

**Big Cypress National Preserve
ORV Advisory Committee Meeting
January 20, 2009
Big Cypress National Preserve Headquarters
Ochopee, Florida
3:30 p.m.**

Meeting Minutes

Attendance. Committee members: Present – Wayne Jenkins, Robin Barnes, Manley Fuller, Franklin Adams, Karl Greer, Ed Woods, David Denham, Chuck Hampton, Barbara Jean Powell, Marsha Connell, Win Everham, Curt Witthoff. Not present – John Adornato, Laurie Macdonald.

Preserve staff present: Superintendent Pedro Ramos, Ed Clark, Ron Clark, Bob DeGross, Damon Doumlele, Don Hargrove, David Hamm, Delia Clark (contracted facilitator).

Approximately five members of the public were in attendance.

Welcome. Mr. Ramos opened the meeting by announcing his selection as superintendent of Big Cypress National Preserve. He said that a number of principles that will provide guidance during his tenure as superintendent, one of which is the fact that Big Cypress is a national preserve, not a national park. He reflected on the past three successful years, thanked the audience for their attendance, and turned to Ms. Clark to carry on with the meeting.

Ms. Clark explained how public comments would be received. Written public comments may be received via the Preserve website at www.nps.gov/bicy/parkmgmt/orv-advisory.committee.htm or <http://parkplanning.nps.gov>. Mr. Doumlele is the Preserve contact and can be reached at (239) 695-1158. Written comments may also be sent directly to the Preserve at ORV Advisory Committee, 33100 Tamiami Trail East, Ochopee, FL 34141.

Public comments will be heard following committee discussion of identified topics at the following approximate times:

4:30 Vehicle specifications and future studies
5:40 Trails designation
6:45 Turner River and Stairsteps trails
7:35 General comments

Approval of Minutes. Mr. Adams, referring to the page 9 discussion on no primary and secondary trails in prairies, pointed out his comment on page 10 that identified the Buckskin Trail as a sustainable trail because the prairie is comprised largely of caprock.

The minutes were approved as submitted.

Vehicle Specifications. Ms. Clark asked if this topic is a high enough priority to form a subcommittee, and if so, the ORVAC should set up the charge of the subcommittee today.

Discussion.

- Topic deserves discussion
- Issue of 4-wheelers, need to determine what is suitable and unsuitable
- Use of Preserve by unpermitted 4-wheelers
- High-performance 4-wheelers (2-wheel drive) should not be allowed in the Preserve
- Charge should protect traditional ORV use in the Preserve and perhaps grandfathering certain types of ORVs
- Use of tires fitted with chains
- Revisit impacts that may result from the use of newer types of ORVs
- What types of vehicles are allowed to operate in open units
- Include airboats
- Buggy specifications and resource-impacting aspects of the various types of vehicles
- Assess impacts of new vehicle types
- Include airboat rake, powerloading
- Consistent with ORV Plan

The committee agreed that a Vehicle Specifications Subcommittee should be formed, and Mr. Greer, Mr. Adams, Ms. Powell, Ms. Barnes, and Mr. Hampton agreed to serve. Chief Ranger Ed Clark will serve as the subcommittee's lead.

Mr. Lyle McCandless volunteered to serve on the subcommittee, but the whole committee must vote on individuals. Ms. Powell asked about agency participation and the appropriateness and process for the Florida Fish and Wildlife Conservation Commission to serve on subcommittees. Mr. Ramos replied that their participation would be welcomed. Ms. Clark asked if there were any other ideas the committee had that should be considered by the subcommittee. Two items were suggested: 1) More stringent specifications may require the grandfathering of certain types of vehicles into the program, and 2) the issue of 4-wheelers, which may influence the number of available permits.

Big Cypress staff cautioned the committee on the use of grandfathering and stated that there are methods to accommodate subcommittee recommendations. Setting sunset dates on certain types of equipment such as tires and wheels or use of mufflers on airboats are examples of how new regulations may be enforced while allowing traditional equipment to operate in the backcountry for a period of time.

Public Comment.

Frank Denninger: He is sensitive to comments that have been made about 4-wheelers. He identified the absence of 4-wheeler user group representation on the subcommittee that he considers as frightening. He recognizes the swamp buggy as the traditional machine in the Preserve, but in reality today people are choosing to use ready-made products rather than homemade products.

