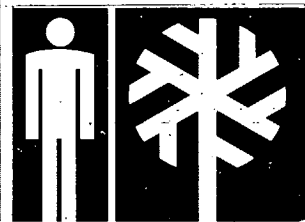


general management plan  
final environmental impact statement  
volume 2: comments and responses  
on the draft environmental impact statement

FES 91-26  
Vol. 2 of 2

BIG CYPRESS



NATIONAL PRESERVE • FLORIDA

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UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

**GENERAL MANAGEMENT PLAN**  
and  
**FINAL ENVIRONMENTAL IMPACT STATEMENT**  
Volume 2: Comments and Responses

**BIG CYPRESS NATIONAL PRESERVE**  
**Collier, Monroe, and Dade Counties, Florida**

The proposed action and three alternatives for the general management of Big Cypress National Preserve are presented in volume 1 of this document, and the environmental consequences of their implementation are analyzed. Under the proposed action the National Park Service envisions the preserve as a nationally significant ecological resource – a primitive area where ecological processes are restored and maintained and where cultural sites are protected from unlawful disturbance. Visitors would have the opportunity to appreciate and learn about the preserve's resources in a natural setting. The proposed action would establish a 43- to 49-day general gun season divided into three quota hunts and one non-quota hunt. Only bow hunting would be permitted in the Deep Lake unit. No dogs would be permitted in the Deep Lake and Loop units, and only bird dogs and retrievers would be permitted in the rest of the preserve. Off-road vehicle (ORV) use would be allowed with certain restrictions in all units except Loop and Deep Lake. The interpretive program would be expanded, and recreational opportunities would be developed for canoeing, hiking, camping, and picnicking. Two canals would be rehabilitated to restore more natural surface water flows. Oil and gas exploration and development would be permitted to influence no more than 10 percent of the preserve at any one time. Eleven important resource areas would be protected, including superior natural resource areas, areas essential for maintaining water flow and quality, habitat necessary for the survival of threatened or endangered plant or animal species, and native American cultural sites or important historic or archeological resources. Wildlife programs would be expanded to protect species listed by the federal and state governments, and to improve habitat for white-tailed deer. Feral hogs would be managed so long as they are considered as important prey for the Florida panther. Exotic plants and animals would be selectively controlled. All sites on or eligible for listing on the National Register of Historic Places would be protected, as would significant native American sites. Miccosukee and Seminole Indians would continue their usual and customary use and occupancy of federal lands within the preserve, subject to reasonable regulations to be developed with the assistance of these groups and other interested parties. With respect to environmental consequences, the proposed action would restore more natural surface water flows to approximately 38,000 acres, would ensure the protection of important resource areas, and would improve the habitat of the Florida panther. The number of hunters and total ORV recreational users would probably decrease. More interpretive and recreational opportunities would be provided for the general public. Proposed actions could inconvenience private property owners. Oil and gas owners, lessees, and operators could be affected if their proposed oil and gas activities would influence more than 10 percent of the preserve, potentially delaying additional development. The other alternatives include continuing management policies as of 1985-86 (status quo alternative), providing regional recreational opportunities (alternative A), and emphasizing the preservation of both natural and cultural resources and allowing limited recreational opportunities (alternative B). The status quo alternative would provide the least protection of important resource areas, would have no effect on existing hunting and ORV use patterns, would provide few interpretive and recreational opportunities for general visitors, and would result in no additional constraints on oil and gas owners, lessees, or operators. Alternative A would provide moderate protection of important resource areas; hunters and ORV users would be subject to moderate restrictions compared to recent management; and general visitors would be offered more recreational and interpretive opportunities. Actions could inconvenience private property owners. Oil and gas interests under alternative A could be affected by limiting the influence of exploratory and development activities to no more than 10 percent of the preserve. Alternative B would provide the greatest level of protection for important resource areas, a potential decrease in hunting by up to 75 percent, a decrease in ORV trails and use of ORVs for hunting, a limited increase in interpretive and recreational opportunities for general visitors, inconvenience to private property owners, and severe restrictions on oil and gas interests because of lack of access to most oil and gas resources. Comments on the *Draft General Management Plan / Draft Environmental Impact Statement*, and National Park Service responses, are printed in volume 2.

