

**Big Cypress National Preserve
ORV Advisory Committee Meeting
November 17, 2008
Everglades City Community Center
Everglades City, 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, Laurie Macdonald, John Adornato, Win Everham. Not present – Curt Witthoff.

Preserve staff present: Pedro Ramos, Ed Clark, Ron Clark, Dennis Bartalino, David Adams, Bob DeGross, Damon Doumlele, Don Hargrove, Valerie Clark, David Hamm, Brian Paddock, Delia Clark (contracted facilitator).

Approximately 14 members of the public were in attendance.

Welcome. Acting Superintendent Pedro Ramos welcomed attendees and focused his opening statements on projects needed to complete work for the Turner River Unit of the Preserve. He noted that the committee has provided a number of great recommendations that the Preserve has implemented. He stated that during the meeting Preserve staff will discuss several of the ORVAC's recommendations and provide an update on ground-truthing of trails by the NPS.

Mr. Ramos announced that Gary Litton and Steve Thompson resigned from the ORVAC, and the resignation process has been finalized. He then disclosed his plans of recommending committee replacements, which would take place probably sometime in February or March 2009. The ORVAC charter renewal will be submitted during the same time period as the recommended committee replacements.

The 2009 ORVAC meeting schedule has been published in the *Federal Register*. Mr. Ramos passed control of the meeting to Ms. Clark and thanked the committee and members of the public for attending. Ms. Clark explained how public comments would be received during the meeting and said that 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 staff contact and can be reached at (239) 695-1158. Written comments may also be sent directly to the Preserve at the following address.

ORV Advisory Committee
33100 Tamiami Trail East
Ochopee, FL 34141

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

- 4:20 Education and Lottery System
- 5:20 Vehicle Specifications and Future Studies
- 6:40 Turner River Trails
- 7:30 General

Approval of Minutes. The ORVAC provided recommended corrections to the July 21, 2008, meeting minutes, and the minutes were approved as corrected.

Education Subcommittee. The Education Subcommittee recommended changing its name to the Education and User Interface Subcommittee and adding one or two members. They hope to tailor their work efforts to address issues such as improving the distribution of backcountry permits.

Ms. Clark introduced Mr. DeGross, who read the revised version of the Education Subcommittee policy. He stated that during the previous meeting the subcommittee submitted a draft document that defined authorized and unauthorized uses of ORVs in the Preserve. The draft version reviewed and critiqued by Preserve staff and which will be implemented by the Preserve is as follows:

“Authorized and Unauthorized Uses of Off-road Vehicles in Big Cypress National Preserve.

Off-road vehicle (ORV) operation within the authorized speed limit on designated trails for hunting, fishing, frogging, camping, wildlife observation, transportation to private property, and other traditional, nature-based activities is consistent with the Big Cypress National Preserve enabling legislation as amended by the Addition Act and is authorized within the Preserve. Operation of off-road vehicles in excess of the authorized speed limit or for the purpose of challenging the vehicle against Preserve resources or other vehicles, such as racing, mudding, sport riding, motocross riding, and competitive events, is not consistent with the Big Cypress National Preserve enabling legislation as amended by the Addition Act. These nontraditional activities are not authorized in Big Cypress National Preserve and can result in the forfeiture of ORV access privileges.

Organizers of group ORV events are required to obtain a special use permit.”

Discussion. Discussion centered on the meaning of “challenging the vehicle against Preserve resources,” deleting language from the policy that could be misinterpreted, inclusion of airboats, and emphasis on prohibition of vehicles off designated trails.

Decision. The Education Subcommittee will be renamed the Education and Public Use Subcommittee. The subcommittee will focus on improving educational outreach to the public.

Discussion. Mr. DeGross recommended a meeting between the subcommittee, NPS, and the selected contractor to discuss kiosk placement and the information that each will provide.

Decision. The ORVAC agreed to discuss in detail kiosk placement and the information that they will provide during the January meeting.

