



# Animal Welfare Institute

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**BY ELECTRONIC (via <http://parkplanning.nps.gov>) AND REGULAR MAIL**

Pedro Ramos  
Superintendent  
Big Cypress National Preserve  
33100 Tamiami Trail East Ochopee  
Florida 34141

RE: Scoping Comments on Big Cypress National Preserve Hunting Management Plan

On behalf of the Animal Welfare Institute (AWI), please accept the following scoping comments on the proposed Hunting Management Plan and Environmental Assessment (hereafter Plan/EA, Plan, or EA) for the Big Cypress National Preserve (BICY).

The National Park Service (NPS) is soliciting comments from the public on those issues and concerns relevant to the preparation of the Plan and EA to evaluate the environmental impacts inherent to hunting in the BICY). Though not clear in the BICY scoping brochure, it would appear that hunting is currently permitted on the majority of BICY with the exception of the Additional lands that were previously acquired. The proposed Plan and EA, however, is not limited to evaluating the environmental impacts of expanding hunting to the Addition lands but appears to on the development of an entirely new Plan for the BICY.

This Plan and EA are of significant importance to the local, regional, national, and international community including, but not limited to, those who have visited BICY or those who intend to visit in the future. In addition, for the nearly 100 plants and 30 animals listed by Florida or the federal government as threatened, endangered, or species of special concern, including the Florida panther – one of the most endangered species in the world – the Plan and EA may affect their well being, survival, and recovery. For the remaining species, those who may not be imperiled, including those who may be the target of hunters if allowed to continue to hunt in BICY or to expand their hunts to the Addition lands, the Plan and EA is literally about their life and death.

The Addition remains one of the wildest and most bio-diverse areas remaining in the eastern United States. It value as a non-consumptive use recreation area is extraordinary and considering its geographical location near the Everglades National Park, the NPS is responsible for the management and protection of a significant amount of land that, at present, is off limits to sport hunting. Conversely, substantial areas of land in South Florida, including NPS lands (even the

majority of BICY) are already open to hunting thereby detracting from their value as year-round non-lethal-consumptive use recreation areas.

Though hunting once occurred on the Addition lands, it hasn't been allowed since 1996 if not earlier and, considering the conservation/protection mandate of the NPS, the proposal to open the Addition lands to hunting is not warranted, not mandatory (contrary to NPS claims), and is not consistent with NPS legal standards. Similarly, AWI questions the value, appropriateness, and legality of continuing to allow hunting within the BICY at all given the conservation mandate of the NPS, its policy of natural regulations, and due to the threats to all wildlife in South Florida due to habitat loss, degradation, fragmentation and to a host of anthropogenic impacts (e.g., expanding human populations, development pressures, pollution, and climate change).

Furthermore, the published scoping brochure indicates that the NPS may have already predetermined the outcome of this process before it has transparently and legitimately solicited and considered public input as to those issues/concerns that the NPS needs to address in its pending NEPA analysis. Not only has the NPS jumped the gun by already developing alternatives and objectives – without any explicit solicit of public input on those standards – but it has already decided that an EA represents a sufficient level of analysis when clearly an Environmental Impact Statement would be more appropriate. Indeed, the proposed alternatives identified in the scoping brochure actually does not include a true no-action – no-hunting throughout BICY including the Addition lands – alternative which, in this case, is warranted for, at a minimum, comparison purposes.

AWI strongly supports Alternative 2 or the no-hunting alternative for the Addition. This will provide proper protection for the Florida panther and its natural food supply, conserve the natural ecology of the area, and allow continued year round enjoyment of these very unique lands by the general public. Under this alternative, extensive hunting opportunities would continue to be available in 582,000 acres of the original Preserve. AWI does not believe, as the NPS claims, that hunting must occur in the BICY or in the Addition lands based on some legal mandate. Though Congress elected to allow hunting on BICY – unlike most other national parks – the caveats or protections that affect the implementation and conduct of a hunt provide a basis for claiming that the hunt is misplaced and should end. The remainder of this comment letter provides a summary of the legal issues relevant to the Plan and EA, articulates some concerns with the information contained in the scoping brochure and identifies several concerns/issues that AWI believes must be addressed in the pending NEPA document.