Ms. Barnes and Mr. Greer noted that they own ATVs permitted for use in the Preserve and that

they serve on the subcommittee.

Ms. Powell expressed disappointment in not seeing more public participation from the ATV community and thinks they are a group of users whom the ORVAC needs to hear from.

Matthew Schwartz, Sierra Club: ORV specifications is a high-priority research topic in the ORV management plan written eight years ago that has not been done. He read a section of the plan that identified ORV vehicle specifications as they relate to the plan and articulated his opinion that studies should be conducted to make decisions on vehicle specifications. He highly advised that the ORV study be done as soon as possible before any decisions are made on anything to do with ORV vehicle specifications.

Mr. Fuller said that the Park Service shifted their focus when the management plan went from dispersed use to a designated trail system only. During that time the NPS was looking at tire pressures and buggy weights, but there was a de-emphasis on that approach once the decision was made to go to a designated trail system.

Lyle McCandless: He urged the committee to bear in mind that buggy specifications were considered under the dispersed use scenario, and since there will be a single trail system, vehicle specification discussions on a designated trail system is a completely separate item.

Ms. Powell stated that the subcommittee charge should be consistent with the ORV plan, and she disagreed that research should be done first. Mr. Schwartz replied that the ORV plan assumes that all ORV traffic will be on designated trails, and the plan recommends studies of optimal vehicle specifications for designated trail use.

Discussion. The committee discussed the issue of ATVs and the type of people that the traditional ORV community is coming in contact with in the backcountry. They spoke of recent backcountry experiences that involved two members and their interaction with a visiting ATV operator that was very positive. A less desirable example was noted that included operators playing loud music and operating their vehicles in the Preserve without permits. Other complaints included ATV operators racing their vehicles along trails, making lots of noise, and leaving beer cans and other litter along trails. A member mentioned that these types of behaviors ruin the backcountry experience for others.

Trail Designation Process. Mr. DeGross gave a presentation on creating a sustainable backcountry trail program in the Preserve. During his talk he emphasized the following:

- The ORV plan was completed in 2000, and afterwards the main emphasis of the NPS was to begin identification of trails in Zone 4 and to begin stabilization of trails throughout the Preserve
- The work was done primarily by one Preserve division, and it was unclear on how to go from the ORV plan to actually putting the work on the ground and implementing the plan
- A lesson learned after beginning the process of implementing the plan in 2000 was that the user groups were not pleased with the “yellow brick road” concept, and the trail was not the type of backcountry experience that visitors were looking for

- The NPS began spot treating trails, which proved to be less expensive, less resource impacting, and more desirable to the ORV community
- A backcountry signage plan was identified as a need
- The ORV plan did not elaborate on secondary trails; there was a primary trail concept but no plan for secondary trails
- The NPS responded to a need to standardize the implementation process and document the steps taken
- The NPS planning process begins with broad concepts identified in the General Management Plan (GMP)
- Program-specific plans are a subset of the GMP that focus on a specific program
- In 2006 the NPS recognized that the ORV plan could not be implemented by taking the document out in the field and attempting to place on the ground directives the plan identified, so an implementation plan was developed
- The implementation plan provided direction for trail stabilization work per management unit
- Units that allow ORVs are Bear Island, Turner River, Corn Dance, and Stairsteps
- The process of designating trails began in 2006/2007 in the Bear Island and Stairsteps units
- At that time an NPS internal plan review process began that identified specific parameters that allowed trail development in each of the units (e.g., how many miles are allowed, whether it allows for secondary trails, what types of vehicles are allowed)
- NPS decisions were brought forward for public review and critique
- Public input is essential to determine where trails should go to maximize trail usage and discourage violations
- The ORVAC was created to provide input and recommendations on trail placement
- The NPS approached the public with a conceptual trail map for input
- Public comments on preferred trail destinations are taken into consideration, and recommended trails are identified by a multi-disciplined NPS team who must consider the feasibility of trail placement at particular locations while considering factors such as surface geology, archeology, soil types, endangered species, and sensitive areas
- During this process aerial photos are reviewed followed by extensive ground truthing by NPS personnel when identifying both primary and secondary trails
- The NPS provides updates to the ORVAC during trail selection process
- The NPS internal teams formulate alternatives that identify primary and secondary trails per unit
- When routes are selected, the NPS will have documents that support decisions on trail placement
- The NPS intends to identify trail routes that were not selected and provide the public with reasons why they were not selected
- The superintendent will finalize the suggested trails within units, and an official map will be created that identifies total mileage of trails that can be found in each unit
- Following the superintendent's finalization, the NPS will begin the process of marking trails
- Notes from the NPS ground truthing personnel will be used to determine trail stabilization locations

