

1 NATIONAL PARK SERVICE  
2 U.S. DEPARTMENT OF THE INTERIOR  
3  
4 BIG CYPRESS NATIONAL PRESERVE  
5 ADDITION DRAFT GMP/WS/ORV PLAN/EIS MEETING  
6

7 August 12, 2009

8 Commencing at 4:00 p.m.

9 Everglades City Community Center

10 205 Buckner Avenue, Everglades City, Florida

11

12 PRESENT:

13 Pedro Ramos, Superintendent

14 Patrick Malone

15 Gary Oye, Wilderness Coordinator

16

17 REPORTED BY:

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1           MR. MALONE: I know you all are compassionate  
2 about your comments. I'm going to go ahead and ask you to  
3 hold the applause once I call the next person up so we can  
4 move on. With applause, we had to wait for things to calm  
5 down and we have to wait so we can call the next person up.  
6 I would appreciate it if we could stick with that and  
7 refrain from the applause.

8           I appreciate your cooperation we are going to do  
9 a little transitioning now and change some things around  
10 and start calling people by name who have signed up. Thank  
11 you.

12           MR. RAMOS: I would just like to say that, the  
13 meeting that we had in Naples yesterday. There was a person  
14 who chose to behave inappropriately, using profanity and  
15 insulting.

16           I don't think there is a place for that here so,  
17 let's engage respectfully and we need to work together on  
18 this. So, please let's respect each other. Thank you.

19           MR. MALONE: Our first speaker is Lyle McCandless.

20           MR. McCANDLESS: For the record my name is Lyle  
21 McCandless and I'm representing myself tonight, and the  
22 President of Big Cypress Sportsmen's Alliance.

23           I shouldn't have to be here today, or a few days  
24 ago, or yesterday. With all due respect to the Park Service  
25 people.

1           The entire additional land situation should have  
2 been brought in, under the rules of the existing  
3 preserve documents that have been mandated by the  
4 government.

5           It is an additional land, not another land or a  
6 separate land this is an additional land. This is part of  
7 the existing preserve, and it was totally ignored by the  
8 Park Service. And the Park Service took the opportunity to  
9 put the additional lands under a separate management plan.

10           Well, that could have been considered good or  
11 bad. The good side would be; that since it's a separate  
12 management plan, we'd have to have a restricted trail  
13 system that is existing in the original preserve.

14           Which was illegally and improperly mandated we  
15 spent months with Superintendent John Donahue, establishing  
16 that it took about 1500 miles of trail for the O.R.V.  
17 trails to have reasonable access to the preserve, all  
18 parties agreed.

19           Overnight there was a sellout agreement between  
20 the Park Service and the Valid Diversity Project, we found  
21 out one morning bright and crisp, that we were restricted  
22 to 400 miles of trail.

23           Big coincidence, existing preserve verses  
24 additional lands. They made a very bold statement about the  
25 140 miles, stating that it is a systematic process. Well, I

1 don't buy that, the 140 miles in the acreage of the  
2 additional lands is exactly, precisely, 400 miles of the  
3 existing preserve limit. So, I don't buy that the  
4 restriction brought forth it is totally unnecessary.

5 In the existing preserve today as I speak  
6 we have been denied access systematically, O.R.V.-wise  
7 about, 40 percent of the existing preserve. Requests have  
8 been made verbally and in writing, for explanations for  
9 those closures and no logical answer.

10 60 day annual closures no answers, no  
11 justification, just continuation night closures, and the  
12 same thing. They were mandated to have designated trails  
13 and or users, it is written in the document.

14 And or users was repeatedly ignored, we requested  
15 explanations in writing, as per the minutes of the meetings  
16 where it was considered, and it didn't happen. We requested  
17 on the Bear Island Unit, we requested numerous times at  
18 least to see what we were being offered.

19 We were promised, and promised, and promised, and  
20 promised. We were promised a meeting about when it would  
21 become available and it didn't happen. There was a reason  
22 we were kept out of there and I know what it is. We are  
23 unable to speak and ask questions at these public meetings,  
24 I resent that. Meetings should be an exchange of ideas  
25 between the public and the people involved.

1           The reason probably that we don't have  
2   that format is because, there is too many questions that  
3   either can't be answered or don't want to be answered. The  
4   meetings are just structured, to make sure that the end  
5   comes out as designed.

6           The traditional culture community, the comments  
7   of the local people should carry a thousand times more  
8   weight than the people punching computers in Washington  
9   D.C., or Boston. When it comes to comments they are  
10  overwhelming us.

11           And I say, that's how this preferred alternative  
12  got jacked up to 88,000 of wilderness--

13           MR. MALONE: Okay, Mr. McCandless--

14           MR. McCANDLESS: This is my final comment here.  
15  These meetings should not start at 4 o'clock on a weekday.  
16  These meetings should start no later than 6 o'clock on a  
17  weekday. A lot of people have to go to work. Or it should  
18  be on the weekend when people can show up.

19           That is a disadvantage to the Park Service and a  
20  disadvantage for the public. That's my comments and I  
21  appreciate your time, thank you.