Lottery System Update. Chief Ranger Ed Clark restated the ORVAC recommendations from the previous meeting and gave the following update:

- To date 1,933 permits have been issued
- Random drawings begin beyond the 2,000 permit mark
- The recommendation made by the ORVAC to withhold 50 permits has been forwarded to the NPS solicitor for review
- The NPS speculates that the 2009 permit season will exceed the 2,000 permit mark, which prompted action to initiate the lottery system now instead of waiting for 2010
- Permit drawings will be held each December 15 in order to allow the entries postmarked by the November 30 deadline to make it to the NPS
- Permits will be valid from January 1 to January 31 the following year
- The system is designed to provide an opportunity for each vehicle owner, regardless of how many vehicles he owns, to receive at least one permit, unless the total number of individual owners exceeds 2,000
- ORV vehicle registrations are listed by owner in a database to insure against multiple entries for a given vehicle; each entry will receive a number and the winners will be selected using a random number drawing process
- More than one permit will be available per person if the initial drawing is fewer than 2,000 permit requests
- A maximum of five permits may be allowed for individuals
- Successful drawing participants will be notified by mail and will be required to purchase their permit by mail or in person prior to January 31. If an individual fails to purchase his permit by that date, the permit will be made available for the next person on the waiting list
- The owner will have the option of placing his permit on any of the vehicles he registered for the drawing; however, because the vehicle inspection number would be on the permit, the owner has to specify which vehicle the permit will be valid for
- Permits will be affixed to the vehicle and are non-transferable
- Vehicle permits are valid for 13 months, and subsequently vehicle owners will be required to reapply for the drawing
- No person will receive two permits unless all applicants receive at least one permit

Mr. Clark reiterated that the system is set up to be fair to all users, and multiple vehicle registration entries will not be accepted.

Discussion. The question of impacts on landowner access came up, and Mr. Clark replied that as long as landowners' equipment meets ORV specifications, they do not need an ORV recreational permit for ingress/egress purposes.

Decision. Due to time restraints, the ORVAC postponed the vehicle specifications discussion until the January 2009 meeting.

Discussion. Discussion continued on landowner issues. Some members expressed concern that landowners would not be able to have recreational ORV access off their property if they are not given the opportunity to purchase a permit. If 50 temporary permits are set aside for one-time visitors, this would possibly free up more annual permits for landowners. Mr. Adams stated that the Lottery Subcommittee had discussed in length the possibility of providing preferential consideration for landowners for recreation. The subcommittee was advised that preferential treatment could not be considered. The subcommittee had hoped to establish a one-mile radius around inholder camps that would allow landowner use of the area as part of their ingress and egress rights.

Mr. Adams stated that the ORVAC must face the issue of 4- wheeler "mudders" somehow; it is the predominant amount of permits that is growing. He also felt that the committee should take a serious look at vehicle specifications.

Mr. Greer referenced the 50 permits recommended by the ORVAC and described the importance of those permits to people who drive long distances to recreate in the Preserve. He said that the availability of a permit is significantly important to out-of-town visitors.

Concerning the 4-wheeler mudders, Ms. Powell said that the authorized and unauthorized uses statement clarifies that that type of ORV use is not authorized in the Preserve.

Public Comment.

David L. Rasmussen: Upset with the lottery system because if he misses a year due to non-receipt of a permit, he could not justify the cost of maintaining a swamp buggy. Two years in a row of not receiving a permit would be disastrous and would defeat the purpose of owning a swamp buggy. The lottery would take away his ability to access the Preserve, and he wished that there was some way to provide previous-year permit recipients guaranteed permits for the next year without risking going into a lottery system. The chance that he may have to sit out a year or occasionally be given a 10-day permit does not justify ownership of a nearly \$25,000 swamp buggy. He understands that the Preserve is public land and everyone has a right to use it, but he feels that people who

have invested their time and money should be given more opportunity to receive a permit rather than relying on luck of the draw.

