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Big Cypress National Preserve Second Revised Draft Hunting Management Plan / Environmental Assessment

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February 14, 2013, 11:44 PM Mountain Time

Park:	Big Cypress National Preserve
Project:	Hunting Management Plan/EA
Document:	Big Cypress National Preserve Second Revised Draft Hunting Management Plan / Environmental Assessment

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Comments:

South Florida Wildlands Association (SFWA) appreciates the opportunity to once again submit comments on the Hunting Management Plan (HMP) for the Big Cypress National Preserve. Our organization has so far submitted scoping comments as well as comments on the draft plan and the revised draft plan. We incorporate all three sets of comments by reference to these most recent comments on the Second Revised Draft Hunting Management Plan.

The very fact that NPS has now written and shared with the public for comment three versions of this plan clearly indicates that this project is anything but routine for the agency. The most salient feature of the HMP - the opening of the 146,000 Addition Lands of the Big Cypress National Preserve to public hunting for the first time in history - is complex and completely unprecedented. It could also have major consequences for endangered species - particularly the endangered Florida panther - and for the human visitors, none of whom currently use the Addition for the purpose of hunting and who have expressed strong reservations about this major federal action. As stated in the current HMP (page 4) - "The Addition has never been open to public hunting either before or after its acquisition."

In our comments on the first revised Hunting Management Plan, we made the following points regarding the HMP in relation to the National Environmental Policy Act (NEPA). Nothing we have seen in the latest Environmental Assessment has changed our point of view that the Hunting Management Plan for the Big Cypress National Preserve is seriously flawed regarding compliance with NEPA. We include that section of our comments in these latest comments in their entirety:

The Revised Plan/EA and the National Environmental Policy Act (NEPA)

Upon review, SFWA finds that the Revised Plan/EA is flawed, in that it fails to comply in several respects with the requirements of the National Environmental Policy Act (NEPA) and Federal regulations implementing NEPA found in 40 CFR Part 1508.

(1) NPS should have prepared an EIS, instead of an EA, because:

a. Opening a 147,000-acre parcel of public land that NPS concedes has never been open to public hunting rises to the level of a major federal action with significant environmental impacts.

b. The preferred alternative implicates at least one significance factor, found at 40 C.F.R. § 1508.27, any of which, standing alone, trigger the agency's legal obligation to prepare an EIS:

i. 40 C.F.R. § 1508.27(b)(2) – The proposal affects the "safety" of visitors, particularly non-motorized users of the Addition where there has never been public hunting. A 1999 study of visitors to the Preserve found that the top reason given for feeling unsafe in the Preserve was the presence of hunters (Revised Plan/EA, p. 103, Table 3-6).

ii. 40 C.F.R. § 1508.27(b)(3) – The proposal will affect unique areas of the Big Cypress Swamp, particularly in the Addition which has never been open to public hunting, implicating "[u]nique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas."

iii. 40 C.F.R. § 1508.27(b)(4) – The proposal is "highly controversial" because it allows, for the first time, public hunting that will impair the experience of non-motorized users of the Addition.

iv. 40 C.F.R. § 1508.27(b)(5) – The effects of the proposal, particularly in the Addition where the available data indicate that the number of deer are lower than the quota level being permitted by NPS, are "highly uncertain." The Revised Plan/EA contains multiple references to the unreliability of the data on the deer population and the deer harvest in the Preserve, contributing substantially to the high level of uncertainty about the impact of the proposal. "All check station information is specific to those deer that are brought in by hunters to the check station. Aerial monitoring has been used to estimate deer population density in some management units (Garrison et al. 2009) and land cruise surveys have been conducted in the northern Addition (Garrison et al. 2009), but the methods are challenging to execute." (Revised Plan/EA, p. 38). "Annual deer population estimates are derived from the above-referenced check station information and aerial surveys. Both of these methods are challenged by partial observability in the sense that neither are complete censuses of the deer population." (Revised Plan/EA, p. 40). "There is no existing plan for explicitly estimating the observability of harvested deer in the check stations (i.e. what fraction of harvested deer is measured in the check stations?)." (Revised Plan/EA, p. 40). "Data collected from aerial surveys and counts have limitations and have not allowed for complete and

