

**Big Cypress National Preserve
ORV Advisory Committee Meeting
May 29, 2013**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee (ORVAC) held their regularly scheduled meeting on May 29, 2013, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 p.m. by Pedro Ramos, BICY Superintendent.

Committee Members Present: Franklin Adams, David Denham, John Adornato, Barbara Jean Powell, Brad Cornell, Dennis Wilson, Chuck Hampton, Wayne Jenkins, Karl Greer, Win Everham, Jenny Richards, Jorge Gutierrez, Laurie Macdonald, Robin Barnes. **Not Present:** Manley Fuller, Curt Witthoff. **BICY Staff Present:** Pedro Ramos, J. D. Lee, Damon Doumlele, David Hamm, Nikita Carty, Bob DeGross, Steve Schulze, Susan Rossi, Renee Mackenzie, David Fireman, Rob Leonard, Jared Barber, Ron Clark, Sasha Herrin, Don Hargrove.

Approximately 14 members of the public were present.

The meeting was facilitated by Delia Clark.

Mr. Ramos opened the meeting by welcoming the attendees and thanking the committee members for their service, the public for taking the time to attend, and BICY staff for putting the meeting together. After leading the Pledge of Allegiance, he turned the meeting over to Ms. Clark, who went over the agenda. She explained that this was a committee meeting and that members of the public were present as observers. There would be three public comment periods to provide opportunity for the public to speak on agenda items. She noted that the meeting was being videotaped.

Approval of Minutes. The minutes of the January 30, 2013, meeting were approved as presented.

Superintendent's Report. Mr. Ramos announced that Jim Coletta had resigned from the committee, that the terms for Mr. Witthoff and Ms. Barnes would soon expire, and that he has nominated three replacements. He stated that several environmental organizations had filed a lawsuit claiming that the secondary trails in the Turner River and Corn Dance management units were not in compliance with law, the ORV Management Plan, and executive orders. He had signed a closure order, and a press release went out yesterday announcing the temporary closure of 42% of the secondary trails in the two management units. The closed trails include those that loop, are longer than two miles, or have spurs or "tertiary" trails branching off of them. The trails will remain closed pending the results of a National Environmental Policy Act (NEPA) analysis of the secondary trail system. The Addition General Management Plan lawsuit is still pending. The new I-75 Mile Marker 51 recreational access facility will open Friday of next week. The hunting management plan is ongoing and should be completed sometime this year. ORV trailheads are being developed at Pace's Dike, Skillet, and Monroe Station.

Vehicle Specifications. Mr. Adams, chairman of the Vehicle Specifications Subcommittee, reviewed the subcommittee’s recommendations (Attachment 1) from their May 17, 2013, meeting.

Mr. Wilson suggested simplifying recommendation 5 to read “...2-wheel drive ATVs will not be permitted...”

Lyle McCandless said that the subcommittee recommended taking UTVs out of the swamp buggy category and placing them in the ATV category, not in a separate category. He also recommended amending Mr. Wilson’s suggestion to state “2-wheel drive ATVs, UTVs, and similar vehicles...” He clarified that the subcommittee recommended that 2-wheel drive swamp buggies be grandfathered and people be allowed to build 2-wheel drive swamp buggies in the future.

Mr. Gutierrez expressed concern that eliminating all 2-wheel drive ATVs would restrict access by 2-wheel drive ATVs not used for sport or racing.

Public Comment—Vehicle Specifications. Bill Clark said that even with mufflers, ATVs were loud and could be heard from far away. There are inexpensive silencers available to further dampen the sound.

Frank Denninger (Jetport Conservation and Recreation Club) distributed a handout on a type of small half-track vehicle he used and constructed in the 60s. He said that the popping sound produced by many ATVs can be eliminated by installing a second muffler. Law enforcement should be concentrated on the inappropriate use of ATVs.

