpecker, and not likely to adversely affect another two listed species, the West Indian manatee and wood stork. NPS managers sent a copy of this draft management plan to the U.S. Fish and Wildlife Service with a request to initiate formal consultation. The letter included references to the sections and pages of the draft plan that contain a description of the impacts on listed species and will serve as the "Biological Assessment."

The National Park Service determined that the draft plan would have no effect on listed species that are under the jurisdiction of the National Marine Fisheries Service and also mailed a copy of the draft plan to the National Marine Fisheries Service in accordance with section 7 (a)(2) of the Endangered Species Act along with a request for written concurrence with that determination.

In addition, the National Park Service has committed to consult on future actions conducted under the framework described in this management plan to ensure that such actions are not likely to adversely affect threatened or endangered species.

Coastal Zone Management

The Coastal Zone Management Act was enacted in 1972 to preserve, protect, develop, and where possible, to restore and enhance the resources of the nation's coastal zone. The act requires federal agency activities (i.e., "direct" agency activities) to be fully consistent with a state's approved coastal management program, unless full consistency is prohibited by federal law. The Florida coastal management program was approved by the National Oceanic and Atmospheric Administration in 1981 and is codified at Chapter 380, Part II, F.S. The Florida Coastal Management Program consists of a network of 23 Florida statutes that are administered by

eight state agencies and five water management districts. This framework allows the state to make integrated, balanced decisions that ensure the wise use and protection of the state's water, property, cultural, historic, and biological resources; protect public health; minimize the state's vulnerability to coastal hazards; ensure orderly, managed growth; protect the state's transportation system; and sustain a vital economy.

The National Park Service proposes no development in any area of the Addition that would conflict with the coastal zone management program.

The State of Florida

The Preserve's enabling legislation, PL 93-440, as amended by the Addition Act, PL 100-301, requires the National Park Service to consult and cooperate with the state of Florida on such issues as implementation of hunting restrictions and the establishment of recreational access points into the Preserve along I-75. During preparation of this document, NPS staff conducted several meetings with the Florida Department of Transportation and the Florida Fish and Wildlife Conservation Commission (FFWCC) to gather input and to ensure that facilities and activities contemplated in the alternatives were consistent with the plans, standards, and regulatory requirements of these agencies. The 1990 *I-75 Recreational Access Plan* called for two access points in the Addition, and NPS staff met several times with the transportation department concerning planning of these sites to ensure consistency with that plan and the alternatives described in this document. Because hunting is mandated by the enabling legislation and regulated by the Florida Fish and Wildlife Conservation Commission, close consultation with that agency was essential to consider expanding hunting opportunities in the Addition. The Florida Fish and Wildlife

Conservation Commission was regularly briefed on the status of this management plan at commission meetings, and a two-day workshop attended by several state and regional FFWCC representatives was held at the Preserve in November 2008 to review and comment on the draft document.

Consultation with Native Americans

The National Park Service recognizes that indigenous peoples may have traditional and contemporary interests and ongoing rights in lands now under NPS management, as well as concerns and contributions to make for the future via the scoping process for general management plans and other projects. Related to tribal sovereignty, the need for government-to-government Native American consultations stems from the historic power of Congress to make treaties with American Indian tribes as sovereign nations.

Consultations with American Indians and other Native Americans, such as Alaska Natives and Native Hawaiians, are required by various federal laws, executive orders, regulations, and policies. For example, such consultations are needed to comply with Section 106 of the National Historic Preservation Act of 1966, as amended. Implementing regulations of the Council on Environmental Quality (CEQ) for the National Environmental Policy Act of 1969), as amended, also call for Native American consultations.

Letters were sent to the Seminole Tribe of Florida, the Seminole Nation of Oklahoma, and the Miccosukee Tribe of Indians of Florida on December 12, 2001 (see appendix C), to invite their participation in the planning process. Each tribe was invited to meet at his or her convenience, at a tribally selected place such as the headquarters of the tribe. The purpose of the meeting was to discuss the general management planning process underway and any concerns the tribal

government, on behalf of the members of the tribe, might have about protecting, preserving, and managing Big Cypress National Preserve's cultural and natural resources.

The tribes were briefed on the scope of the planning project and the preliminary alternatives by newsletter and follow-up telephone calls soliciting comments. Oral comments by the tribes included recommendations to adopt alternative A with hunting and no proposed wilderness. Conversations have been ongoing throughout the planning process to inform the tribes about the progress of the plan and identify how and to what extent they would like to be involved. The tribes will have an opportunity to review and comment on this draft plan.

The rights, privileges, concerns, and interests of the Preserve's American Indian neighbors are very important to consider; it is equally important to work out mutually acceptable arrangements on particular issues. The tribes have been kept fully informed throughout the planning process and have been sent all newsletters and copies of the draft general management plan.

