

National Park Service
U.S. Department of the Interior

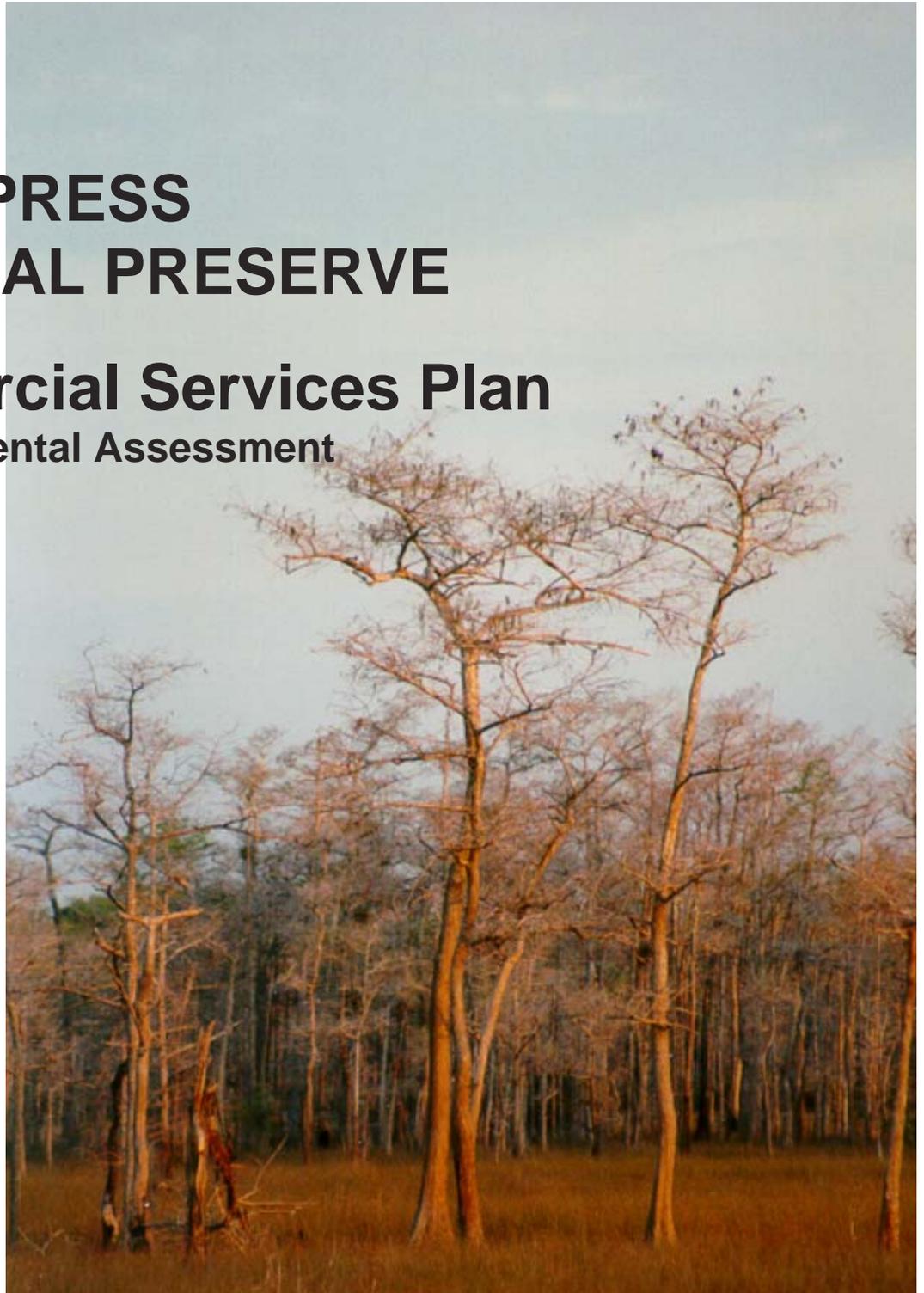
Big Cypress National Preserve
Ochopee, Florida



BIG CYPRESS NATIONAL PRESERVE

Commercial Services Plan & Environmental Assessment

June, 2009



SUMMARY

The National Park Service is assessing the commercial services program at Big Cypress National Preserve to determine the levels and types of necessary and appropriate commercial services operating at the Preserve and the most effective and efficient methods to manage those activities. The scope of this planning effort includes all existing and potential commercial services at the Preserve for the next 5 to 10 years. This Commercial Services Plan (CSP) is an implementation plan. As such, all proposals made and all subsequent commercial activities at Big Cypress National Preserve must comply with applicable laws and regulations and be consistent with the mission and goals established for the Preserve by Congress and higher level planning documents such as the General Management Plan.

The Concessions Policy Act of 1965 (PL 89-245) guided management of concession services by the NPS for about 30 years. In 1998, Congress passed the National Park Service Concessions Management Improvement Act (PL 105-391) which supersedes the previous law. The NPS is currently in the process of writing new regulations to implement this law. During the interim, as stated in the new law, the conditions of the Concessions Policy Act are still valid. The newer law incorporates many of the conditions of the previous law but some significant changes were made. This plan is intended to address the existing conditions and law in a manner that will be compliant with the anticipated changes in the 1998 law and regulations. **This plan covers the original Preserve only**; the Addition will be addressed in an addendum to this plan after the completion of the General Management Plan for the Preserve Addition, which is expected to be completed in 2009.

The NPS has several authorization instruments available to manage commercial services within National Park units. Currently, concession contracts and permits are used to manage commercial services that are assigned land and/or facilities in NPS units. Before the Preserve will commit resources to those facilities, these commercial activities must be identified as a necessary and appropriate use of the Preserve resources and facilities. There are certain rights and privileges afforded to a concessionaire with these authorization instruments. The 1998 law combines these two instruments into a single contract format with flexibility for changes to be made to the privileges afforded. Other commercial services begin and end outside the Preserve but the activity takes place in the Preserve, such as guide and instructional services. These activities have been managed with an Incidental Business Permit (IBP) in the past. Under the 1998 law they are managed by an essentially the same but newly titled instrument, a Commercial Use Authorization (CUA). Many activities occur in a park unit that have a commercial aspect but do not fit neatly into the above categories. These unique or one-time activities are usually issued a Special Use Permit and include activities such as commercial filming, rights-of-way, and special events such as festivals and weddings.

As an implementation plan, this Commercial Services Plan must be consistent with the established planning direction for the Preserve and achieve the desired future conditions or goals for the Preserve. The mission for Big Cypress National Preserve is described in the enabling legislation which created the original Preserve:

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 (P.L. 93-440 and P.L. 100-301).

The Preserve's vision is stated as:

The NPS envisions Big Cypress National Preserve as a nationally significant ecological resource – a primitive area where ecological processes are restored and maintained and cultural sites are protected from unlawful disturbance. Visitors will benefit from aesthetic gratification and relaxation in a natural setting, the challenge of exploring the landscape and the chance to test traditional back-country skills and the opportunity to learn more about the natural environment.

Primary interpretive themes describe those ideas, concepts, or messages about Big Cypress National Preserve that are important for visitors to understand. Based on the site's purpose and significance, themes provide guidelines for making decisions concerning which interpretive stories will be told to visitors and what interpretive facilities and activities will be required to tell those stories. Primary themes do not include everything that may be interpreted; however, they do include those ideas that are critical to understanding significance of Preserve resources. All necessary and appropriate commercial services should relate directly to one or more of the themes.

The Preserve will require the use of indicators and standards as part of the Visitor Experience and Resource Protection (VERP) method to answer the question of how much visitor use can be accommodated without causing undesirable impacts to Preserve resources and visitor experience, commonly referred to as “carrying capacity”. Once this carrying capacity is established, continuous monitoring and adaptive management will be required to ensure that quality of visitor experience is maintained and resources are protected. Application of carrying capacity will always require some element of management judgment, but such judgments should be as informed as possible. Methods such as qualitative and quantitative surveys, normative theory and methods, visual research approaches, tradeoff analysis, simulation modeling, and other scientifically accepted types of carrying capacity monitoring and analyses will be used to help determine appropriate carrying capacity.

Given the mission and vision for the Preserve, the planning direction is clear - Big Cypress National Preserve will promote the responsible and considered use of nature, culture, and history. The action alternatives intend to respond to that direction. Alternative A is the no action alternative, which keeps all operations at their current levels. Alternative C intends to model commercial opportunities closely to the 1991 General Management Plan. Alternative E, the preferred alternative proposes to develop the Preserve's visitor services by developing two frontcountry locations, at Monroe Station and Seagrape Drive to provide the visitor services as identified in Alternative C, and the addition of a backcountry camping complex in the northern portion of the Turner River Management Unit.

Implementation of the preferred alternative will be phased in sequentially, to ensure that effective analysis is completed for each proposed activity, which could require more specific examination of activities that are proposed generally in this document. Full implementation is contingent upon funding and the Preserve's capability to manage diverse activities. The Preserve will continue to engage interested parties to participate in the implementation process.

