

**Big Cypress National Preserve
ORV Advisory Committee Meeting
August 25, 2011**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee Committee (ORVAC) held their regularly scheduled meeting on August 25, 2011, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 pm by Pedro Ramos, BICY Superintendent.

Committee Members Present: Barbara Jean Powell, Robin Barnes, Chuck Hampton, David Denham, Edwin Everham, Jorge Gutierrez, Wayne Jenkins, Manley Fuller, Franklin Adams, Curt Witthoff, Brad Cornell. **Not Present:** Jim Coletta, Karl Greer.

BICY Staff Present: Pedro Ramos, Damon Doumlele, Ron Clark, Bob DeGross, Dennis Bartalino, Ed Clark, Steve Schulze, Renee Mackenzie, David Hamm, Robert MacKarvich, Ben Zahn, Susan Rossi.

There were approximately 20 members of the public present.

The meeting was facilitated by Delia Clark.

Mr. Ramos led the Pledge of Allegiance. He welcomed everyone and explained why John Adornato and Laurie Macdonald were sitting in the audience and not with the Committee. The paperwork for their next term on the ORVAC had been submitted and was awaiting approval. The Obama administration has a policy that prohibits anyone who is a registered federal lobbyist from sitting on a federal advisory committee. Mr. Adornato and Ms. Macdonald are not federal lobbyists, and they have supplied all the supporting paperwork. Mr. Ramos expressed confidence that this bureaucratic snag would be resolved and looked forward to their continued involvement on the Committee.

Ms. Clark went over the agenda and explained how the meeting would run. Comments were to be addressed to the Committee and not the NPS, as this was a Committee meeting open to the public. The meeting was being videotaped as a public record.

Ms. Clark discussed the issue of Committee members participating by telephone. The consensus was that although they would like to help someone out under dire circumstances, face-to-face meetings are always the best. Five members were against telephone participation under any circumstances.

Approval of Minutes. Mr. Jenkins wanted the Superintendent's comments on the Corn Dance Unit to be included in the minutes of the April 2011 meeting. Otherwise, the minutes were approved.

Superintendent's Report. Mr. Ramos explained that today was Founders Day in the National Park Service – 95 years old today. Director Jarvis recently disclosed “A Call to Action,” a critical plan and focus for the NPS to follow in the coming century.

The end of dispersed ORV use is the most important action BICY has taken since the Preserve was formed by Congress in 1974. The Committee was a large part of that success.

ORV Management Plan implementation is getting a great amount of resources, including funding. Trails will only be stabilized that absolutely need it. BICY will continue to monitor all cultural and natural resources.

BICY is now engaged in a Hunting Management Plan. There are two public meetings planned in Weston and Naples.

BICY is working with FDOT on providing access required by law off I-75, at MM51 and MM63. Construction is anticipated by the end of this year.

Regarding issues in Bear Island, the Committee will be given a full report tonight. Some trails in this area have been closed since 2007, and there is a need to talk about when to reopen them. Litigation is ongoing.

Corn Dance Trail Network Planning. Mr. DeGross distributed maps for all primary and secondary designated trails. There is one map for each unit (four maps total). He explained that the BICY website at www.nps.gov/BICY has a trail designation button, and maps and kml data are there.

Google Earth data can be loaded onto a GPS. Primary trails are in red, secondary trails are in yellow, and the Florida Trail is in purple. The trails that still need work or modification are in light blue.

These trails have been recommended by the Committee. There are approximately 10 miles of blue trails. The trails marked in black are designated trails that take landowners to their properties. There are 64 miles of primary trails, 60 miles of secondary trails, and 8 miles of trails from the primary trail system to different camps. As trails are implemented, staff makes sure they do not go over private camps. This is a long-term process from now on through adaptive management. The Corn Dance Subcommittee should be convened to work on details of trails on maps.

Public Comment. Mr. Adornato wanted to participate on the Subcommittee as a member for the public because he felt that there was a very large volume of secondary trails. There is also a large number of locations where primary or secondary trails cross the Florida Trail. People do not like to cross trails when they are hiking.

Bobby Billie said that animals have no voice here. This is indigenous land and the NPS has no right to this land. He wanted no more trails.

Lyle McCandless reminded the Committee that there should be no appreciable area within the Preserve that is not accessible with a reasonable proximity between trails, if there is an ability to do that. He emphasized reasonable access vs. primary and secondary trails.

Frank Denninger supported the Subcommittee meeting again.

