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Florida Panther NWR  
Care of CCP Comments  
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Greetings:

South Florida Wildlands Association (SFWA) appreciates the opportunity to submit these comments with regard to possible revisions to the Comprehensive Conservation Plan (CCP) for the Florida Panther National Wildlife Refuge (FPNWR).

SFWA is a 501c3 non-profit organization founded in 2010 to protect remaining wildlife populations, habitat and wilderness in the Greater Everglades.

Chosen by schoolchildren in 1982 as Florida's State Animal, the Florida panther was first listed as an endangered species by the State of Florida in 1958 - only eight years after the state had listed it as a game species. The federal government first listed the panther as endangered in 1967. It was later made a part of the "freshman class" of the 1973 Endangered Species Act.

According to the Florida Fish and Wildlife Conservation Commission (FWC), major threats to the panther's survival include habitat loss, habitat fragmentation, and insufficient large prey. The FWC estimates that there are approximately 100 to 160 adult panthers currently living in a single breeding population in Southwest Florida. According to the FWC's "Pantherpulse" website, 20 panthers died in 2013, 27 died in 2012, and 22 have died to date in the first nine months of 2014. An examination of the tables quickly shows collision with motor vehicles as the leading cause of death for Florida panthers, followed by "intraspecific aggression" or panther on panther fights to the death. And while panther numbers have increased in recent decades - thought to be the result of the temporary importation of eight female Texas cougars in 1995 which resulted in a healthier genetic diversity - virtually all panther scientists agree that the existing panther habitat in southwest Florida is either at or above carrying capacity for the species. No critical habitat for the panther has been designated. Habitat in the primary and secondary zones of the panther continues to be lost to development.

SFWA is opposed to any substantive changes to the management of the FPNWR. Given the precarious state of the panther in the only breeding range which currently exists - and given the rate of new development in central and northern Florida is ever likely to exist -

we believe that highly protective management of the refuge should continue as is with no new access beyond that which is already available on the trails in the southeast corner of the refuge. Hunting or off-road vehicle use should remain off-limits and no change should be made to the refuge's stated goal of acquiring all mineral rights on lands inside refuge boundaries. These positions are consistent with the described purpose of the refuge.

According to the document which created the Florida Panther National Wildlife Refuge (Fakahatchee Strand: A Florida Panther Habitat Preservation Proposal, April, 1985, U.S. Fish and Wildlife Service, Atlanta, GA), the "major reason for the preservation of land bordering the FSSP [Fakahatchee Strand State Park] is to protect an ecosystem essential to the survival of the Florida Panther." (page 3) The same document describes management of the proposed refuge as follows:

"The primary management objectives of the refuge would be to protect and enhance native habitats for the Florida panther." (page 12)

The current refuge brochure elaborates on the above points in the following sections:

#### Introduction

"Florida Panther National Wildlife Refuge was established in June 1989 under the authority of the Endangered Species Act to protect the Florida panther and its habitat."

#### Habitat Management

"All habitat management activities on the Refuge benefit the Florida panther and are intended to improve, restore, and maintain optimal conditions for the panther and the other plants and animals that depend on healthy native habitats."

#### Public Use Opportunities

"Public access to the refuge is very limited because various outdoor recreational activities could disturb panthers and their prey, which would be inconsistent with the refuge purpose of providing optimal panther habitat and protection."

#### Purposes of Florida Panther NWR

"Established in 1989 and encompassing 26,605 acres, Florida Panther NWR's purposes are: to conserve fish, wildlife, and plants which are listed as threatened or endangered species (Endangered Species Act of 1973) and for the development, advancement, management, conservation, and protection of fish and wildlife resources (Fish and Wildlife Act of 1956). Two key Service documents played a strong role in defining the purposes of Florida Panther NWR, which prioritize the protection and recovery of the Florida panther: (1) the 1985 Fakahatchee Strand Environmental Assessment, which clearly states that the refuge area should be acquired for the benefit and recovery of the

endangered Florida panther and (2) the 1995 and subsequent 2008 revision of the Florida Panther Recovery Plan, which states that the refuge is essential to the survival of the Florida panther and that the refuge should enhance habitat conditions for the panther and its prey species."