accurate estimates of herd size in the entire Preserve to date. The NPS and the FWC are continuing research to develop a more effective method for monitoring the deer population." (Revised Plan/EA, p. 80). "Legal hunting does not seem to be a threat to deer populations in the Preserve, but the cumulative effect of legal and illegal hunting, environmental factors (e.g., extreme high-water events), and panther predation is unclear." (Revised Plan/EA, p. 81). "Partial observability will likely be an ongoing challenge to the adaptive management strategy. National Park Service and FWC scientists and managers are quite familiar with this aspect of monitoring deer populations in the Preserve." (Revised Plan/EA, Appendix D, p. 6).

v. 40 C.F.R. § 1508.27(b)(9) – The proposal will undoubtedly "adversely affect an endangered or threatened species," including the critically imperiled Florida panther and other listed species, because NPS is permitting hunters, for the first time ever, to hunt hogs and deer that are the primary prey source for panthers.

c. The fact that the Revised Plan/EA is 194 pages suggests that an EIS was the appropriate vehicle for dealing with the hunting management plan. See, e.g., Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026, 18037 (1981) (the CEQ has instructed that "[i]n most cases . . . a lengthy EA indicates that an EIS is needed" because it reflects that, at minimum, "it is extremely difficult to determine whether the proposal could have significant environmental effects."); see also Sierra Club v. Marsh, 769 F.2d 868, 874 (1st Cir. 1985) (Breyer, J.) ("To announce that these documents – despite their length and complexity – demonstrate no need for an EIS is rather like the mathematics teacher who, after filling three blackboards with equations, announces to the class, 'You see, it is obvious.' ").

(2) NPS's hunting quota for deer in the Addition (explained on p. 39 of the Revised Plan/EA as equaling approximately 757 deer annually) is not based on any available data indicating that this quota will allow for sustainable management of deer, consistent with panther management, particularly considering the Bozzo and other studies indicating far fewer deer exist in the Addition.

(3) The Revised Plan/EA violates NEPA by failing to adequately consider the adverse impacts of the proposal on non-motorized recreational users who have long used the Addition for hiking, photographing, bird watching, etc. without disturbance from hunting noise and safety concerns. This failure is particularly egregious since a 2007 study of visitors to the Preserve found that only 4% identified hunting as one of their activities in the Preserve (Revised Plan/EA, pp. 89-90, including Table 3-7 on p. 90).

(4) The Revised Plan/EA violates NEPA by skewing the no-action alternative, and thus the environmental baseline upon which all other alternatives are compared and judged in assessing their beneficial or adverse impacts, by using a no-action alternative that contemplates hunting in the Addition. The current status quo, and thus what must serve as the no-action alternative, is that there is no public hunting in the Addition. By failing to assess impacts against that baseline/backdrop, the entire effects analysis has been skewed and thus the public has not been properly

and apprised of the effects that the preferred alternative will cause in the Addition.

(5) Particularly because there will be significant impacts to endangered panthers, whose primary prey are deer and hogs which NPS for the first time is allowing to be hunted in the Addition, and further because the deer quota imposed in the Addition does not appear to be supported by available data, the Revised Plan/EA should be reopened once the U.S. Fish and Wildlife Service renders a final biological opinion so that the public can review the Service's data and conclusions with respect to panther and panther prey and comment on how that affects the preferred alternative as a long-term sustainable management action in the Preserve (including the Addition).

Hunting and the Florida panther.