Commercial operations in the Addition portion of the Preserve will be addressed after the completion of the General Management Plan for the Addition, in an addendum to this document.

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PURPOSE AND NEED FOR THE PLAN

“Purpose” is an overarching statement of what the plan must do to be considered a success. The purpose of this Commercial Services Plan is to provide a process for establishing the types and levels of commercial activities necessary and appropriate for Big Cypress National Preserve, and the most effective and efficient method for the National Park Service (NPS) to manage those activities. This plan will provide a comprehensive guide for managing commercial services in Big Cypress National Preserve for five to ten years and will address in more detail decisions regarding commercial activities from the 1991 Big Cypress National Preserve General Management Plan. The selected alternative (or Final Commercial Services Plan), will consider the public comment received on this draft CSP/EA. Implementation of the CSP will begin as funding becomes available.

This EA analyzes the impacts that would result from implementation of three alternatives: two alternatives that would establish/redevelop commercial services in the Preserve in different ways, and the no action alternative that represents the current management condition. The project area includes the original Preserve as defined in the enabling legislation. See “Study Area and Scope of the Analysis” section for more detail. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969 and implementing regulations, 40 CFR 1500-1508, and NPS Director’s Order 12 and Handbook, *Conservation Planning, Environmental Impact Analysis, and Decision-making* (NPS 2001a). Compliance with Section 106 of the National Historic Preservation Act of 1966 is occurring separately from the NEPA process.

The need for action statement summarizes the most important points of the planning issues, and provides the reasons the plan is needed at this time. A commercial services plan is needed to identify necessary and appropriate commercial visitor services in Big Cypress National Preserve for visitors to better experience the preserve, and to determine at which levels commercial visitor services being considered in Big Cypress should be operated.

Concessions are contracted visitor services determined to be necessary and appropriate, and most often they involve a **land or facility assignment** inside the park unit. Other commercial activities such as guide and instructional services **originate and end outside the park unit** but use that unit’s resources. These are generally authorized by Commercial Use Authorizations (CUAs)

Commercial activities in the Preserve that will be managed by the implementation of this plan include contracts, permits, and special use authorizations. In accordance with NPS regulations (36 CFR 5.3), all commercial activities that occur within a park unit must be authorized by some written agreement. Concessions are contracted visitor services determined to be necessary and appropriate and most often involve a land or facility assignment inside the park unit, although not always. Other commercial activities such as guide and instructional services originate and end outside the park unit but use that unit’s resources. These are generally authorized by Commercial Use Authorizations (CUAs), which are essentially the same as the Incidental Business Permits (IBPs) a term no longer used. Special Use Permits authorize “one-time” and quasi-commercial events and activities such as rights-of-ways, commercial filming, weddings, festivals, and other special events.

The NPS must determine what types of commercial activities are necessary and appropriate at Big Cypress National Preserve. The NPS Concessions Management Improvement Act of 1998 mandates that concession development and services at all NPS units are both necessary and appropriate to the park unit in which they are located because they usually involve a commitment of resources. All commercial activities must operate in a manner that is consistent with the mission of Big Cypress National Preserve. That is to say, all commercial activities operating within the Preserve should provide high quality visitor experiences while protecting important natural, cultural, and scenic resources. The 1991 General Management Plan and other planning documents identified the Preserve mission or purpose to provide and protect, in perpetuity, the natural, scenic, hydrologic, and recreational values and cultural resources.

Congress directed that hunting, fishing, and trapping be permitted, and that members of the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida be permitted to continue their usual and customary use and occupancy including hunting, fishing and trapping on a subsistence basis and traditional tribal ceremonies. The legislation states that the Secretary of the Interior shall offer those members of the Miccosukee and Seminole tribes who, on January 1, 1972 (January 1, 1985 in the case of the Addition) were engaged in provisions of similar services a right of first refusal to continue providing such services within the Preserve and the Addition. The legislation also states that before entering into any new contract or agreement for revenue-producing visitor services, both tribes shall be given the right of first refusal to provide such services.

The commercial services program at Big Cypress National Preserve has changed substantially since the Preserve was created. Initially, commercial services were limited, with only four commercial use permits in effect. One permit holder offered short, scheduled tours for visitors to limited portions of the Preserve, either by airboat or swamp buggy. The remaining three provided no scheduled tours, and took as few as one or two airboat or swamp buggy tours per year. After changes in local fishing laws, commercial operations within Big Cypress expanded to include 29 permits offering numerous airboat tours, as well as boat tours, hiking and camping guide services, limited hunting guide services, and bus or van tours. Visitation to the Preserve has also changed, both in larger numbers and types of visitors. This further altered the commercial operations and the visitor needs within the Preserve. Currently, there are two commercial operators providing revenue producing visitor services for Preserve visitors. The two local businesses operate under a Commercial Use Authorization. These businesses provide canoe tours, rental, and livery services to Turner River and Halfway Creek as well as camping and canoeing in the southern portions of the Preserve for longer, multi day trips, only portions of which are within Big Cypress National Preserve. Requests for authorization to operate within the Preserve have increased greatly over the past five years. This is due to the growth on both Florida coasts reducing the available open space for recreation, Big Cypress National Preserve is increasingly seen as a last opportunity for wildland recreation.

As a result of policy changes, Preserve staff realized that a commercial services plan was not only required, but also necessary to effectively manage commercial operations within the Preserve, and the decision was made not to accept or process new requests for authorization until the plan is completed.

The 1991 General Management Plan (GMP) for the original Preserve is the over-riding planning document, and addressed commercial services only briefly. The GMP states:

A concessionaire would be sought to provide on-site visitor services and facilities that would complement those provided by the NPS. The concessionaire would be asked to provide interpretive tours, canoe rentals, backcountry shelter rentals, backcountry guide and outfitter services for hunters and non hunters, ORV [off-road vehicle] storage and maintenance facilities, convenience store facilities, and restrooms.

Visitors would be able to rent canoes for use on the proposed canoe trail, or they could take short guided interpretive trips into the backcountry on ORVs. Storage facilities would be provided for visitors who own ORVs, thus eliminating the need to haul these vehicles to and from the Preserve on trailers. The concessionaire would also provide buggy and airboat maintenance services, as well as restrooms, convenience store items, and gas.

A satellite concession center could be provided at Seagrape Drive near Ochopee. From this site short interpretive tours could be provided into the Preserve's backcountry. Overnight trips (outfitter services) could also be provided into the backcountry. (BICY, General Management Plan, 1991 p. 50)

The NPS must also determine what levels of commercial use are appropriate. As mandated by law, all use, including commercial, must be managed to protect Preserve resources. Visitation to Big Cypress National Preserve and the local region has greatly increased as the populations of Miami-Dade / Broward Counties on the

east coast, and the Collier / Lee Counties on the west coast of Florida have continued to grow exponentially. The remaining open spaces provided by protected areas such as the Preserve have become the "backyard" to the visitors and residents of the region.

Between 2000 and 2006, these counties have experienced an increase of 507,000 residents, the state of Florida has experienced an increase of 11.8 million visitors and the Preserve received an increase of 320,000 visitors. This represents an 11% increase in residential population of these counties; a 16% increase in visitation to Florida, and a 63% increase in Preserve visitation.

Though it is often stated that the Preserve was never meant to be a visitor destination, local trends are making it so, due to the sheer increase in residents and visitors. The Preserve is becoming well known as a place to view wildlife, canoe, hunt, recreate with off-road vehicles, tour by car, and as an area to escape congested urban centers. Additionally, Collier County is specifically marketing itself as the "Gateway to the Everglades," an eco-tourism destination.

For these reasons, it is important to manage and plan for quality visitor services through a Commercial Services Plan. This management tool will allow the NPS to ensure that visitors are able to experience the solitude and tranquil settings expected within the Preserve, while also protecting the resources with which the NPS is entrusted.

The 1991 General Management Plan addresses use management by establishing zoning and carrying capacities through quota systems for hunting. The GMP did not anticipate the Preserve becoming a destination for the average visitor; rather, it specifically states that the primary visitors to Big Cypress are and are expected to be hunters, ORV users, and owners of improved properties. However, the enabling legislation directs the NPS to manage the Preserve for all visitors and residents. Increasing use levels, a portion of which are the result of private commercial promotion and advertising, can result in increased resource impacts and diminished visitor experiences in the Preserve. This, along with visitation to Big Cypress National Preserve increasing and changing in fundamental ways, lends itself to changes in management and use levels in order to protect sensitive resources while enhancing visitor experience.

The Preserve's Commercial Use Authorizations are reissued every year, but once the CSP is implemented, they will be issued for two years in accordance with NPS policy. Once the CSP is in place, and before CUAs can be renewed or re-advertised the NPS must ensure that the types of authorized use are still necessary and appropriate, levels of use are consistent with resource protection and quality visitor experience, and the program can be managed in an efficient and effective manner given staffing constraints. The NPS must also ensure that all commercial activities comply with applicable federal, state, local and agency laws, regulations, and policies.



