



National Park Service
U.S. Department of the Interior

Superintendent's Compendium
Of Designations, Closures, Permit
Requirements and Other Restrictions
Imposed Under Discretionary Authority.

Big Cypress National Preserve
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Approved:

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Date

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 54 United States Code, the following provisions apply to all lands and waters administered within the boundaries of Big Cypress National Preserve by the National Park Service. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, and Parts 1-7.

Written determinations, which explain the reasoning behind the Superintendent's use of discretionary authority, as required by 36 CFR § 1.5(c), appear in this document identified by Determination. The Superintendent's determinations are numbered to coincide with the corresponding sections of 36 CFR.

This compendium should be used in conjunction with 36 CFR, § 1-7 to more fully understand the regulations governing the use and enjoyment of all the areas of the National Park System.

A copy of 36 CFR can be purchased from the U.S. Government Printing Office at:

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The Code of Federal Regulations is also available on the internet at:

<http://www.gpo.gov/fdsys/pkg/CFR-2013-title36-vol1/pdf/CFR-2013-title36-vol1.pdf>

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36 CFR PART 1

GENERAL PROVISIONS

§ 1.5-Closures and public use limits.

§ 1.5(a)(1) Visiting hours, public use limits, closures, and areas designated for specific use or activities.

VISITING HOURS

Big Cypress National Preserve (Preserve) is open 24-hours-per-day, with the following exceptions:

Nathaniel P. Reed Visitor Center: is generally open from 9:00 a.m. to 4:30 p.m., 7 days a week. Closed Christmas Day

Oasis Visitor Center: is generally open from 9:00 a.m. to 4:30 p.m., 7 days a week. Closed Christmas Day

Big Cypress National Preserve Headquarters: is generally open from 8:00 a.m. to 3:30 p.m. Monday-Friday

Kirby Storter Boardwalk: day use area is open one hour before dawn and closes one hour after sunset

H.P. Williams Boardwalk: day use area is open one hour before dawn and closes one hour after sunset

Turner River Canoe Launch: day use area is open one hour before dawn and closes one hour after sunset

Determination: Preserve visitor contact stations are open based upon personnel availability and may be closed on holidays. Areas are closed at night for the security of facilities. Overnight parking, night hikes and stargazing may be authorized with prior permission.

CLOSURES

- **Religious Sites**

Miccosukee Tribe of Indians of Florida and Seminole Tribes of Florida religious sites are closed to public use and the closure extends ½ mile around designated sites.

Public use closure does not preclude the National Park Service from carrying out normal operational responsibilities.

Determination: This regulation ensures that local federally recognized Native American tribes can conduct religious and ceremonial activities with privacy. The National Park Service and

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Big Cypress National Preserve have additional legislative obligations beyond the Native American Graves Protection and Repatriation Act (NAGPRA)

- **Bald Eagle Nesting Area(s)**

During the bald eagle nesting period, October 1 to May 15, the area extending 1500 feet outward from the designated nest trees are closed to public use.

Determination: This restriction is necessary to protect bald eagles during a critical phase of their life cycle.

- **Unmanned Aircraft**

Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Big Cypress National Preserve is prohibited except as approved in writing by the Superintendent.

Definition: The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links). This term includes all types of devices that meet this definition (e.g., model airplanes, quad copter, drones) that are used for any purposes, including recreation or commerce.

Determination: The prohibition will minimize potential environmental and/or public safety impacts of unmanned aircraft use. The Preserve provides important wildlife habitat. Unmanned aircraft can disturb wildlife, including species protected by the Migratory Bird Treaty Act, Endangered Species Act, and other federal and state laws and regulations.

- **Motorized Vessels**

The following areas are closed to motorized vessels and airboats:

- Turner River Canoe Trail: north and south of Highway 41

Determination: The General Management Plan (GMP) designates this section of the Turner River as a canoe trail, and this closure ensures that conflicts of use with motorized vessels will not occur.

- Preserve borrow pits: Only non-motorized boats are permitted in Preserve borrow pits.

Determination: This closure is implemented to mitigate safety hazards associated with operation of motorized vessels on a small body of water and to reduce noise impacts in campground areas.

- **Electric Personal Assistive Mobility Devices**

Use of Electric Personal Assistive mobility and similar devices:

- Use of Electric Personal Assistive Mobility Devices as defined in FL Statutes Title XXIII Chapter 316.003 on roads, streets, bicycle paths and sidewalks are governed by FL Statutes Title XXIII Chapter 316.2068.
- Use of Electric Personal Assistive devices by persons with disabilities as a means of mobility is authorized on surfaces open to pedestrian traffic.
- Electric Personal Assistive devices used by persons with disabilities as a means of mobility must be operated at a speed no greater than pedestrian walking pace and in a manner consistent with pedestrian traffic. The safe operation of Electric Personal Assistive devices is dependent on their integration into the normal flow of pedestrian traffic.

Determination: The National Park Service has set a goal of ensuring that all people, including persons with disabilities, have the highest level of accessibility that is reasonable to our programs, facilities, and services in conformance with applicable regulations and standards. These areas have surfaces amenable to safe operation of Electric Personal Assistive devices.

- **Hunting**

The following areas are closed to hunting, shooting, and dressing of game:

- All designated developed campgrounds include: Bear Island, Pink Jeep, Gator head, Midway, Monument, Pinecrest, Mitchells Landing, and Burns Lake campgrounds
- Oasis Visitor Center
- Nathaniel P. Reed Visitor Center
- Big Cypress National Preserve Headquarters Complex
- Environmental Education Field Use Areas on Birdon Road
- Loop Road Ranger Station
- Kirby Storter Boardwalk
- HP Williams
- Boat ramps at Sea Grape Drive, Dona Drive and Turner River Canoe Launch
- Loop Road Environmental Education Center and hiking trail
- Birdon Road Environmental Education Hiking trail and picnic area
- Deep Lake Fire Operations Center

The boundary of the NO SHOOTING, NO HUNTING, and NO DRESSING GAME zone for these areas is 1600 feet (0.3 miles) from the perimeter of stated facility.