Lyle McCandless (Big Cypress Sportsmen’s Alliance, Big Cypress Stakeholders Group) reminded the committee that Joe Browder, who had addressed the committee years ago, had stated that the Preserve was set aside to protect the traditional uses that existed. Mr. McCandless said that 2-wheel drive ATVs are unsafe to operate during hunting season, when wet conditions exist. He was in favor of allowing minors to drive swamp buggies in the Preserve without a driver’s license under adult supervision and was against the requirement for buggies to be inspected every three years.

Buster Miller (Collier Sportsmen Conservation Club) said that it is important to know and have experience in your vehicle, where you are going, and what you are doing. People are the problem, not vehicles. Banning 2-wheel drive ATVs would cause a hardship on people with disabilities.

Vehicle Specifications—Concluding Discussion. Ms. Barnes questioned why the problem of improper ATV operation could not be addressed by revoking the operators’ permits or imposing

other harsh penalties. Mr. Fireman responded that three permits in the past year have been pulled, but the task of catching violators is difficult.

Dr. Everham wanted the subcommittee to look at the issue of safety/resource impacts by having inappropriate vehicles in the Preserve. He had no problem with addressing tracked vehicles as a future agenda item.

Ms. Clark walked through each subcommittee recommendation in sequence.

Recommendation 1a (expanded documentation): the committee agreed.

Recommendation 1b (UTVs taken out of the swamp buggy category): the committee referred this back to the subcommittee to clarify whether UTVs should be placed in the same category with ATVs or placed in a separate category.

Recommendation 1c (separate documentation of 2-wheel and 4-wheel drive ATVs): the committee agreed.

Recommendation 2 (remove the 4-wheel drive swamp buggy requirement): the committee referred this back to the subcommittee to provide more information, such as safety or environmental issues.

Recommendation 5 (prohibition of 2-wheel drive ATVs, UTVs, and similar vehicles): the committee referred this back to the subcommittee.

Dr. Everham requested that the subcommittee look at the feasibility of ground-bearing pressure requirements.

Ms. Powell requested that the appropriate and inappropriate use policy recommended by the ORVAC and accepted by the NPS be made a major focus of education as part of the permitting process. Ms. Clark suggested that this be an agenda item for the August meeting.

Mr. Gutierrez suggested the subcommittee look at details on how to classify vehicles.

ORV Permit Fee. Mr. Fireman explained that BICY was analyzing the current ORV permit fee of \$50 as a cost recovery program to cover the cost of fee collection and monitoring of activity. The analysis should be completed by the next meeting.

Stairsteps Trail Network. Ms. Clark informed the committee that she had drafted a memorandum (Attachment 2) from the committee to Mr. Ramos that she believed captured the previous committee recommendations. She asked the committee for any last comments before finalizing the memorandum.

Mr. Adornato was uncomfortable with the term “adaptive management” in the last paragraph, and the committee agreed to delete the reference.

Ms. Macdonald was opposed to the recommendation (fourth bullet) to evaluate the Cape Sable seaside sparrow closed area of Zone 4. Ms. Clark agreed to revise the wording and email it to the committee for comment.

Mr. Cornell was concerned with the third bullet, concerning dual use in areas that allow both wheeled vehicles and airboats. Ms. Clark proposed adding after “We should not designate trails for use only by wheeled ORVs or only by airboats” the words “but we do recommend working to address use conflict through education.”

Public Comment—Stairsteps Trail Network and ORV Permit Fee. Lyle McCandless (Big Cypress Sportsmen’s Alliance, Big Cypress Stakeholders Group) reiterated his earlier comments that the repeated buggy inspections and driver license requirements for minors operating buggies be eliminated.

Frank Denninger (Jetport Conservation and Recreation Club) noted that the Stairsteps trail recommendation map showed a primary trail going south of U.S. 41 from the Skillet Strand area. The trail goes near a pine island that has been traditionally used for camping. He recommended a looping secondary trail from the recommended primary trail to allow access to the site. He recommended that all future trail maps show the historical context, e.g., hunting camps and historical sites.