The designation process begins when the superintendent accepts the official trail map, and the map is placed in the superintendent's compendium (no dispersed use allowed in the area), allowing law enforcement personnel to enforce regulations on designated trail use. Flexibility to

open and close trails or sections of trails remains with the NPS for trail stabilization work, adjusting trail routes, seasonal closures, or other reasons. Trail closures will be announced.

The NPS recognizes the need for ongoing education, trail evaluation, and enforcement of regulations. Trail stabilization and monitoring will be necessary, and there is a need to create a VIP trail corps to assist the NPS in identifying areas where trails need stabilization.

The implementation plan process is summarized as follows:

1. Accept detailed input on a unit-by-unit basis
2. Evaluate suggestions in-house through multidisciplinary method
3. Identify routes derived from public input and evaluate proposed routes for compliance with specific resource protection measures
4. Finalize (mark and stabilize) trails and make public
5. Designate trail (enforce, codify)
6. Ongoing efforts will always be trail stabilization, monitoring, and evaluation

Discussion.

- A member voiced a concern for the NPS driving off trails for administrative purposes and suggested that the off-trail impact be recorded. The NPS responded that the described system is already in place and being used at the Preserve. The NPS avoids driving off-trail as much as possible
- The committee asked if other agencies would follow the same protocol in case of emergencies such as wildfires; would cooperators also have to log their impacts? Response: The NPS would work closely with agencies to identify impacts resulting from ORV use in emergency situations whenever possible
- Is a dugout canoe an ORV, because they can go anywhere? NPS: A dugout is not an ORV
- Are members of the Miccosukee and Seminole tribes required to purchase ORV permits? NPS: No, the tribes are exempt from purchasing ORV permits
- The committee discussed the potential for permitted ORV operators to be blamed for ground surface impacts that may result from exempt status operators of ORVs. NPS: Miccosukee and Seminole people do not need an ORV permit to enter the Preserve when they are exercising their traditional privileges recognized by Congress. We still have some work ahead of us in that area; we need to work with both tribes to promulgate regulations that will address things like this better than what we are doing right now
- The NPS said that upon finalization of designated trails they will operate under the superintendent's compendium until it is codified in 36 CFR. Committee question: For clarification, will there be an adaptive management component in the compendium and 36 CFR? NPS: Yes, however, the NPS would like to create a trail system that protects resources and provide access to the Preserve for the enjoyment of those who use the trail system. The NPS would not want to return at some future time to modify the established trail system
- The committee has not heard anything about the role of the Florida Fish and Wildlife Conservation Commission (FWC) in this trail process and pointed out that the enabling legislation does mention that the NPS should consult and collaborate on access issues. NPS:

The legislation does recognize the State of Florida as a partner in the management of the Preserve. The relationship with the State has not always been great. For the past three years, however, the NPS and FWC have developed a fantastic working relationship. The superintendent frequently consults with FWC, and there is a much higher level of collaboration taking place today. FWC has been invited to provide input, and there is an FWC representative present at this meeting.

Public Comment.

