

South Florida Wildlands Association • Center for  
Biological Diversity • Wilderness Watch • Wildlands CPR  
South Florida Audubon Society • Wild South • American  
Bird Conservancy • Sea Turtle Oversight Protection  
Public Employees for Environmental Responsibility  
Happehatchee Center

Everglades National Park  
Attention: GMP Planning Team  
40001 SR 9336  
Homestead, FL 33034

May 10, 2013

**Re: Draft GMP/East Everglades Wilderness Study/EIS**

Greetings:

South Florida Wildlands Association, Center for Biological Diversity, Wilderness Watch, Wildlands CPR, South Florida Audubon Society, Wild South, American Bird Conservancy, Sea Turtle Oversight Protection, Public Employees for Environmental Responsibility, and Happehatchee Center are pleased to submit these comments on the Draft General Management Plan/East Everglades Wilderness Study/Environmental Impact Study for Everglades National Park - the first revision of the General Management Plan in the park's 66 year history. We commend the National Park Service for taking a close look at the way the original park and the East Everglades Expansion Area are being impacted under the current management plan and for presenting a draft set of guidelines to deal with those impacts for public review. We agree fully that changes are absolutely necessary at this point and have recommendations regarding how far reaching those changes should be.

The fundamental purpose for the establishment of Everglades National Park was eloquently laid out in the park's enabling legislation:

The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area.

This legislation tiers off the entire legislative history of the National Park Service - beginning with the Organic Act of 1916 - and is fundamental to the critical management decisions the service now faces in Everglades National Park. Additional clarity on the specific principle of placing natural resource protection above that of recreation can be found in the current Department of Interior Management Policies for the National Park Service:

The National Park Service adhered to a number of principles in preparing this 2006 edition of Management Policies. The key principles were that the policies must:

- \_ prevent impairment of park resources and values;
- \_ ensure that conservation will be predominant when there is a conflict between the protection of resources and their use;
- \_ employ a tone that leaves no room for misunderstanding the National Park Service's commitment to the public's appropriate use and enjoyment, including education and interpretation, of park resources, while preventing unacceptable impacts.

The current management plan for Everglades National Park is clearly out of compliance with the above legislation (and possibly other legislation, e.g. the Wilderness Act and Endangered Species Act) and policies. This is evidenced by NPS's own evaluation of the current baseline conditions as described in the "No Action Alternative":

The most notable impacts of the no-action alternative would be (1) continued long-term, baywide, moderate, adverse impacts on vegetation (primarily seagrass) in Florida Bay from propeller scarring and boat groundings; (2) long-term adverse effects on manatees from boat and propeller strikes and habitat disturbance constituting a *may affect, likely to adversely affect* finding under section 7 of the Endangered Species Act; (3) continued longterm, minor, adverse effects on sea turtles from human activities (primarily motorboating), resulting in a *may affect, likely to adversely affect* finding under section 7 of the Endangered Species Act; (4) localized, longterm, minor to moderate, adverse impacts on natural soundscapes resulting from noise associated with human activities (especially those involving motorized vehicles); (5) longterm or permanent, minor to moderate, adverse impacts on museum collections; (6) long-term, moderate to major, adverse impacts on the character of submerged marine wilderness in Florida Bay; (7) longterm, minor to moderate, adverse impacts as well as long-term, minor to moderate, beneficial impacts on visitor experience and opportunities; and (8) long-term, minor to moderate, adverse impacts as well as longterm, minor to moderate, beneficial impacts on NPS operations at the park.

With the above concepts and ongoing ecological impacts in mind, we make the following recommendations to the National Park Service for the Draft General Management Plan:

## 1. Florida Bay

NPS has more than adequately demonstrated the extent of seagrass scarring in Florida Bay due to propellers, hulls, and groundings - a problem that recent assessments have shown to be only growing worse with time. Among the many key roles they play in the ecology of Florida Bay, seagrasses serve as a nursery for hatchlings and juvenile fish, a hunting ground for predators, a food supply for manatees, sea turtles and numerous other marine animals, a breeding ground for adult fish, and a natural water filter mechanism for the park's marine habitats as well as major portions of the Florida Reef tract which lay just outside of the park's boundaries - the third largest living reef on the planet.