Stairsteps Trail Network—Concluding Discussion. Ms. Clark said she would email to the committee proposed revisions to address the above concerns expressed by Mr. Adornato, Ms. Macdonald, and Mr. Cornell. The committee approved all of the other recommendations and associated maps.

ROGG—River of Grass Greenway Feasibility Study. Patty Huff and Maureen Bonness gave an update to the ROGG project, a proposed 75-mile, non-motorized, transportation and recreation corridor along U.S. 41 from Naples to Miami. In 2006 the Friends of the River of Grass Greenway was organized through the Naples Pathway Coalition to look at a feasibility study of biking from Naples to Miami. In 2009 the group received a grant for a feasibility study and master plan, and the Florida Department of Transportation funded a project development and environment (PD&E) study for ROGG West in Collier County. In 2011 the group received funding for a PD&E study in Miami-Dade County. The feasibility study and master plan was launched in 2012. Comments are being received and the public is invited to visit the group’s website at www.riverofgrassgreenway.org. A final report is expected in May 2014 with final presentations in July-August 2014.

General Public Comment. Lyle McCandless (Big Cypress Sportsmen's Alliance, Big Cypress Stakeholders Group) said that his group would support the ROGG with the following caveats: 1) any wetland portions of the greenway should be south of the highway, 2) there should be a test area to see if the use is appropriate, and 3) a test area on the west end should consist of an elevated bridge. He said that the Big Cypress Stakeholders Group had recently sent a letter to Mr. Ramos in reference to the origins of the 400-mile trail system and ORV use areas. He requested the committee to recommend going forward with a system to discuss implementing use areas in the Preserve. He stated that no progress of planned activities should be pulled back because of a threatened lawsuit.

Scott Harap (Black Sheep 4 x 4s) said that street legals are a big part of the trails. The trails in Bear Island that are open are hard packed. There are 15 4 x 4 clubs in south Florida and nowhere in Broward for any of the clubs to go to.

Frank Denninger (Jetport Conservation and Recreation Club) said that there were more details on the ORVAC website in reference to his earlier comments pertaining to putting historical content on maps. He felt that the ORV permit fee increase should be postponed until after the temporarily closed secondary trails are reopened. He recommended that people attend the ROGG West PD&E meeting.

Committee Open Discussion, Wrap-up, and Proposals for Agenda for Next Meeting. Mr. Adams said that during the break Scott Harap of Black Sheep 4 x 4s expressed interest in serving on the Vehicle Specifications Subcommittee. The committee said they would keep him in mind if any issues arise concerning 4 x 4 vehicles. Ms. Macdonald asked Mr. Ramos for an update on the proposal for transmission lines that would follow U.S. 41 and go up to Raccoon Point. Mr. Ramos replied that an environmental assessment was being prepared that would provide an opportunity for people to comment on the proposal. He said that Mr. Hargrove would provide a link to inform people on how to find information and participate in the process.

The meeting adjourned at 8:00 p.m.

**DISCUSSION AND RECOMMENDATIONS OF THE ORVAC VEHICLE SPECIFICATIONS SUBCOMMITTEE
FROM THEIR May 17, 2013 MEETING AT BIG CYPRESS NATIONAL PRESERVE HEADQUARTERS
TO THE OFF-ROAD VEHICLE ADVISORY COMMITTEE ON MAY 29, 2013.**

MEMBERS OF THE VEHICLE SPECIFICATIONS SUBCOMMITTEE

ORVAC MEMBERS:

ROBIN BARNES, BARBARA JEAN POWELL, KARL GREER, CHUCK HAMPTON, WAYNE JENKINS, DENNIS WILSON & FRANKLIN ADAMS, CHAIR.