Matthew Schwartz:

- Pending lawsuit was not filed because the public drove off-trail; the lawsuit is pending because a trail was placed in an area that was closed
- One of the problems with the trails designation process is that an important component of the ORV plan was not done, identification of sensitive areas
- Staff should identify areas that should be closed and depict those areas on a map; trails should avoid sensitive areas
- Why is the described methodology not being used
- Sensitive areas such as prairies are incapable of sustained use and should be closed
- Why are sensitive areas not being located and marked first according to the ORV plan, and why is research not being done as identified in the plan
- The definition of secondary trails has to be made clear at some point
- Lawsuits and other problems can be avoided if plan implementation techniques and strategies were clarified

Frank Denninger:

- Remembers hearing the NPS strategy of placing finalized trail system in the superintendent's compendium and work into 36 CFR concurrently
- Everything that is done on the trails should be placed in the compendium for a period of time to determine what works
- Managing the trail system under the superintendent's compendium would allow more flexibility to determine what works and what does not work that could be addressed at the local level
- Once trails are codified in the CFR we lose flexibility, and if a problem is discovered that needs attention, an extensive process must be initiated to make changes
- He asked NPS management if the superintendent's compendium and CFR were being moved forward simultaneously at this stage of the process

Mr. Ramos replied that the number one priority of the NPS is to place on the ground a network of designated trails that would end dispersed use. As for other matters or challenges, we will address each issue as soon as we can.

Mr. Ramos addressed Mr. Schwartz' question on why sensitive areas were not identified first before moving forward with trail identification. He stated that after NPS receives public input, trails are identified through a multi-disciplinary approach, and trail determinations are made after

staff ground-truthing. Trails are adjusted so as not to impact sensitive areas.

Discussion. Mr. Fuller said that the public provided quite a few recommendations and input. The ORVAC filtered out many of those recommendations because of sensitivity of resources, and a number of trails were removed from moving forward. The NPS was provided a subset of the original trail recommendations for surface evaluation. Mr. McCandless noted that he was very closely involved with the reopening of the Bear Island trails and said that former superintendent Karen Gustin and Pedro Ramos went to unbelievable ends to make sure that none of the trails that were reopened were in sensitive areas. He said that he and others spent a tremendous amount of time on the trails in north Bear Island that were placed on pine uplands and hard rock substrate.

Turner River Unit Trails Update. Mr. Clark discussed resource protection issues and clarified methodologies used by NPS staff when ground-truthing potential ORV trail routes. As Chief of Resource Management, Mr. Clark's responsibility in the trail identification process was to approve trail routes. Data collected through the public input process was filtered through the ORVAC, and recommendations were presented to the NPS; suggested routes were then investigated by NPS staff for compliance with trail routing resource protection criteria. In terms of trail routing criteria, each route was selected to:

1. Avoid negative impacts to vegetation communities
2. Minimize effects on threatened or endangered species
3. Avoid archeological sites and ceremonial sites
4. Locate access points and trail routes on previously disturbed areas, to the extent possible

From an access point of view, three criteria were used in the decision matrix: 1) Designate trails to provide access, 2) avoid or minimize user conflicts, and 3) avoid and minimize safety hazards. Mr. Clark personally ground-truthed many of the trails in the Turner River Unit and described methods used to evaluate primary trails. To date, approximately 125 miles of primary trails and 25 miles of secondary trails have been evaluated. NPS staff are evaluating sites used by threatened or endangered species such as red-cockaded woodpeckers. GPS track logs are compared against recommended ORV trail routes, and if there is a discrepancy, the route will be checked again as a quality control measure. Daily field notes are translated into a report that form part of Mr. Clark's recommendation to the superintendent for approving or disapproving trails routes.

Discussion.

- The Turner River Trails Subcommittee had recommended that pull-off areas be located. Has the NPS been able to incorporate that request into the trail work so far? Mr. Clark said that he had not seen any recommendations for pull-offs, and he has not been incorporating that request into his efforts, but it is something that he can do
- The committee recommended that pull-offs be identified
- Vegetation types identified on maps may not be absolutely accurate
- It is apparent that ground-truthing the ORV trails is time-consuming. It may be more efficient to continue to evaluate trails using the current process, and a second team follows

identified trail routes and establishes turn-out points and suitable camping locations

- Have we reached the limit on available access points? NPS: The ORV plan defines a number of access points. The committee suggested that a loop hiking trail could be located across from the entrance of Fire Prairie Trail via use of an existing tram. NPS: Recommendations will be forthcoming, and as decisions are made, the ORVAC will be kept apprised
- If a trail is dropped from the system, can an equal portion of trail be added someplace else? NPS: Parameters for mileage are articulated per management unit, and if a certain amount of mileage is lost, then there is an opportunity to consider that mileage from input from the public and the ORVAC
- As a result of foot access questions from the panel, Mr. Clark said that foot access is allowed anywhere in the Preserve
- Mr. Ramos said that the NPS should do a better job of identifying foot access points in the Preserve to have a sense of all access points

Decision. Map will be reviewed for two additional trails not shown on map presented to ORVAC by Mr. Clark.