HOW TO USE THIS PLAN

This plan addresses how commercial activities in Big Cypress National Preserve should best be managed. Planning allows NPS managers to make knowledgeable decisions and for the public to participate in the decision-making process. Virtually all NPS planning is subject to the National Environmental Policy Act (NEPA), which requires the opportunity for public participation and input.

The NPS uses the goal driven planning process. Boundaries are set for each project comprised of the laws, regulations, and policies that direct the NPS and established the specific park unit; the purpose of the park unit; and the protection of the significant resources for which the park unit was established. In order for any idea or alternative to be considered in the scope of the project it must be legal, comply with the purpose for which the park unit was established, and not harm significant resources. Goals or desired future conditions are also established. So, not only must an idea or alternative be within the scope of the project, it must also achieve one or all of the goals for the park unit or it will not be considered. All of this is done with participation and input from the public.

The NPS planning process strives to establish a logical, trackable rationale for decision making. This is done through four levels of planning; general management, strategic, implementation, and annual performance planning. The first two focus on why the park unit was established and what resource conditions and visitor experiences should exist. The last two become increasingly more focused on how those conditions can be achieved. This is the "why, what, and how" of NPS goal driven planning.

Commercial services planning begins at the general management planning level where the activities, services, and facilities that are necessary and appropriate to achieve the desired resource protection and visitor experience conditions are established. A Commercial Services Plan must be developed with public input and comply with all applicable laws and policies. It should also be consistent with the basic management philosophies established in higher level plans such as the General Management Plan, Statement for Management, and Strategic Plan. These plans identify the mission, purpose, and significance of the Preserve. They also identify goals or desired future conditions for the Preserve. Unless conditions prevail that require alternative management actions, all subsequent plans and actions must fall within the limits established in these higher plans and work towards achieving the goals identified. Implementation plans provide the details of how specific areas of Preserve operations, such as commercial services, resource management, interpretation, and development, will achieve Preserve goals within the limits established. Implementation plans describe in detail which types and levels of activities, services, and facilities will be provided and how they can be managed by the NPS in the most effective and efficient manner.

All superintendents with commercial services in their park units are required by NPS policy to conduct commercial services planning to support their commercial services programs. This would include concession contracts, Commercial Use Authorizations, Cooperating Associations, Friends Groups, and Special Use Permits where compensation is being received for visitor goods and services. The plan also establishes necessary and appropriate criteria; ensures resource and visitor experience goals are achieved; ensures compliance with other plans; and determines economic feasibility of all commercial proposals. Commercial services planning provides a logical decision making process with public involvement to determine which types of activities and services will be provided and at what levels and the best way to use the tools available to manage those activities and services.

The first half of this document provides legal, policy, and planning information that has a direct effect on the management of commercial activities at Big Cypress National Preserve. Information about what tools are available to manage commercial services and existing condition information about resources, visitor use, and current commercial activity is also provided. This information is the basis for the plan. All proposals must comply with laws, regulations, and policies and fall within the planning framework for Big Cypress National Preserve. The second half of the document takes the information about where the Preserve is and where the Preserve desires to be with regard to commercial services provided, and presents alternative ways to get there that are consistent with laws, policies, and the purpose of the Preserve. The impacts of those actions are then assessed.

Public input for this plan is critical to ensure the correct types and amounts of commercial services are available at Big Cypress National Preserve. The public is also encouraged to review this document to better understand the planning framework limits and constraints and comment on the direction. The public is also encouraged to comment on the alternative ways identified to achieve the goals of Big Cypress National Preserve.

The implementation of the CSP, including how commercial operators may apply for permits or contracts to operate a business within the Preserve is also addressed in this document, and updates will be available from Preserve staff as well as on the Preserve website.



GUIDING LAWS, REGULATIONS, AND POLICIES

All activities at Big Cypress National Preserve are governed by the 1916 Organic Act that created the NPS and congressional and presidential authorizing actions taken specifically for the Preserve. Laws specific to Big Cypress National Preserve can be found in the 1991 General Management Plan, which states in part:

A review of the House and Senate reports leading to passage of PL 93-440 identifies two fundamental resources in the Preserve:

Water – The natural flow of freshwater (that is the watershed) is key to the survival of Everglades National Park as well as the integrity of the entire south Florida ecosystem.

Natural Values – As important as the watershed, the natural, scenic, floral, and faunal values are cited as being worthy of recognition and protection on their own merit. Recreation is discussed along with the natural values because the natural resources provide opportunities for recreational pursuits.

The act states that the Preserve, as a unit of the national park system, is to be administered in a manner that will ensure its “natural and ecological integrity in perpetuity”.

BICY, GMP, 1991, p. 7

REGULATORY AND PLANNING BACKGROUND

Big Cypress National Preserve Planning Documents

The purpose, need, and objectives should be, to a large degree, consistent with preserve planning documents. These documents include the *2002 Superintendent’s Compendium*, the *Strategic Plan*, and the *General Management Plan*.

Superintendent’s Compendium. Under the provisions of 16 U.S.C., Section 3, Title 36, Code of Federal Regulations, Chapter 1, Parts 1-7, the compendium details designated closures, permit requirements, and other restrictions imposed under the discretionary authority of the superintendent. The general provisions of the compendium (NPS 2006a) allow for closures and public use limits. In terms of commercial use and services, the compendium includes provisions for commercial operations, construction, advertising, frogging, filming, and video. Some specific provisions for the Preserve include speed limit (roads) designations; regulations for fishing, boating, camping; and ORV closures.

2000 Strategic Plan, Fiscal Years 2000 – 2005. Big Cypress National Preserve’s mission is accomplished through pursuit of the following “in perpetuity” mission goals. Mission Goals are essentially visions of the future. They describe the desired future conditions that would best fulfill the preserve purpose. They are broad descriptions expressed in terms of resource condition and visitor experience (NPS 2001b) and would be applied to any alternatives development when considering a CSP at Big Cypress. The Mission Goals stated in the 2005 Strategic Plan applicable to a commercial services plan include (NPS 2001b):

Goal Category I: Preserve Big Cypress National Preserve Resources

- 1a. Natural and cultural resources and associated values of the Preserve are protected, restored and maintained in good condition and managed within their broader ecosystem and cultural context.
- 1b. The NPS at Big Cypress National Preserve contributes to knowledge about natural and cultural resources and associated values; management decisions about resources and visitors are based on adequate scholarly and scientific information.

Goal Category II: Provide for the Public Use and Enjoyment and Visitor Experience of Big Cypress National Preserve.

- Ia. Visitors to Big Cypress National Preserve safely enjoy and are satisfied with the availability, accessibility, diversity, and quality of Preserve facilities, services, and appropriate recreational opportunities.
- Iib. Preserve visitors and the general public understand and appreciate the preservation of Big Cypress National Preserve and its resources for this and future generations.

Goal Category III: Strengthen and Preserve Natural and Cultural Resources and Enhance Recreational Opportunities Managed by Partners

This mission goal refers primarily to the legislated NPS partnership programs and is accomplished by central offices rather than parks.

Goal Category IV: Ensure Organizational Effectiveness of Big Cypress National Preserve

IVa. The NPS at Big Cypress National Preserve uses current management practices, systems, and technologies to accomplish its mission.

IVb. The NPS at Big Cypress National Preserve increases its managerial capabilities through initiatives and support from other agencies, organizations, and individuals.

General Management Plan. The 1991 General Management Plan (GMP) for the original Preserve is the overriding planning document, and addressed commercial services only briefly. The GMP states:

A concessionaire would be sought to provide on-site visitor services and facilities that would complement those provided by the NPS. The concessionaire would be asked to provide interpretive tours, canoe rentals, backcountry shelter rentals, backcountry guide and outfitter services for hunters and non hunters, ORV [off-road vehicle] storage and maintenance facilities, convenience store facilities, and restrooms.

Visitors would be able to rent canoes for use on the proposed canoe trail, or they could take short guided interpretive trips into the backcountry on ORVs. Storage facilities would be provided for visitors who own ORVs, thus eliminating the need to haul these vehicles to and from the Preserve on trailers. The concessionaire would also provide buggy and airboat maintenance services, as well as restrooms, convenience store items, and gas.

A satellite concession center could be provided at Seagrape Drive near Ochopee. From this site, short interpretive tours could be provided into the Preserve's backcountry. Overnight trips (outfitter services) could also be provided into the backcountry. (BICY, General Management Plan, 1991 p. 50)

Big Cypress National Preserve Business Plan. The preserve is in the process of developing this plan, the purpose of which is to increase the financial management capabilities within the preserve; therefore, the plan analyzes and presents the functional responsibilities, operational standards, financial picture, and funding needs of Big Cypress National Preserve. The plan identifies resource gaps and shortfalls and then calculates the cost of closing these gaps. Within the plan there are five functional areas, including resource protection and visitor experience and enjoyment. The plan contains historical trends and strategies for improvement. The Big Cypress National Preserve Business Plan will provide guidance in developing the BICY CSP. A follow up to the *Business Plan* examined additional opportunities for integrating new management efficiencies and improved business practices within Big Cypress National Preserve. One of the fundamental needs is to continue to build better relationships between the Preserve and community interests. Developing the CSP/EA with broad public involvement supports that principle.