**DRAFT PURPOSE, NEED, OBJECTIVES FOR THIS PROJECT (QUESTIONS 1 & 3) :**

**Brief Summary: Based on the alternatives identified in the scoping brochure, AWI supports Draft Alternative #2 - No hunting in the Addition. If a true no-action, no-hunting alternative is included in the EA, AWI would support that alternative.**

Draft Alternative #1 – “No-Action” Apply Current Joint NPS/FWC Management to Addition:  
Acquired by the American people through the Big Cypress National Preserve Addition Act of 1988, NPS has managed this 146,000 acre area with no hunting and no use of recreational motor vehicles ever since. Yet under the "no action alternative," NPS would apply the same hunting regulations that exist in the 582,000 acre original Preserve to the Addition. That includes five separate hunting seasons spread out from September to April (archery, muzzle loading, general gun, small game and spring turkey - the longest hunting seasons in the state). In addition, with the exception of a single 9 day period in two popular units of the original Preserve (Bear Island and Turner River), there are absolutely no restrictions on the number of hunters who can hunt the area. While state bag limits are in effect (e.g. maximum of 2 deer per hunter per year), the total number of animals which can be taken is currently unlimited.

In addition, failure to consider impacts on the current users of the Addition and on future users in the decision-making process is a glaring deficiency in Alternative #1 and NPS has not adequately described why there is any need whatsoever to open up the Addition to hunting. This information, if it exists, must be included in the EA (or EIS).

The Project also states that this alternative *could* trigger the NEPA process for changes in hunting management protocol within the Preserve. However, under Project Background, the Plan simultaneously states that DOI regional solicitor in Atlanta has indicated that actions and decisions by the NPS to manage hunting constitute a federal action and NEPA compliance *would be needed*. If NPS fails to consider and disclose the potential environmental impacts of this proposal, this will be in violation of NEPA, 42 U.S.C. § 4332(2)(C), and will be arbitrary, capricious, and otherwise contrary to law, in violation of the APA, 5 U.S.C. § 706.

Draft Alternative #2 - No hunting in the Addition:

AWI supports this “alternative.” As stated above, Draft Alternative #2 is the present management of the area and should clearly have been listed in the NPS brochure as the "no-action alternative" because it describes the "baseline conditions" currently in the Addition. Any impacts to natural resources and Preserve users caused by the introduction of hunting in the Addition would have to be compared to the present condition of "no hunting."

Draft Alternative #3 – New Joint NPS/USFWS/FWC Adaptive Management Strategy:

Draft Alternative #3 is described as an "adaptive management" strategy where hunting is introduced in the Addition and its impacts are reviewed periodically by the NPS, U.S. Fish and Wildlife Service, and Florida Fish and Wildlife Commission. NPS indicates that this alternative would “allow for changes in hunting management protocol within the Preserve *without* triggering the NEPA process.” However, once again, under project background, the Plan simultaneously states that DOI regional solicitor in Atlanta has indicated that actions and decisions by the NPS to manage hunting constitute a federal action and NEPA compliance *would be needed*. In addition, failure to consider impacts on the current users of the Addition and on future users in the decision-making process is a glaring deficiency in Alternative #1 and NPS has not adequately

described why there is any need whatsoever to open up the Addition to hunting. This information, if it exists, must be included in the EA (or EIS).

If NPS fails to consider and disclose the potential environmental impacts of this proposal, this will be in violation of NEPA, 42 U.S.C. § 4332(2)(C), and will be arbitrary, capricious, and otherwise contrary to law, in violation of the APA, 5 U.S.C. § 706.

### **Specific Legal Requirements for this Project & Detailed Explanation:**

Big Cypress is an extraordinary and unique national treasure. The Preserve serves as a large natural reservoir and nutrient filter, permitting natural biological processes to nourish diverse ecological communities distinctive to South Florida. The Preserve also has an exceptional concentration of rare and protected species of plants and animals, including the Florida Panther, which has been federally listed as “endangered” since 1967.<sup>1</sup> The NPS has recognized that “[t]he Florida Panther is perhaps the most sensitive natural resource in south Florida... any action that led to losses of individual panthers, their prey, or the quality of Panther habitat would contribute to the loss of the species as an ecological and genetic resource.”<sup>2</sup>

### **Big Cypress Establishment Act**

The enabling legislation states that the Preserve, as a unit of the national park system, is to be managed in a manner that will ensure its “natural and ecological integrity in perpetuity.”<sup>3</sup> Big Cypress was established by Congress in 1974 to “assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the state of Florida and to provide for the enhancement and public enjoyment thereof.”<sup>4</sup> Thus, the natural and ecological integrity of the Preserve is the fundamental value that Congress directed the NPS to protect.