Determination: This restriction will help prevent a conflict of use and potential visitor safety issues by preventing the discharge of weapons in close proximity to occupied areas. It will also help prevent wildlife interactions, and nuisance behavior of wildlife in campgrounds.

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- **Fishing**

The following areas are closed to fishing:

- Turner River canoe launch
- Turner River canal from the bridge on U.S. Highway 41 to 1/10-mile north
- Fishing on the canal on the north side of U.S. Highway 41 in front of the Oasis Visitor Center for a distance of 200 yards and east and east from the midpoint located opposite of the front doors of the building.
- Fishing is prohibited from all wildlife viewing boardwalks including:
 - Nathaniel P. Reed Visitor Center Boardwalk
 - Oasis Visitor Center Boardwalk
 - Kirby Storter Boardwalk
 - H.P. Williams Boardwalk

Determination: This prohibition is for public use and safety and reduces the possibility of alligators becoming habituated to human presence, of their being fed by humans through the discarding of bait or unwanted catch, and the disturbance of alligator behavior in an area set aside for the viewing of wildlife in a natural state.

- **Swimming**

The following areas are closed to swimming: *This regulation does not apply to customary uses by members of the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida.*

- Burns Lake Campground Borrow Pit
- Gator Head Campground Borrow Pit
- Midway Campground Borrow Pit
- Monument Lake Campground Borrow Pit

Determination: This prohibition reduces the possibility of alligators that may have become habituated to human presence from presenting a safety problem. Additionally, the borrow pits have little or no sloping shoreline but do have steep drop offs which create an additional hazard in their use.

- **Public Access**

The following areas are closed to the public:

- Preserve Headquarters Complex, except for official business during posted hours
- Oasis Visitor Center Complex
 - Airstrip
 - Aviation Hangar
 - Maintenance and Living Areas
- Loop Road Education Center
- Environmental Education Field Use Areas on Birdon Road (close Oct 1st-Apr 1st)
- Fire Operations Center
- Deep Lake Fire building
- Employee residential areas

Determination: These areas are closed to public use for the security and safety of the residents and operational needs.

- **Eleven Mile Road**

The Eleven Mile Road is closed to the public except for the following authorized vehicles:

- Petroleum industry vehicles
- Vehicles of persons hired to carry out the activities essential to oil exploration and production
- Government vehicles
- Vehicles/ORVs of mineral owners whose lands are in active exploration or production

Access by vehicles of mineral owners shall be limited to activities directly associated with pursuing or protecting mineral interests

Off-road vehicles may cross Eleven Mile Road at designated locations but may not travel on the road.

Authorized vehicles using Eleven Mile Road must use citizen band radios at designated intervals.

Pedestrians may cross Eleven Mile Road at any time but may not walk along the road.

Determination: Eleven Mile Road and its authorized uses are restricted in order to mitigate safety and enhance environmental protection. Reference Florida Statute 68A-11.007 – Eleven-Mile Rd, Big Cypress Wildlife Management Area.

- **Bear Island**

Motor vehicle access into the Bear Island Unit from State Road 29 is prohibited except for the following:

- Government vehicles and government employees living in the area.
- Exempt landowners, lessees and their guests
- Public utility vehicles providing service within the unit
- Vehicles of mineral owners whose lands are in active exploration or production
- Petroleum industry vehicles
- Vehicles of persons hired to carry out the activities essential to oil exploration and production
- Holders of Permits issued by the Superintendent’s Office, including Special Use Permits, Scientific Collection Permits, Administrative Access Permits and Authorizations.

Determination: The area at this intersection is part of the “Addition Lands” and is not currently designated for motor vehicle use at this time.

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

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§ 1.5(a)(2) Designation of areas for specific use or activities.

Building Occupancy Limits

The number of visitors in the following indoor locations may not exceed the maximum occupancy identified for each location.

Indoor Location	Maximum Occupancy
Nathaniel Reed Visitor Center	36 persons
Nathaniel Reed Visitor Center Auditorium	18 persons
Oasis Visitor Center	26 persons
Oasis Visitor Center Auditorium	17 persons

Entering or remaining in any of the indoor locations identified in the table above after being asked not to enter or to leave the location because the maximum occupancy has been reached is prohibited.

Filming and Still Photography Activity

The following types of filming and still photography activities may occur in areas open to the public without a permit and without advance notice to the NPS:

- Outdoor non-commercial filming activities (outside of areas managed as wilderness) involving five persons or less and equipment that will be carried at all times, except for small tripods used to hold cameras.

The organizer of any other type of filming activity must provide written notice to the Superintendent at least 10 days prior to the start of the proposed activity. Based upon the information provided, the Superintendent may require the organizer to apply for and obtain a permit if necessary to:

- maintain public health and safety;
- protect environmental or scenic values;
- protect natural or cultural resources;
- allow for equitable allocation and use of facilities; or
- avoid conflict among visitor use activities.

If the Superintendent determines that the terms and conditions of a permit could not mitigate the concerns identified above in an acceptable manner, the Superintendent may deny a filming request without issuing a permit. The Superintendent will provide the basis for denial in writing upon request.

The NPS will consider requests and process permit applications in a timely manner. Processing times will vary depending on the complexity of the proposed activity. If the organizer provides the required 10-day advance notice to the NPS and has not received a written response from the NPS that a permit is required prior to the first day of production, the proposed filming activities may occur without a permit.