NPS ORGANIC ACT AND MANAGEMENT POLICIES

In the National Park Service *Organic Act of 1916* (Organic Act), Congress directed the U.S. Department of Interior and the NPS to manage units “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” (16 U.S.C. § 1). Congress reiterated this mandate in the Redwood National Park Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress” (16 U.S.C. § 1a-1).

Despite these mandates, the Organic Act and its amendments afford the NPS latitude when making resource decisions that balance visitor recreation and resource preservation. By these acts Congress “empowered [the National Park Service] with the authority to determine what uses of park resources are proper and what proportion of the park’s resources are available for each use” (*Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1453 [9th Cir. 1996]).

Yet courts consistently interpreted the Organic Act and its amendments to elevate resource conservation above visitor recreation. *Michigan United Conservation Clubs v. Lujan*, 949 F.2d 202, 206 (6th Cir. 1991) states, “Congress placed specific emphasis on conservation.” The court in *National Rifle Ass’n of America v. Potter*, says “in the Organic Act Congress speaks of but a single purpose, namely, conservation.” The NPS *Management Policies* also recognize that resource conservation takes precedence over visitor recreation. The policy dictates that “when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation is to be predominant” (NPS *Management Policies 2006*, 1.4.3).

Because conservation remains predominant, the NPS seeks to avoid or to minimize adverse impacts on Preserve resources and values. Yet the NPS has discretion to allow negative impacts when necessary (*Management Policies 2006*, sec. 1.4.3). While some actions and activities cause impacts, the National Park Service cannot allow an adverse impact that constitutes resource impairment (*Management Policies 2006*, sec. 1.4.3). The Organic Act prohibits actions that permanently impair preserve resources unless a law directly and specifically allows for the action (16 U.S.C. 1a-1). An action constitutes an impairment when its impacts “harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values” (*Management Policies 2006*, sec. 1.4.5). To determine impairment, the NPS must evaluate “the particular resources and values that would be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts” (*Management Policies 2006*, sec. 1.4.5).

Because the purposes for establishing national park units vary based on their enabling legislation, natural resources, cultural resources, and missions, management activities appropriate for each unit and for areas in each unit vary as well. An action appropriate in one unit could impair resources in another unit. Thus, the environmental assessment will analyze the context, duration, and intensity of impacts related to the implementation of a CSP for Big Cypress National Preserve, as well as the potential for resource impairment, as required by *Director’s Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making*.

As related to commercial service planning, the NPS *Management Policies* acknowledge appropriate uses of park units need to be defined to ensure the enjoyment of the parks and the appreciation and inspiration derived from the resources (*Management Policies 2006*, sec. 1.5). An “appropriate use” is a use that is suitable, proper, or fitting for a particular park unit, or to a particular location within a park unit. Not all uses are appropriate or allowable in units of the national park system, and what is appropriate may vary from one park unit to another and from one location to another within a park unit (*Management Policies 2006*, sec. 1.5). NPS *Management Policies 2006* address commercial visitor services in Chapter 10. Specifically, Section 10.2.2 Commercial Visitor Services Planning states:

Commercial visitor services planning will identify the appropriate role of commercial operators in helping parks to provide opportunities for visitor use and enjoyment. The planning will be integrated into other plans and planning processes and will comply with all Service policies regarding planning and environmental analysis. The number, location, and sizes of facilities and sites assigned through concession authorizations will be the minimum necessary for proper and satisfactory operation of the facilities.

A park commercial services strategy must be in place to ensure that concession facilities and services are necessary and appropriate, financially viable, and addressed in an approved management plan. Commercial services plans may be developed to further implement a park's concessions. A decision to authorize or expand a park concession will consider the effect on, or need for, additional infrastructure and management of operations and be based on a determination that the facility or service:

- is consistent with enabling legislation,
- is complementary to mission and visitor service objectives,
- is necessary and appropriate for the public use and enjoyment of the park in which it is located,
- is not, and cannot be, provided outside park boundaries,
- incorporates sustainable principles and practices in planning, design, siting, construction, and maintenance,
- adopts appropriate energy and water conservation, source reduction, and environmental purchasing standards and goals, and
- will not cause unacceptable impacts.

Prior to initiating new services authorized under a concession contract, a market and financial viability study/analysis will be completed to ensure that the overall contract is feasible.

Director's Order #2: Park Planning (1998, sunset 2002). *Director's Order #2: Park Planning* directs park units to take a comprehensive approach to planning for how resources, visitors, and facilities will be managed to carry out the mission of the NPS and each individual park. As stated above, the NPS has a mandate in its Organic Act and other legislation to preserve resources unimpaired for the enjoyment of future generations. NPS park planning will help define what types of resource conditions, visitor uses, and management actions will best achieve that mandate. Section 3.1.2 directs the NPS to use planning to bring logic, analysis, public involvement, and accountability into the decision-making process. More specifically, Section 3.1.2 states:

- *Logic* - Park planning and decision making will be conducted as a continuous, dynamic process that extends from broad visions shared with the public to individual, annual work assignments and evaluations. Each park unit will be able to demonstrate to decision makers, staff, and the public how decisions relate to one another in terms of a logical rationale.
- *Public Involvement* - Public participation in planning and decision making will ensure that the National Park Service fully understands and considers the public's interest in the parks as part of their national heritage, cultural traditions, and community surroundings. To the maximum extent possible, the National Park Service will actively seek out and consult with existing and potential visitors, neighbors, people with traditional cultural ties to park lands, scientists and scholars, concessioners, cooperating associations, other partners, and government agencies. The Park Service will work cooperatively with others to improve the condition of parks, to expand public service, and to integrate parks into sustainable ecological, cultural, and socioeconomic systems.
- *Accountability* - Management teams will be held accountable for identifying and accomplishing long-term goals and annual goals as incremental steps toward fully carrying out the park mission. Such planning will be a critical and essential part of the National Park Service performance management system that is designed to improve the agency's performance and results.

Under Director's Order #2, NPS planning should be conducted by an interdisciplinary team, including park unit managers and technical experts, who will consult with other knowledgeable persons inside and outside the agency

and with the general public. Decisions will be based on a scientific and scholarly understanding of the park unit ecosystems and cultural contexts (both internal and external to the park unit boundaries). The analysis of plan alternatives will meet the program standards for NPS implementation of NEPA and related legislation, including the National Historic Preservation Act (NHPA). Section 3.3.1.7. of general management planning guidance states that public involvement will be adequate to learn about the concerns, issues, expectations, and values of existing and potential visitors, preserve neighbors, people with traditional cultural ties to lands within the preserve, concessioners, cooperating associations, other partners, scientists and scholars, and other government agencies. Through public involvement, the NPS will share information about the planning process, issues, and proposed management actions; learn about the values placed by other people and groups on the same resources and visitor experiences; and build support among local publics, visitors, Congress, and others for implementing the plan.

Director's Order #6: Interpretation and Education (2005). This Director's Order supplements the NPS *Management Policies* with the operational policies and procedures necessary to maintain effective, high quality interpretive and educational programs (as provided in Reference Manual #6). This order supports goal categories I and II of the NPS Strategic Plan, which calls for "Protecting Preserve Resources" and "Providing for the Public Enjoyment and Visitor Experience of Preserve."

Director's Order #12: Conservation Planning, Environmental Impact Analysis and Decision Making. This Director's Order and the accompanying Handbook set forth the policy and procedures by which the NPS carries out its responsibilities under NEPA. NEPA and the NPS Organic Act are recognized as the two pieces of "landmark" environmental legislation passed by Congress. Director's Order #12 and the Handbook lay the groundwork for a necessary evolution in the way the National Park Service approaches environmental analysis, public involvement, and making resource-based decisions. They set forth the direction in using interdisciplinary teams, incorporating scientific and technical information, and establishing a solid administrative record for park actions.

Director's Order #17: National Park Service Tourism (1999). This Director's Order sets forth the operating premises and policies of the National Park Service related to promoting and supporting sustainable, responsible, informed, and managed visitor use through cooperation and coordination with the tourism industry. This order details the NPS dedication to its mission and outlines how this can be partially achieved through a National Tourism Policy that addresses the needs and concerns of the National Park Service, preserve visitors, preserve neighbors, and the tourism industry (i.e., businesses that stage, transport, house, feed, and otherwise provide services to our actual and potential visitors).

Director's Order #28: Cultural Resource Management (1998). This Director's Order sets forth the guidelines for management of cultural resources, including cultural landscapes, archeological resources, historic and prehistoric structures, museum objects, and ethnographic resources. This order calls for the NPS to protect and manage cultural resources in its custody through effective research, planning, and stewardship in accordance with the policies and principles contained in the NPS *Management Policies*.