NPS states in the Project Background that closing the Addition to hunting since its acquisition is “inconsistent with the enabling legislation for Big Cypress National Preserve.” However, the enabling legislation specifically states that “The Secretary... may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection and management, or public use and enjoyment.” Congress further directed the Secretary of the Interior to administer the Preserve lands “as a unit of the National Park System in a manner which will assure their natural and ecological integrity in perpetuity...”<sup>5</sup> Of particular pertinence here, the statute directs the

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<sup>1</sup> Recognizing that certain species of plants and animals “have been so depleted in numbers that they are in danger of or threatened with extinction,” Congress enacted the ESA to provide both “a means whereby the ecosystems upon which endangered and threatened species depend may be conserved, [and] to provide a program for the conservation of such endangered species and threatened species.” 16 U.S.C. § 1531. The ESA reflects “an explicit congressional decision to afford first priority to the declared national policy of saving endangered species.” *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 185 (1978).

<sup>2</sup> NPS, General Management Plan: Final Environmental Impact Statement, Vol. I, at 3 (1991)(“EIS”) at 259.

<sup>3</sup> Big Cypress Establishment Act, 16 U.S.C. §§ 698f and 698i.

<sup>4</sup> 16 U.S.C. § 698f(a).

<sup>5</sup> 16 U.S.C. § 698i(a).

Secretary to develop “rules and regulations” which are “necessary and appropriate to limit or control” potentially destructive practices on the preserve, specifically including “hunting, fishing, and trapping.”<sup>6</sup>

The ability to control an activity which is causing or has the potential to cause harm to natural resources or interfere with public use and enjoyment is central to all NPS legislation and policy. NPS has the authority to close any area of the Preserve in order to protect natural resources and/or ensure that public use and enjoyment can take place unimpeded. In fact, hunting in BICY can be more accurately described as an “allowable” activity which can only take place under conditions where resources and the public’s right to enjoy these resources unimpaired is protected. The Senate and House reports that comprise part of the Preserve’s legislative history both state that “[the Preserve] will be managed in a manner which will assure its return to the true wilderness character which once prevailed.<sup>7</sup> In establishing the Preserve, Congress stressed that “public uses and enjoyment would be limited to activities where, or periods when, such human visitation would not interfere with or disrupt the values which the area is created to preserve.”<sup>8</sup> One of the House sponsors of the legislation explain that the “ecosystem of the Big Cypress area is fragile indeed and must be given every protection is we are to avert the elimination of the wildlife forever.”<sup>9</sup>

### **National Park Service Organic Act**

As a part of the National Park System, the Preserve must also be managed to achieve the fundamental purpose of the National Park Service Organic Act of 1916 (hereafter Organic Act). The Organic Act requires the NPS to “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”<sup>10</sup> Congress, recognizing that the enjoyment by future generations of the national parks, can be ensured only if the superb quality of park resources and values is left unimpaired, has provided that when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant.

### **Additional Regulations**

Under additional regulations published in 36 CFR 1.5 describing NPS responsibilities, the superintendent has the authority to limit public use based on the determination that such action is necessary to maintain public safety and health, protect the environmental or scenic values, protect natural or cultural resources, aid scientific research, implement management responsibilities, provide equitable allocation and use of facilities, or avoid conflict among visitor use activities. The superintendent may limit public use through closures, by restricting times and areas of use, or by imposing conditions on the use.

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<sup>6</sup> 16 U.S.C. § 698i(b).

<sup>7</sup> U.S. House of Representatives 1973; U.S. Senate 1974.

<sup>8</sup> H. Rep. No. 502, 93<sup>rd</sup> Cong., 1<sup>st</sup> Sess. 7 (1973).

