



September 30, 2009

National Park Service  
Attn: Big Cypress National Preserve Planning Team  
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RE: Management of Big Cypress Addition Lands

Dear Big Cypress National Preserve Planning Team:

The Conservancy of Southwest Florida appreciates the opportunity to provide comments on the Big Cypress Addition Lands General Management Plan, ORV Plan, and Wilderness Study. Our organization's mission is to protect southwest Florida's unique environment and preserve the quality of life stemming from conservation of these resources. To that end, the Conservancy supports responsible management and appropriate uses of our environmentally-sensitive public lands, as many of our over 6,000 members enjoy nature-based recreational activities. We hope that the National Park Service, in deciding on the types and location of uses on the Preserve's 147,000 acres, will ensure compatibility with the area's natural resources.

Compatibility for Imperiled Species Habitats

The Big Cypress National Preserve Addition Lands provides habitat to a number of imperiled and protected fish, wildlife, and plant species. Ninety-six plant species and thirty wildlife species have been documented to occur on these lands, including the Florida panther, Florida black bear, Big Cypress fox squirrel, indigo snake, red-cockaded woodpecker, Everglades snail kite, wood stork and other listed wading birds.

At least one RCW colony exists on Addition Lands, as well as, several wood stork rookeries, Florida panther telemetry, and panther dens. Incidental take, as defined by the wildlife regulatory agencies, may result from the uses proposed in the General Management Plan (GMP). Adverse impact through the form of harassment may lead to a taking of endangered Florida panthers. A study by Janis and Clark<sup>1</sup> shows a decrease in the panther use of the adjacent Bear Island due to increased ORV presence. The authors

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<sup>1</sup> Janis and Clark (2002). Responses of Florida Panthers to Recreational Deer and Hog Hunting. Journal of Wildlife Management. 66:839-848.

establish that this change is likely a reaction to changes in prey behavior. They determined that the effects on the panther are probably “biological minor”, but may be a more serious concern considering habitat lost on adjacent private lands<sup>2</sup>, such as the large-scale developments sites in the GMP<sup>3</sup>. If prime public habitat is lost or be avoided, panthers will typically be displaced unto adjacent private lands.

Of most concern, however, is the possible impact of trails to existing and future panther denning sites. Placement of trails should avoid harassment or change of behavior of Florida panthers particularly as they relate to the multiple dens already documented on-site. Furthermore, we seek that any resulting adverse impacts to imperiled species be appropriately avoided, minimized, and mitigated.

#### Compatibility with Ecosystems and Hydrology

The Big Cypress Addition Lands are composed of myriad of sensitive ecological communities, including a number of wetland types, as it falls within the greater Everglades ecosystem. With ORV trails, one can expect a loss or degradation of some vegetation, as well as, some hydrological changes. Therefore, the placement of trails in appropriate areas is critical.

The draft GMP identified that prairies and marshes areas “appear to be the vegetation community most [permanently] impacted by ORV use,” therefore we ask that you minimize their utilization, particularly during the wet season, as supported by the sited Duever studies<sup>4</sup>. The GMP identifies pinelands as the land cover type “most resistant to adverse effects from ORV use<sup>5</sup>.” Reliance on pinelands for ORV use should be balanced with its utilization by panthers as a preferred habitat type, particularly for denning.

Also, the NPS should recognize and minimize ORV impacts on water resources existing on the Addition Lands. The draft GMP establishes that the “vast network of... tire ruts and ridges could...influence[e] the volume, timing, and distribution of surface water flows<sup>6</sup>.” The Conservancy asks that the NPS ensure that neither proposed uses, nor restrictions under wilderness designation, impede future ecosystem restoration, including future Everglades restoration.

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<sup>2</sup> Memorandum from USFWS to Superintendent Big Cypress National Preserve (September 19, 2007). Regarding Designated Trail System in Bear Island Unit of Big Cypress National Preserve. Service Consultation Code 41420-2007-F-0477.

<sup>3</sup> Big Cypress National Preserve Addition Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (May 2009). National Park Service. P. 249.

<sup>4</sup> Big Cypress National Preserve Addition Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (May 2009). National Park Service. P. 151.

<sup>5</sup> Big Cypress National Preserve Addition Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (May 2009). National Park Service. P. 150.

<sup>6</sup> Big Cypress National Preserve Addition Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (May 2009). National Park Service. P. 167.



### Support of Wilderness Designation and Land Management

While the Wilderness Act<sup>7</sup> is silent on activities associated with large-scale restoration activities, it does allow for the Department of Interior through the Bureau of Land Management to “prescribe measures to control fire, noxious weeds, non-native invasive plants, insects, and disease<sup>8</sup>.” Considering that 90% of the vegetation types in the Addition require fire regiments<sup>9</sup>, and of the omnipresent threat of exotic species, land stewardship within the Preserve, regardless of wilderness designation status, should continue.

The Conservancy supports wilderness designation outside of designated trails, because we value the preservation and protection of these lands in their natural condition. Wilderness designation of areas, where appropriate, will help to “assure... preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal... values of the Big Cypress Watershed,” which is a part of the Enabling Legislation<sup>10</sup>. The Enabling Legislation also speaks to recreational values, of which primitive uses are allowed under Wilderness Designation. Designation, where applied to the Big Cypress Addition Lands, should ensure continued primitive recreational uses, restoration activities, land stewardship, and scientific research activities that meet Wilderness Designation criteria.

### Support of Compatible Access and Uses

The Conservancy recognizes the importance of Preserve access to traditional cultures, sportsmen, and other recreational users, but also acknowledges Enabling Legislation language that supports “rules and regulations... necessary and appropriate to limit or control the use of Federal lands and waters with respect to... motorized vehicles<sup>11</sup>.” The Conservancy supports ORV access on the Addition Lands in compatible areas. ORV access should be regarded as a means of transportation, not necessarily as a recreational use of its own. To that regard, the Conservancy supports ORV access to the Addition Lands, and seeks that the NPS employ efforts to manage these uses in compatible locations, at appropriate speeds, and to minimize impacts resulting from these uses on the natural resources of the Preserve.

The proper management of our public lands is critical to maintaining our quality of life and of protecting southwest Florida’s unique environment. The Conservancy believes a conservation balance can be achieved that adequately protects our natural resources and the public access necessary to enjoy these resources. We hope the National Park Service will adopt a management plan that will result in equity between these interests. If you

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<sup>7</sup> 16 USC § 1131-1136/Public Law 88-577.

<sup>8</sup> 43 CFR § 6304.22. Uses Addressed in Special Provisions of the Wilderness Act.

<sup>9</sup> Big Cypress National Preserve Addition Draft General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (May 2009). National Park Service. P. 162.

<sup>10</sup> Public Law 93-440 An Act to Establish Big Cypress National Preserve, as Amended by Public Law 100-301 The Big Cypress National Preserve Addition Act.

<sup>11</sup> Public Law 93-440 An Act to Establish Big Cypress National Preserve, as Amended by Public Law 100-301 The Big Cypress National Preserve Addition Act.

have any questions about our comments, please feel free to contact me at (239) 262-0304  
ext. 286.

Sincerely,



Amber Crooks  
Natural Resources Specialist

Cc: Paul Souza, US Fish and Wildlife Service