What is commercial filming?

"Commercial filming" means the film, electronic, magnetic, digital, or other recording of a moving image by a person, business, or other entity for a market audience with the intent of generating income. Examples include, but are not limited to, feature film, videography, and documentaries. Commercial filming may include the advertisement of a product or service, or the use of actors, models, sets, or props.

Do I need a permit for still photography?

In most cases, still photography does not require a permit. A permit is required for still photography only when:

1. the activity takes place at location(s) where or when members of the public are generally not allowed; or
2. the activity uses model(s)*, sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
3. the NPS would incur additional administrative costs to monitor the activity.

*A "model" means a person or object that serves as the subject for still photography for the purpose of promoting the sale or use of a product or service. Models include, but are not limited to, individuals, animals, or inanimate objects, such as vehicles, boats, articles of clothing, and food and beverage products. Portrait subjects, such as wedding parties and high school graduates, are not considered models.

The following are prohibited:

1. Engaging in a filming activity without providing advance notice to the Superintendent when required.
2. Engaging in a filming activity without a permit if the activity takes place in areas managed as wilderness or if the Superintendent has notified the organizer in writing that a permit is required.
3. Engaging in still photography activity without providing advance notice to the Superintendent when required.
4. Violating a term and condition of a permit issued under this action.

Violating a term or condition of a permit issued under this action may also result in the suspension and revocation of the permit by the Superintendent. To obtain a permit email bicy_permits@nps.gov

Determination: The NPS has a legal obligation to protect the resources within the National Park System and to provide for visitor enjoyment of the same. In recent years, the NPS has seen an increase in low impact filming activities within park areas. These activities involve minimal equipment and crews, such as individuals or small groups that film using smartphones or other handheld devices, in many cases with nothing more than a tripod for equipment. These types of productions are highly unlikely to need a permit because the potential for impacts to resources and the visitor experience is no greater than the potential for impacts from visitors engaged in casual filming. This is true whether or not the footage is used for commercial purposes, such as by posting footage online for profit.

However, not all filming activities are low impact. Projects with multiple people or complex filming operations may adversely impact park resources and visitor enjoyment. 36CFR1.5(a)(2) allows superintendents to impose restrictions on activities within park areas when necessary for: the maintenance of public health and safety; protection of environmental or scenic values; protection of natural or cultural resources; aid to scientific research; implementation of management responsibilities; equitable allocation and use of facilities; or the avoidance of conflict among visitor use activities.

Activities Prohibited unless authorized in writing by the Superintendent

- §1.5(a) Access to inholdings via ORV
- §1.5(a) ORV use
- §1.5(a) Backcountry access
- §1.5 Scientific research
- §2.5 Collecting research specimens
- §2.12(a)(2) Operating a power saw in developed areas
- §2.12(a)(3) Operating a portable motor or engine in undeveloped areas
- §2.12(a)(4) Operating a public address system
- §2.17(a)(3) Air delivery
- §2.37 Non-Commercial soliciting
- §2.38(a) Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, including fireworks
- §2.50(a) Special events
- §2.51(a) Public assemblies and meetings
- §2.52(a) Sale and distribution of printed matter
- §2.60(a)(1),(2) Grazing
- §2.61(a) Residing on federal lands
- §2.62(a) Installing a monument or other commemorative installation
- §2.62(b) Scattering of human ashes
- §3.19 Operation of a submersible
- §5.1 Commercial notices or advertisements
- §5.3 Commercial operations
- §5.5 Still photography and audio recording
- §5.7 Construction or repair of any building, structure, facility, road, trail, or airstrip on federal lands

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- §9.9(a) Mining operations or an approved Plan of Operations (in lieu of permit)
- §9.32(a) Oil and gas operations

Off Road Vehicle (ORV) Use:

Off Road Vehicle use within Big Cypress National Preserve is authorized by 36 CFR, §7.86, the Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000), and the Big Cypress National Preserve – Addition, Final General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (2010). This regulation has been refined and is under the authority of the Superintendent found in 36 CFR §1.5, § 1.5(a)(2) Designated areas and conditions for specific use or activity, and §1.6.

ORV Access Points: Authorized Use

ORVs shall only be operated on open, designated trails and through designated access points.

The following units of the Preserve allow for ORV use and are designated to type of ORV permitted. Maps are available at the Oasis Visitor Center, Nathaniel P. Reed Visitor Center, and the Preserve's web site: <https://www.nps.gov/bicy/planyourvisit/orv-use.htm>

Bear Island Unit (BIU)

- Swamp Buggy
- All-Terrain Vehicle (ATV)
- Street Legal 4X4 Vehicle
- Utility Task Vehicle (UTV)

Permitted ORVs must enter/depart the unit at designated Access Points (See BIU ORV map)

- Peroocchi
- Ridge Trail

Turner River Unit (TRU)

- Swamp Buggy
- All-Terrain Vehicle (ATV)
- Utility Task Vehicle (UTV)

Permitted ORVs must enter/depart the unit at designated Access Points (See TRU ORV map)

- Turner River North
- Concho Billie
- Windmill Tram
- Burns Lake
- Skillet Strand North
- Oasis
- Monroe North

Corn Dance Unit (CDU)

- Swamp Buggy
- All-Terrain Vehicle (ATV)
- Utility Task Vehicle (UTV)

Permitted ORVs must enter/depart the unit at designated Access Points (See CDU ORV map)

- Oasis
- Jetport

Stairsteps Unit– this unit is further subdivided by zone:

Zone 2

- Swamp Buggy
- All-Terrain Vehicle (ATV)
- Utility Task Vehicle (UTV)

Permitted ORVs must enter/depart the unit at the designated Access Point
(See Stairsteps ORV map)

- Monroe South

Zone 3

- Swamp Buggy
- All-Terrain Vehicle (ATV)
- Utility Task Vehicle (UTV)

Permitted ORVs must enter/depart the unit at the designated Access Points
(See Stairsteps ORV map)

- Pace's Dike

Zone 4

- Airboat

Designated airboat trails width is 100 feet, 50 feet on either side of the marked center line of trail. A straight-line path from trail marker to trail marker denotes the center line of trail.