Ms. Macdonald asked if the 10-day permit would provide more opportunity to be out there. Mr. Rasmussen said that he visited the Preserve 13 times last year, and of those 13 times sometimes he will stay in the backcountry for a full week. If he had to rely on a 10-day permit, the cost would be 13 times \$20 if a permit were available for his use. Ms. Macdonald replied that her calculations indicated that availability of the 10-day permits should not be a problem.

Lyle McCandless, representing himself and as President of the Big Cypress Sportsmen's Alliance: The Alliance took the initiative to gather data on truck and trailer distribution throughout the Preserve during hunting season to determine the true ORV impact to the Preserve. On Saturday morning October 1, 2008, Alliance members visited all of the ORV access points in the Preserve during opening weekend of black powder season and counted all trucks and trailers, airboat trailers, and individual trucks that had a ramp in the back that suggested ORV use. Mr. McCandless recommended that the 2,000 permit limit should be readdressed because today's conditions are drastically different than what was occurring in the Preserve at the time of the ORV limitation idea conception. On opening morning of black powder season there were 94 ORV trailers at all access points, 57 ATV trailers or indication that they came out of the bed of a truck, and 15 airboat trailers, for a total of 166 units. On October 11 there were 54 swamp buggy trailers counted from all access points, 22 ATV trailers and trucks, and 7 airboat trailers, for a total of 83 units. On October 18, there were 35 buggy trailers, 52 ATV trailers, and 7 airboat trailers, for a total of 94 units. The Alliance members noticed that by noon on Monday 80% of the trailers were gone. Data indicated that ORV use is heavier on weekends than the remainder of the week. A total of 343 ORVs were counted in the Preserve over the three weekends of black powder season, considered the second largest time of ORV use in the Preserve. There was a total of 66 ORV trailers and 16 ATV trailers and trucks that showed evidence of transporting ATVs in use in the Preserve during opening weekend of general gun hunting season. The NPS, the ORVAC, and members of the public must understand that the number of ORVs in use in the Preserve at one time is far more important than the total number of permits or ORVs allowed. Most of the buggy trailers were gone after opening weekend. Mr. McCandless stated that if 5% of the total number of ORVs were counted outside of the described high-use periods, he would be surprised.

Mr. McCandless mentioned past meetings with Preserve superintendents, who said that ORVs must stay within 50 feet of the centerline of designated trails. A concept of a corridor rather than a trail would be a big plus for the trail system.

Members questioned Mr. McCandless on his report and noted that some ORV use was probably not counted due to access from private property or ORV storage sites. Mr. McCandless replied that his figures were probably accurate within +/- 10%. He said that the Alliance will be conducting surveys during the entire year on actual ORV use in the Preserve. He feels that the ORV carrying capacity should be reconsidered, since the

ORV carrying capacity study was not scientifically done. More permits could easily be sold by the NPS, providing revenue for a number of purposes, since the maximum allowable single-day use would never be reached.

Ms. Powell alerted the ORVAC and audience of the Education and Public Use Subcommittee's intent to improve the backcountry trip ticket methodology and to find ways to encourage public use and compliance. Dr. Everham suggested Mr. McCandless place dates on his data to allow cross-reference of backcountry trip tickets with information taken from parking area observations. Mr. McCandless stated that the Alliance is working with the Florida Fish and Wildlife Conservation Commission for that purpose.

Charles Barley: He is frustrated that no changes have been made. The NPS has not used resources such as trip ticket data, and it is frustrating to know that the NPS has yet to straighten out small problems such as trip ticket use as a valuable data resource. He was thankful to hear factual numbers generated by Mr. McCandless and members of the Alliance and thanked the ORVAC for their work on reserving 50 permits for use by others who have an interest in visiting the Preserve.

Phillip Hayslip: People who hunt should be given priority, since they contribute to resources through the purchase of hunting licenses and management stamps. The 2,000 permit limit should be raised to 2,400 to accommodate the 400 private inholders. It is possible for someone to try to discredit Mr. McCandless and the Alliance efforts in counting ORV trucks and trailers by filling out numerous backcountry permits to cast a shadow of doubt on data accuracy.