Director's Order #42: Accessibility for Visitors with Disabilities in National Park Service Programs and Services (2000). Director's Order #42 outlines the goals and objectives of the National Park Service to ensure that all people, including those with disabilities, have the highest level of accessibility that is reasonable to NPS programs, facilities, and services in conformance with applicable regulations and standards. The procedures in this Director's Order provide detailed guidance that the NPS seek to provide the highest level of accessibility that is reasonable, and not simply provide the minimum level that is required by law. The Director's Order outlines five objectives for the National Park Service to:

1. Incorporate the long range goal of providing the highest level of accessibility that is reasonable for people of all abilities in all facilities, programs, and services, instead of providing "separate" or "special" programs.
2. Implement this goal within the daily operation of the NPS, its policies, organizational relationships, and implementation strategies;

3. Provide further guidance and direction regarding the NPS interpretation of laws and policies;
4. Establish a framework for the effective implementation of actions necessary to achieve the highest level of accessibility that is reasonable; and,
5. Ensure the implementation of "universal design" principles within the national park system.

Director's Order #77: Natural Resource Protection. Director's Order #77 addresses Natural Resource Protection, with specific guidance provided in Reference Manual #77: Natural Resource Management. This Director's Order includes Director's Order #77-1: Wetland Protection and Director's Order #77-2: Floodplain Management, both of which will be considered during the development of a CSP for the Preserve due to its location in a floodplain and the proximity of wetlands to all areas.

Director's Order #77-1, reissued in 2002, establishes policies, requirements, and standards for implementing Executive Order 11990: Protection of Wetlands. Under this order, the NPS adopts a goal of "no net loss of wetlands." In addition, the NPS will strive to achieve a long-term goal of net gain of wetlands Service-wide. For proposed new development or other new activities, plans, or programs that are either located in or otherwise have the potential for direct or indirect adverse impacts on wetlands, the NPS will employ a sequence of avoiding adverse wetland impacts to the extent practicable, minimizing impacts that could not be avoided, and compensating for remaining unavoidable adverse wetland impacts by restoring degraded wetlands. If the preferred alternative will result in adverse impacts on wetlands, the NPS will prepare and approve a Statement of Findings (SOF) in accordance with procedures described in Procedural Manual 77-1: Wetland Protection.

Director's Order #77-2, approved in 2003, applies to all NPS proposed actions, including the direct and indirect support of floodplain development that could adversely affect the natural resources and functions of floodplains, including coastal floodplains, or increase flood risks. This Director's Order also applies to existing actions when they are the subjects of regularly occurring updates of NPS planning documents. Under Director's Order #77-2, it is NPS policy to preserve floodplain values and minimize potentially hazardous conditions associated with flooding. In managing floodplains on park lands, the NPS will (1) manage for the preservation of floodplain values; (2) minimize potentially hazardous conditions associated with flooding; and (3) comply with the NPS Organic Act and all other federal laws and Executive Orders related to the management of activities in flood-prone areas, including Executive Order 11988 (Floodplain Management), NEPA, applicable provisions of the Clean Water Act, and the Rivers and Harbors Appropriation Act of 1899. Specifically, the NPS will protect and preserve the natural resources and functions of floodplains; avoid the long- and short-term environmental effects associated with the occupancy and modification of floodplains; and avoid direct and indirect support of floodplain development and actions that could adversely affect the natural resources and functions of floodplains or increase flood risks. When it is not practicable to locate or relocate development or inappropriate human activities to a site outside and not affecting the floodplain, the NPS will prepare and approve a SOF, in accordance with procedures described in Procedural Manual #77-2: Floodplain Management, and take all reasonable actions to minimize the impact to the natural resources of floodplains. Due to the study area location within a floodplain, a SOF has been prepared in accordance with procedures described in Procedural Manual #77-2 (see Appendix C).

Director's Order 48A and 48B: Concession Management and Concession Use Authority. These Director's Orders are still under development and, therefore, were not available at the time of this writing.

OTHER FEDERAL LAWS, EXECUTIVE ORDERS, REGULATIONS, AND POLICIES

The NPS is also required to comply with the following laws, Executive Orders, regulations, and policies in developing this CSP.

National Environmental Policy Act, 1969, as Amended (NEPA). Section 102(2)(c) of this act requires that an EIS be prepared for proposed federal actions that may significantly affect the quality of the human environment or are major or controversial federal actions. NEPA is implemented through regulations of the Council on Environmental Quality (CEQ) (40 CFR 1500-1508). The NPS has in turn adopted procedures to comply with the act and the CEQ regulations, as found in *Director's Order 12: Conservation Planning, Environmental Impact Analysis, and Decision Making*, and its accompanying handbook (NPS 2001c). Section 102(2) (c) of this act

requires that an EIS be prepared for proposed major federal actions that may significantly affect the quality of the human environment.

National Parks Omnibus Management Act of 1998 (NPOMA). NPOMA (16 U.S.C. 5901 et seq.) underscores NEPA in that both are fundamental to NPS park management decisions. Both acts provide direction for articulating and connecting the ultimate resource management decision to the analysis of impacts, using appropriate technical and scientific information. Both also recognize that such data may not be readily available and provide options for resource impact analysis in this case.

The establishment of an NPS unit can create many business opportunities. Private businesses provide a wide variety of visitor services, and also supply park units with necessary goods and services. As one of the means by which the public can be provided the facilities and services they need to enjoy national park areas, Congress established a Concession Program in the NPS through the passage of the 1965 Concession Policy Act, (Public Law 89-249). On November 13, 1998, the Concessions Policy Act was reformed with the passage of NPOMA.

To ensure private enterprise plays a complementary role, Congress defined concession activity and enacted the National Parks Omnibus Management Act of 1998 and the Title IV-National Park Service Concessions Management Improvement Act of 1998, under which the National Park Service authorizes park concession operations. It requires that development "...be limited to those that are necessary and appropriate for public use and enjoyment..." of the national park area in which they are located "and that are consistent to the highest practicable degree with the preservation and conservation of the areas..." (NPS 2006c).

The Omnibus Park Management Act of 1998 was passed by Congress. The NPS Concessions Management Improvement Act of 1998 (PL 105-391) is the short title for Section IV of the Omnibus Act and deals directly with NPS commercial services. This legislation supersedes the Concessions Policy Act, which guided NPS management of concessions for the last 30 years. The new legislation incorporates much of the philosophy of the old law including

“...development...shall be limited to those accommodations, facilities, and services that are necessary and appropriate for public use and enjoyment of the unit of the National Park System in which they are located and are consistent to the highest practicable degree with the preservation and conservation of the resources and values of the unit.”

In addition, the Secretary of the Interior should “...exercise his authority in a manner consistent with a reasonable opportunity for the concessionaire to realize a profit.” Thus, only economically feasible commercial operations should be introduced.

The Cost Recovery Act (16 USC 3a). This act requires the NPS to recover the cost of providing services to business permittees. The cost is defined as the amount expended by the NPS in order to accommodate commercial use. It includes the cost of processing and administering the permit and monitoring the activities allowed in the permit for compliance with conditions and stipulations. Administration costs can be averaged but monitoring costs must be itemized, actual costs.

Redwood National Park Act of 1978, as Amended. All National Park System units are to be managed and protected as parks, whether established as a recreation area, historic site, or any other designation. This act states that the National Park Service must conduct its actions in a manner that will ensure no “derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress.”

Code of Federal Regulations, Title 36 (1992). Title 36, Chapter 1 provides the regulations “for the proper use, management, government, and protection of persons, property, and natural and cultural resources within areas under the jurisdiction of the National Park Service.” It states that “the National Park Service has the authority to

manage the wildlife in the parks in fulfillment of the Organic Act without the consent of the state and by methods contrary to state law” (16 U.S.C. 3).

36 CFR Part 5: Commercial and Private Operations. Section 5.3 of this regulation states that engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit, contract, or other written agreement with the United States, except as such may be specifically authorized under special regulations applicable to a park area, is prohibited.

Endangered Species Act of 1973, as Amended. This act requires all federal agencies to consult with the Secretary of the Interior on all projects and proposals with the potential to impact federally endangered or threatened plants and animals. It also requires federal agencies to use their authorities in furtherance of the purposes of the Endangered Species Act by carrying out programs for the conservation of endangered and threatened species and to ensure that any agency action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat.

Migratory Bird Treaty Act of 1819. The Migratory Bird Treaty Act of 1819 implements various treaties and conventions between the U.S. and Canada, Japan, Mexico and the former Soviet Union for the protection of migratory birds. Under this act it is prohibited, unless permitted by regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention...for the protection of migratory birds...or any part, nest, or egg of any such bird” (16 U.S.C. 703). Subject to limitations in the Act, the Secretary of the Interior may adopt regulations determining the extent to which, if at all, hunting, taking, capturing, killing, possessing, selling, purchasing, shipping, transporting or exporting of any migratory bird, part, nest or egg will be allowed, having regard for temperature zones, distribution, abundance, economic value, breeding habits and migratory flight patterns.

National Historic Preservation Act of 1966, as Amended. Section 106 of this act requires federal agencies to consider the effects of their undertakings on properties listed or potentially eligible for listing on the National Register of Historic Places. All actions affecting the parks’ cultural resources must comply with this legislation.