Permitted ORVs must enter/depart the unit at designated Access Points (See Stairsteps ORV map)

- Mitchell's Landing
- Boundary Line

Areas Closed to ORV Use

Florida National Scenic Trail (FNST):

In order to avoid or minimize user conflicts and to meet the intent of the National Trails System Act of 1968 (16 U.S.C. 1241-1249), ORV travel on the FNST is prohibited. ORVs may cross the FNST at or near a right angle on trails designated for ORV use.

Stairsteps Unit:

Zone 1 Closed to all ORV use

Addition Lands:

All National Park Service (NPS) lands located in the Addition Lands are closed to the use of recreational off-road vehicles (ORV) until designated as open by the Superintendent.

Nightly Closures:

Recreational ORV use is prohibited throughout the Preserve between 10:00 p.m. and 5:00 a.m.

Superintendent Closures

The Superintendent will announce all seasonal, hydrologic, Threatened & Endangered (T&E) Species and safety closures by issuing a Superintendent's order in accordance with § 1.5 and 1.7 of 36 CFR.

Determination: Hydrologic conditions resulting in high or low water levels that place greater than normal stress on wildlife may result in the prohibition or limitation of recreational ORV use. Safety Closures during periods of time when conditions present a safety hazard to visitor use, recreational and/or non-recreational ORV use may be prohibited or limited for visitor protection. Threatened and Endangered Species protection closures are used to avoid impacts and provide the greatest opportunity for species recovery.

Definitions and Specifications Related to ORVs

Designated Trail: A trail that has been authorized for public ORV use by the Superintendent, and appears on a current BICY ORV Trail map delineating the trail within the appropriate management unit and marked as such.

Off Road Vehicle (ORV): Any All-Terrain Vehicle, swamp buggy, airboat, street-legal 4-wheel drive vehicle, or Utility Task Vehicle meeting the following descriptions and requirements:

Airboat: A commercially or custom designed/manufactured vessel consisting of a shallow, rectangular hull powered by an aircraft or automobile engine mounted on the rear of the vessel that drives a large aircraft propeller(s).

- Airboats cannot exceed 8 feet total width (beam).
- Airboats cannot exceed 14 feet maximum length (excluding grass rake).
- Airboats must use:
 - An automotive-style factory muffler,
 - An underwater exhaust, or

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- Other manufactured device capable of adequately muffling the sound of the engine exhaust.
- Airboats must not use cutouts or flex pipe as the sole source of muffling
- Airboats must meet all State of Florida and U.S. Coast Guard rules and regulations for vessels, including lighting and registration.
- Airboats must fly a solid, orange-colored safety flag, 10 inches by 12 inches or larger, at a minimum of 10 feet above the bottom of the airboat.
- Airboats must display vessel registration numbers that are a contrasting color from the underlying surface, a minimum size of 3 inches and be affixed:
 - On each side of the bow,
 - On both sides of the rudder, or
 - Outside of dual rudders.

All Terrain Vehicle (ATV): Any motorized off-highway vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on four or more non-highway tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator with no passenger. An ATV must be 4X4 capable to be permitted in the Preserve. (As defined by State of Florida Title 23, Motor Vehicles; Chapter 316, State Uniform Traffic Control; § 316.2074 (2))

- ATVs cannot exceed 8 feet in total width including tires
- ATVs must have a minimum of 9 inches of tread face on the rear tires
- ATVs must have a minimum of 7 inches of tread face on the front tires

Swamp Buggy: A vehicle that is not a registered vehicle and therefore cannot operate legally on roadways. It is typically a modified vehicle that will have 4 or more tires and may not utilize “skid steering.”

- Swamp Buggies must have four wheel drive capability
- Swamp Buggies cannot exceed 8 feet in total width including tires
- Swamp Buggies must have a minimum of 9 inches of tread face on all tires
- Maximum gross vehicle weight is 6000 lbs. on all backcountry ORV trails.

Utility-Task Vehicle (UTV): Also known as a Recreational Off-Highway Vehicle (ROV), any motorized recreational off-highway vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more non-highway tires, having non-straddle seating and a steering wheel, and traveling on four or more pneumatic tires that are designed for wheels with a rim diameter of 14 inches or less. A UTV must be 4X4 capable to be permitted in the Preserve.

- UTVs cannot exceed 8 feet in total width including tires
- UTVs must have a minimum of 9 inches of tread on all tires

Tread Face: The portion of the outer surface of the tire that actually makes contact with the trail substrate during normal use. This includes those portions of tread which extend onto the sides of the tire, since they are designed as such, to aid in cornering and in soft ground are load bearing.

Measurement of Tread Face: The measurement of a tire will be carried out using a flexible tape measure capable of conforming to a rounded surface. The measurement will be from one edge of the tread face to the other, along the flat or curved tread surface of the tire as viewed in a cross section.

Street Legal: A vehicle that is currently registered, inspected and insured, as required, by state law to be operated on public roadways. A street legal vehicle must be 4X4 capable to be permitted on designated ORV trails of the Preserve.