For further information about this document, contact

Regional Director  
Southeast Regional Office  
75 Spring Street, SW  
Atlanta, GA 30303

or

Superintendent  
Big Cypress National Preserve  
SR Box 110  
Ochopee, FL 33943  
(813) 695-2000



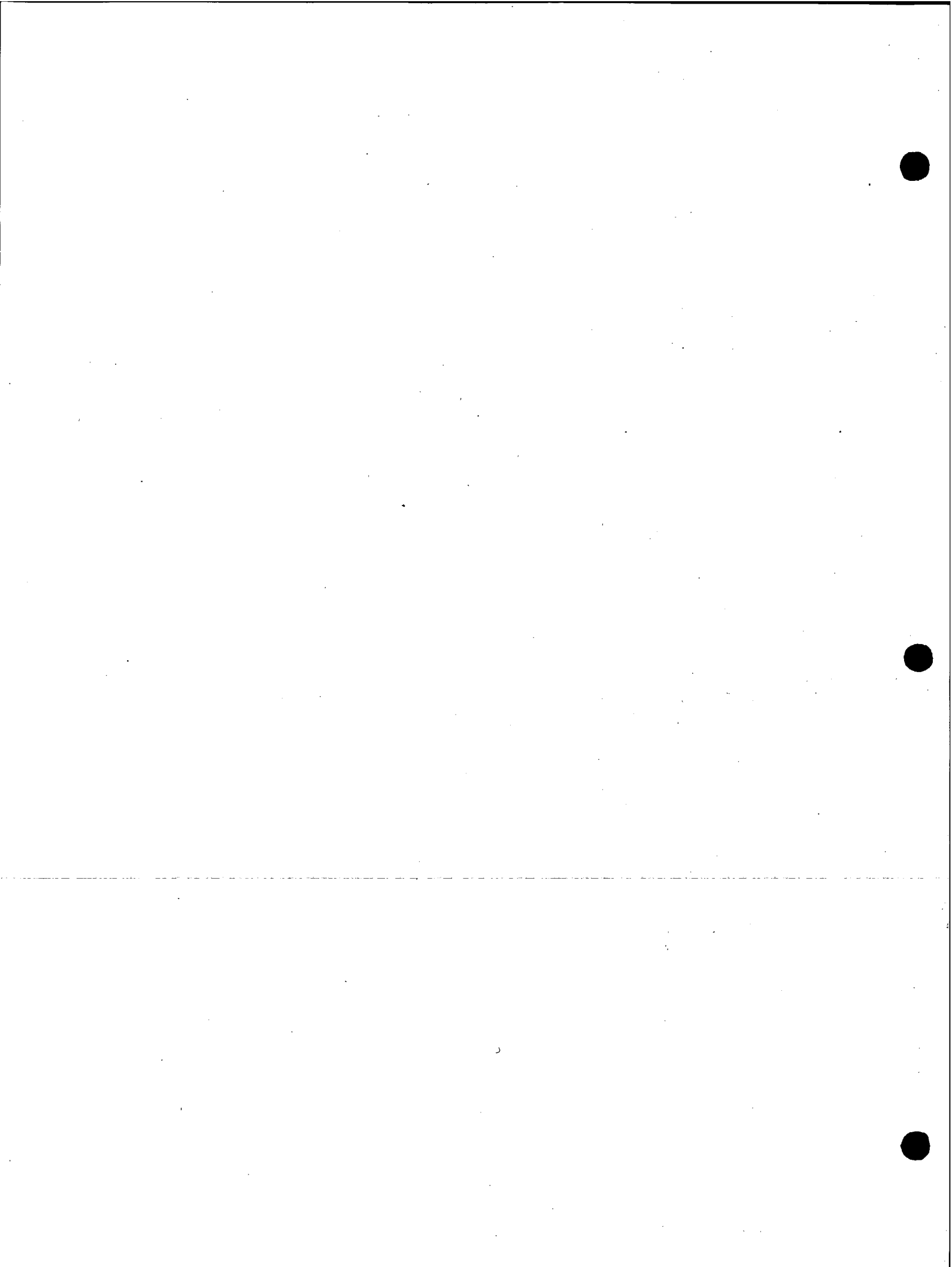
## SUMMARY

The *Draft General Management Plan / Draft Environmental Impact Statement* was available for public review from August 8, 1989, to March 1, 1990. Approximately 650 copies of the document were distributed to state and federal officials, the Miccosukee and Seminole tribes, interested agencies and organizations, and regional public libraries.