22           MR. MALONE: Frank Denninger.

23           MR. DENNINGER: Hello, Frank Denninger, Jetport  
24  Conservation and Recreation Club. I just want to make a  
25  comment on the general planning process.

1           The preferred alternative plan shows a  
2   development at a site up on State Road 29, in the Miles  
3   City area and I75. It mentions in the plan where -- where I  
4   guess, somehow, the Park Service was under the impression  
5   that, there was no development inside of the interchange  
6   area. See, it kind of forms like a diamond shape, where the  
7   plan builds that interchange.

8           I think it is a little more than that because,  
9   many years ago they threatened to sue the State of Florida  
10   to prevent the expansion of Alligator Alley and I75. They  
11   had a ten point resolution, the State had to satisfy that  
12   they could build that road.

13           The National Park Service wants to put a Visitor  
14   Contact station, and now here comes Florida Fish and  
15   Wildlife Commission wants to establish other facilities.  
16   Boy, you know, some things just don't die in South Florida.

17           And one thing that I would strongly recommend is  
18   that, I know, back in '01 none of us including our own  
19   culture community knew what Gladesman Culture was and what  
20   it is involving, and I'm going to explain it to you right  
21   now.

22           Nothing against The Park Service for not  
23   incorporating an interest in studying that culture in the  
24   planning process and up 'til today -- to date they have  
25   not done that. Well, as far as I know today they have not.

1           They have not incorporated Gladesman  
2 culture and there are a few reasons you know, concerning  
3 this, I didn't mention it but, there are 441 pages on this  
4 issue. Gladesman culture should be respected.

5           There is a whole interpreted theme, that could  
6 possibly have a different twist with the interpretation,  
7 systems. To the preserve that should have taken into  
8 account that the Gladesman culture gets the respect needed.

9           Well, maybe it deserves respect and maybe it  
10 doesn't. But, the cultural management wilderness study  
11 which, was provided by Mr. Thomas (sic) up there --

12           I know that, that study would make things a  
13 little bit longer or whatever. But, I mean, when Everglades  
14 National Park rapidly takes feasibility schedule and I  
15 think that the same thing can be done here we still got  
16 some time to do that so, let's get it done quickly.

17           And possibly, given more respect to the Seminole  
18 Indians, because, they are not recognized either. So, if it  
19 takes a little time then so be it we waited 20 years to get  
20 back in here and try to open up things a little more and  
21 try to get this resolved on the record. Thank you.

22           MR. MALONE: Bill Clark, please.

23           MR. CLARK: Bill Clark, representing myself. I  
24 would just like to say that I have noticed through the  
25 years that -- don't take this personal or anything but,

1 There are some comments that I think that might  
2 be some help.

3 And one of them being; it seems like preserve is  
4 being ran like a park rather than a preserve.  
5 Possibly because, you guys run parks and really haven't  
6 realized the importance. I think that you should study the  
7 documents and why the preserve was created.

8 You failed, you know, we did research on the  
9 Congressional documents. I suggest that you do this  
10 because; clearly that is not what we have today.

11 O.R.V. access, 40 percent of the preserve we  
12 don't have access. The additional plan for wildlife, those  
13 are good. But, we would like to see more changes. Some of  
14 the changes are more access. I have been a hunter and  
15 Gladesman for 40 years and using the preserve.

16 In the '80's the swamp buggies were allowed to go  
17 everywhere. We had a major mass of spaghetti trails  
18 everywhere. We had the same users back then and apparently,  
19 the swamp buggies haven't ruined anything. But, the  
20 environmentalist are the people that think they have ruined  
21 things but, that's not really the case. That's all I  
22 wanted to say, thank you.

23 MR. MALONE: Robert Rose, next.

24 MR. ROSE: I have been told about the plans here,  
25 and once again, it seems like the Park Service is



1 limiting access to something that should be unlimited.  
2 time and time again it has been proven, that we have been  
3 forced out of certain areas of the preserve. Campers have  
4 been forced out of camps at Big Cypress.  
5 for some of us this is not just the woods, it's a way of  
6 life.

7 Certain groups have sued Big Cypress National  
8 preserve over a lot of things. As a matter of fact, the  
9 preserve did a study to see how much damage the O.R.V.ers  
10 have done in the preserves.

11 If I'm not mistaken I think it was concluded that  
12 we have done no environmental impact to the preserve. But,  
13 yet, time and time again, we have limited access to the  
14 preserve.

15 I'm all for managing the preserve the way it  
16 should be. But, at the same time some of the people that  
17 spend countless hours in the woods, it is a way of life for  
18 them and it seems like it is never recognized by special  
19 interest groups.

20 Like I said; a lot of people have sued the  
21 preserve on a lot of issues. I just think that they should  
22 have a little more consideration to the O.R.V.ers, to the  
23 hunters and to the campers within the Cypress. Should be  
24 considered.

25 I have reviewed a lot of this book that I just

1 picked up, and it kind of contradicts what the  
2 five universities findings were.

3 As far as O.R.V. impact goes, when is it going to  
4 end? When is the O.R.V.ers and the people who live here  
5 and cherish the preserve. Stop being picked on by the  
6 special interest groups and sometimes by the preserve.