<sup>9</sup> 119 Cong. Rec. H32838 (Oct. 7, 1972) (Statement of Rep. Fuqua).

<sup>10</sup> 16 U.S.C. §1.

The Visitor Services Projects conducted on behalf of NPS and the Preserve in 2007 indicated that visitors in the Addition preferred such activities as hiking, camping, wildlife viewing, fishing, canoeing, bird watching, biking and hiking, while only 4% planned to hunt. Clearly, the vast majority of users are non-hunters. Opening this 146,000 acre area to hunting while 582,000 acres already allow for hunting hardly provides for “equitable allocation and use of facilities” of the Preserve. Nor does it seek to “avoid conflict among visitor use activities.” Instead, it reserves the entire Preserve almost entirely for hunting at the expense of those current users of the Addition that do not engage in hunting and seek a different type of experience. If the NPS chooses Draft Alternative #1 or 3, it will choose a course of action that benefits a negligible minority. Furthermore, for these very reasons, the NPS must consider closing the BICY, in its entirety, to hunting to achieve broader conservation and species protection goals and objectives.

### **National Environmental Policy Act & Endangered Species Act**

The National Environmental Policy Act of 1969 (NEPA) requires agencies to undertake an assessment of the environmental effects of their proposed actions prior to making decisions. Major purposes of this requirement are to encourage more informed decisions and citizen involvement, both of which will ideally lead to the implementation of NEPA’s policies.

NEPA requires each federal agency to prepare and circulate for public review and comment a detailed Environmental Impact Statement (EIS) prior to undertaking any major federal action significantly affecting the human environment.<sup>11</sup> The EIS ensures that the agency will have available and will carefully consider detailed information concerning significant environment impacts in reaching its decision and it guarantees that the relevant information will be made available to the public and other governmental agencies that may play a role in the decision-making process and in the implementation of the decision.

The Draft Alternatives #1 and 3, as they currently exist, would not be in compliance with NEPA because opening up the Addition to hunting will have significant impacts on Big Cypress and the Florida panther. Potential impacts warranting an EIS include disturbance to wildlife (including the endangered Panther) and destruction of wildlife habitat. NPS’ actions under Draft Alternatives #1 and 3 will thus significantly affect the quality of the human environment. The same concerns are applicable to Alternative 2 since it would allow hunting to continue in the majority of BICY continuing to adversely disturb and impact the Florida panther, other imperiled species, and non-imperiled species that the NPS is, nevertheless, required to protect.

The Florida Panther (*Felis concolor coryi*) population represents the last known members of a sub-species that once roamed much of the southeastern United States. The population is now isolated to southernmost Florida and is estimated at fewer than 100 adults and immature panthers. As a result of land development and road-building in the panther’s current range – an area smaller than five percent of its historic range – FWS has identified the Panther as a subspecies with a significant threat of extinction.<sup>12</sup> The conservation of remaining Panther

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<sup>11</sup> 42 U.S.C. § 4332(2)(C).

<sup>12</sup> FWS, Technical/Agency Draft Florida Panther Recovery Plan 5 (3<sup>rd</sup> rev. Jan 2006).

habitat is crucial to the panther's survival. The FWS has concluded that "[c]ontinued deterioration, fragmentation, loss of habitat, and further reductions in the current extent of the occupied range will likely reduce the south Florida population below the level necessary for demographic and genetic health."<sup>13</sup>

Of the estimated 2.2 million acres of viable habitat for the Panther in southern Florida, over 25% lies within Big Cypress. Panthers traverse the Preserve's diverse terrain in search of prey and to den. Big Cypress is considered by Panther experts as the species' "primary zone" – land that, if preserved, will contribute most to the long term persistence of the species in the wild. The Bear Island Unit, located in the northwest corner of the Preserve, has an especially high concentration of Florida panthers and has the highest proportion of preferred Panther habitat within the original Preserve boundaries.