Other Outreach Efforts

In addition to consultation required by law, Preserve staff conducted outreach with various stakeholder groups and agencies. In April 2006, Preserve staff convened a focus group meeting attended by representatives of the Florida-based recreational and environmental groups closely involved in the planning process. The purpose was to seek common ground between the polarized groups. In spring 2008 Preserve staff met separately with stakeholder groups, congressional staff, agencies, and tribes, concluding with a joint stakeholder meeting in May 2008. Additional outreach with interested or affected parties will be continued until the plan is approved and also during its implementation.

FUTURE COMPLIANCE REQUIREMENTS

The National Park Service will comply with all appropriate laws in implementing the

preferred alternative. In the following table the specific future compliance requirements of the preferred alternative are listed. Other compliance, as appropriate, is also listed.

TABLE 29: FUTURE COMPLIANCE REQUIRED FOR IMPLEMENTATION OF SPECIFIC ACTIONS UNDER THE PREFERRED ALTERNATIVE

Action	Compliance Requirement
<ul style="list-style-type: none"> • Routinely monitoring and stabilizing archeological sites. • Monitoring cultural landscapes and historic structures to protect, preserve, maintain, and research them. 	<p>These items are programmatically excluded from future Section 106 review and state historic preservation officer consultation.</p>
<ul style="list-style-type: none"> • If eligible for the National Register of Historic Places, discovery of archeological sites that cannot be avoided via surveying new trails or formalizing existing trails. • Ground-disturbing activities for the construction of new trails, formalizing existing social trails, developing trailheads and parking lots, and developing visitor facilities such as visitor contact stations and interpretive facilities. 	<p>Future Section 106 review and state historic preservation officer consultation would likely be necessary and required before construction at the project implementation planning or design stages. Consultations with associated American Indian groups would also be necessary.</p> <p>Relevant permits, such as Section 404 permits from the U.S. Army Corps of Engineers, would be required for construction in jurisdictional wetlands. Other additional environmental compliance for floodplains and wetlands needed for individual projects will be completed as necessary before project implementation. These environmental documents will tier from this management plan and include additional site-specific data needed for impact assessment and mitigation.</p> <p>Threatened and endangered species surveys and coordination with the U.S. Fish and Wildlife Service would be required before, during, and after implementation of new developments within the Addition.</p>

AGENCIES, ORGANIZATIONS, AND INDIVIDUALS RECEIVING A COPY OF THIS DOCUMENT

FEDERAL AGENCIES

Advisory Council on Historic Preservation
Department of Agriculture
 Forest Service
 Natural Resources Conservation Service
Department of Defense
 Army Corps of Engineers
Department of the Interior
 Bureau of Indian Affairs
 National Park Service
 Everglades National Park
 Biscayne National Park
 Southeastern Archeological Center
 Fish and Wildlife Service
 South Florida Ecological Services
 Office
 Florida Panther National Wildlife
 Refuge
 Geological Survey
 South Florida Ecosystem Restoration
 Task Force
Environmental Protection Agency

STATE OF FLORIDA

Department of Community Affairs
Department of Environmental Protection
 Office of the Secretary
 South District Office
 Fakahatchee Strand Preserve State Park
Department of Transportation
 District One Office
Fish and Wildlife Conservation Commission
Office of the Governor
South Florida Water Management District
 Executive Director
 Lower West Coast Service Center
 Big Cypress Basin
State Historic Preservation Office

COUNTY/LOCAL GOVERNMENT

Collier County
 Manager
 Commission
 Sheriff
Everglades City
 Mayor
 Council
Miami-Dade County Commissioner, José
 “Pepe” Diaz
Southwest Florida Regional Planning Council

AMERICAN INDIAN TRIBES

Seminole Tribe of Florida
Seminole Nation of Oklahoma
Miccosukee Tribe of Indians of Florida

FLORIDA CONGRESSIONAL DELEGATION

U.S. House of Representatives
 Mario Diaz-Balart

U.S. Senate
 Bill Nelson
 Mel Martinez

FLORIDA STATE LEGISLATURE

Florida House of Representatives
 David Rivera
 Matt Hudson
 Ron Saunders

Florida Senate
 Larcenia Bullard

ORGANIZATIONS AND BUSINESSES

Audubon of Southwest Florida
Big Cypress Sportsmen's Alliance
BreitBurn Energy Partners L.P.
Collier Sportsmen & Conservation Club
Defenders of Wildlife
Everglades Coordinating Council
Florida Biodiversity Project
Florida Outdoor Alliance
Florida Trail Association
Florida Wildlife Federation
Fort Myers News-Press
Jetport Conservation & Recreation
Association, Frank Denninger

Miami Herald
Naples Daily News
National Parks Conservation Association
Sierra Club
South Florida Sun-Sentinel
The Humane Society of the United States
The Wilderness Society
Wildlands CPR

INDIVIDUALS

There is an extensive list of individuals; these individuals will be notified of the availability of the draft plan.