With regard to hunting, the current Florida Panther Recovery Plan (U.S. Fish and Wildlife Service. 2008. Florida Panther Recovery Plan - *Puma concolor coryi* - Third Revision. U.S. Fish and Wildlife Service. Atlanta, Georgia. 217pp.) has this to say:

"There is the potential for disturbance to panthers from recreational uses on public lands. Maehr (1990a) reported that indirect human disturbance of panthers may include activities associated with hunting and that panther use of Bear Island (part of BCNP) is significantly less during the hunting season. Schortemeyer et al. (1991) examined the effects of deer hunting on panthers at BCNP between 1983 and 1990. They concluded that, based on telemetry data, panthers may be altering their use patterns as a result of hunting.

"Janis and Clark (2002) compared the behavior of panthers before, during, and after the recreational deer and hog hunting season (October through December) on areas open (BCNP) and closed (FPNWR, FSPSP) to hunting. Variables examined were: (1) activity rates, (2) movement rates, (3) predation success, (4) home range size, (5) home range shifts, (6) proximity to ORV trails, (7) use of areas with concentrated human activity, and (8) habitat selection.

"Responses to hunting for variables most directly related to panther energy intake or expenditure (i.e., activity rates, movement rates, predation success of females) were not detected. However, panthers reduced their use of Bear Island, an area of concentrated human activity, and were found farther from ORV trails during the hunting season, indicative of a reaction to human disturbance. Whereas the reaction to trails was probably minor and could be related to prey behavior, decreased use of Bear Island most likely reflects a direct reaction to human activity and resulted in increased use of adjacent private lands."

Thus there is at least potential for harm to the species the refuge was created to protect.

The Refuge Recreation Act of 1962, 16 U.S.C. 460k-460k-4 (Refuge Recreation Act) requires that any recreational use of a national wildlife refuge must be compatible with the primary purposes for which the refuge was established. Recreational hunting or off-road vehicle use is clearly not a part of that purpose.

The Act also discusses "compatible use." "A proposed or existing wildlife-dependent recreational use or any other use of a national wildlife refuge that, based on sound professional judgment, will not materially interfere with or detract from the fulfillment of the National Wildlife Refuge System mission or the purposes of the national wildlife refuge."

As stated above, there is in fact potential for harm to the panther's prey base from recreational hunting and disturbance to the species itself from hunting at any level. Yet, at both the public meeting and the smaller stakeholders meeting SFWA attended at the refuge satellite headquarters in Naples earlier this year, there appeared to be a significant number of stakeholders from the hunting community who wished the refuge manager to find hunting to be "compatible" with the purpose for which the refuge was established. SFWA believes that determination would be a mistake. There is the possibility that the activity can in fact "materially interfere" with the mission of the FPNWR, and a number of factors should be considered.

The prey base for panthers in South Florida appears to be shrinking. This is consistent with information shared at a meeting on panther recovery recently held at the Archibald Biological Station. Ranchers in the vicinity of the refuge unanimously told FWC, FWS and NPS staff present that the reason for the uptick of panther predation on their livestock was a complete lack of panther prey species - e.g. deer and hogs - on private ranch lands. These observations on panther prey were made by people who have lived in the area their entire lives and should not be discounted. This quotation from the current Florida Panther Recovery Plan is clear on the need to protect the panther's prey base:

**"1.1.3.2. Ensure that panthers and their prey are adequately considered and provided for in management of public lands.** Management of public lands should include, but is not limited to, restoration and maintenance of natural habitat through prescribed fire, invasive plant control, regulation of ORV use as appropriate, restoration and maintenance of hydrologic quality and quantity, and regulation of recreational hunting to ensure that it does not negatively impact the panthers' prey base."

Aside from possible harm to panthers and their prey base, a decision to open up the panther refuge to hunting is also completely unnecessary. As required by Florida state law, the Florida Department of Environmental Protection conducts surveys on outdoor recreation. The section below from the relevant statute describes the purpose for this recreational assessment:

#### **375.021 Comprehensive multipurpose outdoor recreation plan.--**

- (1) The department is given the responsibility, authority, and power to develop and execute a comprehensive multipurpose outdoor recreation plan for this state with the cooperation of the Department of Agriculture and Consumer Services, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Florida Commission on Tourism, and the water management districts.
- (2) The purpose of the plan is to document recreational supply and demand, describe current recreational opportunities, estimate the need for additional recreational opportunities, and propose means for meeting identified needs. The plan shall describe statewide recreational needs, opportunities, and potential opportunities.