NPS's own examination of seagrass damage in Florida Bay found:<sup>1</sup>

- Approximately 12,000 seagrass scars;
- Scar lengths ranged from approximately 2 to 1600 meters;
- The total length of scars was approximately 525,000 meters (325 miles);
- Scars are present throughout the shallow areas of Florida Bay;
- High resolution imagery suggests that our primary imagery may underestimate total scarring distance by a factor of approximately 10, i.e., there may be as many as 3250 miles of scars in Florida Bay;
- Substantially more scarring was identified in this study than in a previous study conducted in 1995.
- The majority of scarring was identified in depths below 3.0 ft and scarring density tends to increase with decreasing depth;
- Dense scarring is more likely in close proximity to marked and unmarked channels and shorelines;
- The density of scarring around marked and unmarked channels is similar;
- Scarring density is higher in areas that are most heavily used by recreational boats;
- Scarring density was not related to proximity to boat ramps in the Florida Keys or Flamingo;
- Scarring is increasing in specific sites in Florida Bay; and
- A propeller dredged channel, identified in 1995, has been steadily increasing in area.

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<sup>1</sup> Patterns of Propeller Scarring of Seagrass in Florida Bay: Associations with Physical and Visitor Use Factors and Implications for Natural Resource Management (Resource Evaluation Report, SFNRC Technical Series 2008:1

<http://www.nps.gov/ever/parkmgmt/upload/Final%20Propeller%20Scar%20Report%20Low%20Res.pdf>.

The Florida Bay bottom is not only a key “natural object” of a national park, but it is also designated Federal Wilderness. Ongoing damage of this severity as a result of motorized recreation is far outside the management requirements of the Wilderness Act as well as the Department of the Interior Management Policies for the NPS with regard to NPS Wilderness. Damage to seagrass beds must be addressed by NPS inside or outside their revised General Management Plan for Everglades National Park.

Although we commend the non-combustion motor zones proposed in the draft plan to protect areas most vulnerable to sea grass scarring, at the very least the poll and troll zones which would be created need to be staked out and marked. This will greatly increase navigational clarity for the casual boater and lead to far greater compliance - it will also help minimize user conflict inside the poll and troll zones. Marking is a part of Alternative 4 but not the NPS preferred alternative.

As stated in Sargent et al, 1994, “Marking channels clearly—especially with easily visible, reflective arrows—will benefit all boaters by showing them the correct passage, which would improve boating safety and at the same time minimize incidental scarring of seagrasses by boaters who stray out of unmarked channels.”<sup>2</sup>

We also believe that management by water depth - areas 2 feet or less - essentially all areas at risk of scarring and impacts - will have greater benefits to the ecology of the bay (and facilitate quicker and more comprehensive restoration of damaged areas) than the more limited parameters proposed in the preferred alternative. Again, that is a feature of Alternative 4 but not of the preferred Alternative. As noted in NPS’s description of Alternative 4:

In this alternative, the shallowest areas of Florida Bay (mean water depth 2 feet or less) would be managed as marked pole/troll zones based on the 2008 propeller scarring study’s (NPS 2008b) prediction of areas at risk of propeller and grounding damage. The pole/troll zones would be marked and also shown on marine charts and GPS maps.

The majority of Florida Bay inside park boundaries (59 percent) would still remain open to motor use under this alternative. Considering the extent of the damage which has occurred to the park’s “submerged marine wilderness” and vital natural resources, we strongly urge NPS to re-examine this issue. We also support Alternative 4’s requirement of 300 foot poll and troll zones around all keys in the bay. These islands are extremely important roosting and breeding locations for the park’s diverse aquatic bird life. It is well documented that nesting birds will leave nests when power boats approach closely. Highly intelligent crows which have learned that fact swoop in for a quick meal when a motorboat approaches. Florida Bay’s “submerged marine wilderness” may allow for

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<sup>2</sup> The Florida Marine Research Institute Technical Report - Scarring of Florida’s Seagrasses: Assessment and Management Options (Sargent et al, 1994), <http://floridakeys.noaa.gov/review/documents/swscarring.pdf>.

surface use of power boats, but the keys are designated wilderness in their entirety. The new management plan should reflect that fact by keeping motors and noise away from these biologically rich, but extremely fragile, hotspots.

With regard to the Gulf Coast, we believe the same restrictions should be put in place with regard to power boats and water depth as we are advocating in Florida Bay. As noted in a Naples News article, “Evidence of prop scarring is much stronger in Florida Bay than in the Ten Thousand Islands because of its clearer water and proliferation of sea grass. But just because damage is unseen doesn’t mean it doesn’t exist, park officials say. ‘There may be prop scars like crazy out there, but we don’t know,’ said Tom Ilandimarino, a park ranger based in Everglades City.”<sup>3</sup>

The NPS’s precautionary principle should clearly come into play here - in the absence of scientific agreement or exhaustive scientific evidence, precautionary measures should be taken to protect important natural and cultural resources. The assumption should be made that prop scarring is as likely in the shallow waters of the Gulf Coast, Ten Thousand Islands, and inland waterways - although harder to see and assess - as it is in Florida Bay. Management by water depth - pole and troll zones in 2 feet of water or less - would go a long way towards protecting this valuable resource in one of the most important sections of the park.