7 There have been buggy trails for years out there  
8 and slowly but, surely, it's been denied access and taken  
9 away from us. And that is not right, especially, to the  
10 people that live here and have spent countless hours in the  
11 preserve and cherish the preserve

12 Not somebody who lives 3000 miles away and every  
13 time we have one of these meetings they come here and shoot  
14 our ideas down. Thank you.

15 MR. MALONE: Franklin Adams, please.

16 MR. ADAMS: Good afternoon, my name is Franklin  
17 Adams. I intended to be at the Naples meeting last night  
18 but, it was one of those things.

19 I'm going to make some comments as I have in the  
20 past. I'm here tonight to say I am about two-thirds away  
21 into the document and just briefly. On a positive note, I  
22 think Alternative B is a great alternative. Why do I say  
23 that? Access from State Road 29 and Highway 60 that's a  
24 positive. It has motor vehicle access and new access  
25 points that give a connection to O.R.V.

1 trails in the original preserve.

2 On the negative, Alternative F, I don't think you  
3 can do Alternative F quite frankly. After reading the  
4 Congressional testimony, I see nothing that says; no  
5 motorized vehicle access. And so, I hope that you consider  
6 that. Thank you.

7 MR. MALONE: We're going to go back, Kenny  
8 Smallwood, please.

9 MR. SMALLWOOD: How ya'll doing? I just got one  
10 thing to say. We go out to Big Cypress Preserve and we take  
11 buggies out there all the time. And they tell us not to do  
12 that, and we are supposed to be there you know what I mean?

13 We take buggies out there all the time, you know  
14 what I mean. We take our buggies out to (inaudible) all the  
15 time and they never say nothing to us. I don't understand  
16 why you keep taking and taking from us.

17 What has the buggies destroyed in the wilderness?  
18 Has it created any harm to anything? People are worried  
19 about the panther; it's not a panther no more it's a  
20 mountain lion and that's like the big deal and that is why  
21 they are trying to stop us. You know what I mean.

22 My family has been here since the 1800's and my  
23 kids look forward to every year going hunting. There ain't  
24 much to do here in Everglades City if you take that away  
25 from us what am I going to do with my kids, you

1 know what I mean.

2 The more you take the more it gets worse for us,  
3 you know what I mean. They are making a big deal about the  
4 mountain lions, and I don't think that it is doing no  
5 harm to anything. Hopefully, they don't take nothing else  
6 from us. Thank you.

7 MR. MALONE: Dr. Christian Mogelvang.

8 DR. MOGELVANG: The preferred Alternative, why and  
9 by whom. The most appreciative and the most traditional  
10 user is being ignored by Uncle Sam.

11 The preferred promise and only legal alternative  
12 is to open trails and have some areas random access, for  
13 swamp buggies.

14 This hat that I have on was given to me by a  
15 young camper, who came to Bear Island about 25 years ago.  
16 Gosh, the guy has to be 45 or 50 now. Given to me who, like  
17 I, loved to go on the (inaudible) to Green Tank Road and  
18 then drive to a very short access to Camp G the back way  
19 instead of from Bear Island, that is a beautiful area.

20 I am a University of Florida trained biologist,  
21 that was where my first degree was. I studied; plants and  
22 animals from Alabama to Georgia to Key West. To Studying  
23 Florida Ecology and I have a love for it and an  
24 appreciation for it.

25 I believe that the United States should

1 keep their promise that it has made to the people  
2 in the first place. It is something that the United States  
3 should be ashamed of and should go back to what they  
4 promised.

5 I would love to be able to take that short marsh,  
6 in a swamp buggy ride to Bear Island. And also, I think we  
7 could save an enormous amount of gas, if we could work out  
8 something where we could have 29 to Bear Island access.  
9 Thank you.

10 MR. MALONE: Lynwood Scott.

11 MR. SCOTT: I would like to take this opportunity  
12 to thank Superintendent Ramos and the other dignitaries  
13 that have come to listen to us.

14 I'm going to give you a little history. My father  
15 was in the Glades in the 40's and my grandfather in the  
16 30's. I was four years old the first time I came. We had  
17 two sets of (inaudible) right below the Seminole Indian  
18 Reservation. I took my baby to the medicine man so, I have  
19 a history with the Seminole Indians even though I don't  
20 live here.

21 Once it gets in your blood, you see the beauty.  
22 And so, the Park Service needs to recognize that. I just  
23 wanted to recall a little bit of history with everybody.  
24 The swamps in the Everglades we need to build roads, we  
25 need access.

1           Now all of a sudden the swamp buggies have  
2 become a big issue. It was the hunters that loved the  
3 Glades and the 60's my father sold his 20 acres and so, I'm  
4 not here to argue that point.

5           Big Cypress was purchased to protect it from  
6 Environmentalist. Also, for a children and grand-children.  
7 And all I see is restrictions you cutoff the roads, people  
8 can't even get through. You don't have to do anything to it  
9 just, leave it alone and it will come back.

10           I have one last comment and I appreciate you  
11 listening to me. Congress says, we encourage ya'll to  
12 protect it. And now you're saying, we are the enemy and we  
13 can't ride the in the places that we used to.