Responses were received from three federal agencies, the Miccosukee and Seminole tribes, five state agencies, one regional council, one local agency, 25 organizations, and six mineral interests. Letters and cards were received from 91 individuals, plus approximately 3,000 form letters and a petition with approximately 1,000 signatures. Comments from agencies, tribes, organizations, and mineral interests are reprinted in this volume, along with the National Park Service's responses. Responses are only provided to comments questioning supporting information or environmental analysis, comments recommending actions beyond the range of alternatives in the draft plan, or comments requesting clarification of the draft. No response is given to comments simply expressing preference for the proposed action or any of the alternative actions.

Letters from the 91 individuals tended to either support the proposed action, alternative B, or more restrictive actions, with less support for the status quo or alternative A. Most of the letters from individuals stated a preference for actions within the range of alternatives considered in the draft plan. Letters from four individuals—Fred Dayhoff, George Fogg, Jan Jacobson, and Earl Rich—contained information or ideas not directly addressed in the draft plan, and those letters are reprinted below with the NPS responses.

The 3,000 form letters received were in support of the status quo alternative for hunting and ORV use. An example of the form letter and the NPS response is included with the comments of the Blue Ribbon Coalition. The petition with approximately 1,000 signatures requested that trespass properties be allowed to remain in the preserve, a legal issue not addressed by the plan.



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RESPONSES



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.  
ATLANTA, GEORGIA 30365

FEB 22 1990

Mr. Robert M. Baker  
Regional Director  
Southeast Region  
U.S. Department of the Interior  
National Park Service  
75 Spring Street, S.W.  
Atlanta, GA 30303

SUBJECT: Draft General Management Plan/Draft Environmental Impact Statement/Big Cypress National Preserve.  
EPA Log No.: D-NPS-E61066-FL

Pursuant to EPA's responsibilities under NEPA and Section 309 of Clean Air Act, we have reviewed the subject document which presents a plan for the Big Cypress National Preserve for the next 10 to 15 years. The document is well written, comprehensive, and addresses most of the environmental considerations related to the management of the preserve.

We strongly support the National Park Service (NPS) in their approach to management issues and objectives as described in the Draft General Management Plan/Draft Environmental Impact Statement (Draft EIS). The provisions for hunting provide for diverse hunting opportunities at levels compatible with the purposes of the preserve. The off road vehicle (ORV) strategies are consistent with the historical use of ORVs in the preserve and at the same time provide optimum resource management. The minerals management strategies permit access for geophysical exploration, exploratory drilling, and production of oil and gas resources without significantly compromising air and water quality in the preserve. The oil production operations we observed in the preserve in January, 1990, were some of the cleanest we have witnessed. Exxon and NPS are to be commended for their exemplary performance in this operation.

The following are recommendations that should be addressed in the Final Plan and Final EIS.

Fire Management

The use of prescribed burning is an excellent method for reducing fuel accumulation and returning nutrients to the soil. We are, however, concerned that slow-moving hot fires may burn off accumulated peat found in hardwood hammocks. These hammocks provide refuge for numerous plant and animal species including tree snails and orchids. Lignus tree snails are especially at risk from fire during the egg-laying and juvenile stages. We recommend fire suppression in hardwood hammocks from approximately June through October, when the eggs and young snails are most vulnerable to fire.

1. Under the proposed action hardwood hammocks would be protected from all fires to the extent feasible. The June - October period cited occurs during the rainy season, when fire threats to hammocks are minimal.

2. Specific methods for controlling exotic plants will be developed in more detail in subsequent action plans based on the final general management plan. Zones of control may be included in such a program, as well as provisions for some level of public participation. Coordination among other agencies in south Florida is ongoing and is cited in the plan.

