



## United States Department of the Interior



NATIONAL PARK SERVICE  
Southeast Regional Office  
Atlanta Federal Center  
1924 Building  
100 Alabama St., SW.  
Atlanta, Georgia 30303

IN REPLY REFER TO:  
D18 (SER-RD)

JUN 09 2011

Mr. Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility (PEER)  
2000 P Street, NW Suite 240  
Washington, DC 20036

Dear Mr. Ruch:

We are writing in response to your letter to the National Park Service (NPS) Washington Administrative Program Center dated December 29, 2010, subject: Complaint About Information Quality: Big Cypress National Preserve Addition Wilderness Eligibility Assessment – April 2010. In that letter, you requested that the April 2010 wilderness eligibility assessment (WEA) be rescinded because it does not exhibit the qualities of integrity, objectivity, reliability, and utility required by the Data Quality Act as implemented by NPS and Department of the Interior guidelines. You also requested that a public statement withdrawing the 2010 WEA be issued, and that a new WEA be undertaken.

Because we published our decision to expand the scope of the General Management Plan (GMP) to include a wilderness study in the April 25, 2006, *Federal Register* as well as in a May 2006 newsletter, we believe that our process has been open, that it has been informed by public comments and testimony we have received on the General Management Plan and its associated WEA, and that both the 2006 and 2010 WEAs provide information that exhibits the qualities of integrity, objectivity, reliability, and utility. The two assessments differ because they utilized different approaches for how to interpret the available factual information, including roadlessness, under the guidance of the general criteria that NPS has identified – untrammeled, man being only a visitor, undeveloped, and primarily affected by the forces of nature.

TAKE PRIDE  
IN AMERICA 

The 2006 WEA, which attempted to determine wilderness eligible lands in the Addition using a broad interpretation of the available factual information, was not viewed as final. Rather, the results of that WEA were published as Appendix B to the draft GMP/EIS as findings only, not as a signed memorandum to the Director as required by NPS *Management Policies 2006* 6.2.1. The entire draft GMP/EIS was subject to public review, including Appendix B. As a result of information generated by this review, the 2006 WEA was reassessed using a stricter interpretation of the available factual information, and the final WEA was prepared, approved, and included with the final GMP/EIS in 2010. Note that page 1 of the 2010 WEA states that the WEA “represents a combination of the eligibility assessment report completed in 2006 and the revised eligibility assessment completed in 2010.” The 2010 WEA, which mapped, numbered, and determined eligible or ineligible all areas based on whether or not they met the criteria, provided for each eligible or ineligible area the criteria met or unmet, as well as the reasons, which provided a level of detail and explanation lacking in the 2006 WEA. Thus, the 2010 WEA was a revision of the 2006 WEA, not a separate undertaking, and so represents the finalization of the wilderness eligibility determination process begun in 2006. We published notice of this final WEA in the *Federal Register* on November 24 and December 6, 2010 through our publication of availability of the final GMP/EIS. Thus, having portions of the 2010 WEA being new is simply the nature of the review process: a draft is published, comments are received, modifications to the draft are made, and a final document is published that contains information new to the public who reviewed the draft document.

More specifically with respect to the wilderness considerations themselves, we announced our intention to conduct a wilderness study in 2006 by newsletter and in the *Federal Register*, and we invited the public to participate in the process by submitting comments and attending public meetings. We released the draft WEA in July 2009 as Appendix B to the draft GMP/EIS, and we accepted public comment through September 2009. We also conducted four public meetings and wilderness hearings across south Florida in the summer and fall of 2009.

Examples of public comments received include:

Prior to closing of the land by the NPS in 1988, there was significant sign of man’s activity (in addition to the presence of I-75), and therefore the area [Addition] does not meet the Wilderness Act criteria and is ineligible as wilderness.

The Addition Lands do not meet the eligibility requirements of the Wilderness Act, especially if the NPS had completed the study when it was required to (within 5 years of acquiring it – not 21 years later).

The Florida State Clearinghouse letter, pp. 7-8, summarized, on behalf of three State agencies -

While the Department, DCA and FWC stand ready to defend their respective objections and comments herein, the agencies have reached general consensus on the acceptability of the following modifications:

The designation of 85,000 acres as Wilderness, where ORV use is prohibited, denies reasonable public access to areas open to hunting and other recreational activities.

To more closely meet the needs of various user groups, the agencies recommend that the area north of I-75 and the western strip of Addition lands (along S.R. 29) proposed for Wilderness designation under the Preferred Alternative be removed from that proposed designation and placed in a Backcountry Recreation management zone. The dominant goals of that management zone are the preservation of natural and cultural resources, restoration of degraded resources, and continuation of natural processes, while allowing compatible recreational uses supported by roads and trails.

In addition, the agencies propose that a half-mile buffer designated Backcountry Recreation be added to the south side of I-75 to accommodate the maintenance of current and future roadway infrastructure, and that a half-mile buffer – also designated Backcountry Recreation – be added to each side of the L-28 Interceptor Canal south of I-75 to the boundary of the Addition to accommodate current and future canal access, maintenance and restoration.

The Florida Department of Environmental Protection provided “... the recommendation of including a one-half mile buffer from I-75 in order to accommodate maintenance of current and future roadway infrastructure.”

The Florida Fish and Wildlife Conservation Commission commented –

“The FWC [Florida Fish and Wildlife Conservation Commission] recognizes the value of wilderness designation in certain ecosystems or landscapes where Wilderness Act prohibitions and restrictions are necessary and warranted; however, we have found significant fault regarding the process and, consequently, the findings of this NPS wilderness study.”