Historic Sites Act of 1935. This act declares as national policy the preservation for public use of historic sites, buildings, objects, and properties of national significance. It authorizes the Secretary of the Interior and National Park Service to restore, reconstruct, rehabilitate, preserve, and maintain historic or prehistoric sites, buildings, objects, and properties of national historical or archaeological significance.

Marine Mammal Protection Act, 1972. The Marine Mammal Protection Act prohibits, with certain exceptions, the take of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S. This act recognizes that some marine mammal species or stocks may be in danger of extinction or depletion as a result of human activities and that these species or stocks must not be permitted to be depleted. The act, as amended in 1994, provides for certain exceptions to the take prohibitions, such as for Alaska Native subsistence and permits and authorizations for scientific research; a program to authorize and control the taking of marine mammals incidental to commercial fishing operations; preparation of stock assessments for all marine mammal stocks in waters under U.S. jurisdiction; and studies of pinniped-fishery interactions.

Coastal Zone Management Act, 1966. The Coastal Zone Management Act (CZMA) (16 U.S.C. §§1451 et. seq.) seeks to preserve and protect coastal resources. Through the CZMA, states are encouraged to develop coastal zone management programs (CZMPs) to allow economic growth that is compatible with the protection of natural resources, the reduction of coastal hazards, the improvement of water quality, and sensible coastal development. The CZMA provides financial and technical incentives for coastal states to manage their coastal zones in a

manner consistent with CZMA standards and goals. CZMA Section 307 requires that federal agency activities that affect any land or water use or natural resource of the coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the state CZMP. Federal agencies and applicants for federal approvals must consult with state CZMPs and must provide the CZMP with a determination or certification that the activity is consistent with the CZMP's enforceable policies, where those policies will have a possible effect on state coastal resources, as defined by the CZMP and local land use plans.

The Florida Coastal Management Program (FCMP), the State of Florida's federally approved management program, was approved by the National Oceanic and Atmospheric Administration in 1981. The FCMP consists of a network of 23 Florida statutes administered by 11 state agencies and four of the five water management districts designed to ensure the wise use and protection of the state's water, cultural, historic, and biological resources; to minimize the state's vulnerability to coastal hazards; to ensure compliance with the state's growth management laws; to protect the state's transportation system; and to protect the state's proprietary interest as the owner of sovereign submerged lands.

The State of Florida's coastal zone includes the area encompassed by the state's 67 counties and its territorial seas. Therefore, federal actions occurring throughout the state are reviewed by the state for consistency with the FCMP. However, the state has limited its federal consistency review of federally licensed and permitted activities to the federal licenses or permits specified in Section 380.23(3)c, Florida Statutes.

Executive Order 11593 - Protection and Enhancement of the Cultural Environment. This Executive Order directs federal agencies to support the preservation of cultural properties and to identify and nominate to the National Register cultural properties in the park and to "exercise caution... to assure that any NPS-owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered."

Executive Order 11644 – Use of Off-road Vehicles on Public Land. This Executive Order directs federal agencies to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Executive Order 11988 - Floodplain Management. This Executive Order directs federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

Executive Order 11990 - Protection of Wetlands. This Executive Order directs federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.

Executive Order 13112 – Invasive Species. This Executive Order requires federal agencies to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause.

Executive Order 13123 – Greening the Government through Efficient Energy Management. This Executive Order defines requirements for federal agencies in meeting energy savings goals through the promotion of energy efficiency, water conservation, and the use of renewable energy products, and in helping foster markets for emerging technologies.

Executive Order 13148 – Greening the Government through Leadership in Environmental Management. This Executive Order directs the head of each federal agency to be responsible for ensuring that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision-making and long-term planning processes across all agency missions, activities, and functions. Consequently, environmental

management considerations must be a fundamental and integral component of federal government policies, operations, planning, and management.

Executive Order 13186 – Responsibilities of Federal Agencies to Protect Migratory Birds. Migratory birds are of great ecological and economic value to this country and to other countries. They contribute to biological diversity and bring tremendous enjoyment to millions of Americans who study, watch, feed, or hunt these birds throughout the United States and other countries. The United States has recognized the critical importance of this shared resource by ratifying international, bilateral conventions for the conservation of migratory birds. Such conventions include the Convention for the Protection of Migratory Birds with Great Britain on behalf of Canada 1916, the Convention for the Protection of Migratory Birds and Game Mammals-Mexico 1936, the Convention for the Protection of Birds and Their Environment-Japan 1972, and the Convention for the Conservation of Migratory Birds and Their Environment-Union of Soviet Socialist Republics 1978. These migratory bird conventions impose substantive obligations on the United States for the conservation of migratory birds and their habitats; through the Migratory Bird Treaty Act, the United States has implemented these migratory bird conventions with respect to the United States. This Executive Order directs executive departments and agencies to take certain actions to further implement the Act.

Federal Building Code Standards for Accessibility. This document sets standards for facility accessibility by physically handicapped persons for Federal and federally-funded facilities. The document presents uniform standards for the design, construction and alteration of buildings so that physically handicapped persons will have ready access to and use of them in accordance with the Architectural Barriers Act, 42 U.S.C. 4151-4157. The document also embodies an agreement to minimize the differences between the standards previously used by four agencies (the General Services Administration, the departments of Housing and Urban Development and Defense, and the United States Postal Service) that are authorized to issue standards under the Architectural Barriers Act, and between those standards and the access standards recommended for facilities that are not federally funded or constructed.

ABAAS Standards for Accessible Design. This document sets guidelines for accessibility to places of public accommodation and commercial facilities by individuals with disabilities. These guidelines are to be applied during the design, construction, and alteration of such buildings and facilities to the extent required by regulations issued by federal agencies, including the Department of Justice, under the Architectural Barriers Act Accessibility Standards (ABAAS) issued by the General Services Administration in 2004.

STATE AND LOCAL LAWS, REGULATIONS, AND POLICIES

Florida Building Code. Monroe County was previously managed under the South Florida Building Codes; as of March 1, 2002, the *Florida Building Code* supersedes all local building codes which are developed and maintained by the Florida Building Commission. This code is updated every three years and may be amended annually to incorporate interpretations and clarifications. The *Florida Building Code* is based on national model building codes and national consensus standards, which are amended where necessary for Florida's specific needs. The Code incorporates all building construction-related regulations for public and private buildings in the State of Florida other than those specifically exempted by Section 553.73, Florida Statutes. It has been harmonized with the *Florida Fire Prevention Code*, which is developed and maintained by the Department of Financial Services, Office of the State Fire Marshal, to establish unified and consistent standards. The code has incorporated the provisions from the South Florida Building Code into the state-wide code with the section on High Velocity Hurricane Zone provisions. Consistent with NPS Management Policies (Chapter 9 - Park Facilities), the preserve will design and construct any facilities to the same code compliance regardless of origin (NPS, concessioner, contractor, other), including voluntarily complying with local state building codes as well as national building codes, particularly if the state code is more stringent. The code identifies zones with varying requirements dependent on wind speed and exposure, for example.

Outstanding Florida Waters. All waters that are a part Big Cypress National Preserve are defined as Outstanding Florida Waters (OFW). Section 403.061 (27), Florida Statutes, grants the Florida Department of

Environmental Protection power to: Establish rules which provide for a special category of water bodies within the state, to be referred as “Outstanding Florida Waters,” which shall be worthy of special protection because of their natural attributes. In general, the Florida Department of Environmental Protection cannot issue permits for direct pollutant discharges to OFWs which would lower ambient (existing) water quality or indirect discharges which would significantly degrade the waters. Permits for new dredging and filling must be clearly in the public interest, taking into consideration whether the:

- activity will adversely affect the public health, safety, or welfare or property of others;
- activity will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;
- activity will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;
- activity will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;
- activity will be of a temporary or permanent nature;
- activity will adversely affect or will enhance significant historical and archaeological resources under the provisions of Sec. 267.061 F.S.; and
- current condition and relative value of functions being performed by areas affected by the proposed activity (373.414(1)(a), F.S.).

RIGHT OF FIRST REFUSAL

There are two federally recognized tribes residing in and near the Preserve: The Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida. There are also numerous Native Americans not associated with either tribe that also use and claim rights within the Preserve. Approximately 200 Miccosukee and Seminole Indians reside in the Preserve on either individual sites or in a series of 22 small villages. Two additional sites are set aside for Miccosukee religious ceremonies within the original Preserve boundary and one Seminole ceremonial site exists in the Addition. Large tribal reservations exist to the immediately adjacent to the Preserve boundary, and thus the Preserve must partner with the tribes on numerous occasions. P.L. 93-440, the act that established Big Cypress National Preserve, states in Section 6:

“Notwithstanding any other provision of law, before entering into any contract for the provision of revenue producing visitor services,

- (i) the Secretary shall offer those members of the Miccosukee and Seminole Indian Tribes who, on January 1, 1972, were engaged in the provision of similar services, a right of first refusal to continue such services within the Preserve subject to such terms and conditions as he may deem appropriate,
- (ii) and before entering into any contract or agreement to provide new revenue-producing visitor services within the Preserve the Secretary shall offer to the Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida the right of first refusal to provide such services, the right to be open for a period of ninety days. Should both tribes respond with proposals that satisfy the terms and conditions established by the Secretary, the Secretary may allow the Tribes an additional period of ninety days in which to enter into an inter-Tribal cooperative agreement to provide such visitor services, but if neither tribe responds with proposals that satisfy the terms and conditions established by the Secretary, then the Secretary shall provide such visitor services in accordance with the Act of October 9, 1965 (79 Stat. 969, 16 U.S.C. 20). No such agreement may be assigned or otherwise transferred without the consent of the Secretary”

Legislative History of P.L. 93-440 (Senate Report No. 93-1128) further clarifies in Section by Section Analysis of H.R. 10088 with the following,

“*Section 6* is designed to give members of the Miccosukee and Seminole Tribes a right of first refusal on any concession contract in the Preserve.”