3. Based on consultation with the state and the U.S. Fish and Wildlife Service and on NPS research, there are no historical or recent records of wood stork breeding areas within the preserve, even though wood storks commonly feed within the preserve. It is the intent of the plan to restore natural hydrological regimes throughout the preserve, but this is not expected to affect wood stork breeding. The U.S. Fish and Wildlife Service has reviewed a biological assessment of the final plan and has agreed in their biological opinion that wood storks would not be affected.

4. The types of water control structures would be considered in future engineering and facility redesign. The intent of providing any drainage structure (bridges, culverts, or control structures) is to return more natural flows to an affected area.

5. Even though alternative B would offer somewhat additional protection for the panther, the proposed action would also protect the panther, while providing a more adequate level for visitors to enjoy preserve resources. The U.S. Fish and Wildlife Service has reviewed the revised plan through formal consultation under section 7 of the Endangered Species Act and has concluded that the proposed action would not jeopardize the continued existence of the Florida panther.

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Page 2

If NPS is using paid contractors to manage prescribed burning, Miccosukee and Seminole Tribe members might be employed to the extent that their interest and fire management skills will allow.

#### Exotic Plant Species

The NPS triage approach to managing the three major invading tree species *Melaleuca* (eucalyptus), Brazilian pepper (its established), Australian pine (control as resource permit), accurately reflects the reality of these species presence in south Florida. The use of properly administered herbicides is a realistic means of controlling *Melaleuca*. In addition, NPS might consider initiating programs to encourage OGV users to assist in *Melaleuca* control whereby OGV users would be given credit toward a tree or reduced vehicle annual permit in exchange for reasonable number of *Melaleuca* whole tree and root systems.

The NPS exotic plant control program should identify a long-term eradication strategy that identifies priority areas within the preserve. Zones of control should be identified, along with the optimum control methods (fire, herbicides, manual removal, and flooding) to be applied at each zone. Exotic plant control should commence when the pest species are most stressed from seasonal drought or inundation. Exotic plant control should be coordinated with similar State and county programs in order to focus resources on this difficult problem.

#### Hydrology

We are concerned that the draft EIS does not address the specific hydrologic needs of the wood stork. Complex factors, including water levels and food availability, are co-dependents in regulating the breeding cycles of this endangered species. Wood storks are on the decline due to habitat loss and improvident water management. The breeding cycle of the wood stork is carefully synchronized with the cycle of the wetlands to ensure that the maximum food supply occurs when the young are being raised. NPS should consider actions that will restore a more natural hydroperiod to wood stork breeding areas. Lack of water resources management can doom this endangered species if water level fluctuations are not restored to the benefit of the wood stork.

In order for NPS to have better control the flow of water resources, installation of water level control structures with flashboards, rather than culverts, is recommended.

#### Panther Protection

The proposed plan should incorporate measures described in Alternative B that go further to protect the endangered panthers.

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Page 3

These measures include: 1) prohibit hunting of white-tailed deer, bope, and other prey species in Bear Island, Deep Lake, and Corn Dance Units; 2) extend the prohibition of OHV use to Bear Island and Corn Dance Units; and 3) limit oil and gas development in Bear Island, Corn Dance (outside the Sumland Trend) and Deep Lake Units.

#### Oil and Gas Exploration/Production

We strongly support the position that no more than ten percent of the preserve be influenced at one time by oil and gas activities. The area of influence should be at least 0.5 miles on either side if the activity and should apply to existing roads, well pads, and all new seismic activities. Any area of direct impact that is properly reclaimed could be deleted from the cumulative total of the area of influence. When the total area of influence related to unclaimed operation sites and active operation sites reaches the ten percent limit (57,444 acres), no additional operations should be permitted.

Other recommendations include: A "one pass" policy should be applied restricting back and forth vehicular traffic along seismic lines. Only low-impact vehicles (wide pneumatic tires, no tracked vehicles) should be used. Helicopter activity should be restricted from all bird rookery areas during the nesting season. Performance bonds should be in amounts that reflect site restoration costs, and should be extended to periods of five years or more. Bonding obligations should be released only when the Superintendent determines restoration has been satisfactory. Seismic data should be shared with the State and made available, perhaps on a fee basis, to all oil and gas interests. Sharing of seismic data would reduce unnecessary multiple seismic explorations being conducted over and over on the same ground, as is the current practice today.