Mr. McCandless was concerned about trail connection to the Addition. He questioned how the trail system will be connected from north Bear Island to the Addition. He fears that the trail budget will be exhausted, thus preventing a needed trail connection when the Addition comes on line. Current trails go up to the edge of the buffer zones. Mr. Ramos responded that the ORV plan closed the buffer area to ORV use, and any considerations that are made in the future will have to be done through the NEPA process, which involves reopening the EIS. There could be some suitable trails in the area of interest, but the ORV plan closed those trails. We need to focus on implementing the trail system.

Two items were tabled by the committee:

1. The ORVAC would like a true definition of the buffer zone
2. There is a concern about features that involve the Addition

Mr. Schwartz pointed out that there are no hiking trails in the Turner River Unit and that 188,000 acres that comprise the unit is an awful lot of property not to have one hiking trail in it. He said that if there are no trails, there will be no user conflicts because there are no hikers using the area, and he does not think that that is the purpose of the Preserve or the management plan. He said that the NPS should allow for non-ORV users to enjoy the Preserve and not just make do with hiking on a road. Committee members replied that ORV trails make excellent hiking trails and that there has been a significant reduction in the number of trails available for ORV use from what was proposed by the public.

A member of the public asked if the NPS will notify the public if their recommendations for trail routes were approved or rejected. NPS: Once the trail system is approved, the NPS will provide the public with an opportunity to comment. The NPS does not have contact information for each person who provided recommendations, and selected trail routes will be chosen for a number of reasons, one of which is the need for the trail to meet specific environmental protection criteria.

The NPS also conducted field work for trail alignment using maps that were screened by the ORVAC.

Development of the Miami-Dade Jetport for Recreational Riding. Pedro Hernandez, Manager of Environmental Engineering for the Miami-Dade County Aviation Department, introduced members of the Jetport property development team identified as follows:

- Tom Herbert and Linda Lampl, Lampl/Herbert Consultants
- Andy McCall, Miami-Dade Parks Department
- Manny Gonzalez, Miami-Dade Aviation Department

Mr. Hernandez explained that the Miami-Dade Aviation Department developed a management plan for the Jetport property, and part of that plan included developing a proposal for use by ATVs. Jetport land managers are confident that the property would be heavily used by ATV enthusiasts from Miami-Dade, Broward, and Collier counties. The project was sponsored by County Commissioner Diaz.

The Jetport property encompasses an area of approximately 39 square miles and adjoins Big Cypress National Preserve's eastern boundary.

The purpose of the project is to create a designated area through environmental study aligned with the Big Cypress National Preserve ORV plan. The property will be developed for use by the ORV and ATV recreational community, but plans for other recreational uses are being considered. Mr. Hernandez discussed using fill material from property borrow pits to mitigate site lakes and to construct riding trails and parking areas. The overall plan is to develop the property into a multi-use recreational area that includes hiking trails. There will be a heightened sense of security and safety for all user groups. Jetport land managers will model their trail system similar to those created by the NPS, and there is a need to determine where the legacy camps are located on the Jetport property to preserve them.

Commissioner Diaz was introduced and emphasized the following:

- Property managers' objectives are to protect sensitive wetlands and provide ATV public recreational opportunities
- The commissioner is looking forward to working with the community and partners on the Jetport project
- The Jetport property will be made available for use by disabled veterans

Discussion.

Asked if there was funding available to move the project forward, Commissioner Diaz responded affirmatively.

Mr. Ramos thanked Commissioner Diaz for his time and said that his hands will be full with working on ORV issues. Mr. Ramos introduced the ORVAC as a group that is appointed by the Secretary of the Interior and stated that they collectively are the voice of the people. He said that

the ORVAC is one of the best things to happen at BICY because the committee eliminates some the challenges that the NPS faces when doing ORV management work by themselves.