MEMBERS OF THE PUBLIC:

CHARLES BARLEY, BILL CLARK , FRANK DENNINGER, LYLE McCANDLESS

DAVID FIREMAN, CHIEF RANGER NPS REPRESENTATIVE.

- 1. RECOMMENDATION THAT NPS EXPAND THEIR DOCUMENTATION OF SPECIFIC VEHICLE TYPES AT TIME OF INSPECTION OR REINSPECTION. THIS WOULD FACILITATE PRESENT AND FUTURE MANAGEMENT DECISIONS.**

DISCUSSION: AT PRESENT NPS SEPARATES VEHICLES INTO FOUR CATEGORIES. AIRBOATS, ATV'S, STREET LEGALS AND SWAMP BUGGIES. UNDER THE PRESENT SYSTEM , SIDE BY SIDE, UTV'S (POLARIS MULES ETC.) ARE LUMPED IN WITH SWAMP BUGGIES IN CATEGORY "B"

RECOMMEND: THAT THEY BE PLACED IN A SEPARATE CATEGORY, UTV'S.

ATV'S ARE CATEGORY "C" AND ALL ARE IN THIS ONE CATEGORY.

RECOMMENDATION:

SEPARATE DOCUMENTATION OF 2-WHEEL DRIVE PRESENTLY PERMITTED FROM 4-WHEEL DRIVE ATV'S. THESE RECOMMENDED CHANGES CAN EASILY BE DONE AND RECORDED AT THE TIME OF INSPECTION.

- 2. CLARIFICATION OF STATUS OF 2-WHEEL DRIVE SWAMP BUGGIES.**

DISCUSSION : IN RECENT MONTHS THE ISSUE OF A PROHIBITION ON PERMITTING OF 2-WHEEL DRIVE SWAMP BUGGIES HAS BEEN RAISED BY MEMBERS OF THE PUBLIC AND THE

ORVAC AS TO HOW AND WHY THIS CAME ABOUT. ACCORDING TO NPS FORMER SUPERINTENDENT GUSTIN MADE THIS ADMINISTRATIVE DECISION IN 2006. AT THAT TIME 2-WHEEL DRIVE BUGGIES ALREADY PERMITTED WERE GRANDFATHERED IN. THIS PROHIBITION WAS NOT DEALT WITH BY THE ORVAC SINCE WE DID NOT MEET FOR THE FIRST TIME UNTIL NOVEMBER 2007.

RECOMMENDATION:

UNDER CATEGORY "B" SWAMP BUGGIES, REMOVE 4-WHEEL DRIVE REQUIREMENT . THIS WOULD ALLOW THE RETURN OF THESE OLDER TRADITIONAL FIRST GENERATION BUGGIES TO THE BIG CYPRESS. THE SUBCOMMITTEE FELT THAT ALL THOUGH THERE ARE NOT LARGE NUMBERS OF THESE VEHICLES THAT SINCE WE ARE ALL CONFINED TO DESIGNATED TRAILS THAT THERE SHOULD BE NO REASON FOR THE PROHIBITION OF THESE VEHICLES .

3. DISCUSSION: MUFFLERS ON ALL VEHICLES.

ALL VEHICLES AND AIRBOATS ARE REQUIRED TO HAVE MUFFLERS. THERE WAS A FEELING THOUGH THAT OWNERS OF ALL PERMITTED VEHICLES SHOULD BE ENCOURAGED TO CONSIDER USING THE MOST EFFECTIVE MUFFLING SYSTEM POSSIBLE. THE QUIETER THE ENGINE, THE BETTER THE BACKCOUNTRY EXPERIENCE FOR ALL. SOME ATV'S EVEN WITH FACTORY EQUIPPED MUFFLERS CAN STILL GENERATE CONSIDERABLE NOISE. ENCOURAGE AFTER MARKET NOISE REDUCTION WHERE POSSIBLE AND PRACTICAL.