#### Wetlands

Continued wetland losses from new and ongoing activities are of concern to EPA. Wetland impacts should be avoided and/or minimized for all development including oil and gas exploration/production. The Agency will be applying a "no net loss" policy for all wetlands impacts. In considering new development emphasis will be placed on removal of inactive pads, roads, and restoration/enhancement of historical hydrology as a means of offsetting impacts. All new construction should be designed to minimize fill and should maintain natural hydrology.

#### Air Quality

Emissions from production well flares, well fluids, by-products from propane-fired "heater-treaters", hydrogen sulfide, and nitrogen oxide are all potential emissions from oil activities in the preserve. These can damage vegetation, impair human health, and reduce visibility. We support the designation of an air quality area of influence as being one mile from all oil and gas activity, and

6. With the exception of sharing seismic data, these recommendations are included in the "Minerals Management Plan" (appendix C). For privately owned minerals, seismic data is proprietary, and the federal government cannot require private interests to disclose such data. However, the National Park Service will continue to encourage private mineral interests to share such information in order to minimize resource impacts.

7. Mitigating measures for proposed developments in wetlands include restoring disturbed wetland sites in the preserve at a greater than one-to-one ratio. Consequently, the proposed action would result in a net gain for wetlands. The areas currently proposed for development that would require filling of wetlands are adjacent to roadways and other existing developed areas.

8. To identify any impacts from the emission of pollutants, the "Minerals Management Plan" (appendix C) has been revised to require three vegetation monitoring plots to be established within 0.5 mile of a production site. Monitoring methods must reflect accepted scientific practices for documenting effects related to pollutants on overstory, understory, shrub, and herbaceous components of the vegetation community. See stipulation 21 for drilling and production (appendix C).

9. The National Park Service recognizes the potential impacts to the resources of Big Cypress and Florida resulting from potential global climate change and is participating in related research activities.

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further recommend that air quality monitoring parameters be established. Emission impacts on vegetation within the area of influence should likewise be documented.

Global Climate Change

In the draft guidance (June 10, 1989) to federal agencies regarding consideration of global climate change in preparation of environmental documents, the Council of Environmental Quality concluded that federal agencies should begin now to evaluate how their actions may contribute to, or be affected by, global climate change. Although the NPS action is unlikely to contribute to global climate change, park activities may be affected by changing rainfall patterns. NPS may wish to consider extremes in water availability in their long term management scenarios.

SUMMARY

EPA has concluded that the proposed management plan and alternatives have been adequately described and rates the Draft EIS EC-1. We appreciate the opportunity to comment on this document. If you have any questions, please call myself or John Hamilton at (404) 347-3776 or FRS 257-3776.

Sincerely,

*Heins J. Mueller*

Heins J. Mueller, Chief  
Environmental Policy Section  
Federal Activities Branch

CC: USFWS - Vero Beach Office  
FLDER - Division of Environmental Programs  
Big Cypress Preserve - Superintendent

## COMMENTS

## RESPONSES



United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
75 SPRING STREET, S.W.  
ATLANTA, GEORGIA  
30303



March 12, 1999

**Memorandum**  
**To:** Regional Director, National Park Service, Atlanta, GA  
**From:** Regional Director, Fish and Wildlife Service, Atlanta, GA  
(AW/ES)  
**Subject:** Response to National Park Service's request for comments  
(October 10, 1989) on the Draft General Management Plan and EIS  
for the Big Cypress National Preserve

### INTRODUCTION

This responds to your request of October 10, 1989, to review the Draft General Management Plan and EIS for the Big Cypress National Preserve.

### GENERAL COMMENTS

Overall, the Draft Management Plan and EIS are very well written and cover the issues in a comprehensive fashion. The tables and maps are particularly useful for comparing attributes of the alternatives.

We agree that restoration of flow patterns in Big Cypress should be generally beneficial to fish and wildlife, but that environmental restoration may have to be compromised to accommodate other management objectives. One anomalous intrusion is the presence of the jetport. It would seem to be appropriate to address the manner and degree to which jetport operations affect other uses of Big Cypress. What is the likelihood that aircraft operations will increase in the future? Alternatively, is there any intention to phase out and restore the site? Over what time schedule?