We continue to be surprised and disappointed by NPS's assertion in the current version of the HMP that hunting is not expected to have a significant impact on the panther. In SFWA's comments on the General Management Plan for the Addition, we pointed to a variety of government sources which indicated that hunting is highly likely to impact the species and its food supply - and could in fact put panthers and recreational hunters in direct competition for game. We include that section of our comments on the GMP in their entirety as part of our comments on this second draft HMP. Although some of these comments relate to ORV use - which we understand is not the focus of this HMP - the two activities are so intertwined in the Big Cypress National Preserve that it becomes difficult if not impossible to separate them as far as impacts. However, most of these comments deal directly and specifically with the subject of future hunting in the Addition.

IMPACTS OF THE NPS PREFERRED ALTERNATIVE ON THE FLORIDA PANTHER

According to the GMP for the Addition, "The National Park Service has the primary responsibility for protecting the Florida panther (as well as other listed species) on lands under its jurisdiction." In laying out the qualities of good panther habitat, the GMP reports the following:

"In general, panther population centers appear to indicate a preference toward large, remote tracts with adequate prey, cover, and reduced levels of human disturbance. The GMP also reports on the strategies agencies involved in panther management believe are helpful in maintaining a healthy panther population. The agreed upon recommendations listed in the GMP are as follows:

• Reduce hunting pressure on panther prey species, especially deer and hogs.

• Improve habitat by using prescribed burns and habitat manipulation to increase deer browse.

• Regulate ORV use and other human activities more closely because of potential disturbance to panther habitat.

• Consider reintroducing panthers bred in captivity or translocating other Florida panthers to improve the genetic viability of the wild population.

• Continue and expand research on panther distribution, behavior, and health and on prey species status."

Again, increasing hunting pressure and introducing human disturbance into an area where little exists today is contrary to these recommendations. Whether the panther 'can handle' the anticipated impacts is very much up in the air and should immediately trigger application of the NPS's 'precautionary principle'. As stated in the current DOI Management Policies for the NPS:

"In cases of uncertainty as to the impacts of activities on park natural resources, the protection of natural resources will predominate."

As shown in the attached panther telemetry map featured in the ORVMP from the original preserve, the Addition Lands-especially the tract north of I-75-is one of the most important areas of panther habitat which remain. Numerous other maps have highlighted its importance over the years. It is remote, contains quality panther prey in the form of deer, hogs, and turkey, provides cover for denning, and currently is one of the least disturbed pieces of land in south Florida. Unfortunately, contrary to all the longstanding agency recommendations noted above, the preferred alternative fragments this habitat with roads, parking lots and a developed campground, increases hunting pressure on panther prey, reduces cover through disturbance to vegetation and soils, and greatly increases levels of human disturbance throughout the Addition.

The section below from the NPS Assessment of Big Cypress I-75 Recreational Access Plan conducted in January of 1994 is well worth reading in this context. It is especially important given the fact that in 2010, 23 panthers were reported killed by the FWC (16 by roadkill, 6 by intraspecific aggression, and one from causes unknown). Three of the cases of intraspecific aggression occurred in the preserve and two were in the Addition Lands north of I-75. While the release of Texas cougars into the existing Florida panther population has increased numbers and genetic diversity in the short run, the fact remains that panther habitat is shrinking by approximately 1% per year according to USFWS. As reported by the NPS in 1994, the long-term prospects for the panther are still not good.

"The proposed action 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 and ORV use; activities that are mobile and that are therefore widespread in their potential impacts.

The odds for the long-term survival of the Florida panther in the wild are not good. The human population in the region continues to increase, resulting in urban growth and expansion of the regional highway network into former panther habitat. The demand and use of panther habitat for outdoor recreation has also increased and

will continue to do so.

Conclusion

It is the determination of the National Park Service that the proposed action may affect the Florida panther and its habitat. Any action that decreases the wilderness qualities of the Everglades region impacts this species. The existing threats to the panther are interrelated and cannot be separated. The primary threat to the Florida panther has been human encroachment into panther habitat."