Laurie Macdonald said that the Committee did not commit on the number of trails, there are too many secondary trails, and there is a need to avoid frequent crossing of the Florida Trail. She felt the Committee was working at a disadvantage by having two seats vacant.

Matthew Schwartz said that the reason for the 1995 lawsuit was to stop dispersed use throughout the Preserve because it violated the Organic Act. The Preserve is not just for the 2,000 ORV'ers, but also the other 800,000 people who come looking for peace and quiet and to enjoy nature.

A short discussion followed concerning the number and/or percentage of trails that have been decreased. It was determined that the Subcommittee would meet before the next ORVAC meeting in October. Ms. Powell wanted to vote on Mr. Adornato's request to participate on the Subcommittee as a member of the public. Mr. Ramos said he would look into Mr. Adornato's serving in this capacity.

Turner River Trail Network Implementation. Mr. DeGross referred to the maps he handed out previously to the Committee and noted that the maps are also available at the visitor centers and ORV office at Oasis. Primary trails are in red; secondaries are in yellow. Currently there are 126 miles of designated primary trails and 71 miles of designated secondary trails. Primary trails are primarily used to get into the backcountry, and secondary trails take a person to a specific destination, such as a camp site or private in-holder camp. It is not anticipated that secondary trails will be heavily used over a long period of time. Typically what happens when a trail is designated is that it will be heavily used for the first three years, because people see it on the map and are curious, but once they go out there, it may not be of interest to them.

The Turner River Subcommittee anticipated meeting again. Mr. Greer and Mr. Adams would discuss. Mr. Adams suggested BICY take photos to document how resources are restored.

Mr. Fuller felt that Mr. Adornato and Ms. Macdonald should be able to continue to serve on a subcommittee, because they are not federal lobbyists. He was puzzled by DOI's position not to reappoint them and hoped they would be back on the Committee shortly.

Public Comment. Laurie Macdonald was interested in serving on the Subcommittee.

Shannon Larsen said that there are not adequate maps and information for making decisions. She would like to see all trails out of the area. She felt that everyone is trespassing in sacred areas and special habitats.

Bobby Billie felt the whole project is illegal, and we are trespassing.

Bill Clark thanked the staff and Committee for working together and making progress in this area.

John Adornato explained that any and all recommendations made by the subcommittees were a result of compromise on everyone's part. His personal opinion was that there would be a lot less secondary trails, but they are trying to work together as a team. It was not his recommendation to cross the Florida Trail seven times. There were extensive conversations about looping trails. Some of these issues were still unclear.

Frank Denninger supported the Subcommittee's work. He said that there is a Georgia study map in the ORV plan. Mr. Fuller explained that that study showed a wide range between heavily traveled trails and those areas they were able to protect.

Lyle McCandless opposed an overly restricted ORV system but thanked the Superintendent for his wise latitude in getting really good secondary trails. There should be no substantial unit of the Preserve that has a sustainable ground condition where there is not ORV access to, regardless of the miles. He said that the buffer zone between the Turner River Unit and the Addition was created arbitrarily by a prior Superintendent to keep people from going into the Addition. It should be eliminated now because we are one Preserve – it is not necessary. He said that the worst thing that has happened to the hunters and stakeholders was the 400 miles of trails that were forced on them. He has a legal team established, and this will be challenged because it was improperly established.

Mr. Gutierrez wanted more information and background on the buffer zone. Mr. Ramos explained that there were areas that were closed because they were thought to be too sensitive for ORV use. More questions need to be asked now about the decisions made ten years ago. This is done on a regular basis and through the NEPA process. BICY does not want to be obsolete in its management. This may be a topic to be looked at in the future.

Stairsteps Unit Trail Network Planning. Mr. DeGross distributed maps showing zones 2, 3 and 4. Zone 2 allows for swamp buggies and ATVs with 6 miles of primary trails. Zone 3 allows for airboats, swamp buggies and ATVs with 3 miles of primary trails. Zone 4 allows for airboats only with 57 miles of primary trails and no secondary trails. The ORV Plan does not stipulate any secondary trails in Zone 4.

The Corn Dance Unit Subcommittee was charged with considering the Stairsteps Unit as well, especially zones 2 and 3. Those were the areas which had not been discussed previously. At the time that the ORV Management Plan was completed, zones 2, 3 and 4 were designated trails only – no dispersed use. There are 12 miles of trails in Zone 2 and 23 miles of trails in Zone 3. Secondary trails total 7 miles in Zone 2 and 4 miles in Zone 3.