Although the extent of habitat elimination for National Park Service improvements is not large compared to the areas to be enhanced, it is notable that the proposed Alternative and Alternative A require additional filling, while Alternative B actually eliminates 93 acres of fill (Page 291).

### ENDANGERED SPECIES ISSUES

According to your October 10, 1989, memorandum and the subject document, there are three endangered species issues that must be addressed: (1) your statement that the current proposal is a continuation of the informal consultation process started in 1985; (2) the conclusion that the draft proposed actions described in the document would not jeopardize any Federally listed or candidate species or Critical Habitat and may beneficially affect the endangered Florida panther; and (3) your request for an update of threatened and endangered species that may be impacted by the proposed plan.

1. There have been recent discussions between Dade County and the Department of the Interior concerning a new long-term jetport agreement. Through negotiations with Dade County, the National Park Service is seeking to mitigate potential impacts resulting from current jetport operations and management. The "Related Issues and Concerns" section of the final GMP/EIS has been modified to indicate that this issue is beyond the scope of the present document.

The following addresses the above issues in order.

2. 

1. The current document reflects a preferred alternative called the Proposed Action. In most cases, a proposed action is sufficient to indicate what Federal agency plans to do, and it is at this point that the agencies prepare the biological assessment and the "may affect" determination under Section 7 of the Endangered Species Act. The Draft Management Plan indicates that a biological assessment will be prepared prior to authorization of the Final Management Plan, and this plan will be submitted to the Fish and Wildlife Service (Service) for review. It is our understanding that the National Park Service plans to enter into formal consultation at that time. We anticipate that the final plan will be a "five tiered" of the current proposal and strongly recommend that the National Park Service not wait any longer and complete their Section 7 obligations as described above at this time. Completing Section 7 now will insure that all concerns are addressed prior to selection of a final action plan.
3. 

2. Closely associated with the above point is the National Park Service's determination that the proposed action would not jeopardize the continued existence of the Florida panther. Such a determination can only be made by the Service through the Section 7 consultation process.

The National Park Service's responsibility under the Endangered Species Act is to determine if there is an effect on any threatened or endangered species; determinations of jeopardy and no jeopardy are reserved for the Service.
4. 

3. The Service agrees with the list of species that are presented in the Draft General Management Plan and is not aware of any other listed species that may be affected by the proposed action.

To assist you in the preparation of your biological assessment, we would like to provide you with some concerns about the Florida panther.

The Service is greatly concerned over the status of the Florida panther, and this document does an excellent job of identifying direct and cumulative impacts to this species from the various management scenarios.

The focus of concern expressed over the panther appears to be availability of prey (deer and hogs) and the role that disturbance (hunters, off-road vehicles, dogs, etc.) may play in panther behavior. Prey concentrations are related to habitat quality and to mortality. All of the action alternatives would maintain and improve habitat alternatives.

The panther is on the "brink of extinction" (Page 265). While Alternative B is most restrictive of the four alternatives as regards development and recreational use, it does not completely curtail hunting. You note that illegal shooting eliminated three panthers between 1981 and 1985 (Page 235). It is not unreasonable to suspect that not all shot panthers were found and counted. Since illegal shooting has been reportable for Florida panther mortality and since illegal shooting is reportable to the number of encounters between panthers and armed individuals (Page 236), you should consider a fifth alternative restricting big game hunting to the minimum level

2. The National Park Service initiated formal consultation by submitting a biological assessment to the U.S. Fish and Wildlife Service on the final proposed action in October 1990.
3. The U.S. Fish and Wildlife Service responded to the biological assessment in February 1991, concluding that the proposed action would not jeopardize the continued existence of any federally listed species.
4. Public Law 93-440, which established the preserve, and PL 100-301, which expanded the preserve in 1988, clearly intend that recreational hunting continue in the preserve at levels compatible with resource protection and other recreational activities. Based on current resource data, the National Park Service considers alternative B to be the most restrictive alternative that still responds to the congressional intent to allow some level of recreational hunting.