I have attached a compilation document to these comments with various statements and findings on the Florida panther. Over a period of many years, agencies responsible for management of Florida's state animal and the only big cat in the eastern United States have all expressed the same concerns about the impacts of motorized hunting on the panther population. Despite reaching a conclusion that somewhat contradicts all previous findings on the impacts of motorized hunting on panthers, it should also be noted that the FWS's Biological Opinion of the NPS preferred alternative does conclude: The determination of effect under Section 7 of the Endangered Species Act would be likely to adversely affect.

For Alternative F (no motorized recreation and maximum wilderness), the finding was 'not likely to adversely affect'.

Some words should also be said about the impacts of removal of panther prey in the Addition by hunting. In the U.S. Environmental Protection Agency's (EPA) comments to NPS on the agency's Draft Environmental Impact Statement (DEIS), the agency asked: According to the DEIS, the major food source for the Florida panther is the white-tailed deer. How will the white-tail deer hunting within the Addition be managed to insure it does not have an impact on the Florida panther's prey supply?

EPA also recommended that NPS reconsider Alternative F as the preferred alternative. Unfortunately, the answer to the question asked by the EPA is not dealt with in the Final EIS or in the FWS's Biological Opinion. However, in reading the NPS analysis of major games species in the Addition, it appears there will be negative impacts to the panther from prey removal. This section of the GMP points out the problem in the nutshell (and immediately begs the question as to why the NPS's precautionary principle is not triggered by these findings as well as the even more protective measures of the Endangered Species Act):

"Although areas within the Preserve and the Addition host resident Florida panthers, the effect of panther predation on deer herds is unknown. McBride (1985) suggests a comparison with western cougar predation on mule deer.

Ackerman (1982) found that a cougar in Utah killed a mule deer about each 9.5 days, which equates to 39 mule deer per year per cougar. Although it is difficult to directly compare kill rates by cougars in Utah with Florida panthers, the scale of predation (e.g., tens of deer per year per panther) may be appropriate where deer are abundant. If this level of predation on deer is a valid assumption, then Florida

panthers and hunters may be competing for the same deer."

Deer hunting in the Big Cypress is known to be difficult as deer densities are low compared to other WMAs in Florida (Personal Communication with Wesley Seitz, Public Hunting Areas Biologist, FWC, August 2008). In fact, the estimate of the deer herd provided by the GMP for the Addition is a remarkably low number. NPS intends to phase in 650 ORV owners for an activity that is known to be almost completely correlated with hunting:

In 2008 the deer herd in the Northeast Addition north and south of I-75 was estimated to be 133 and 54, respectively (Joe Bozzo, Wildlife Biologist, Florida Fish and Wildlife Conservation Commission, pers. comm., December 2008). Typically, up to 33% of the game population can be harvested annually and remain sustainable.

These numbers (from page 199 of the GMP) simply do not add up to a sustainable harvest by hunters that is even remotely compatible with the health of the existing panther population. They point to yet another major aspect of the NPS's preferred alternative that has not been sufficiently thought through. In a personal conversation with Mark Lotz, Panther Team Biologist with the FWC, (December 2010), I was told that the working estimate for deer consumed by an adult Florida panther is 50 to 55 deer per year. Coupled with the excerpts below taken from the most recent FWS Panther Recovery Plan (2008), they provide further corroboration as to why the NPS preferred alternative should not be implemented:

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 because 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.

End of excerpt from SFWA's Addition Lands Comments.

Throughout the HMP, NPS makes assertions regarding the panther and its relationship to hunting and prey that should be carefully examined. See section below:

It is important to note why hunter days and deer harvest would be used as triggers for supplemental management actions and why panther population numbers and population numbers for other small game species would not typically be used as triggers. Although the Preserve is in the core of the extant range of the Florida panther, their distribution in this landscape is not static, nor is it contained within any specific management unit or within the Preserve boundaries. As a result, additional variables and stressors may cause changes in panther distribution, use, and occupancy of an area that may be unrelated to any potential effects of hunting activities. Aside from the behavioral change noted by Janis and Clark (2002), there have been no studies that demonstrate a measurable effect of deer hunting on panthers. This is not due to a lack of information on hunting and panthers; rather, it is due to the multitude of stressors that simply cannot be isolated to determine which stressor is the cause of a noted effect. Both Janis and Clark (2002) and Fletcher and McCarthy (2011) surmised that hydrology may play a role in panther movements throughout the hunting season resulting in the noted movement away from trails. Therefore, using panther numbers or distribution to assess the effects of deer hunting activities is not likely to further inform management decisions. Because the panther is the predator in the predator/prey relationship, any measurable response would be delayed as the population responds to changes in the prey population. There is also the potential to have other stressors, such as epizootic events, affect the panther population while leaving the deer population untouched. The panther's preferred prey items are white-tailed deer and feral hogs (Maehr et al. 1990, Dalrymple and Bass 1996). Since recent data has shown that feral hogs are nearly extirpated from the Preserve, factors relating to the deer population were determined to be the best indicator for decision-making regarding supplemental management actions for protection of the Florida panther population. Additionally, other small game species were determined not to be appropriate for use as adaptive management triggers because they are not shown to be primary prey items for the Florida panther (Maehr et al. 1990, Dalrymple and Bass 1996) and the hunter pressure on these species has been shown to be very low in recent years in the Preserve (Bartareau 2012). For example, the total harvest of all small game species combined in the Preserve averaged 198 per year over the past five annual hunting seasons, while the total turkey harvest (checked and estimated) from the Preserve averaged 35 animals per year over the past five annual hunting seasons (Bartareau 2012).

Here is what the current Panther Recovery Plan (3rd edition) from the U.S. Fish and Wildlife Service has to say about the relationship between panthers and hunting:

"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 because 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."

After noting these likely impacts of hunting on panthers, the current Panther Recovery Plan then makes this important observation:

"Historically, hunting in the Big Cypress physiographic region has been a major traditional activity with many hunt camps throughout the region. With establishment of national and state parks, the numbers of hunt camps were decreased and additional hunting regulations that reduced hunting pressure on deer were implemented. Although deer densities are difficult to determine, the deer population appears to have steadily increased." The Hunting Management Plan will increase hunting pressure on a piece of land - the Addition Lands - which is among the most important in the entire state for the panther. The implication in the above paragraph from the Panther Recovery Plan is clear - decreasing hunting pressure has proven highly beneficial to the panther despite the inaccuracy inherent in determining the number of deer in south Florida (and that inaccuracy is well-documented throughout the HMP and supporting documents).

Another part of the above statement deals with the elimination of feral hogs as well as small game from resource issues impacting the panther:

Additionally, other small game species were determined not to be appropriate for use as adaptive management triggers because they are not shown to be primary prey items for the Florida panther (Maehr et al. 1990, Dalrymple and Bass 1996) and the hunter pressure on these species has been shown to be very low in recent years in the Preserve (Bartareau 2012).

But that is in complete contradiction to the Florida Fish and Wildlife Commission's breakdown of the Florida panther diet. On their "Panthernet" website - a page titled "Insufficient Large Prey" breaks down the panther food supply in a pie chart as

follows:

Other - 7.5% Rabbit - 4.3% Armadillo - 7.8% Raccoon - 11.7% Deer - 27.4% Hog - 41.3%

We assume that "other" includes other small animals such as possums and wild turkey - there are no other large animals on the panther's menu other than deer and hog...

A quick look at the table shows that far from being the most important prey for panthers, deer are third behind hogs, and small animals. However, aside from the complete inconsistency between NPS's view of the panther's diet and its managing partner - the FWC - there are still other problems with the analysis brought out by NPS and the supporting documents as well.

As we have noted in other comment letters on this topic, NPS estimates for the deer population in the Big Cypress are everywhere:

"On the issue of food availability (white-tailed deer, hogs, turkey, small mammals) - and the estimate of how much there is - NPS is simply all over the place. As noted in our previous comments written for the Addition Lands General Management Plan as well as our scoping comments for the Hunting Management Plan, NPS quotes their partner in the Cooperative Management Agreement for hunting in the preserve (FWC) as follows:

'In 2008 the deer herd in the Northeast Addition north and south of I-75 was estimated to be 133 and 54, respectively (Joe Bozzo, Wildlife Biologist, Florida Fish and Wildlife Conservation Commission, pers. comm., December 2008). Typically, up to 33% of the game population can be harvested annually and remain sustainable.'