It is generally agreed that this area of Florida is not ideal deer habitat and that the carrying capacity is low compared to other areas in the State.<sup>14</sup> As a result, both the hunters and panthers may be competing for deer if Draft Alternatives #1 or 3 are implemented.<sup>15</sup> Since 2001, the deer population has undergone a steady and significant decline; 393 deer were counted in 2001 during a summer survey conducted in Zone 4 of the Stairsteps Unit of Big Cypress, and those numbers have declined to 18 in 2009 and a mere 4 in 2010. This low deer population is critical because they are the preferred food base for panthers, and female panthers in particular must have a readily available source of food to support their offspring.<sup>16</sup> These numbers simply do not add up to a sustainable harvest by hunters that is even remotely compatible with the health of the existing panther population. Without enough resources, young panthers may become susceptible to feline diseases and growth disorders, and may never reach breeding age.<sup>17</sup> Given that there will be negative impacts to the Florida panther from prey removal, it is unclear why the NPS' precautionary principle and the more protective measures of the Endangered Species Act have not been triggered in this case.

The Florida panther and its habitat are also currently under siege across its entire remaining (and dwindling) range in south Florida. Only 6 miles from the Addition, Florida Power and Light has just purchased 3000 acres of primary panther habitat to construct the nation's largest fossil fuel plant. To the west of the Preserve, Collier County is pushing for a new interchange off I-75 which would isolate significant panther habitat near the Picayune Strand State Forest from the Florida Panther National Wildlife Refuge.

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<sup>13</sup> FWS, Biological Opinion on Impacts of ORV Management Plan to Endangered Species in Big Cypress National Preserve (July 14, 2000).

<sup>14</sup> U.S. Fish and Wildlife Service's (FWS) 1985 Biological Opinion on the construction of I-75 through the heart of the Addition Lands; *see also* Personal Communication with Wesley Seitz, Public Hunting Areas Biologist, FWS, August 2008.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

In addition, the introduction of public hunting in the Addition and/or continuation of hunting throughout the majority of BICU will likely negatively impact crucial habitat for the Florida panther and other species. In 1991, the NPS found that “the decline of the Florida Panther has been attributed to the loss of habitat quality due to increased hunting [and] ORV use.”<sup>18</sup> This finding is supported by the fact that “panthers tend to leave the Bear Island unit in the preserve during hunting season.”<sup>19</sup>

Furthermore, protecting Florida panther habitat also benefits numerous rare and listed species which share the same area, such as eastern indigo snakes, fox squirrels, liguus tree snail, royal palm, cigar orchid and Florida black bears – in total 96 species of plants listed by the state of Florida as threatened or endangered and 31 listed animal species (6 listed by the federal government as endangered or at risk of extinction). Additional hunting will necessarily bring high impact recreation into the area and interfere with passive recreationalists using the area for hiking, photography, bird and native plant observation.

Conversely, not allowing hunting in the Addition carries numerous benefits:

- It allows for less stress and better quality habitat and food supplies for the Florida panther in its most heavily occupied range within the Preserve;
- It allows for a “recharge area” for panthers, game and other animals throughout the Preserve;
- It provides a much-needed baseline for further research in the Preserve for hunted and non-hunted areas; and
- It continues to allow passive recreationalists, residents, and other visitors the opportunity to experience the Addition in its current condition.

Furthermore, a certain amount of illegal hunting takes place currently in the Addition even though this activity is strictly off limits. NPS – already incapable of managing this illegal activity under current conditions – will be hard pressed to control any additional increase in illegal hunting brought by implementing Draft Alternatives #1 or 3. In addition, these proposed Draft Alternatives could result in increased human disturbance in panther habitat in the Addition. The greatest increase in disturbance in known or potential panther habitat would be due to increasing the opportunity for public access for hunting – a mobile activity that is widespread in its potential impacts.

### **Specific Concerns re: Draft Alternatives**

#### **1. Draft Alternatives are Incomplete and Premature:**

The NPS has identified three alternatives in its scoping brochure. Considering the magnitude of this plan – developing a new Plan for the entire preserve – the NPS has acted prematurely in

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<sup>18</sup> Game Management Plan at 231 (1991).