Discussion. Dr. Everham referred to pages 47-49 of the ORV Management Plan, which addresses announcement of lottery drawings and non-transferability of permits. He asked if there was any possibility for a permit system where a permit was issued to one vehicle and recycled through other vehicles owned by an individual the same year. Mr. Ramos replied that non-transferability is the type of issue NPS solicitors are looking into. There are a number of concerns, and the subject deserves and will receive further investigation.

Dr. Everham asked which types of recommended changes to the ORV plan are within the ORVAC's purview. Mr. Ramos replied that the plan gives the NPS the ability to practice adaptive management and learning through the implementation of policies that allows the NPS to take recommendations and make changes. He said that he would have to hear what the specific recommendations would be and then go from there. One issue that would require additional compliance requiring reopening the EIS would be expanding the number of miles of trails in a particular management unit. Other examples would be to open areas that were previously closed or allow ORV use in areas identified in the plan as areas that need to be avoided. He said that unfortunately there is no black and white answer, and the NPS faces these types of issues all of the time as we move forward to implement the plan. Reopening the ORV plan and EIS to expand ORV opportunities would require additional compliance and a tremendous amount of work. The focus now is to implement the plan.

Research Update. Ron Clark gave a presentation on research done for the ORV plan, how the Preserve receives research funding, how research is conducted, and what research has been done the past eight years. He explained that the administration change in 2000 brought a change in how NPS units conduct science and changes in priorities. Some projects listed in the plan, such as ground-truthing ORV trails mapped by the University of Georgia, are not relevant now.

Mr. Clark explained that the preserve has no research budget but must submit research funding requests that compete nationally. Research is done by universities and other agencies, such as the U. S. Geological Survey, through cooperative agreements.

In the past eight years, the Preserve has been successful in initiating several studies. Projects that have been completed include an inventory of reptiles and amphibians, a fish inventory, and ongoing monitoring of 20 permanent water monitoring stations throughout the Preserve through a partnership with the South Florida Water Management District. A partnership with the U. S. Fish and Wildlife Service has provided funds to look at 25 years of data on the movements of the Florida panther.

Discussion. Questions for Mr. Clark dealt with the Preserve's participation in the Florida Natural Area Inventory, wetlands mapping, and the possible role of the ORVAC in reviewing and endorsing funding requests. The committee suggested posting reports and report summaries on the Internet.

Report from the Turner River Trails Subcommittee. Mr. Doumlele gave an update on ORV trails in the Turner River Unit. Speaking for the Turner River Trails Subcommittee, he reported that the subcommittee met on October 21, 2008, to come up with a recommendation to the full committee for a secondary trail system in the Turner River Unit. The primary trail recommendation was approved by the full ORVAC during the September meeting. Mr. Doumlele presented a map depicting the subcommittee's recommended secondary trails for committee approval. He reported that the recommended secondary trails total 110 miles, although the subcommittee deferred to the NPS to find suitable trails to many of the destinations. He stated that the NPS is proceeding with ground-truthing primary trails by splitting personnel and equipment into teams, each of which is logging trails by GPS and evaluating the resources of the area. They are also determining which areas of the trails will need stabilization. Mr. Doumlele noted that it is difficult to estimate when work will be completed, but the pace should pick up as water levels recede.

Discussion.

Ms. Powell noted that there were sharp differences of opinion among the subcommittee members at the October meeting. These differences had to do with management philosophy and interpretation of the ORV plan. Specifically, there was disagreement on whether secondary trails could be loop trails or had to be dead-end trails and whether a hunting destination qualified as a secondary trail destination.

Ms Powell also was concerned about perceived errors in prairie sizes depicted on maps shown in the ORV plan, since these areas may encompass other types of habitats. Mr. Adornato, noting that the plan clearly depicts closed areas, asked if there is a process for allowing trails in these areas. Mr. Ramos replied that the closed areas as mapped in the plan are approximations of the types of habitat that these areas were closed to protect. There may be some opportunities for trails within those closed areas on ground sustainable for ORV use.