Clearly this is an insufficient number of deer to allow for the introduction of public hunting. Especially for a quota hunt of 1 deer per 194 acres in the 147,000-acre Addition Lands (proposed for the Addition in the Revised Plan/EA) - when the only published estimate of the deer herd is far less than the number of deer allowed to be taken. Based on personal observations of deer in the Addition on numerous hikes both north and south of I-75 since the nineties, we fully agree that the deer density is low. As NPS acknowledges, the deer forage is poor and the long hydroperiod combines to create low quality deer habitat.

But now NPS estimates the deer herd in the Addition to be many times higher than that original estimate. See paragraph on page 129 of the Revised Plan/EA -

'As discussed in chapter 3 ("Existing Conditions"), based on ground surveys, estimated deer densities in the Addition range from 1.8 to 7.4 deer/km2. However, due to the size of the area, visibility problems, and lack of access to some areas, ground surveys were found to be unfeasible. Deer density estimates using distance sampling techniques from aircraft in the Addition lands north of I-75 ranged from 0.4 to 1.6 deer/km2. However, results have been difficult to interpret due to changes

from ground surveys to aerial surveys, and changes in types of aircraft, observers, and pilots resulting in lack of consistent estimates of transect widths for aerial surveys (FWC 2012). The NPS and the FWC are continuing research to develop a more effective method for monitoring the deer population.'

Let's look at this estimate more closely. At 247 acres to the square kilometer, the 147,000-acre Addition Lands total approximately 595 square kilometers. Using the above NPS estimate for deer density (1.8 to 7.4 deer/km2), NPS is now saying that the deer herd in the Addition ranges from a low of 1,071 deer to a high of 4,404 deer. Aside from being miles from the original 2008 FWC estimate, these numbers appear arbitrary and not based on facts on the ground. The lower estimate given (0.4 to 1.6 deer per acre) does appear more accurate - but NPS is acknowledging even here, that it just does not have a handle on how many deer are in the Addition - either as prey for the panther or to hunt. In other words - what is the baseline that the introduction of hunting in the Addition could affect? For all other species that are potential prey for the Florida panther - feral hogs, wild turkey, possums, raccoons, and other small mammals and reptiles - no baseline has been provided at all. This is simply unacceptable.

And where FWC estimates that feral hogs actually make up the bulk of the panther's diet (see link and pie-chart below) and, are their most important food supply - even if the 'preferred' food supply is white-tailed deer - NPS has opted not to study the feral hog population as an impact at all, stating - "Additionally, feral hogs were not included in this assessment as recent data shows that they are nearly extirpated from the Preserve and are not likely to be as important of a food item as they are in lands to the north of the Preserve.

Our experience regularly hiking throughout the Addition shows this not to be the case at all. In fact, we regularly encounter hog tracks, tufts of hog hair, and clear evidence of hog feeding (rooting) throughout the Addition Lands. It is extremely likely that the hog population is in fact one of the most important resources sustaining a healthy panther population in the Addition. And it's logical - if NPS acknowledges hogs to be prevalent north of the preserve and there is no hunting in the Addition, why would NPS not expect hogs to be present on that piece of land in numbers similar to what exists north of the preserve? Of course, during periods of heavy inundation, as was experienced in the rain events of October 2011, we would expect virtually all panther and prey to have migrated to drier ground north of the Addition Lands. To the extent that that habitat is lost to future development, as it appears will be the case, the panther's viability in south Florida sadly becomes untenable."

End of excerpt from SFWA's comment prey estimates.