In order to ensure the rights of the recognized Tribes, before entering into any contract or agreement to provide new visitor services, including Commercial Use Authorizations, BICY will offer the right of first refusal to each of the Tribes. In the case of CUAs, *each* CUA would be a separate “contract or agreement” and therefore will be offered to the Tribes first. The right of first refusal does not apply to renewals of either CUAs or concession contracts, but under concessions, the benefit to Indians and Indian tribes will be a factor in deciding whether to issue a renewal.



COMMERCIAL SERVICES AUTHORIZATION INSTRUMENTS

CONCESSION CONTRACTS

All concession operations must be approved and authorized by the NPS under delegation of authority through the preparation of a prospectus (solicitation of offers), NPS review of proposals, selection of the best offer, and final contract execution. The procedures are detailed in Title 36 CFR, 51.4.

Concession contracts are legal agreements between the Secretary of the Interior (or authorized delegate) and a concessionaire that requires the concessionaire to provide certain visitor accommodations, facilities, or services in the park units. Some services are required and must be provided. Others are authorized and may be provided.

There are three types of concession contracts. Category I concession contracts are usually used for large, complex operations where there is land and/or facilities assigned and the concessionaire is making capital improvements which means there is leasehold surrender interest. "Leasehold Surrender Interest" means a right to payment in accordance with a concessions contract for related capital improvements that the Concessioner makes or provides within the area on lands owned by the United States pursuant to the terms and conditions of the contract. The existence of a Leasehold Surrender Interest does not give the Concessioner, or any other person, any right to conduct business in a park area, to utilize the related capital improvements, or to prevent the Director or another person from utilizing the related capital improvements. The existence of a Leasehold Surrender Interest does not include any interest in the land on which the related capital improvements are located. Category II concession contracts are usually used for large, complex operations with land/facility assignments but there is no capital improvement program or leasehold surrender interest. Category III concession contracts are usually used for less complex operations without land/facility assignments or leasehold surrender interest. Category III and sometimes II replace what used to be called a concession permit. By law, all contracts are issued by competitive bid. The typical term for a contract is 5 to 10 years although under certain financial situations where a large capital investment is involved a 20-year term can be authorized with specific approval from the NPS Director.

Contracts authorized under the old law gave concessioners certain rights. New contracts do not include a preferential right of renewal except for guide services or operators with annual gross receipts less than \$500,000. Concessioners are no longer given a preferential right of refusal for new or similar services so as not to create or encourage a virtual monopoly. In fact, the intent of the new law is to encourage competition. When a concessionaire spends capital to make improvements to an NPS facility or builds a new facility, they acquire a leasehold surrender interest in the facility until the interest is depreciated, bought out by the government, or acquired by a new concessionaire.

Under the terms and conditions of a concession contract, the Secretary has the authority to assign land and government improvements (facilities) to the concessionaire as necessary and appropriate for conduct of operations. Concession contracts contain an operations plan, maintenance plan, environmental plan, and, in many instances, building improvement plans. They require care of land and government improvements provided by the NPS to the concessionaire. Compliance with the plans is mandatory. Financial functions associated with issuing and managing concession contracts include economic feasibility studies and ensuring a fair return to the government. General standards are set for calculation of financial returns to the United States and affirm that revenue production is subordinate to resource protection and visitor services.

COMMERCIAL USE AUTHORIZATIONS

Commercial Use Authorizations are used to authorize commercial operations located outside a park unit such as guide services, motorcoach tours, and recreational tours to use the park unit as part of their businesses. The NPS is in the process of writing regulations to implement Commercial Use Authorizations under PL 105-391. When those regulations are reviewed by the public and approved, the NPS will begin issuing Commercial Use

Authorizations under those guidelines. Until then, the NPS will continue to issue Commercial Use Authorizations under the interim guidelines set forth in November, 2005.

Under Commercial Use Authorizations (CUA), services cannot conflict with rights provided a concessionaire in an existing concession contract. Services must begin and end outside the Preserve. All financial transactions and advertising must take place outside the Preserve. Exclusive authority to provide services is not provided. Activities do not have to be necessary but must be an appropriate use in the Preserve. There is no assignment of land or facilities allowed. Permits can be renewed contingent on a favorable evaluation of the operation. Permits contain conditions or stipulations controlling spatial, temporal, and capacity aspects of the activity.

Monitoring of all commercial activities is essential to ensure that business operations are conducted in a safe, fair, and reputable manner consistent with the mission of the Preserve. Monitoring is also essential to ensure compliance with resource protection conditions stated in the permit. Where carrying capacities exist in park units to manage use, monitoring ensures compliance.

The NPS is authorized by the Cost Recovery Act to collect all costs associated with CUA permits. There are three elements to the determination of the dollar amount that can be charged: application, administrative, and monitoring costs. Application costs start with the request for the use of Preserve resources and end with mailing the application form. Administrative costs start when the completed application form is received and end with the final signing of the permit. Monitoring costs start when the permittee arrives in the Preserve to perform the permitted use and end when the permitted use is over and the permittee leaves the area. Application and administrative costs can be determined using average costs derived from historic records, but monitoring costs must reflect actual itemized costs.

SPECIAL USE PERMITS

Special events may be authorized under permit by the superintendent subject to the same criteria as other special Preserve uses provided there is a meaningful association between the purpose of the Preserve and the event, and the event contributes to visitor understanding of the significance of the Preserve.

The superintendent may approve a request for a special event if it is determined that:

- It will not conflict with law or policy
- It will not be a derogation of the values and purposes for which the Preserve was established
- It is consistent with the Preserve's enabling legislation
- It does not have reasonable potential to cause illness, personal injury, or property damage
- It will not unduly interfere with normal Preserve operations, resource protection, or visitor use

The NPS will not permit the staging of special events that are conducted primarily for the material or financial benefit of participants or that involve commercialization, advertising, or publicity by participants. Events for which a separate public admission fee is to be charged will not be permitted unless the event is directly related to the purposes for which the Preserve was established. In addition, the NPS will not sponsor or issue permits for special events conducted in wilderness areas if those events might be inconsistent with the protection of wilderness resources and values. This includes eligible and proposed wilderness.

The NPS will recover costs incurred in administering permits and monitoring the activities it authorizes. It will also establish and collect permit fees authorized by applicable legislation, regulations, and policies.

Special Use Permits are not covered by the new NPS concession legislation. Separate regulations for the management of Special Use Permits can be found in Title 36 CFR 1.6. Guidelines for the issuance of Special Use Permits are provided by NPS-53: Special Park Uses. The guidelines include NPS policy and instructions on Special Use Permits, which include Commercial Filming and Photography, Special Events, Rights-of-Way, and Use and Occupancy permits.

COMMERCIAL FILMING PERMITS

It is the policy of the National Park Service (NPS-21) to allow commercial filming and photography when it is consistent with the protection and public enjoyment of Preserve resources. The regulations used to manage commercial filming are contained in 36 CFR 5.5. The NPS has the authority and responsibility to manage, permit, and/or deny filming projects consistent with the following principles:

- Natural, cultural, wilderness, and recreational resources will be protected
- Activity will not unduly conflict with the public's normal use and enjoyment of a park unit
- Visitors using cameras and /or recording devices for their own personal use are generally exempt from film permit requirements
- Coverage of breaking news never requires a permit, but it is subject to the imposition of restrictions and conditions necessary to protect Preserve resources and public health and safety, and to prevent derogation of Preserve values
- The NPS will not censor the content of any project, nor require finished film products for review, files, or documentation purposes

Still photography activities require a permit only when models, sets, or props are being used; the activity takes place in an area not open to the general public; or additional administrative costs are incurred by the park.

Guidance on commercial filming and still photography permits and the location fee schedule are found at:

<http://home.nps.gov/applications/digest/permits.cfm?urlarea=permits>. Commercial filming programs in park units are usually managed as a special Preserve use with full cost recovery. Applicants reimburse the Preserve for all costs related to meetings, location scouting, development of permit stipulations, and on-site monitoring of film projects. Each film project usually has a unique set of conditions developed to ensure that Preserve resources are protected and that filming activities do not impact other Preserve visitors.