Frank Denninger, speaking as a subcommittee member, said that there was quite a bit of tension at certain points during the October subcommittee meeting concerning secondary trails and the closed zones. He believed that the subcommittee will place hours upon hours in work efforts to come up with a suitable recommended trail system, and someone will eventually come along and jam the whole thing up with a lawsuit. He would hate to see that happen. He understood that everyone would like to see the plan implemented, but we do not want to open the EIS now to clarify things that were previously discussed. He made a request to committee members and faxed a memo that stated the committee may request from agencies a report to explain the process for adaptive management prior to implementation; also, the process for modifying something in the plan under adaptive management when it is in the CFR. In his opinion, that is when the plan is implemented. He said that he saw an e-mail that Mr. Ramos had sent to Mr. Jack Moller regarding that question that said it was a very involved process.

Discussion ensued on the topic of closed areas and whether the ORV plan leaves any flexibility on the issue. Ed Clark referred everyone to page 43 of the plan, the first paragraph under "Closure of Areas." He also referred to page 44 under "Spatial Closures" and the map on page 35.

Mr. Adams noted that what is being proposed in the Preserve today is a vast improvement over the 50s and 60s, when resource damage and buggy use was much more widespread. Mr. Fuller agreed and said that the trails being requested are a far cry from the hundreds of miles of trails that were in existence in the past.

General discussion and debate continued on the definition, number, lengths, and destinations of secondary trails. Mr. Hampton stated that the NPS should provide pulloffs along trails and turnaround areas at trail ends and should notify landowners when considering trails near their properties. Mr. Adornato suggested closing secondary trails seasonally so that they are open during hunting season.

Public Comment.

Lyle McCandless: Said that during the last ORVAC meeting Frank Denninger brought a map that he received from Mr. Ramos that day showing the trails that have been brought forward from the public going all the way back to the late 90s. The Big Cypress Sportsmen's Alliance wrote a letter encouraging the committee to only eliminate secondary trails that were inappropriate. The definition of secondary trails was that there

was no mileage limit; secondary trails must go in and out to a destination, no looping; and secondary trails had to go a short distance. Mr. McCandless stated that he asked Mr. Ramos to use every conceivable option for secondary trails and said all he sees is eliminate, minimization, and more elimination of secondary trails, and he is sick and tired of it. He would like for someone to tell him how all of the secondary trails that were identified for recreational use were eliminated. He strongly feels that secondary trails that were eliminated could have been legally incorporated into the recommendation. He mentioned that during the previous ORVAC meeting, he told the committee that the settlement agreement between the Florida Biodiversity Project and the NPS stated that the NPS was mandated to come forward with a plan for a designated trail and/or use area system. There was a legal opportunity there to have designated trails and/or use areas right there in the settlement agreement.

Frank Denninger: Recognized the tension that developed during the trails subcommittee meeting concerning issues on secondary trails, trail length, and whether they should go to a hunting destination or not. He challenged the specific ORVAC members' knowledge of what actually occurs in Big Cypress and said that he personally would use every inch of a hunting destination secondary trail. He disliked the idea of secondary trails being opened seasonally and spoke openly of his disagreement with the views of other subcommittee members. In his opinion those offensive views are intolerable for the ORV culture. He stated that secondary trails going to the same point from different directions is okay. On the issue of 140 miles of trails that will be allowed in the Turner River Unit, he referenced the extensive trail networks that were depicted on the University of Georgia maps and said that 200 or 300 miles of trails are nothing in comparison with what was once in the Preserve. He stated that on opening day of general gun season 177 vehicles with trailers were counted, including airboats in the Preserve. He never thought he would come out of the woods during opening day of hunting season to count buggies.

Bill Hayslip: Questioned why there was controversy over looping secondary trails. He reasoned that it is a good idea to have secondary trails that loop because the concept reduces trail impacts from buggies traveling the same section of trail twice. He hoped that his statement would be taken into consideration.