ORV Permit Process:

§ 1.6(f) ORV Operator's Permit

All ORV operators must possess a valid state driver's license or learner's permit to operate an authorized ORV in the Preserve. The driver must successfully complete a vehicle operator's course offered by Big Cypress National Preserve and must be carried by the ORV operator.

Big Cypress National Preserve assimilates State of Florida Title 23, Motor Vehicles; Chapter 316, State Uniform Traffic Control; related to minors operating an ORV under direct supervision of an adult BICY permitted operator.

Persons under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle (ATV) must wear a helmet meeting Department of Transportation standards and eye protection. (State of Florida Title 23, Chapter 316, §316.2074)

Operators under the age of 16 while operating ATV on public land or roads in Florida must have proof of completion of a Florida Department of Agriculture and Consumer Services (FDACS) safety course and must be supervised by an adult. (State of Florida Title 23, Chapter 316, §261.20)

§ 1.6(f) ORV Recreational Permit

Recreational ORV permits require a fee.

Number of permits: Big Cypress National Preserve may issue a maximum of 2000 Recreational Off-Road Vehicle Permits per year in the original Preserve.

Period of permit validity: January 1 of each year through January 31 of the following year.

This 13-month period allows a month-long grace period to obtain a new permit should there be a random drawing in a given year and the applicant is successful in the drawing.

Allocation of permits: If the number of ORV Recreational Permits purchased for a given area meets the limit specified above, a lottery-style random drawing will be held for the next year's issuance.

Transferability of permits: ORV Recreational Permits are not transferable to other vehicles owned by the same person or family, or to other ORV owners.

Renewal of permits: Authorized ORVs will be registered to only one person and only that person is authorized to renew the permit. Permits must be renewed annually.

Determination: Permitting requirements are included as part of the implementation of the Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000).

§ 1.6(f) ORV Inspection Program/ Recreation ORV Permits

All ORVs must be inspected and meet compliance standards for that ORV type. Successful compliance will result in the issuance of an inspection sticker.

Inspection stickers must be affixed to the ORV as follows:

- Airboat – steering bar (joystick)
- Swamp Buggy– steering column
- Street Legal 4X4 – inside the driver's door
- ATV 4X4 – center of steering mechanism
- UTV 4X4 – steering column

Recreation ORV permit stickers must be affixed to the ORV as follows:

- Airboat- the sticker must be affixed to the left rudder, on the outside facing surface.
- Swamp Buggy- the sticker must be affixed to the driver's side of the vehicle
- Street Legal 4X4- the sticker must be affixed to the driver's side of the windshield or the driver's side front bumper.
- ATV - the sticker must be affixed to the left back fender.
- UTV- the sticker must be affixed to the front left side of the vehicle.

Determination: Vehicle inspection requirements are included as apart of the implementation of the Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000).

Authorized ORV use must also:

- Conform to all applicable federal and state law.
- Have a muffler in good working condition and constant operation.
- Demonstrate that mechanical systems important for safe operation are in good operating condition.
- Any wheeled ORV when operated off road and in parking areas during the period from one-half hour after sunset to one-half hour before sunrise shall display at least one forward facing white headlight and one red lighted taillight, each of which shall be visible for a distance of 500 feet in their respective directions under clear atmospheric conditions.

Prohibited ORV use:

- Any tire chain, bar grip, or other device affixed to a tire in any way
- Tracked vehicles
- Campers or trailers on ORV trails

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Determination: Types of permitted vehicles and vehicle specifications have been developed by the Preserve's managers and implemented in accordance with the Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000).

Landowners, Lessees, and their Guests

A Special Use Permit (SUP) is required for all landowners, lessees and guests to operate an ORV on any designated trail within Big Cypress National Preserve in order to access a privately owned property. A permit can be obtained or renewed by emailing bicy_landowner_contact@nps.gov.

Landowners, lessees and their guests are not required to purchase a recreational ORV permit when traveling to and from private property when in possession of a valid SUP. The SUP will designate a route of travel and authorized vehicle type. The SUP holders must meet all requirements for ORV use in the Preserve including a valid ORV operator permit, vehicle specifications, and completion of the education course.

Landowners may use utility trailers on designated routes through their Special Use Permit

If landowners, lessees or guests wish to recreate on or hunt from landowner access trails within Big Cypress National Preserve, they must purchase a recreational permit.

Determination: These permit restrictions are included as part the Big Cypress National Preserve Land Protection Plan; Implementation of the Preserve's General Management Plan (GMP); and Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000).

36 CFR PART 2

RESOURCE PROTECTION, PUBLIC USE AND RECREATION

§ 2.1 Preservation of natural, cultural, and archaeological resources

§ 2.1(a)(4) Designated areas for collection of dead and downed timber for firewood

Only dead wood lying on the ground may be collected as fuel for campfires within the Preserve. This wood cannot be removed from the Preserve.

Determination: There are sufficient quantities of dead wood on the ground so that this use is not environmentally detrimental. If monitoring indicates an adverse effect is occurring, this will be revised.

§ 2.1(c)(1-3) Designated fruits and berries, to harvest by hand

Citrus fruits and bananas may be collected for personal consumption. The picking of palmetto berries is prohibited.

Determination: This designation serves to provide the broadest use and enjoyment of the Preserve in the least restrictive manner so long as there is no adverse effect.

§ 2.2 Wildlife Protection

§ 2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through park areas

Hunters are required to identify themselves and the location the wildlife that is being transported across Preserve land was taken when requested by a ranger. Identification of the site may consist of specific directions, maps, or upon request the hunter may be required to accompany the ranger to the location to verify the kill site.

Determination: This requirement is intended to allow transport of legally taken game across Preserve lands, protects public safety and avoids unwarranted public accusations that an illegal hunt may have taken place in the Preserve.