14           I got one more comment. I'm a baby boomer and I  
15 can't walk no more so, when you deny me access you are  
16 going to be denying all the baby boomers access.  
17 Thank you, so much for listening to me.

18           MR. MALONE: Mr. Schwartz.

19           MR. SCHWARTZ: How do you do, and welcome once  
20 again to the third and final round of these proceedings. By  
21 the way, my name is Matthew Schwartz and I'm representing  
22 myself as a long time you user of the additional lands and  
23 I'm also representing the Sierra Club.

24           I am here supporting Alternative F. the one thing  
25 that I'm surprised at and this is my third day. And I've

1 got to really know what's going on. Right now, there is  
2 no motorized vehicle use in the additional lands.

3 Your preferred alternative is to add 140 miles of  
4 motorized vehicle access to that land. And I'm hearing  
5 nothing but complaints, I'm hearing nothing but  
6 complaints.

7 Nobody is saying to you, other than the people  
8 that want to get motor vehicles in there for what you've  
9 chosen to do. You have chosen not to -- for what we have  
10 identified as the environmental preferred alternative to  
11 protect the land.

12 Do not cite, any motor vehicle trails that are  
13 utilized by hikers and many, many, many -- I came all the  
14 way here from Broward County. Broward County -- if you  
15 look at the maps its Broward County, its Broward County is  
16 where the population center that's going to use the  
17 additional lands.

18 Look at your books of the Florida Trail you'll  
19 see how many people use the fourth trail which, you propose  
20 the motor vehicle trails. I'm not sure what's going on but,  
21 it's a disconnect. You're putting 140 miles of trails in  
22 there and people are complaining.

23 But, I'm not sure what's going on. Let me make  
24 some comments. First of all, I'm not on a paid salary with  
25 the Sierra Club. All the work I do for the Sierra Club is

1 volunteer. I joined the Sierra Club in 2005, after having  
2 gone through the additional lands for years on my own.

3 I became aware of the additional lands I would go  
4 into the additional lands, the South Florida Astronomical  
5 Association of Broward County. I would go in there on  
6 a regular basis with the Dark Skies of the Forest and I saw  
7 a sign that said; this is the National Park and I went in  
8 there and I said; wow, this is great.

9 Before that I used to go into the Bear Islands  
10 area and enjoyed it but, not as nearly as much, as the area  
11 that is utilized by hikers -- not utilized by motorized  
12 vehicles.

13 I joined the Sierra Club to take people out  
14 there. The Sierra Club has taken thousands of people out  
15 there over the years. This is a well utilized area, you  
16 guys are putting those trails directly over the hiking  
17 trails knowing, that they are there knowing that they are  
18 being utilized as hiking trails.

19 N.P.S. estimates that 500,000 people a year use  
20 this preserve who don't use motorized vehicles. There is  
21 2000 motorized vehicles. Do the math and find out the  
22 percentage, find out the percentage 700 permit holders who  
23 are going to go into the additional lands verses 300  
24 million Americans, who you do manage this preserve for.

25



1           They'll be locked out -- meaning you are  
2   considering locking them out. I bring people out there, I  
3   go from children, all the way to senior citizens from  
4   Century Village. I'm walking in there -- it's true the  
5   longer trips are for people who are in shape. But, there  
6   are also, shorter trips available for those people  
7   who are not.

8           What I am hearing from people in Broward County  
9   is, shock and disbelief. I spoke to a guy over the phone  
10   that said; pinch me, I can't believe that the Park Service  
11   is doing this. They are flabbergasted that this is going  
12   on.

13           I really wish that you would reconsider this  
14   decision; it is going to maintain strong adversarial  
15   relationship between the community and the National Park  
16   Service, which is, already adversarial. This could be  
17   intensifying tremendously because; this place is a great  
18   experience for a huge section of the people in the  
19   community. Thank you very much.

20           And by the way people want to know what the  
21   damage is. Here is a photo of -- you might not agree with  
22   it but, this is what the National Park Service summarizes  
23   is the damage caused by the motorized vehicles in the  
24   National Park Service as the result of motorized vehicles.  
25   and I suggest that anybody interested in looking

1 at it can get if from the National Park Service.

2 MR. MALONE: Okay, this is the last name on the  
3 roster. Does anybody else wish to speak that has not signed  
4 in?

5 MR. BILLIE: My name is Bobby Billie, and I'm  
6 going to break the time here because, I haven't had  
7 the chance to speak for our people. Our rights should be  
8 included but, they never have. For 500 years our rights  
9 have been ignored.

10 This time we are not going to give up our rights.  
11 This is not going to continue, we are going to practice our  
12 rights as God has gave us.

13 You are making a big damage to our people not  
14 only our people go through damage that you guys have  
15 created to the trees, to the water, all the damage you guys  
16 have created. And what you want to do now is still damage  
17 it.

18 You are not taking care of it anymore the damage  
19 is because, of your people. You need to think about the  
20 future not to long ago the airstrip -- they want to ruin  
21 the whole city in the Everglades but, my people they  
22 challenge that, they stop that.

23 They say development, it is not development it is  
24 the people. God created this to be left alone and that is

25

1 what it is about, we have to protect what is left. Which  
2 is not much anymore.