The two supporting documents NPS has elected to draw on for its analysis of the viability of hunting have the following statements to make about the accuracy of estimating both deer and small game populations in the Big Cypress and the numbers of deer and hogs available to be hunted...

The first - BIG CYPRESS NATIONAL PRESERVE Small Game and Wild Turkey

Harvest and Pressure Summary 2011-12 (Tad M. Bartareau, 2012) makes the following observation:

"Data on hunter pressure and harvest numbers have been collected since the 1985-86 season. Over time, different methods were used to estimate hunter pressure including check-in forms, personal interviews/questionnaires, and vehicle surveys (see Jansen 1986). Consequently, there is no reliable method of comparing annual variation in small game and spring turkey harvest figures or extrapolating estimated harvest figures. Harvest numbers reported in this summary differentiate between estimated harvest (harvest not verified by check station operators) and checked harvest (harvest verified by check station operators) (Appendix D). With the data obtained through check station operators, we were able to record physical characteristics of harvested turkey that represent a subset of the BCWMA population (Appendix E)."

The same type of inaccuracy was noted by FWC staff regarding the white-tailed deer population statewide - no reliable data on the harvest. However, in 2010, FWC staff attempted to correct inaccurate data through a new data collection method where all hunters would be required to call in all deer taken. As quoted in the Dixie County Advocate in December of 2010:

"We want to make this system as friendly as possible for Florida's hunters," said Cory Morea, FWC biologist and deer management program coordinator. "We need the data to give Florida hunters what many of them have asked for – that is better management of the state's deer herd, and at a more local level. This will give us one of the tools to enable us to do that."

Unfortunately, the FWC Commissioners did not approve of the "inconvenience" this would cause hunters - stated in FWC Commission meetings - and this more rigorous data collection tool was quietly withdrawn. This preference for hunters' "convenience" over the necessity for accurate data collection does not bode well for the future of the Cooperative Management Agreement between FWC and NPS with regards to hunting. The whole of the Big Cypress National Preserve is a unit of the National Park Service and is fundamentally different than a state Wildlife Management Area where such laws and regulations as the Organic Act, Redwoods Act and the Department of the Interior Management Policies for NPS do not apply.

It should also be noted that in 2008, recreational hunters complained to the FWC about the need to obtain permits to hunt during quota hunts. The FWC simply communicated to NPS their desire to drop the quotas and NPS staff agreed. No consultation whatsoever was carried out with the Fish and Wildlife Service - who learned about this important federal action from me. When I inquired about this decision, I was told that even though all quota permits were given out - because all permits were not used on all days, the quotas were not being used and therefore the action could take place. The result is that today - within the current boundaries of the Big Cypress Wildlife Management Area - there are virtually no limits on the number of hunters who can access the preserve during most hunting seasons. Though state bag limits remain in effect - e.g. 2 deer per hunter annually - no limits

exist on the number of hunters and therefore the total amount of game taken. Again - not a good signal from the cooperative partnership between NPS and FWC for "scientific hunting management".

Another study used in the preparation of the HMP - BIG CYPRESS NATIONAL PRESERVE Harvest and Pressure Summary 2010-2011 (Tad M. Bartareau, Kathleen N. Smith, and Joseph A. Bozzo, 2011) had this to say about the then current take of deer:

"White-tailed deer harvest for 2010-11 (n = 218) was lower than in 2009-10 (n = 262), and smaller than the current five-year mean (= 236) (Table 4). The 2010-11 season was the lowest deer harvest of the last five years (Table 5). Turner River unit (n = 130) had the highest number of deer harvested than any other unit with 60% of the harvest followed by Bear Island (n = 44), Corn Dance (n = 22), Deep Lake (n = 8), Stairsteps (n = 8), and Loop Unit (n = 3) (Figure 3)."