In addition, the current survey (Outdoor Recreation in Florida 2013 - A Comprehensive Program for Meeting Florida's Outdoor Recreation Needs) lays out the following rationale for the plan:

"the plan is intended to fulfill the requirements of the Land and Water Conservation Fund Act of 1965 (P.L. 88-578), which was established to create parks and open spaces, protect wilderness, wetlands and refuges, preserve wildlife habitat and enhance recreational opportunities. Under this program, Florida receives matching grants to acquire and develop outdoor recreation lands and facilities. Within the plan, the following issues are required to be addressed in accordance with federal planning requirements:

- Evaluate demand for and supply of outdoor recreation resources and facilities;
- Conduct studies periodically to estimate and analyze outdoor recreation demand;
- Provide ample opportunity for public participation involving all segments of the population;
- Address current wetland protection strategies as required by the Emergency Wetlands Resources Act of 1986 (P.L. 99-645);
- Identify state and national outdoor recreation trends and initiatives;
- Develop and implement an "Open Project Selection Process" for Land and Water Conservation Fund grants.

The report contains a great deal of information relevant to outdoor recreation in Florida. With respect to the question of opening the refuge to public hunting, a couple of sections seem relevant. In a chart in chapter 3 of the publication, the DEP lists outdoor recreational lands by type. Of the 10,244,270 acres of land available for recreation, 5,428,196 acres are already accessible by hunters - the largest use category by far. Nothing else comes close. And only last week, the FWC approved an additional 147,000 acres of land to be opened to public hunting in the Addition Lands of the Big Cypress National Preserve - only a short distance from the refuge itself. It should also be noted that with that decision, that leaves only the Florida Panther NWR as the only one of three areas selected for an upcoming panther deer study to be carried out jointly by the FWC and the University of Georgia that will not be hunted. SFWA also lost its case today on the opening up of the Addition Lands to off-road vehicles. It is essential for this study and all future research that this land remain as is - off-limits to both recreational hunting and vehicle use - for the purpose of establishing a baseline condition.

This information should be coupled with data from two other agencies. According to the FWC's chart of public hunting areas in Florida (attached), south Florida contains 22 separate hunting areas and millions of acres of land that are already available for hunters. More than any other region of the state. The U.S. Fish and Wildlife Service lists 175,000 licensed hunters in a state of approximately 20 million residents. Under 1 percent of the state population actually hunts.

It is no surprise then that in FDEP's chart "Comparing Regional Levels of Service to Statewide Median", the agency found that hunting in Southeast Florida (the region in which the refuge is located for the purpose of this FDEP study) is already "above the statewide mean." Ironically, it found opportunities for "nature study" below the statewide mean in south Florida.

Given the threats to the panther from new development, the refuge could utilize its resources to better educate the public - including elected officials and decision makers - as to panther conservation rather than expend resources to further a recreational activity that is already more than adequately met in the region.

A final note. The region in which the Florida panther is biologically rich. The Fakahatchee, of which the refuge is hydrologically and ecologically connected, is often referred to as the "Amazon of North America." Dr. Jim Burch, botanist at the Big Cypress National Preserve, has referred to the Big Cypress region as quite possibly the most biodiverse piece of land in the continental United States (personal communication). The Florida panther is an "umbrella species" as well as a "keystone species" - protection of the panther benefits the entire Big Cypress ecosystem and all species of plants and animals that live within it. Yet for all its biological richness, threats to the panther are never ending. Inside and in the immediate vicinity of the refuge alone, threats are numerous. They include:

1. Oil exploration. An oil well was recently proposed for less than a mile from the refuge's western border as part of a lease that included approximately half of the refuge's land. While that company - the Dan A. Hughes Company - has since severed its relationship with Collier Resources on this land, the underlying owner still retains the mineral rights and is likely to exercise them again in the future.
2. There is a massive "Town of Big Cypress" planned for the western border of the refuge - occupying land that is currently contiguous with the refuge and that is well used by panthers in the vicinity.
3. There are plans to widen SR 29 - the road which separates the eastern side of the refuge from the Big Cypress National Preserve. This road is ground zero for panther roadkill in the state.

At this time, South Florida Wildlands Association urges the management of the Florida Panther National Wildlife Refuge and the U.S. Fish and Wildlife Service not to make any changes that could undermine protection for the panther and its habitat. We further urge the service to redouble its efforts in educating the public about the dire threats to Florida's State Animal. In numerous Biological Opinions written for the panther, the Service estimates that panther habitat in the primary zone continues to shrink at approximately one percent per year. That is an unacceptable rate of loss and one that will inevitably lead to the panther's extinction. It is also an unacceptable result.

Thank you for your consideration of these comments.

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