§ 2.2(e) Designated areas for wildlife viewing with artificial light

The Preserve is closed to the viewing of wildlife with an artificial light, except that artificial lights may be used during frogging and invasive reptile activities.

Determination: Wildlife viewing with an artificial light may disrupt natural wildlife activities and condition wildlife to human presence. This regulation also provides increased protection of wildlife from poaching.

§ 2.3 Fishing

§ 2.3(c) During situations involving a potentially aggressive alligator(s), an area may be closed to fishing. Under 36 CFR 1.5 Closure

Determination: An alligator may attempt to capture and eat a struggling fish on the end of a fishing line. The alligator may pursue the fish onto shore as it is reeled in. Alligators that have been thrown food/fish or have caught a fish on the end of a fishing line may demonstrate this behavior. Such closure will be for human life safety and preservation of wildlife.

§ 2.4 Weapons, traps, and nets

§ 2.4(a)(2)(i) Carrying of weapons at designated locations and times

Individuals are authorized to possess firearms in NPS areas in accordance with applicable state and federal law.

The possession of firearms in all federally owned or leased buildings is prohibited.

Determination: This wording reflects 54 USC 104906 also see Florida State Laws.

§ 2.4(b)(2)(ii) The discharge of firearms, including air propelled pellets, bb's, and other projectiles for target practice is prohibited.

Determination: Target shooting or practice shooting is prohibited by regulation. The discharge of a firearm is only permitted while engaged in the legal take of game species during an open hunt season.

§ 2.10 Camping and food storage

Definitions specific to Camping:

- Campground: A designated place where multiple camp sites are located
- Camp site: A specific site whether in front or backcountry areas.

§ 2.10(a) Camping - designated sites, areas, conditions and permits

Front Country Camping:

- ORV use is prohibited within Front Country campgrounds. Exceptions for Bear Island and Burns Lake to travel to and from ORV trail heads.
- 6 people per site at all campgrounds except Pinecrest
- Camping is limited to one RV and one tent, or two tents per campsite. An RV is defined as a motor home and tow vehicle, pickup camper, or travel/camper trailer with tow vehicle. An RV and a tow vehicle are considered two vehicles.
- Only two vehicles per site are authorized except for Pinecrest Group Campground.
- Pinecrest – 15 people per site, 4 vehicles (only two of which can be an RV)
- ORVs are not counted as vehicles for the purpose of this section.
- Check out time is 12 Noon
- Camping is only allowed at designated sites.

The Volunteers-In-Parks (VIP) campsites are closed to public use.

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Determination: The VIP sites are not designated camping sites for public use; they are reserved in order to support Preserve operations.

Recreational vehicle (RV) camping and the use of camping trailers in the Preserve are allowed at these designated campgrounds:

- Bear Island Campground
- Monument Lake Campground
- Burns Lake Campground
- Midway Campground
- Mitchell's Landing Campground
- Pinecrest Group Campground

Determination: This regulation establishes campsites in accordance with the General Management Plan. Use limits on campgrounds and campsites are established to minimize resource impacts, visitor conflict and site degradation.

Backcountry Camping:

- Backcountry tent camping is prohibited within 1/2 mile of any developed area or established county or state roads.
- Only tents may be used at the following campgrounds within the Bear Island Unit:
 - Gator Head, 9 sites
 - Pink Jeep, 9 sites
- Backcountry tent camping in Zone 4 via airboat is permitted only in designated campsites 1-16 along designated airboat trails.
- Backcountry camping in Zone 4 via foot travel or non-motorized vessel is permitted in other areas so long as the campsite:
 - Is located at least 1/2 mile from Loop Road
 - Is located at least 1/2 mile from any designated campsite or airboat trail
- No camping equipment may be left in the backcountry anywhere in Zone 4 when the user is not actively occupying the site overnight, regardless of hunting season.
- There is no camping permitted anywhere inside the Cape Sable seaside sparrow closure area, located within Zone 4.

Determination: This regulation establishes campsites in accordance with the General Management Plan. Use limits on campgrounds are established to minimize resource impacts and site degradation.

No camping gear may be left in the backcountry when the user is not actively occupying the site overnight.

Length of Stay Restrictions:

No person, party, or organization shall be permitted to camp in the Preserve for more than a total of 120 days in a calendar year to include:

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Designated campgrounds:

- no more than 10 consecutive days during the period from January 1 through April 30
- no more than 14 consecutive days from May 1 through December 31
- Once the daily limit has been reached for each time period, the person, party, or organization must vacate or move to another designated campground.

Backcountry camping:

- Outside of the hunting season exception, no person, party, or organization shall be permitted to camp in the Preserve backcountry for more than 14 days in a 30-day period.

Determination: This regulation establishes length of stay periods for campgrounds and backcountry camping. South Florida experiences a significant influx of visitors from September to April. Without length of stay restrictions, individuals would establish long-term use patterns. Stay limits may be extended with permission through the Chief Ranger's office based on availability.

Hunting Season Exception:

For the periods indicated below; the specific dates for each hunting season can be found in the WMA brochure at www.myfwc.com:

- Archery Season
- Muzzle Loading Gun Season
- General Gun Season
- Spring Turkey Season

Individuals occupying a backcountry camp site may bring camping equipment onto the Preserve after 8:00 a.m. one day before the opening of the specific season and must remove camping equipment from the Preserve before 6:00 p.m. one day after the above stated seasons end.

Individuals who leave their camping equipment for longer than 24 hours must visibly mark the equipment with their identification (name, address, telephone number). It must be clearly visible with or on the camping equipment.