3 It is time to respect our people and their laws  
4 but, you don't respect our people. But, you follow the  
5 National Law. This time you need to respect us, this is our  
6 land you were not here 500 years ago. There was no such a  
7 thing as an American some people call it America but, it  
8 was no such a thing.

9 We had a history at beginning of creation, God  
10 created this. Who is Americans? You need to tell us where  
11 you are coming from. I know where I come from, I come from  
12 Josie Billie, that is who I am.

13 My people live over 300 years that land was  
14 passed down from our grandfather. So, I am carrying that  
15 history of our people. The Big Cypress Preserve, at first I  
16 didn't know what that was. This Big Cypress has a memory  
17 for our people something that we have not forgot.

18 What you did our people we have not forgot all of  
19 our history, we got a history all the way back to  
20 Washington, and we got a history.

21 Maybe, you remember that killing our people  
22 building big cities like Naples and squeezing out what is  
23 left. Squeezing us out of the preserve, you need to take  
24 the roads out.

25

1 I remember when I was about 6 years old we used  
2 to hunt things and eat them. But, there is nothing out  
3 there anymore, everything has changed. The whole  
4 environment has changed, you are not going to save that  
5 park because, people keep building around it -- building  
6 around what is left.

7 So, think about it we are preserving the future  
8 generation. For years and thousand and thousands of  
9 generations. When you people came into our land that is  
10 when things started changing. And we can't do anything  
11 because they started killing us at that time.

12 The Park Service needs to respect our rights, we  
13 have the rights to cut the trees, we have the right to go  
14 hunt --

15 MR. MALONE: Okay, sir --

16 MR. BILLIE: -- on our own land --

17 MR. MALONE: Mr. Billie --

18 MR. BILLIE: I need more time to say, what I need  
19 to say. I want to say, let things stay the way that it is.  
20 Because, that is how our people want to keep it. You need  
21 to go back and do research. This is Indian land Thank you.

22 MR. MALONE: Mr. Tom Garner

23 MR. GARNER: For the record, I'd like to say that  
24 my name is Tom Garner. I have lived here in Collier County  
25 for 69 years. I owned land in the Big Cypress in 1974 they

1 told us; sell us this land boys, and you can use it the  
2 rest of your life. Now they say; you can't use it.

3 In 1947, the National Park Service says, you boys  
4 can fish here the rest of your life. Now, I can't fish  
5 here. Now, our way of life is being changed by the  
6 Government. I'm not saying you people, I'm talking about  
7 big brother.

8 I didn't know it was going to be all this land  
9 incorporation when I was a kid. We could use it whenever  
10 we wanted to. This land belongs to the United States, and  
11 now they are saying the we can't use it. Most of today's  
12 messes are yesterdays fixes.

13 I could say a lot more but, I'm not a very good  
14 speaker. And I thank ya'll for listening to me.

15 (Whereupon, the meeting was adjourned.)

16 (A recess was had and the proceedings continued  
17 as follows:)

18 MR. MALONE: The first speaker is Lyle McCandless.

19 MR. McCANDLESS: Thank you for allowing me to  
20 speak there this evening. My name is Lyle McCandless, and I  
21 am speaking for myself and as the President of the Big  
22 Cypress Sportsmen's Alliance.

23 With all due respect to the parties in the room  
24 this evening. I have a comment here involving wilderness in  
25 this area. Considering this area suitable for wilderness

1 is a stretch at best and a joke at the very worst. I know  
2 that we have a situation where we can't get any  
3 feedback from you.

4 I would like to address this with Mr. Oye. I want  
5 to make sure that Mr. Oye is given all the proper facts.  
6 The additional lands, before it was taken away from the  
7 public 20 years ago. When the Park Service bought it, we  
8 were banned from the area to this day.

9 I want to make sure that Mr. Oye is aware that,  
10 up until that period, we have countless individuals that  
11 can verify activities that go on down there. Including;  
12 ranching, farming, logging, O.R.V. access and hunting.  
13 Many, many, activities that stopped 20 years ago.

14 So, when you take that into consideration and the  
15 fact that, this area is divided by a four-lane super State  
16 highway.

17 I mean, I made a comment yesterday; that if I  
18 were in the room and I was on the committee to make a  
19 judgment on that type of situation. I would have to bite my  
20 tongue on not to say; that look ladies and gentleman, we  
21 got a situation here that according to the activities, we  
22 got this highway running through the middle.

23 How in the world in good conscious, can we  
24 justify that suitable for wilderness consideration. It is  
25 simply beyond me. The ramifications of the limited fire

1 suppression, and the restrictions of going in there and  
2 taking care of vegetation.

3           Somebody made a comment a few weeks ago about it  
4 being a wonderful snake country. There are so many  
5 negatives with wilderness. What about diesel noise.

6           I had a conversation a couple of years ago with  
7 Superintendent Gustin. Ronny Berjiran has 5,000 acres north  
8 of Bear Island. He told me, I hear diesel noise all night.  
9 And this is the north side of the Bear Island unit.

10           She said, to me you know Lyle, diesel noise  
11 technically, is not considered a nuisance noise.  
12 I thought that was kind of an odd answer.