If possible, the Corn Dance Unit Subcommittee should meet before the October ORVAC meeting to include discussion of the Stairsteps Unit. Work should begin as soon as possible to take advantage of low water levels.

Public Comment. John Adornato wanted to include Stairsteps with Corn Dance Unit and invite members of the public to the meeting.

Bobby Billie wanted the NPS to stop building roads because he did not want any vehicles on these trails.

Frank Denninger supported the idea of both Stairsteps and Corn Dance together. Eric Kimmel has a detailed map and should be invited to the Subcommittee meeting.

It was the consensus of the Committee that the Corn Dance Unit Subcommittee would meet to include the Stairsteps Unit in their work for recommendation to the NPS.

Bear Island. Mr. Doumlele gave a status update on Bear Island trails. In 2006 BICY held a public meeting and received comments on additional trails. In February 2007 BICY opened three new trails: the Yellow, Red, and Blue trails, and renamed them the Cypress Camp, Plains, and Hinson trails. Later that year, BICY temporarily closed a portion of the Cypress Camp Trail because it was showing signs of damage due to use. In December 2007 BICY was sued for opening the new trails.

BICY applied in May 2009 for wetlands fill permits from the South Florida Water Management District and the Army Corps of Engineers to stabilize portions of the Cypress Camp, Plains, and Hinson trails. In November 2010 the District issued a permit; the Corps has not issued their permit pending a review of mitigation required. BICY staff have met with them and submitted a mitigation plan for approval.

Public Comment. Lyle McCandless said that the Bear Island trails have been cut by 50%. These were not new trails but existing trails. It took 14 months to reopen these trails. During this time it was agreed that the trails would reopen for the 2007 hunting season, after which the trails would be assessed. The problem was that the trails were not properly marked, and when the water was high, you could not see the trail. When the water went down, you could see where the ruts were.

John Adornato works for NPCA, and they are involved in the Bear Island lawsuit. These three trails in question are not identified as trails to be open in the ORV Management Plan. They are trails which were closed and not for ORV use.

Shannon Larsen said that NPS has no right to fill in the wetlands and should consider the animals.

Bobby Billie wanted NPS out of this area; no ORVs.

Laurie Macdonald stated that Defenders of Wildlife was part of this ongoing litigation and hoped for a speedy solution to this action. They are not an anti-hunting or pro-hunting group but a conservation group that takes a scientific solution-based approach to their work. The issue of ORVs is a different issue from hunting.

General Public Comment. Lyle McCandless believed that it is unreasonable and inconsistent that Bear Island does not have dispersed camping. He requested the Committee take up this issue sometime down the road.

John Adornato said that NPCA was also involved in the Bear Island lawsuit. Mitigation and the impact to wetlands that exist is a separate issue from the mandate on restoration that the NPS has on the restoration of the Big Cypress Swamp. Restoration of habitat is critical and mandated, and we have not talked about it. He appreciated the hard work the Superintendent was doing on his behalf in getting the paperwork through for his reappointment to the Committee. Without his and Laurie Macdonald's participation on this Committee, it becomes unbalanced, which is prohibited by FACA.

Bobby Billie did not want to see the natural creation disturbed. He asked the NPS to take care of future generations and protect God's creation.

Shannon Larsen, Bobby Billie, Manley Fuller and Bob DeGross discussed an agreement that Mr. Billie said he entered into 30 years ago with a previous BICY superintendent about closing some trails along Route 29 up to the Addition Lands in order to protect the animals. The Deep Lake Unit is closed and off limits to vehicles.

Mr. Fuller said that there was a lot of love for this area, and it manifests itself in many ways. He reminded everyone that this area was slated to become an international airport and would have been completely destroyed if the people had not worked together to establish this Preserve.

Mr. Ramos said that the purpose of the Committee is to assist the NPS on issues they need help on as it relates to the ORV Plan. This is the scope and charge of this Committee.

“To Do” List for Next Meeting:

- 1) Update on how much has been protected. Use graphic showing all roads closed to ORV use
- 2) Possibility of documenting recovery of land from trail closures
- 3) What does adaptive management mean? How will it be implemented?
- 4) Address 60-day closure – do we still need it as we are on designated trails?
- 5) Dune buggies in BICY
- 6) Pull-offs and dispersed camping
- 7) Training in airboat impact and other vehicles
- 8) Clarify purpose of ORVAC – agenda items
- 9) Airboat tour for ORVAC members

The meeting was adjourned at 8:10 pm.