Determination: The use of the backcountry for extended periods of time has been a traditional activity in the Preserve. This regulation establishes extended occupancy and unattended property guidelines which coincide with the established hunting periods. In order to reduce inconvenience to primitive weapons hunters, equipment may be left between archery, muzzle loading, general gun seasons.

§ 2.10(d) Food storage - designated areas and methods

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- All food, lawfully taken fish or wildlife products, and equipment used to cook or store food must be kept sealed inside an enclosed vehicle (e.g., not in the bed of a pickup truck), or in a camping unit that is constructed of solid, non-pliable material (e.g., not tents or popups).
 - Suspended at least 10 feet above the ground and 4 feet horizontally from a tree trunk or shall be stored inside a bear resistant food locker provided at campgrounds, or in certified Interagency Grizzly Bear Committee (IGBC) bear resistant containers.

Determination: The intent of these designations is to prevent wildlife from obtaining and becoming conditioned to food and garbage, thus protecting wildlife and Preserve visitors alike.

§ 2.13(a)(1) Fires - Designated areas and conditions

- Developed Campgrounds allow campfires within provided fire rings.
- Dispersed backcountry camping permits one fire per site no larger than 2.6 ft. in diameter.
- Campfires must be attended at all times.
- Fires shall be completely extinguished prior to leaving the campsite.

Residential Areas

- Fires in residential areas must be contained in a fire ring no larger than 2.6 ft. in diameter.
- Burning of vegetation or yard waste outside a fire ring is prohibited.

Superintendent approval is required for all fires or burning outside of fire rings. Burning vegetation, brush piles, and yard waste (outside of fire rings) is prohibited unless conducted under a BICY burn plan.

Determination: The south Florida ecosystem experiences high wildfire fire danger. This regulation will minimize the risk of human-caused wildfires.

§ 2.15(a)(1) Pets

Dogs and cats must remain on leash, crated, or otherwise under physical constraint. The leash may not be longer than six feet.

Pets are **not** permitted on established trails, boardwalks, or in the backcountry.

Exception:

- Private landowners within the Preserve may transport dogs to their private property via a designated route as authorized by a Special Use Permit (SUP).

Determination: This restriction serves to protect wildlife and visitors.

§ 2.15 (a)(5) Pets – pet excrement

- Visitors are responsible for disposing of excrement from their pets
- Excrement must be collected and disposed of in sealed containers or bags and placed into a designated garbage can.

Determination: Proper disposal of pet waste in developed areas through collection and disposal ensures a water quality, public health and aesthetic values.

§ 2.15 (b) Pets – Hunting dogs

Bird dogs and retrievers that are authorized by the state of Florida may be used in support of hunting activities within the Preserve, except the Loop Unit. Owner must carry identification tags or dogs must be tattooed and radio collared. The identification shall include the owner's name and current address, or current telephone number).

Determination: Identification requirements will assist in locating the owner of a lost dog.

§ 2.16 (b) Horses and pack animals – designated areas of use

The use of horses or pack animals is permitted, except in developed areas such as visitor center parking areas, campgrounds, or picnic areas.

Determination: The use of horses and pack animals in the Preserve is limited by field conditions and has not been shown to be resource impacting.

§ 2.16 (g) Horses and pack animals – conditions of use

- Stockowners must scatter all manure dropped at trailheads.
- Stock shall only be fed weed-free feed.
- Riding horses on the Florida Trail is prohibited.
- Tying horses or pack animals to live trees or other plants is prohibited if the tying causes damage to vegetation.

Determination: The scattering of manure promotes rapid decomposition and reduces odors. Weed-free feed will help to prevent the spread of exotic plants. The use of horses and pack animals on the Florida Trail would create a conflict of use with hikers, for whom the trail is designed and authorized. Tying horses or pack animals to live trees or plants presents a heightened risk of resource damage, which is a violation.

§ 2.20 Skateboards

Visitors may use roller skates, roller blades, skateboards, and other coasting vehicles on Dona Drive and Seagrape Drive. The use of roller skates, roller blades, skateboards, and other coasting vehicles by NPS quarters occupants or their guests is allowed in the Preserve residential areas.

Determination: This extends additional recreational opportunities to visitors and residents.

§ 2.21 Smoking

Smoking, vaping, and using smokeless tobacco are prohibited in all interior spaces of all Government facilities (Housing Quarters refer to Preserve housing policy) and within all Government motor vehicles, heavy equipment, aircraft, and watercraft owned, rented, leased, or controlled by the National Park Service.

Smoking and vaping is prohibited within 25 feet of a public building. Smoking is prohibited within 100 feet of the Preserve's fuel and aviation gas storage facilities.

Determination: These restrictions are intended to protect public and safety from fire or explosion around fuel storage and dispensing facilities and to comply with State and Federal law.

§ 2.22 (a)(2) Property unattended for longer than 24 hours

Visitors involved in extended backcountry use, e.g., hunting or hiking on the Florida Trail, may leave their vehicles and trailers unattended in the designated parking access area for the duration of their permitted trip.

An individual may leave tree stands or similar devices unattended for the length of the specific hunting seasons as follows; the specific dates for each season can be found in the WMA brochure at www.myfwc.com:

- Archery Season
- Muzzle Loading Gun Season
- General Gun Season
- Spring Turkey Season

Individuals may bring equipment into the Preserve after 8:00 a.m., one day before the opening of the specific season, and must remove the equipment from the Preserve before 6:00 p.m., one day after the above stated season ends.

Individuals who leave their tree stands and similar equipment unattended for longer than 24 hours must mark the equipment with their identification (name, address, telephone number). It must be clearly visible with or on the camping equipment. They must list equipment and location of all equipment left in the backcountry longer than 24 hours.