4. DISCUSSION: BUGGY SIZE AND LENGTH.

PRESENT REGULATIONS REQUIRE A MINIMUM TIRE WIDTH OF 9" AND A MAXIMUM BUGGY WIDTH OF 8'. DUE TO LARGE VARIATION IN SIZE AND LENGTH THERE IS NO SPECIFIC LENGTH OR WEIGHT REQUIREMENT. WITH DESIGNATED TRAILS THESE ISSUES MAY NOT BE AS IMPORTANT AS THEY ONCE WERE CONSIDERED TO BE. THIS ISSUE IS ONE THAT WAS RAISED BY MEMBERS OF THE PUBLIC AND WAS ON THE SUBCOMMITTEE LIST OF ISSUES. THE SC DID NOT MAKE ANY RECOMMENDATIONS FOR LENGTH/WEIGHT.

5. DISCUSSION: TWO-WHEEL DRIVE "SPORT" RACING TYPE ATV'S.

AFTER CONSIDERABLE DISCUSSION THE SUBCOMMITTEE ARRIVED AT A RECOMMENDATION TO PRESENT TO THE ORVAC. THESE TYPE OF ATV'S AND SOME OF THEIR OPERATORS HAVE BEEN DISCUSSED IN ORVAC MEETINGS AND EMAILS SEVERAL TIMES OVER THE LAST FEW YEARS. OBSERVED RECKLESS OPERATION, SPEEDING, DOING DONUTS , LOUD HIGH PERFORMANCE ENGINES , NO PERMITS, AND OFF THE DESIGNATED TRAIL RIDING ARE THE MOST FREQUENTLY HEARD COMPLAINTS.

SOME OF THE ISSUES RELATING TO THE DISCUSSION WERE:

ARE THESE TYPE 2 AND 4 STROKE 2-WHEEL DRIVE ATV'S DESIGNED FOR RACING AND SPEED APPROPRIATE FOR USE IN BIG CYPRESS, INDIVIDUAL OPERATION ASIDE ?

WHAT WILL BE THE LONG TERM IMPACTS ON THE USERS WHO RESPECT THE PRESERVE AND ITS RESOURCES. WILL THEY BE BLAMED FOR THE RESOURCE DAMAGE DONE BY THE MUDDERS?

SHOULD NPS CONSIDER A BAN OR PROHIBITION OF THESE "GO-FAST" TYPE ATV'S?

IF A DECISION IS MADE TO PROHIBIT THESE SPECIFIC TYPE OF ATV'S SHOULD THOSE ALREADY PERMITTED BE GRANDFATHERED IN ? IF PROHIBITED SHOULD A SUNSET DATE BE ADOPTED BY NPS FOR THOSE ALREADY PERMITTED?

RECOMMENDATION: THE VEHICLE SPECIFICATIONS SUBCOMMITTEE RECOMMENDS TO THE ORVAC THAT ALL 2-WHEEL DRIVE 2-STROKE AND 2-WHEEL DRIVE 4-STROKE ATV'S BE PROHIBITED FROM PERMITTING AND USE IN THE BIG CYPRESS NATIONAL PRESERVE.

IN CONCLUSION, WHILE ONE COULD SAY THAT VEHICLE SPECIFICATION SHOULD DEAL ONLY WITH THE MECHANICAL, PHYSICAL COMPONENTS OF ORV'S, HOWEVER, THE SUBCOMMITTEE FELT IT WAS NECESSARY TO ADDRESS RELATED TOPICS THAT AFFECT ORV USE IN THEIR DISCUSSIONS.

POSSIBLE FUTURE AGENDA ITEMS WE ARE RECOMMENDING TO THE ORVAC FOR CONSIDERATION.