<sup>19</sup> *Id.* at 179 (1991).



developing such alternatives. Alternatively, it should have initiated the scoping process without even contemplating the content of the EA. Upon consideration of scoping comments, the NPS should have identified alternatives that would respond to the public's concerns and provide a second participation opportunity to allow the public to review and comment on the proposed alternatives. At a minimum, the NPS should have explicitly solicited comments on the alternatives identified in the scoping brochure to make clear that they said alternatives were subject to modification or even removal if, through public comment, improved alternatives were identified.

Not only has the NPS acted prematurely in identifying alternatives – thereby suggesting that it may have predetermined the outcome of this planning process, but its alternatives are incomplete as there is no true no-action alternative. Admittedly, NEPA permits an agency to use the status quo as its no-action alternative in a NEPA document. In this case, however, since the overall purpose of the action is to develop a new Hunting Management Plan for the entire BICY, the NPS should have included a no-action/no-hunting alternative. Even if the NPS claims that such an alternative is not consistent with the BICY enabling legislation – a claim that is highly dubious – it still should have included such an alternative to permit the public to compare the environmental impacts of any action alternative with a true no-action/no-hunting alternative.

Furthermore, not only has the NPS acted prematurely in even identifying alternatives at this stage of the planning process and failed to include a true no-action alternative, but it also misidentifies the alternatives that are included in the scoping brochure. Inexplicably, the NPS identifies Draft Alternative #11 as the no-action alternative even though it would expand current hunting management to the Addition lands; which is not consistent with maintaining the status quo. Draft Alternative #2, which would allow hunting to continue on the BICY but not expand it to the Addition lands, is the actual status-quo alternative that, absent a true no-action alternative, should have been identified as the no-action alternative.

## 2. The NPS has Prematurely Identified Management Objectives:

For the same reasons articulated above, the NPS has prematurely developed management objectives without providing the public with an opportunity to participate in that decision-making process. Again, at a minimum, the NPS should have explicitly requested comments on the proposed management objectives so that the public would know that they were open for review and reconsideration. Ideally, however, the NPS should have withheld disclosing its proposed management objectives until after it had considered all scoping comments.

## 3. The Plan may Violate Federal Law and the Proposed Preparation of an EA on the Plan may not be Legally Sufficient:

As written the plan falls far short of what is legally required in NEPA and other statutes.

It is unclear if the NPS can or will provide the level of analysis in its Draft EA that this issue clearly requires. Instead, and recognizing the significance factors contained in the NEPA regulations – the very factors that a federal agency is supposed to evaluate to determine if an action requires review in an EIS, many of which are met or exceeded by this action – the NPS should forego preparation of an EA in favor of a more comprehensive analysis in an EIS. In addition, AWI is concerned that the proposed Draft Alternatives #1-3 are not in compliance with the Big Cypress Establishment Act (16 U.S.C. §§ 698f and 698i), The National Park Service Organic Act (16 U.S.C. §1 et seq), or the Endangered Species Act (16 U.S.C. § 1531 et seq.) given that Draft Alternative #2 permits hunting to continue in the majority of the BICY.

**SPECIFIC RECOMMENDATIONS & ADDITIONAL ALTERNATIVES (QUESTION 2 & 4):**

In regard to the issues to be consider in the Draft EA, in order to meet NPS mandates and to provide the level of analysis required by NEPA, NPS must include in its pending Draft EA the following information/analyses:

1. A comprehensive review of NPS statutes, regulations, and policies regarding wildlife and wildlands management for BICY. This review must include information on the historical and current interpretation of the natural regulation mandate and an analysis of court opinions relevant to national park management including the NPS decision to permit hunting in BICY.
2. A comprehensive review of the history of the Florida Panther and its management. This review must include the alleged origins of these panthers, how they were managed prior to the creation of BICY, how hunting including hunter access to BICY impacts panthers, exhaustively discuss other threats (natural and anthropogenic) to the panther, and how opening the Addition to hunting will affect the panther ecology and biology and panther habitat.
3. A comprehensive analysis of all animals that are hunted within BICY or that may be hunted in the addition. NPS needs to provide information about the biology, ecology, population estimates, population trends, and threats (natural and anthropogenic) for each species.
4. Full disclosure of all federally and state listed threatened and endangered species inhabiting BICY, and the status of each population within BICY, regionally and nationally. NPS must provide indisputable evidence, if available, documenting any alleged impacts of hunting on those listed species while also disclosing any other natural or anthropogenic factors that could be affecting the survival, abundance, and/or reproduction of those species. Such factors may include impacts from BICY visitors thereby requiring an analysis of visitation trends, visitor use of BICY, and the potential inadvertent or intentional impact of visitors on such imperiled species as a result of their use of the BICY (i.e., hiking, picnicking, bird watching, wildlife observation).
5. Disclose climatic data such as precipitation trends, extreme weather events (i.e., drought, extreme cold), and the frequency and severity of storms must also be disclosed along with an

analysis of the impact of such events on all species, including imperiled species, and their habitats.