13           Final comments here, the environmentalist have no  
14 more right to eliminate the O.R.V. community and demand  
15 that these areas be wilderness. Any more than we have the  
16 right to eliminate them. We don't do that and they  
17 shouldn't do that.

18           My Alliance last hunting season during General  
19 Gun, for the 11 weeks of general gun we did a most thorough  
20 count of O.R.V. vehicle trailers. For the 11-week period,  
21 which is probably 90 percent of the activity in the  
22 preserve. We counted all the O.R.V. trailers, including  
23 swamp buggies, A.T.V.s and there was about 122 O.R.V.  
24 trailers per week.

25

1 By noon on Monday, 90 percent of them were  
2 gone. Showing that basically, that there is weekend hunting  
3 activity. Now, that breaks down if you do the math  
4 one O.R.V. per 465,500 acres of the preserve.

5 And for a fact since the 70's we can show you  
6 clearly, that, O.R.V. in the preserve has decreased about  
7 70 percent and that was due to the continuing restrictions.  
8 I have heard from people that say Lyle, I just stopped  
9 going over there I just can't keep up all the changes on a  
10 monthly basis --

11 MR. MALONE: Mr. McCandless --

12 MR. McCANDLESS: -- and so, they got discouraged.

13 MR. MALONE: Mr. McCandless --

14 MR. McCANDLESS: We are going to go back to the  
15 rights that we ought to have. And protect ourselves, and  
16 fight to get in the additional lands. We are going to get  
17 some major changes in the existing preserve --

18 MR. MALONE: Mr. McCandless, sir.

19 MR. McCANDLESS: The restricted 40 percent of the  
20 preserve, the improper 60 day closures, the failure of the  
21 National Park Service to mandate O.R.V. trailers and or use  
22 areas. Mr. Oye, that is marked in the settlement agreement  
23 between the, Valid Diversity Project and the National Park  
24 Service.

25



1           It says; they will have in place a system for  
2   designated O.R.V. trailers and or use areas. We demanded to  
3   know when that area described in the meeting was discussed,  
4   and it was denied --

5           MR. MALONE: Mr. McCandless.

6           MR. McCANDLESS: Thank you for your time.

7           MR. MALONE: Frank Denninger.

8           MR. DENNINGER: Hello, again. Frank Denninger here  
9   representing the Jetport Conservation and Recreational  
10 Club.

11           I just wanted to make a comment on this plan that  
12 the N.P.S. has purposed. We appreciate you doing the  
13 wilderness assessment. Only thing you had to do is, what  
14 you did, you did an assessment; fine, thank you. No thank  
15 you to do anything more. We oppose your proposal.

16           What I mentioned earlier was a lack of study on  
17 the Native American Culture, you have not formally  
18 recognized. Gladesman Culture, which, you have now started  
19 to recognize somewhat.

20           I don't know how you can take federal action like  
21 this without studying the cultures, I think you need to  
22 study it.

23           You know, it is kind of like a steamroll we are  
24 standing here watching and we know your steamroll is  
25 coming, with the wilderness. And we would like to let you

1 know that we are here so we can avoid any unnecessary  
2 impact.

3 And some of you may think well, oh boy but, the  
4 Preferred Alternative is one hell of an impact with no  
5 hope. When you see that steamroll coming you know, you are  
6 definitely, going to be flat.

7 As I read the plan, N.P.S. states that kind of  
8 like what this plan will consume in energy, like, it would  
9 cause energy to increase. And on 278 and 343 they refer to  
10 certain things, for instance; it is going to cost some  
11 energy for us to build buildings and facilities, and things  
12 like that.

13 And also, what Mr. McCandless said; we were  
14 banned whenever this process began from the additional  
15 lands. Almost, like we were exiled like when people said,  
16 that they came down here and they stopped. They lost all  
17 hope, with all the people Glades City has, they just found  
18 another place to go.

19 That is not just changing a place for recreation,  
20 this is almost like immigration. Going to another area that  
21 is more friendly, to you. Cubans immigrated to Florida to  
22 get away from communism and oppression.

23 I have emigrated from conservation areas to --  
24 three or four different conservation areas in South  
25 Florida, and areas in Big Cypress. I had to get away from

1    what I perceived to be oppression. They used to stop  
2    people and search them with no warrant, they still do it  
3    occasionally, but, it is not right it is unconstitutional  
4    but, they do it anyway. Thank you.

5               MR. MALONE: Bill Clark, next.

6               MR. MALONE: I'm Bill Clark representing myself  
7    and the Sportsmen's Alliance. I'd like to say that the fact  
8    that the F.W.C. is recommending Alternative B, with  
9    modifications, nothing close to the Preferred Alternative.  
10   You say you want to consult with F.W.C., according to the  
11   documents you should be cooperating with them not just  
12   consulting.

13              It also, states that the additional lands will be  
14   added to the preserve and should be managed the same way.  
15   Not a separate management plan. What you are saying is, the  
16   original creation of the preserve in 1974, by our Senators  
17   and Congressmen did not care -- this is nonsense --  
18   additional lands is not intended to be wilderness, when it  
19   was created.