- 1. AMENDING NPS REGULATIONS FOR THOSE UNLICENSED MINORS TO ENABLE THEM TO OPERATE AN ORV WHILE UNDER THE SUPERVISION OF A LICENSED DRIVER AFTER COMPLETING AN ORV/OHV SAFETY COURSE. THIS WOULD PERMIT FAMILIES TO ENJOY THEIR TRIP TO THE WOODS AND BRING FEDERAL NPS REGULATIONS INLINE WITH FLORIDA STATE STATUTES.**
- 2. RECOGNIZING THAT TRACKED VEHICLES AND VEHICLES WITH TIRE CHAINS ARE NOT PERMITTED IN THE ORV PLAN , THE SUBCOMMITTEE URGES THE NPS TO CONSIDER NEW AND EMERGING HALF-TRACK TECHNOLOGY FOR POSSIBLE FUTURE ADMENDMENT OF THE PLAN.**
- 3. AMEND THE REQUIREMENT FOR "WORKING HEADLIGHTS" TO A WORKING HEADLIGHT (SINGULAR).**
- 4. REVISIT THE ISSUE OF VEHICLE INSPECTION TIME INTERVALS FOR POSSIBLE CHANGES.**

MEMO

To: Pedro Ramos, Superintendent, Big Cypress National Preserve (BICY)
From: Big Cypress Off-Road Vehicle Advisory Committee (ORVAC)
Re: Recommendation for Implementation of the Stairsteps Unit ORV Trail System
Date: April 9, 2013

At its January 30, 2013 meeting, the ORVAC concluded a lengthy round of discussions related to recommendations for further implementation of the ORV trail system in the Stairsteps unit of Big Cypress National Preserve. These discussions were informed by the thoughtful work by the BICY ORVAC Corn Dance/Stairsteps Subcommittee. Through these discussions we developed the following recommendations for your consideration, with the understanding that, as always, your staff will be assessing the viability of these recommendations through careful ground-truthing. We look forward to hearing your thoughts.

The ORVAC recommends the following policies and practices:

- There should be connectivity between Stairsteps Zone 3 and Stairsteps Zone 4 for vehicles permitted in those units.
- Given this connectivity, all trails in Stairsteps Zone 3 should be open to whatever type of vehicle is permitted in the unit. This should be managed by operator discretion dictating the type of vehicle appropriate for the conditions.
- We should not designate trails for use only by wheeled ORVs or only by airboats.
- The portion of Stairsteps Zone 4 that was closed due to proposed designation of critical habitat for Cape Sable Seaside Sparrow (CSSS) should be evaluated for reopening through adaptive management, in light of USFWS having rejected critical habitat designation. This evaluation should take place using all available policy and science, including existing and new science, if needed.
- With adaptive management in place, the Sig Walker access site should be open to both wheeled vehicles and airboats.
- In the Paces Dike area, there should be no north/south primary trail on the east side, and all east/west segments should be designated as primary with short secondary trails to the areas known as Doc Wolf and Green Head.
- In Stair Steps Zone 2, after having provided desired destinations, staff should determine the shortest route that meets the agency's criteria.
- The ORVAC has no objections to NPS moving forward with the request by the Everglades Conservation and Sportsman's Club (ECSC) to reopen access for their membership to the gated culvert crossing immediately across Loop Road from their club grounds, should NPS choose to do this.
- The ORVAC recommends adoption of the Stairsteps Zone 4 map as presented by the subcommittee (attached).
- The ORVAC recommends adoption of the primary trails of the Stairsteps Zone 3 map as presented by the subcommittee (attached), and secondary trails to Doc Wolf and Green Head destinations, as noted above.

- The ORVAC recommends adoption of the primary trails shown on the Stairsteps Zone 2 map, as presented by the subcommittee (attached), and the secondary trail to New River.

The ORVAC requests that BICY staff provide more information about why the original ORV Management Plan does not allow secondary trails in Stairsteps Zone 4, or set a mileage limit on primary trails for that unit. Following receipt of this information, the ORVAC will consider whether we feel it is appropriate to recommend allowing secondary trails in this zone through adaptive management.

DRAFT