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#### Committees

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Joint Committee on Everglades Oversight

## Matt Hudson

### Florida House of Representatives

#### District 101

September 24, 2009

Pedro M. Ramos  
Superintendent  
Big Cypress National Preserve  
33100 Tamiami Trail East  
Ochopee, FL 34141-1000

Dear Superintendent Ramos,

I attended the *National Park Service August 11, 2009 meeting* held at the Edison College Collier Campus. This meeting presented plans for the designation of 147,000 acres of Addition Lands to the Big Cypress National Preserve. All of the plans presented by the National Park Service are very troubling to me.

The plans which were presented create a different designation for the Addition Lands than is currently implemented for the Big Cypress National Preserve. For these new lands I feel a Wilderness designation, which bans mechanized vehicles, is not in accordance with the intention of the original 1974 Congressional Mandate when it designated the Big Cypress National Preserve as a *preserve*. The 1974 Congress knew that the designation of Wilderness was inappropriate for the Big Cypress National Preserve because it is not "*untrammeled*"; Hence the designation of *preserve*. In the original 1979 Big Cypress National Preserve General Management Plan (GMP), the Big Cypress National Preserve was deemed *unsuitable for Wilderness designation* primarily due to the existence of cattle ranches, timbering, and gas and oil extraction and exploration. In past years these activities were done in the Addition Lands and some of these activities still continue to this day within the Big Cypress National Preserve.

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More recently the Florida Fish and Wildlife Commission outlined in its September 2009 Recommendations many needs for mechanized vehicles within the Big Cypress National Preserve. The Florida Fish and Wildlife Commission's Recommendations explain the catastrophic results that will occur if motorized vehicles are banned. Two of the examples given by the Florida Fish and Wildlife Commission are invasive exotic plants and animals, which if no immediate action is taken, will take over the Big Cypress National Preserve and out of control lightning-strike fires. Having served as a Golden Gate Fire Commissioner I fully understand the need for immediate response to fires. This cannot be accomplished in the Big Cypress National Preserve if the National Park Service gives any designation banning mechanized vehicles. Even the least restrictive Alternative B Plan which gives the designation of Wilderness to 48,840 acres of the Addition Lands is unacceptable. For me the Alternative B Plan represents the best of the worst. I love the environment and believe it needs to be preserved, open and accessible for the benefit of the public.

One of my main issues with the Wilderness designation for the Additional Lands is the limitation of public access, especially the disabled. In 42 USC Sec 12101 (a) (3) it states "discrimination against individuals with disabilities persists in such critical areas...public accommodations...transportation... recreation...and access to public services" and in 42 USC Sec 12101 (a) (5) "individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects of architectural, transportation, and communication barriers, overprotective rules and policies, *failure to make modifications to existing facilities and practices*, exclusionary qualification standards and criteria, segregation, and relegation to lesser services, programs, activities, benefits, jobs, or other opportunities." The conclusion 42 USC Sec 12101 makes in (b) (1) is "It is the purpose of this chapter - (1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities"

The stated purpose of the Big Cypress National Preserve is "to assure the...recreational values of the Big Cypress watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof." By classifying the Addition Lands as Wilderness, this clearly goes against 42 USC Sec 12101's legislative intent: to give unrestricted access to the disabled. Once the Wilderness designation is made, any improvements will be banned along with the use of mechanized vehicles. This will give preferential treatment to a non-disabled person and discriminate against a disabled person by having physical boundaries blocking the access to the Addition Lands. This access is critical for a disabled person because without it the person's Second Amendment Rights to use and bear arms would be impeded. The physical boundaries created by the Wilderness Designation would in fact block a disabled person's ability to hunt in the Addition Lands which would violate a disabled person's Second Amendment Rights.

A Wilderness Designation would not only be irresponsible to the Citizens of Florida, but dangerous to those Citizens that live on the boundaries of the Big Cypress National Preserve. I concur with the Florida Fish and Wildlife Commission that the entire Addition Lands of the Big

Cypress National Preserve be given the designation of Backcountry Recreation. This designation will not restrict people from accessing the Addition Lands and allow the National Park Service and Florida Fish and Wildlife Commission to fulfill the job designated to them by the U.S. Congress which is to protect and preserve the Big Cypress National Preserve. The National Park Service and Florida Fish and Wildlife Commission have successfully demonstrated this with the inclusion of mechanized vehicles in the Bear Island area within the Big Cypress National Preserve. I ask you to please consider my comments; please do the right thing for the Citizens of Florida and choose the designation appropriate to the original intent of the 1974 Congressional Mandate. Simply stated Public Lands should have Public Access and that access should be fair to all. Please feel free to call upon me should you have questions or concerns.

Best Regards,

A handwritten signature in dark ink, appearing to read 'Matt Hudson', with a long horizontal stroke extending to the right.

Matt Hudson

CC:

Rodney Barreto, Chair of the Florida Fish and Wildlife Conservation Commission  
Ronald M. Bergeron, Commissioner of the Florida Fish and Wildlife Conservation Commission  
Kenneth D. Haddad, Executive Director of the Florida Fish and Wildlife Conservation Commission  
Senator George S. LeMieux  
Congressman Mario Diaz-Balart  
Jim Coletta, Collier County Commissioner  
Marion P. Hammer, NRA Board of Directors  
Jeff Lytle, Naples Daily News  
Frank Denninger

MH/jm