6. A comprehensive evaluation of the biology and ecology of Florida Panthers on BICY. This evaluation must include information about the productivity, survival, mortality factors, age and sex structure of the population, habitat use patterns, distribution, movement patterns, and forage preferences for the panthers along with information about the impact of BICY visitors on panthers. All relevant data on panther-human conflicts must be disclosed along with NPS regulations and policies regarding visitor interaction with the panthers, educational efforts employed by NPS to minimize adverse interactions, and law enforcement data reflecting citations or fines levied against visitors who violate NPS rules/policies intended to protect panthers and/or prevent human-panther conflicts.

7. As required by NEPA, the NPS must identify and evaluate a reasonable range of alternatives. Such alternatives should evaluate different options for achieving the NPS objectives or goals for the management of BICY. At least one of the alternatives must be a no-action alternative. The no-action alternative can either be a true no-action strategy where no-hunting is permitted in the entirety of the BICU or a status-quo alternative which maintains current management strategy (no hunting in the Addition).

8. The NPS must provide a rational explanation for the need to open up the Addition to hunting at all given that closing off the Addition to hunting is not inconsistent with BICY's enabling legislation and given that hunting has never been allowed in the Addition since its acquisition. More broadly, the NPS must also provide an explanation as to why hunting should continue in the BICY at all.

9. Provide a detailed economic analysis. This analysis must include a detailed short and long-term cost benefit analysis comparing and contrasting the cost of the no-action or status quo alternatives with the cost of any other BICY management strategy evaluated in the Draft NEPA document. Such an analysis must be comprehensive and consider all costs of any BICY management strategy including the impact on the legal and social precedent set by such a decision, the impact on visitors to BICY, the impact to the value of the panther population (i.e. scientific, ecological, cultural, aesthetic), and the impact to the values of the park. A contingent valuation methodology or some similar economic impact measurement tool must be used to perform this analysis. It must be noted, however, that because BICY is a federal park supported by federal tax dollars, cost must not be used as the sole basis for rejecting an alternative that may best protect BICY, its wildlife, and the preservation-based statutes, regulations, and policies of the NPS.

Finally, AWI strongly encourages the NPS to make available all records (e.g. correspondence, memoranda, studies, e-mails, reports, documents, and data) that it intends to rely on in the Draft NEPA document on the website set up to provide information to the public about this project. This will enable interested parties to easily access and evaluate all such records in order to

promote and enhance the public's ability to both evaluate the evidence being used by the NPS and to produce informed and substantive public comments in response to the Draft NEPA document. The process is likely to be controversial; therefore such a website would also provide a level of much-needed transparency.

**Conclusion:**

Thank you for providing this opportunity to comment on the Plan and for considering these comments. Please send any future correspondence or information about the Plan to: Tara Zuardo, Wildlife Program Associate, Animal Welfare Institute, 900 Pennsylvania Ave., SE, Washington, DC 20003.

Sincerely,

A handwritten signature in cursive script that reads "Tara Zuardo".

Tara Zuardo  
Wildlife Program Associate

**Resources:**

NPS, General Management Plan: Final Environmental Impact Statement, Vol. I, at 3 (1991).

FWS, Technical/Agency Draft Florida Panther Recovery Plan 5 (3<sup>rd</sup> rev. Jan 2006).

FWS, Biological Opinion on Impacts of ORV Management Plan to Endangered Species in Big Cypress National Preserve (July 14, 2000).

U.S. Fish and Wildlife Service's (FWS) 1985 Biological Opinion on the construction of I-75 through the heart of the Addition Lands.