## 2. Manatees

Research has shown that manatees continue to be killed and injured by powerboats inside the park in large numbers. A research study conducted in 2012 and which specifically dealt with manatee deaths by boat collision inside Everglades National Park had this to say:<sup>4</sup>

it should be noted that there is no statistically significant...spatial relationship among the 955 synoptic sightings. Those were all distributed around the synoptic flight path, which covered 600 miles of terrain on the Monroe County portion of Everglades National Park...On the other hand, the spatial distribution of manatee fatalities is statistically significant (p=.0116). The west coast of Everglades National Park is littered with manatee mortalities, distributed in the shallow waters (free of flats) where boat traffic is most intense...The previous correlations should be taken into consideration when preparing boating regulations within Everglades National Park.

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<sup>3</sup> Cox, J 2007, ‘Loving Mother Nature to death?’ Naples News, June, 23, 2007, [http://www.naplesnews.com/news/2007/jun/23/special\\_report\\_fierce\\_debate\\_over\\_everglades\\_natio/?breaking\\_news](http://www.naplesnews.com/news/2007/jun/23/special_report_fierce_debate_over_everglades_natio/?breaking_news).

<sup>4</sup> <http://thewrittenblit.com/2012/11/23/study-a-geographic-information-systems-gis-based-analysis-of-manatee-mortality-in-everglades-national-park/>.

The current state of affairs with regard to manatees living or traveling inside Everglades National Park borders is unacceptable. Research has consistently shown boat collisions to be a major cause of mortality inside the park - second only to "causes unknown" (and a portion of those are also assumed to be the result of boat collisions but cannot be identified as such due to highly decomposed carcasses). Manatees are facing unprecedented threats right now from red tide and polluted runoff on both the west and east coasts of Florida. A recent die-off of manatees in the 150 mile long Indian River Lagoon - along with the disappearance of huge swaths of seagrass from the lagoon - has some scientists using the term "ecosystem collapse" to describe one of the most important estuaries in Florida and one of the most important habitats for manatees. As recommended in alternative 4, NPS should write a "Manatee Management Plan" for the park and, utilizing best available science, determine the best way to protect the species - in addition to the boater education program common to all alternatives presented. As noted in a column originally published in the Miami Herald, it is unacceptable for a major cause of death for a federally endangered marine species living within the borders of a national park and designated federal wilderness to be collisions with power boats.<sup>5</sup>

### 3. The Wilderness Waterway

The Wilderness Waterway should be a wilderness waterway. That means a completely non-motorized paddling route across the most remote section of the largest existing wilderness tract in the eastern United States. According to the Wilderness Act of 1964, one of the key features of wilderness is that it affords "outstanding opportunities for solitude or a primitive and unconfined type of recreation." As this experience grows increasing rare and unavailable in our ever-growing region and country - we should take advantage of this completely unique part of Everglades National Park as much as possible. However NPS decides to string together the complete non-motorized route, it is a golden opportunity for those who appreciate and yearn for true wilderness and should not be missed.

In addition, throughout all portions of the Marjory Stoneman Douglas Wilderness and any recommended Wilderness, the NPS must dramatically decrease its administrative use of motorboats, helicopters, airboats, buildings and structures, and installations. Each and every proposal to engage in one of the prohibited activities (i.e. motorboat use, aircraft use, structures or installations) should undergo a rigorous minimum requirement and minimal tool test. Unfortunately the NPS often seems to utilize these incompatible uses as a matter of course, thus diminishing the area's wilderness character in violation of the mandate to the NPS in Section 4(b) of the 1964 Wilderness Act to preserve wilderness character. Only if the incompatible uses are the absolute minimum for the administration of the area *as Wilderness* may they be allowed and only under these very limited circumstances. The Wilderness Act sets a very high bar in this regard.

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<sup>5</sup> <http://www.nationalparkstraveler.com/2007/11/everglades-national-park-asked-give-manatees-protection-boaters>

Researchers must also abide by the provisions of the Wilderness Act in their research activities in the Wilderness. Scientific research can continue in the Wilderness portions of the Park, of course, but researchers must also comply with the Wilderness Act while doing so.