Mr. Greer read a written public comment from Steve Deline. Mr. Deline understood that everyone has a right to access to the Preserve. He expressed his concern with trails leading to private inholder camps, increasing the likelihood of vandalism of private property. He wrote that camps should not be seen from the trails. In his opinion, secondary trails lead right to camps and that is not the right thing to do. He asked the ORVAC to please address this issue.

Discussion. Ms. Clark noted that the committee agrees on the following:

1. No primary or secondary trails on prairies
2. Need ground-truthing to determine exactly where the prairies are
3. More studies are needed at some point as we move through this process

4. Notify landowners if a trail will be established near their camps
5. Add pullouts and turnarounds

Topics that have not received full committee support are:

1. Length and number of secondary trails
2. Question of secondary trails looping
3. How destinations are chosen and how a destination is defined
4. Definition of primary vs. secondary trails and seasonal use of secondary trails

The NPS must ground-truth all areas, with extra scrutiny for the closed areas. There should be ground-truthing for identified destinations, including sites identified for pullouts and turnarounds. More discussion is needed for the issue of two trails that connect and are identified as secondary trails.

Ms. Clark asked the committee what issues can be moved to the NPS to begin work on.

Mr. Adams said that prairies should be ground-truthed to determine if they are marl prairies, which are very sensitive, or if they are mostly comprised of cap rock. The latter would be more conducive to ORV use.

Dr. Everham asked if the subcommittee had discussed whether use of secondary trail access to private property would be limited to use by the landowner. Ms. Powell replied that the topic was discussed and said that when secondary trails specifically provide access to private property, only the property owner or his assignees can use the trail.

Mr. Doumlele pointed out that secondary access trails to camps are not shown on his maps generated by the subcommittee and that they are not included in the 110-mile total of secondary trail mileage. He said that some of the trails on the map could be used for private access, but not all of them. Mr. Hampton noted that during the subcommittee meeting they addressed some of the trails, particularly if they are long trails that could be used by the public up to a certain distance from the private property. Some trails leading to private property would be public trails up to a point; and signage could be used to discourage vehicles from going beyond that point.

Dr. Everham recommended moving recommendations forward.

Ms. Clark asked Mr. Ramos and Mr. Doumlele if the ORVAC were to pass the recommendation along to the NPS with the caveats identifying discussion topics on which the committee agrees and disagrees, would that be enough direction from the ORVAC for the NPS to work on for the next two months? Mr. Ramos replied that the committee recommendations would be more than what could be done in two months and those recommendations are exactly what he is looking for. He said that if it becomes clear during work on any of the trails that additional consultation is needed, the NPS will return to the ORVAC for guidance.

Mr. Ramos said that the Turner River Trails Subcommittee has done its job of bringing information to the full committee for approval. He did not think that there was a reason to maintain the subcommittee, understanding that there is a lot of work ahead and more guidance may be necessary on a particular issue related to the Turner River Unit. There is no need to maintain the subcommittee, and it will be reinstated when necessary.

Mr. Ramos said that when the NPS completes ground-truthing primary and secondary trails, a presentation will be given to the ORVAC. At that point the NPS will be marking and designating trails in the Turner River Unit. When the ground-truthing and marking are completed and the trails are designated, the NPS will be managing per the superintendent's compendium and will call this the designated trail system for the Turner River Unit. At that point dispersed use in the unit will end.

Ms. Clark identified those topics supported by the full committee:

1. Do not go on prairies
2. Be clear about where prairies are located
3. Studies must continue
4. Ground-truthing needed for everything, especially within closed areas; location of turnarounds and pulloffs; areas where it appears that two trails may turn into one

She identified subjects that have disagreement as:

1. Length and number of secondary trails
2. Question about trail connections and loops
3. Not agreeing on what constitutes a designation
4. Unsure of the definition of a secondary trail

Mr. Ramos committed the NPS to a progress report on the trails at every meeting.

Ms. Clark said that the public meeting originally planned for the January 20, 2009, ORVAC meeting would be postponed due to the ambitious schedule and the presidential inauguration.