Mr. Fuller expressed his appreciation for the work that the Commissioner and Jetport land managers are doing and noted that the Jetport property would make an ideal location for regional recreational activities, especially those activities that are not appropriate for the Preserve. He was very interested in the timetable for the project.

Commissioner Diaz thanked the committee for their interest and reiterated that he was interested in hearing from them and others in attendance. He spoke of the environmental restoration work that will be an intricate part of the Jetport recreation plan and described projects such as the creation of littoral zones around the perimeters of on-site borrow pits that will improve habitat for fish and wildlife.

Matthew Schwartz asked if there was a clear line of demarcation that separates the Preserve from Jetport lands. He fears that efforts put into creating the ORV plan and the time needed to implement the plan could be at risk if this new recreational ORV concept is not properly managed. Dr. Herbert responded:

- The Jetport planning effort began approximately four months ago
- Conceptual plan discussions have taken place between permit agencies in the state, federal, and local sectors
- The plan will have a fairly high level of review
- The NPS ORV plan will serve as a model for the Jetport property development project
- Section 404 issues were identified, and the plan will be reviewed in the form of an EA or EIS

Ms. Connell stated that there is a critical need for ATV/ORV riding facilities all over the state and particularly in south Florida. She is very appreciative of how Miami-Dade has worked with the state to find suitable riding areas for the south Florida area. Miami-Dade has received grants for this work, and the state is prepared to give more funds.

Ms. Powell asked if FWC would consider converting reclaimed borrow pits into fish management areas that would be an asset to the area. Dr. Herbert replied that borrow pits are designed to maximize littoral zones. Design will include floating islands for wading birds and improved habitat. FWC has been consulted, and fish-attracting habitat would form the foundation for improved fish populations.

Mr. Adams stated that he was pleased that the Jetport managers are considering developing ATV riding facilities that have been taken away from ATV recreationalists.

The committee asked if there was provision for mudding on the Jetport property. Commissioner Diaz: Yes, there will be provision made for high-impact recreation such as mudding as well as recreation for hikers and bikers.

Lyle McCandless asked if the proposed areas could be set up for more passive use on the north side of the unit and more aggressive use on the south side. The consultants replied that 150 acres

had been identified for high-impact recreation, and approximately 17,000 acres had been identified for more passive trail riding and camping.

The committee suggested that Jetport managers begin to think about how the site will evolve and how Miami-Dade County will set limits.

As for when the plan will be rolled out, Miami-Dade is working with state and federal agencies, and there is a great deal of interest in this project. Commissioner Diaz would like to move forward as quickly as possible, but speed will be determined on how well Miami-Dade works with their partners. He does not want to provide false information but promises that this effort will receive the attention that it deserves. He said that people from all over the area have already begun to call his office asking when the project will be completed.

Commissioner Diaz spoke of creating an atmosphere of harmony among user groups. His goal is to respect everyone, and there will be something for everyone to enjoy. Ms. Powell said she appreciated the high-impact areas located to the south of the proposed project area. There is a great need for places where high-activity riders can go. She felt that the northern portion of the Jetport property should be maintained to respect the traditional uses such as hunting along the border with the Preserve.

A member asked if the Jetport presentation could be placed on a website allowing the ORVAC to review their proposals. The commissioner declined to allow widespread distribution of the project at this time but was receptive to the idea in the future.

The committee asked for a timeline on the Jetport project and was told that Collier County Planning and Zoning, USACOE, FWS, and SFWMD permits are needed. Timelines are usually a matter of years if there are no lawsuits or appeals.

Miami-Dade Jetport management appreciated the opportunity to speak with the ORVAC and said that the committee was representative of the cutting edge for ORV management.

Decision. Stairsteps trails discussion will take place at the March meeting.

The Vehicle Specifications Subcommittee will meet to figure out a meeting time.

Lottery System. The committee asked for an update on the lottery system, and Chief Ranger Clark provided the following information:

- Big Cypress had 1100 vehicles that applied for ORV permits, and there was no need to conduct a random drawing
- There have been 793 permits issued in 2009
- There were 2000 permits issued in 2008

Closing comments included members' opinions on the appropriateness of hiking-only trails and trails that are part of the ORV trail system.