#### 4. The East Everglades Expansion Area

In 1989, the Everglades Protection and Expansion Act was passed to “increase the level of protection of the outstanding natural values of Everglades National Park and to enhance and restore the ecological values, natural hydrological conditions, and public enjoyment of such area by adding the area known as the Northeast Shark River Slough and the East Everglades to Everglades National Park.” Twenty-four years after the signing of that act, and the addition of over 109,000 acres to the park, much work still needs to be done.

Bordered to the north by Tamiami Trail (US 41) and only 2 miles from densely populated sections of Miami-Dade County, this is by far the closest national park destination for the 6 million residents and countless more tourists who live in or visit the South Florida Metropolitan Area. But a drive along Tamiami Trail reveals a different landscape than expected - one that few would know or recognize as a national park. Three commercial airboat tour operations - along with overflowing parking lots, billboards, gift shops, and restaurants currently dominate the historic Shark River Slough while other “non-park” uses - such as radio communication towers and a Florida Power and Light power line corridor (currently unused) have been allowed to remain. The Land Protection Plan written for this vital remnant of the traditional Everglades in 1991 left no doubt how the National Park Service was to manage the expansion after acquisition of ALL of these properties:

The legislation for the park expansion clearly states the intent of Congress to add these lands to Everglades National Park to be managed as park. The issues of compatible and incompatible uses--i.e., agriculture, private residences, recreational vehicles, hunting, etc.--were discussed, considered, and eliminated in the passage of Public Law (PL) 101-229...all lands within the boundary are considered essential for...restoration purposes.

With the idea of protecting and restoring the East Everglades as “park” - as Congress originally intended - we recommend:

1. Elimination or - if possible - consolidation of the three commercial airboat tour companies along Tamiami Trail. Although the NPS draft plan proposes wilderness designation (and no airboat use) for approximately 80,000 acres of the East Everglades, little to none of this wilderness is within the footprint of the Shark River Slough - the main source of fresh water for the entire park and the link to the park's interior. NPS even acknowledges in their draft that the area being proposed as wilderness - the eastern

and southern sections - are rocky and contain little water. “The eastern and southern portions are freshwater marl prairie that is mostly inaccessible because of shallow water and rocky conditions.”

Clearly this biodiverse heart of Everglades National Park - and the part of the park that has been the main focus of decades of work on “Everglades Restoration” - including the recently completed one mile bridge over Tamiami Trail to increase water flow into the interior of the park - deserves this most protected status of federal wilderness designation. NPS’s wilderness proposal should expand into the majority of the Shark River Slough - with airboat operations - both commercial and private - playing the minor role.

See also this research review from Wildlands CPR – “Not Just a Bunch of Hot Air--The Ecological Impacts of Airboats” - for more discussion on the impacts of airboats to hydrology, soils, vegetation, wildlife, soundscape and non-motorized visitation.<sup>6</sup>

Unfortunately, NPS has never entered into the concession agreements with these private airboat companies required by the enabling legislation and has never carried out a thorough analysis of impacts.

2. The enabling legislation for the Expansion Area made clear that “the park shall be closed to airboats” - but allowed for “owners of record” as of the date of the act continued use on “designated trails.” Twenty-four years after the Expansion Act no such designated trails have ever been created or even proposed. And although “designated trails” are mentioned in passing in the draft for both private and commercial airboat use in the future, no specific network of designated trails is being contemplated under the current draft plan. This is unacceptable. As we have noted, Shark River Slough is a key part of Everglades National Park and serves as the main flow of water into the interior of the park - it should be made accessible, safe and enjoyable to all stakeholders. Only by designating airboat trails and creating a clear division between motorized and non-motorized (i.e. canoe and kayak) areas - will NPS be able to fulfill the terms of the act which created the East Everglades. That should be done as soon as possible, inside or outside the process of re-writing the park's general management plan.

3. In our first point with regard to the East Everglades, our organizations recommended expanding wilderness in the Shark River Slough to decrease airboat traffic (and commercialization) and its ecological impacts as well as to facilitate the type of safe and quiet enjoyment of nature and wildlife appropriate to a national park. However, NPS has also chosen to eliminate proposed wilderness from a 1,320 foot strip (a quarter of a mile) along the entire eastern border of the Expansion Area. The reason given in the draft plan is for “resource management and maintenance activities.” We disagree strongly with that decision.

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<sup>6</sup> <http://www.wildlandscpr.org/road-reporter/not-just-bunch-hot-air-ecological-impacts-airboats>.