20              In order to eliminate confusion we recommend one  
21   type of O.R.V. permit. Such as the one currently issued by  
22   the National Park Service for the addition and the original  
23   portion of the preserve. Again, we recommend that the  
24   addition be managed as an integral part of the B.C.N.P.  
25   This approach would facilitate management of the

1 activities associated with the use of the B.C.N.P. as a  
2 wildlife management area. It would greatly reduce the  
3 potential for confusion.

4 It seems pretty simple to me, thank you.

5 MR. MALONE: Franklin Adams, next.

6 MR. ADAMS: For the record, my name is Franklin  
7 Adams. You know, I love the wilderness. I love to walk out  
8 west, I love Big Cypress all the acres of preserve. If you  
9 try to make this a National Park, a lot of people are going  
10 to be unhappy. This was a compromise all the way around.

11 There are a couple of questions on the additional  
12 lands, no O.R.V.s allowed in there. I would like to read  
13 some congressional testimony about the additional land  
14 usage. This is the Big Cypress meeting; Congress Second  
15 Session Page 83.

16 (Speaker reading excerpts of testimony)

17 Senator Johnson: It is philosophy of use, now,  
18 philosophy of use now, is that it?

19 Mr. Reid: In the philosophy of use this is what  
20 we would expect. Are you sure an increase of numbers as the  
21 State grows there is no question about that. The usage will  
22 grow but, we want to keep the usage, the type of uses to  
23 what it is now. You don't want to build a trailer park?  
24 Senator Johnson asked. No, sir I don't want to build very  
25 much of anything. I don't want the federal government going

1 in and building visitor centers, or roads or anything  
2 else it is not that kind of a place. Are vehicles allowed?  
3 Yes, sir. Just a few questions, when is the fact that you  
4 are asking questions which I think that are very prevalent  
5 to the fact that this is a very unique designation none  
6 other like it, so far as I know.

7 Mr. Reid: Correct, sir.

8 Senator McClure: If it is absolutely unique what  
9 is the amendment philosophy? It is not a park, it is not a  
10 recreation area, it is not a active seashore. It's a  
11 completely new breed of cat.

12 Mr. Reid: It is a new breed of cat, sir.

13 Senator McClure: The question comes to the  
14 management philosophy, there is also involved in this bill  
15 the standard provision for wilderness review.

16 Mr. Reid: That is true. That is probably an old  
17 legislation; this area is not a part in which a great deal  
18 will remain wilderness or wilderness type use. This is not  
19 going to be that kind of use at all it is going to be used  
20 and used hard.

21 Senator McClure: If a wilderness designation  
22 certainly has it is in all likelihood it will preclude  
23 the use of motorized vehicles either land or water. Yes,  
24 sir. I would be less than honest.

25 Mr. Reid: If I said we didn't have to

1 watch carefully and monitor these uses.

2 Senator McClure: Will it be regulated rather than  
3 exclusion.

4 Mr. Reid: Yes, sir I think it does with the  
5 tremendous population increasing on the East Coast and now  
6 the Naples area.

7 (Reading of excerpt testimony is completed.)

8 MR. MALONE: Mr. Adams, sir.

9 MR. ADAMS: Thank you.

10 MR. MALONE: Dr. Mogelvang, please.

11 MR. McCANDLESS: I think he left.

12 MR. MALONE: Matthew Schwartz, next.

13 MR. SCHWARTZ: Good afternoon. You guys look tired  
14 than you did when we first started. I hope you have enjoyed  
15 the proceedings. Since everybody is talking about  
16 wilderness I guess, it should be part of the record at this  
17 meeting.

18 I'm going to read the statement about the  
19 wilderness, the purpose of the wilderness and the  
20 wilderness act. September 3, 1964, it was decades in  
21 coming.

22 In order to assure that an increasing population,  
23 accompanied by expanding settlement and growing  
24 mechanization, does not occupy and modify, all areas within  
25 the United States and its possessions, leaving no lands

1 designated for preservation and protection in their  
2 natural condition, it is hereby declared to be the policy of  
3 the Congress to secure for the American people of present  
4 and future generations the benefits of an enduring resource  
5 of wilderness. For this purpose there is hereby established  
6 a National Wilderness Preservation System to be composed of  
7 federally owned areas designated by Congress as, wilderness  
8 areas. And these shall be administered for the use and  
9 enjoyment of the American People in such a manner that it  
10 would leave them unimpaired for future use and enjoyment.

11 I'm going to stop here because; it is a very long  
12 sentence. That is the gist of it and I think that the  
13 message is clear. There is a value body to this and it is  
14 that wilderness is important. It is difficult to argue that  
15 point. Why is wilderness important, why are other things  
16 important, why is peace important, to some people  
17 wilderness is something that they require, that they need.

18 I have been hearing my friend Lyle McCandless;  
19 talk about this is not wilderness. He is making this out of  
20 -- this is not wilderness and he is using what is referred  
21 to in the argument as puritan issue. If we were to use that  
22 criteria there would be virtually, no wilderness in the  
23 United States.