Determination: The use of the backcountry for extended periods of time has been a traditional activity in the Preserve. This regulation establishes extended unattended property guidelines which coincide with the established hunting periods. These periods will be adjusted annually as season dates are established.

§ 2.35(a)(3)(i) Alcoholic beverages-areas closed to consumption

The consumption of alcoholic beverages by the public is prohibited within Headquarters offices, Oasis Visitor Center, Nathaniel P. Reed Visitor Center, Fire Operations Center and parking areas.

Determination: These areas are where the public engages in business with the government or participates in educational opportunities. Alcohol consumption under these circumstances is inappropriate.

§ 2.52(e) Sale and distribution of printed matter-areas designated for such use

The Oasis Visitor Center, Nathaniel P. Reed Visitor Center and Preserve Headquarters have designated locations for the sale and distribution of printed matter.

Determination: The sites selected are based on the activities' impact on Preserve operations, public use facilities and visitor experience.

36 CFR PART 3

BOATING AND WATER ACTIVITIES

§ 3.8 Prohibited Vessel Operations

§ 3.8(a)(1) Boating, prohibited operations – launching or operating airboats

Superseded by 36 CFR 7.86

Determination: Airboats are included as an authorized vehicle type in the Recreational ORV Management Plan for the original Preserve.

§ 3.8(a)(1) Boating, prohibited operations – designated launching areas

The following areas are designated as boat launch areas:

Airboats

- Mitchell’s Landing
- Boundary Line
- I-75, MM51 boat launch

Canoes/kayaks/non-powered boats

- Turner River Canoe Launch
- Dona Drive boat ramp
- Seagrape Drive boat ramp
- MM51 boat launch
- Any open body of water accessible to a hand-carried or dolly-equipped boat.

Motorized boats

- Dona Drive boat ramp
- Seagrape Drive boat ramp
- Carnestown Corner boat launch at Hwy 29 and Hwy 41.
- I-75, MM51 boat launch

Determination: Designated launch areas minimize environmental impact by concentrating activity in an area that can be properly maintained. They also ensure public safety by providing areas with sufficient space to allow the launch/retrieval operation to occur without adversely impacting other area traffic.

36 CFR PART 4

VEHICLES AND TRAFFIC SAFETY

§ 4.10 (b) Areas designated for off-road motor vehicle use

(See 36 CFR 7.86(a) and § 1.5(a)(1) of this compendium)

§ 4.21(b) Speed limits-designation of a different speed limit

The speed limits for the following areas are established as prescribed below or as posted on site:

- Dona Drive: 15 mph
- Seagrape Drive: 15 mph
- Eleven Mile Road/Oil Industry Roads: 35 mph daylight, 20 mph nighttime
- Loop Road: 25 mph on unpaved, 30 mph on paved, 15 mph in curves
- Mahogany Drive: 15 mph
- Satinwood Drive: 15 mph
- ORV Trails: 15 mph
- Zone 4 Airboat Trails: 30 mph

Determination: Speed limits on Dona Drive, Mahogany Drive, and Satinwood Drive, which are residential areas, help assure the safety of visitors and residents. Oil roads are used by heavy vehicles, many of which are hauling petroleum products, with limited stopping capability and located in Florida panther habitat. Speed limits will result in appropriate resource and visitor protection.

§ 4.30(b) Bicycles and E-Bikes - designated routes

The use of bicycles is allowed on all:

- Designated ORV trails
- Bear Island Grade including within the addition lands
- The Fire Prairie Trail
- Noble's Grade Trail

Determination: Bicycle use is extended to ORV routes and two other locations suitable for their use.

The term “e-bike” means a two or three wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 HP).

E-bikes are allowed in Big Cypress National Preserve where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

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A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles; sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

Except as specified in this Compendium, the use of and e-bike within Big Cypress National Preserve is governed by State law, which is adopted and make a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

36 CFR PART 7

SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

§ 7.86 Big Cypress National Preserve

§ 7.86 (a) Motorized Vehicles

Sections of this regulation have been modified and further defined, with the implementation of the “Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000). The modifications have been established and regulated with the authority of the Superintendent’s Compendium under §1.5 and §1.6.

Determination: Big Cypress National Preserve’s implementation of Final Recreational Off-Road Vehicle Management Plan Supplemental Environmental Impact Statement (2000). Necessary regulations are implemented in §1.5 and §1.6 of this document, pending rulemaking.

§ 7.86 (e) Hunting, Fishing, Trapping and Gathering

(2)(i) Gathering or Collecting Tree Snails (*Liguus fasciatus*) is prohibited under the authority of 36 CFR 2.1 (a)(1)(i), 2.2 (a)(1), 2.2 (a)(3). After evaluation as an activity in the Big Cypress National Preserve General Management Plan and after consultation with The Florida Fish and Wildlife Conservation Commission, effective May 16, 2005, the collection of snails within the boundaries of the Preserve was prohibited.

Determination: Orthalicus reses, the Stock Island tree snail, is protected by the State of Florida as an Endangered Species. Liguus fasciatus, the Florida tree snail, is protected by the State of Florida as a Species of Special Concern. Pomacea paludosa, the apple snail, is the primary food source of the snail kite, an Endangered Species.

The Big Cypress National Preserve’s General Management Plan recognizes the need to protect species listed by the United States of America and the State of Florida as endangered, threatened or of special concern. Additionally the taking of these species would constitute a significant adverse impact on Preserve resources and wildlife populations. Therefore, the provisions of 36 CFR 7.86 (e)(2)(i) allowing collection of *Liguus fasciatus*, even for personal use, must be rescinded.

Big Cypress Wildlife Management Area

729,000 acres
Collier, Miami-Dade and Monroe Counties