The report goes on to say that the archery hunt showed a 13 percent decline and muzzle loading a 43 percent decline from the previous year. Regarding the general gun season - the most popular hunt in the preserve - the report gave the following numbers:

The 2010-11 general gun season produced a smaller harvest than the 2009-10 season (139 and 148, respectively) (Table 7). Deep Lake (75%), Stairsteps (50%), Loop Unit (50%), Corn Dance (38%) and Bear Island (23%) showed a decreased harvest during general gun while Turner River (18%) harvest increased. On average over the last five years, Turner River unit has yielded 54% of the deer harvested during general gun season.

No reasons are given for this annual drop in the deer harvest - and only hypotheses are offered for the collapse of the deer herd in the Stairsteps Unit of the preserve also covered in this report.

See also this note on hunter pressure and hunter success:

"Hunter success (man-days) was higher during the 2010-11 season (62) than in 2009-10 (60) meaning that it took more man-days for hunters to harvest a deer/hog this season than last (Table 12). Bear Island unit had the lowest man-days per harvest than any other unit on average over the last five years (43) (Figure 5).

Mean hunter success (acres) in 2010-11 was higher (34,078) than the 2009-10 mean (15,826) suggesting that there are less deer/hog harvested per acre this year than last (Table 13). In 2010-11, Bear Island had the most success (acres) per acre of any BCWMA unit (3,566) (Figure 6). Over the last five years, Bear Island had the most success (acres) of any other unit (2,918) (Table 13).

The 2010-11 harvest success (acres) (34,078) was higher than the five-year average (19,342) which means 2010-11 yielded poorer than average hunter success (acres) with fewer acres/harvest."

These are exactly the types of changes that a full Environmental Impact Statement would need to explain given the importance of deer - and other hunted animals - in the preserve's Addition Lands. Prey decline is a significant factor at a time when NPS is proposing to open a non-hunted section of the preserve - the Addition - for the first time.

We have attempted to cover the impact of hunting on non-hunters - currently the primary users of the preserve in our previous comments. We note again the preserve's own estimates of over 900,000 visitors to the preserve on an annual basis and its social science research that estimates 4 percent of the visitors are there to hunt. NPS is aware of the displacement this could cause to the current visitors - many of whom have told NPS in oral and written statements that their use of the Addition Lands will cease during hunting seasons. The NPS proposal is maximizing user conflict in a rare piece of south Florida when approximately 5.8 million acres of state managed hunting area is available to less than 200,000 registered hunters.

Lastly in addition to the lack of the required Environmental Impact Statement for a federal action of this magnitude - the Fish and Wildlife Service has also not prepared a Biological Opinion. Our understanding through communication with the agency is that only a "letter of concurrence" has been prepared or is being prepared. Given that the introduction of hunting into the BCNP Addition Lands for the first time in history is likely to involve "take" of the endangered Florida panther, the FWS is obligated to produce a biological opinion and incidental take statement stating the terms and conditions under which the NPS will manage the proposed hunt to minimize and mitigate the take of panthers. This is a requirement of Section 7 of the Endangered Species Act. Not only will panthers be impacted by noise and human intrusion into parts of the preserve (the Addition Lands) where no panthers alive today have ever experienced this type of impact (it will definitely come as a shock to them - combined with impact of the proposed off-road vehicle routes throughout the Addition and a motor-vehicle accessible campground deep in the heart of the Addition Lands) but panthers will also be impacted by a loss of game. Although NPS asserts that no decrease in deer will occur because of bucks only hunting - and we believe that assertion is questionable - they make no such claims for all other animals which will be hunted in the Addition - all of which are also a food supply for the panther.

In conclusion we continue to support an alternative for hunting in the Big Cypress that unfortunately was not offered to the public as a reasonable alternative. No hunting in the Addition Lands and adaptive management of hunting in the original preserve with full consultation by the U.S. Fish and Wildlife Service. We also believe that all NPS laws and regulations which favor resource protection over use and recreation must be brought in here. As we have noted in many of our previous comments - the Superintendent can preclude hunting at any time and location in the preserve to protect resources and provide for visitor enjoyment. The alternative SFWA has put forward will accomplish that task.

Best regards,

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Comment ID: 817267-51057/247