“The Addition already has a significant number of trails with historic patterns of use.”

“... many miles of old roads and trails that have been in existence for more than 20 years  
...”

As a result of these and other comments, we concluded that the 2006 WEA should be revisited with a closer examination of the criteria used to determine eligibility. We looked at two criteria in particular: 1) the width of non-wilderness corridors surrounding roads, trails, and canals, and 2) the extent of disturbance that would be substantially noticeable. Regarding 1), we increased the corridor width to encompass not only past disturbance from construction and maintenance, but environmental and safety considerations (see pages 10-11 of the WEA). Regarding 2), our analysis of improved aerial imagery available in 2010 resulted in our recognizing an increased area of ineligible lands due to the substantially noticeable disturbance they exhibited. These lands, primarily located in the Western Addition and the western portion of the Northeastern Addition, had been grazed or farmed in the past.

The 2006 WEA referred to field visits and an NPS workshop held in July 2006. The 2010 WEA revised the 2006 WEA as a result of a second NPS workshop in February 2010 that started with the same information as used by the 2006 WEA, considered the public comments received, revisited the assumptions used in the 2006 analysis, and incorporated newly obtained information from the new aerial imagery.

The 2010 WEA not only contains the forethought and detail of the 2006 effort, the 13 page 2010 WEA is much more thorough in documenting the reasons for which each area of the Addition was determined eligible or ineligible compared to the 5 page 2006 WEA.

The methodology of the 2010 WEA is clearly explained on pages 1 and 2 and is understandable. The assessment team for the 2010 WEA was well aware that human disturbances are prevalent throughout the Addition, as pointed out in some of the public comments, which is why the first assumption on page 2 of the WEA defines “substantial imprint” as works of man “used significantly over time that would require substantial human intervention to restore.” Given that the Wilderness Act does not specify from whose point of view noticeability is measured, we felt that the viewpoint from the land manager should take precedence, because to the general visitor an area may seem like wilderness, but the manager is more aware of the history and evidence of disturbance. Man’s imprint, e.g., old row crop furrows, may be substantially noticeable from aerial photography but not on the ground, and constructed roads, canals, levees, and borrow pits are easily noticeable and would require considerable effort to restore. On the other hand, disturbances that would not require substantial intervention to restore, such as naturally revegetating places about which some members of the public commented, did not disqualify an area from eligibility. As an example, the first eligible area (#8, #10) listed on page 7 of the 2010 WEA was acknowledged to contain “minor imprints of man” but was still determined to be eligible. Thus, the team clearly recognized that such disturbances could be restored to natural conditions through little or no intervention.

Similarly, the major change in interpretation of the wilderness criteria regarding the appropriate edge width to use to ensure eliminating disturbed lands from eligible lands resulted in a proportion of lands determined eligible in 2006 being determined ineligible in 2010 because they fell within a ¼-mile-wide area adjacent to each side of roads, trails, and canals, rather than being within the 0.01 mile width used in the 2006 WEA. These non-wilderness border areas, which contain substantial disturbance from construction and maintenance of their adjacent works, provide a setback from already existing activity, including ORV uses. The ORV trails proposed in the GMP preferred alternative overlie trails that already exist and currently are used as needed by eligible landowners, tribal members, contractors, researchers, and NPS staff.

After release of the draft GMP/EIS in 2009 and during the process of hearing from the public about the Draft GMP/EIS, we concluded that the ability to provide for an appropriate level of ORV use might be impeded unintentionally by the provision of *Management Policies 2006* that requires that lands eligible but not proposed for wilderness designation must be managed to preserve their wilderness resources and values until Congress specifically releases them from wilderness consideration. Uncertainty about when Congress might act on any formal wilderness proposal the President might send them together with the policy requirement to maintain identified wilderness-eligible but unproposed areas in a wilderness condition would place inappropriate restrictions on planned ORV and historical access and necessary programs to manage threatened and endangered species, invasive species, and fire. To reduce this uncertainty, we first requested a waiver of policy to release eligible but unproposed lands from being managed as wilderness. After the waiver approach was denied, we then reassessed the methodology and results of the 2006 WEA to see if the lands determined eligible truly met the wilderness criteria. This reanalysis led us to revise our local criteria to make them more responsive to the public input, and the revised criteria resulted in a reduction in the area identified to be eligible for wilderness designation.

Approximately 24,196 acres found to be eligible for wilderness designation are not proposed for such designation under the selected alternative. Many of these lands have been altered by past agricultural practices and will require intensive restoration efforts that may take years to complete, including the treatment and removal of exotic species as well as improving endangered species habitat. Upon rehabilitation, these lands will be reconsidered for wilderness recommendation. These lands are zoned primitive backcountry, will be managed for their wilderness characteristics, and recreational motorized use will be prohibited.

We are committed to the ongoing evaluation of management practices and will reconsider wilderness when natural qualities of the land are restored and/or agency management needs may require it. In conclusion, we believe that both the 2006 and 2010 WEAs meet the Data Quality Act provisions and that the difference between the two is due to our responding to information we received through the public review process. Therefore, we see no reason to rescind the 2010 WEA, remove it from publication, or undertake a new WEA.

Sincerely,

A handwritten signature in cursive script that reads "David Vela".

David Vela  
Regional Director  
Southeast Region