The East Everglades and Tamiami Trail is the gateway to the Everglades for millions of residents and visitors. Wilderness designation is needed here “to conserve the scenery and the natural and historic objects and the wild life therein” (see the NPS Organic Act of 1916) but also to act as a clear division between “park” and the rapidly expanding urban development of Miami-Dade County. Resource management and maintenance is allowed in wilderness. But what wilderness designation would not allow - under any circumstances - is a massive array of three powerlines up to 150 feet tall to be built by Florida Power and Light (FPL) inside the park’s current eastern border.

This still unresolved issue is one of the most contentious facing the park today. Instead of acquiring the original FPL powerline corridor in the interior of the East Everglades, as required by both the original act and Land Protection Plan, NPS is currently considering “swapping” the corridor FPL owns inside the Expansion Area for one along the park’s eastern boundary. Although “authorized” by language written into a 2009 omnibus bill (with no findings or purpose written into the bill whatsoever), this choice is completely optional and not required. If carried out by NPS, it would completely undermine the purpose of this vast public acquisition - the protection and ecological restoration of the East Everglades and the Shark River Slough. FPL’s power lines would become an industrialized landscape visible for miles within the interior of the park, impede hydrological restoration of the east Everglades, act as a vector for the spread of all manner of invasive species into the park, and seriously jeopardize the continued existence of birdlife (through collisions and electrocutions) inside the eastern section of the park - including impacts to three known colonies of federally endangered wood storks in the vicinity.<sup>7</sup>

The section of the 2009 Omnibus Act dealing with the land swap between NPS and FPL concludes: “On completion of the land exchanges authorized by this subsection, the Secretary shall adjust the boundary of the National Park accordingly, including removing the land conveyed out of Federal ownership.”

The movement of the current eastern border of Everglades National Park to the west to accommodate FPL’s powerlines from its Turkey Point Nuclear Plant should not occur. NPS should propose wilderness for the entire eastern side of the park and send the clearest message possible that the proposed FPL power line corridor is not going to be built within the current borders of Everglades National Park.

Everglades National Park, the first “biological park” in our nation’s history, is one of the true natural icons of the United States. Its many distinctions include international recognition as a World Heritage Site (“In Danger”), International Biosphere Reserve, and Wetland of International Importance. It provides habitat to a vast array of plants and

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<sup>7</sup> See “NPS report on potential avian impacts from proposed FPL transmission lines” - October, 2010, <http://parkplanning.nps.gov/document.cfm?parkID=374&projectID=37220&documentID=41517>.

animals - with 23 wildlife species federally listed as threatened or endangered. Domestic and international visitors from throughout the world come to seek out its truly unique qualities - providing much needed support to the economy of south Florida in the process. These recommendations build upon positive elements of the preferred alternative to provide additional protection to wildlife habitat, and reduced impacts to an enormous array of marine and terrestrial wildlife, including listed bird species such as Wood Stork, Piper Plover, Roseate Tern, and Everglade Snail Kite.

It is true that many of the problems faced by Everglades National Park - the diminished quantity and degraded quality of the water which sustains it or the suburban sprawl rapidly growing in the park's "gateway community" - are outside the ability of the National Park Service to control. However, the impacts from recreation inside park boundaries are completely under the control of the service. We hope that these comments will prove helpful to the National Park Service in arriving at a sustainable management plan for Everglades National Park for decades to come.

Sincerely,

Matthew Schwartz  
Executive Director  
South Florida Wildlands Association  
P.O. Box 30211  
Ft. Lauderdale, FL 33303

Jaclyn Lopez  
Florida Attorney  
Center for Biological Diversity  
P.O. Box 2155  
St. Petersburg, FL 33731

Kevin Proescholdt  
Conservation Director  
Wilderness Watch  
208 E Main Street  
Missoula, Mt 59802

Bethanie Walder  
Executive Director  
Wildlands CPR  
PO Box 7516  
Missoula, MT 59807

Grant Campbell  
Director of Wildlife Policy  
Conservation Chair  
South Florida Audubon Society  
P. O. Box 9644  
Fort Lauderdale, FL 33310

Ben Prater  
Associate Director  
Wild South  
16 Eagle Street  
Suite 200  
Asheville, NC 28801

Steve Holmer  
Senior Policy Advisor  
American Bird Conservancy  
1731 Connecticut Ave NW #300  
Washington, D.C. 20009

Richard Whitecloud  
Executive Director  
Sea Turtle Oversight Protection  
3011 NE 53<sup>rd</sup> Street  
Lighthouse Point, FL 33064

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

Genelle Grant  
President  
Happehatchee Center  
8791 corkscrew Rd  
Estero, FL 33928