24 It is more pristine than other areas, it has to  
25 be used for farming, it has been used for hunting

1 O.R.V.s but, it hasn't been for many years and it has  
2 been allowed to restore to a great extent.

3 Many people use that area and the value that they  
4 appreciate in it. It is not just to see panther tracks now  
5 and then. And it is the easier part of the preserve to find  
6 panther tracks. I think the panthers recognize that, there  
7 is something in that habitat for them mainly, food.

8 However, this is a piece of land that is enjoyed  
9 as wilderness by many, many people. This area should be  
10 allowed to maintain the characteristics that it has for the  
11 benefit of six million Floridians in the State and three  
12 hundred million Americans use preserve resources. Here is a  
13 place to experience natural Florida and it is very little  
14 left.

15 The gentleman from the tribe spoke about that, it  
16 is all gobbled up, now here we are 146,000 acres and this  
17 is an opportunity to secure that for the American people. I  
18 can not explain why people don't want to go to an area and  
19 hear motors. It is just, not what people go there for, that  
20 is not why people go out to the swamps. To hear motors and  
21 landscape that looks like this (indicating) this is Bear  
22 Island. This is what you guys have done to the additional  
23 lands and I'm sorry but -- Thank you very much.

24 MR. MALONE: Patrick Kerr.

25 MR. KERR: My name is Patrick Kerr and I'm



1 Here representing myself and the Sierra Club.

2 I have really enjoyed the area I have been out  
3 there numerous times. In my opinion and my judgment -- I am  
4 personally aware that there are a lot of motorized vehicles  
5 in that area. And you have access; you have access to the  
6 trails and the additional lands.

7 I also, believe that there are millions of  
8 Americans who value parts of our country being able to  
9 remain a wilderness.

10 That land has been able to recover from all of  
11 the commercial activities that has occurred there, in the  
12 past. So, that our current generation and our future  
13 generations can enjoy it. I think the additional lands  
14 should be returned to the natural state of wilderness.

15 The lands need to recover from all the motorized  
16 vehicle damage. Thank you for your time.

17 MR. MALONE: Bobby Billie.

18 MR. BILLIE: I didn't recognize myself earlier.  
19 I'm not with the Seminole Tribe or the Miccosukee Tribe, We  
20 are an independent Seminole Nation.

21 They call themselves the American country but,  
22 what is going on now is American says that this is a free  
23 country but, it is not.

24 Go back to 1700 and look at your records, I think  
25 the American people owe us a explanation, they owe us a lot

1 of money. So, you need to go back and read your records  
2 before you make anymore changes to our land.

3 So, serious you are taking more and more I don't  
4 know the words but, some places they call it a forest and  
5 some call it a farm or some other kind of thing. In the  
6 forest they cut the trees.

7 I think that the areas should be preserve just  
8 like the Big Cypress Preserve it is not separate, it should  
9 not be separated.

10 What about the mountain lions. You can't change  
11 the whole system of the land. So, you need to keep that and  
12 don't say; we know what we did but, we don't care.  
13 Don't make a mistake, more and more and more.

14 So, we are asking you to leave things alone. What  
15 God gave us, leave something for our future generations.  
16 So, that is what you all need to think about, leaving  
17 something for the future thousands and thousands of years.  
18 Thank you.

19 MR. SMALLWOOD: I want to make one comment about  
20 the Bear Island picture. Of course, it is going to look  
21 like that because it is not very wide, you know what I  
22 mean.

23 And then he says about the panthers. I go three  
24 nights a week me, my kids, my wife and my buddies. I have  
25 lived here for 28 years, here in Everglades city. The only

1 place that I've seen a panther was mostly, I have seen a  
2 couple of panthers on Bear Island here and there, you know  
3 what I mean.

4           There is a reason they are dieing off, the deer  
5 ain't dieing off, the raccoons ain't dieing off, the  
6 possums ain't dieing. I think I know the reason why they  
7 are dieing there is about three foot of water out there.  
8 How are they going to live out there.

9           Why and how, are they going to bring cats in to  
10 breed with these cats they are dieing, just let them die  
11 off. If they can't make it here, don't keep them here just  
12 let them die. I'm trying to think of something else  
13 to say.

14           This guy always has pictures of the trails he  
15 always has the same pictures. How long is that road? That  
16 picture that he showed you it looks nothing like that.

17           And here's -- here's my biggest point. We are  
18 out there four times of the year, what are they out there  
19 for eight months out of the year. Why do they have to come  
20 when we come. If we make noise and it aggravates them then  
21 need to come after hunting season is over.

22           They can have eight months without us aggravating  
23 them. They are always talking about we disturb this and we  
24 disturb that. You just need to come out there the months  
25 that we are not there. Thank you that is all I have to say.

## REPORTER'S CERTIFICATE

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I, DIONNE MERRITT, Court Reporter and Notary  
Public in and for the State of Florida at Large, certify;  
that I was authorized to and did stenographically report the  
court proceedings or deposition and that the transcript is  
a true and complete record of my stenographic notes.

I further certify that I am not a relative,  
employee, attorney or counsel of any of the parties, nor am  
I a relative or employee of any of the parties; attorney or  
counsel connected with the action, nor am I financially  
interested in the action.

IN WITNESS WHEREOF I hereunto set my hand and  
official seal of office this 12<sup>th</sup> day of August 2009.

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Dionne Merritt, Court Reporter