RIGHTS-OF-WAY

The NPS is under congressional mandate not to allow any use of NPS land that would be a derogation of the values and purposes for which the Preserve was authorized or be incompatible with the public interest, except when authorized by Congress. The regulations used to manage rights-of-way are found in 36 CFR 14.

National Park Service policy (NPS-53) states that no permits for new, widened, or lengthened rights-of-way will be issued in designated or proposed wilderness. Rights-of-way for new gas or oil pipelines will not be issued anywhere in a national park area. When undocumented utility lines exist in a park unit, if the park unit allows the line to remain, a right-of-way permit must be prepared and submitted for final execution by the Superintendent. Appropriate conditions and stipulations are placed in any right-of-way permit to protect resources, if warranted. The NPS will recover all costs incurred to issue the right-of-way permit and monitor any activity associated with the permit. Fees paid by the permit holder for the use of the government land go directly to the U.S. Treasury.

COOPERATING ASSOCIATIONS

Congress authorized cooperating associations in 1946. Their mission is to support park unit interpretive and scientific activities through proceeds from sales of educational and interpretive materials in a park unit, which is a commercial activity. Associations must have a signed Agreement to sell goods and services in areas of the National Park System. **Other commercial operators are not authorized to sell goods and services in these areas except through a special agreement with an Association and approval of the Preserve superintendent.** Associations must obtain approval from the superintendent before commencing business operations in off-site sales outlets that do not serve other governmental entities. Essentially, the NPS authorizes an association to sell approved interpretive and educational items in areas of the National Park System and, by extension, through mail-order, electronic commerce, and off-site locations. A concessions permit is required for an association to sell non-interpretive/educational items, considered to be visitor conveniences. All materials offered for sale by an association must be related to the interpretive themes of the park or the Service, or covered by the concession

contract. Historically, the most prevalent items sold by associations have been printed materials, such as books, brochures, maps, posters, and postcards. Today, however, many associations offer educational materials in a variety of additional formats such as audio/visual products, computer software, three-dimensional replicas and models, thematic apparel, educational toys and games. The breadth of types of materials sold is determined by each association and park unit superintendent, and take into consideration specific agreements with concessioners who may also be operating in the area. Since park unit themes are often specialized, an association may find it advantageous to produce its own publications or other products. The partnership collaborates with the NPS to identify sales needs and establish priorities. The preserve is involved from the beginning in the development of new products, all of which must be approved by the Service. Cooperating Associations are usually assigned space in a visitor center or other visitor contact facility, and are authorized by a cooperative agreement. They are managed by a servicewide set of criteria and policies, NPS-32.

OTHER AUTHORIZATIONS

In 1982 the NPS established the Historic Leasing Program to lease historic structures and agricultural land to individuals and organizations. The program was designed to spur rehabilitation and reuse of designated historic structures and federally owned lands. Any proceeds from these leases were to be used to maintain, repair, and Preserve historic properties and to defray the costs of administering the leasing program. This is a commercial activity authorized by a lease.

Some park units, including the Preserve have special legislation that allows commercial activity and/or commercial support of activities. For instance, many parks and Preserves have private inholdings or lifetime lease arrangements for private dwellings within the park unit boundary. These inholdings could be commercial in nature and/or require commercial support for delivery of goods and services. These types of commercial activities are often authorized by special written agreements that outline conditions, insurance requirements, and other pertinent information.



EXISTING COMMERCIAL SERVICES PROGRAM

The commercial services program at Big Cypress National Preserve includes evaluating commercial operators' performance, approving rates charged by commercial operators based on an analysis of comparable prices in the private sector, safety inspections, public health oversight, and responding to questions and concerns from the public and from businesses. Final approval of all contracts and permits rests with the office of the Superintendent.

CONCESSIONERS AND COMMERCIAL USE AUTHORIZATIONS

There are currently no concessions operating within Big Cypress National Preserve; however they are specifically identified as appropriate in the enabling legislation for the Preserve, and as such there may be concessions in the future.

When the regulations to implement the NPS Concessions Management Act are approved, the Preserve will continue to issue Commercial Use Authorizations (CUA) for these types of activities and services. The following describes current CUA activity.

The number of IBPs and CUAs issued has not changed over the past several years, due to the Preserve moratorium on accepting and processing applications prior to the completion of the CSP. There were two IBPs, each issued in 2003 through 2007, and 56 inquiries that were not issued permits. The two existing IBPs were left in place because they were long term, un-interrupted permits. IBPs, now converted to CUAs, were issued for the following activities that were determined to be appropriate commercial uses by Preserve management: canoe and kayak livery services, guided canoe trips, and overnight canoe camping excursions.

Commercial use can be limited for resource protection reasons. Limitations are a function of the capacity of the resource to accommodate use and quality of visitor service. In some cases the superintendent is authorized to suspend issuing permits completely. Under normal circumstances, stipulations are attached to permits to ensure compliance with specific Preserve rules and regulations, protect resources from overuse or inappropriate use, and to enhance the experience for clients and general visitors. A sample attachment of permit conditions can be found in Appendix D.

The NPS is required to recover all costs associated with CUAs. The Preserve fee for a permit includes the cost of issuing the permit and monitoring compliance with the conditions in the permit. Currently, the cost for applying for a permit is \$200, and the cost for the permit itself is \$100. At the end of the CSP process, fees will be assessed for appropriateness of price. The superintendent has the prerogative to raise or waive the fee if appropriate.

COOPERATING ASSOCIATIONS

Big Cypress National Preserve provides books, periodicals and limited interpretive items at the Oasis Visitor Center through a concession agreement with the Everglades Association. This concession agreement provides these services for all the park units in the south Florida region and is administered through the Southeast Regional Office of the NPS.

SPECIAL USE PERMITS (SUPS), COMMERCIAL FILMING, RIGHTS-OF-WAY, AND OTHER COMMERCIAL ACTIVITY

The most common requests for commercial authorizations are for commercial filming and providing guide services, specifically canoeing and hiking, but other SUPs are granted for special events and NPS approved activities.

Commercial filming at Big Cypress National Preserve is managed as a special park use. Those wishing to do commercial filming in the Preserve are required to contact the Chief Ranger's Office and discuss their plans. Those wishing to film are required to reimburse the Preserve for all costs related to meeting with film permit applicants, location scouting, development of permit stipulations, and on-site monitoring of film projects. For each film project a unique set of conditions is developed and enforced. A typical application and condition attachment is shown in Appendix C.

In the past five years there have been more than thirty requests for filming permits and sixteen actual filming projects. Approximately 10 requests for information or permits are received each year, and most are for short duration filming, including documentaries and feature films.

Big Cypress National Preserve currently has one right-of-way permit consisting of utilization of lands along Loop Road for placement of fiber optic cable. The Preserve also "inherited" several leases during the Arizona-Florida Land Exchange, which increased the size of Big Cypress National Preserve by 146,000 additional acres. These leases included an existing lease with Collier County (sublet to the Collier County Sheriffs Office, the Everglades City Chamber of Commerce, and a communications tower (ID No. 1020923) leased to Crown Castle GT Company). As these leases expire, they will be reassessed and processed individually for permit or lease renewal.

When Elderhostels, Non-Profit entities, or other types of organizations request a group or event be accommodated by BICY (**not** initiated by the Preserve), a determination will be made as to whether the proposed activity is commercial in nature. For activities that are commercial in nature, a permit will be required. As a rule of thumb, a CUA permit will not be required if there is no taxable income, however a Special Use Permit may be necessary.

BICY will require the organization to verify 501(c) 3 status and attest that no taxable income is derived from the proposed activity using a verification form Non-profit entities may also submit their IRS Form 990 for verification using www.guidestar.org. For qualifying non-profits, they will be issued a Non-Profit Special Use Permit, and will be charged administrative fees only. The activity's operational requirements will be the same as CUAs, except the term will be for only one year and the direct cost recovery requirement will not be imposed. The Preserve may honor a request for a CUA from a non-profit at its discretion.

Is the non-profit activity Commercial in Nature?

- **If the fee is greater than direct expenses – Yes**
- **If the donation exceeds direct costs – Yes**
- **If the leaders/guides are paid above a stipend – Yes**
- **If the purpose of the event is the sale of the service – Yes**

Other activities may be reviewed by NPS

PRESERVE PURPOSE, SIGNIFICANCE, MISSION AND MISSION GOALS

The Big Cypress National Preserve mission statement is based on Preserve legislation and the 2005 Strategic Management Plan, which was required of all federal government agencies by the 1993 Government Performance and Results Act (GPRA).

The Big Cypress National Preserve mission goals are a set of statements that describe the desired resource conditions and visitor experiences that, taken together, fully achieve the Preserve's purpose, maintain its significance, and meet its mandates. The mission goals stated in the 2005 Strategic Plan are:

Goal Category I: Preserve Big Cypress National Preserve Resources

1a. Natural and cultural resources and associated values of the Preserve **are protected, restored and maintained in good condition and managed within their broader ecosystem and cultural context.**

1b. The NPS at Big Cypress National Preserve contributes to knowledge about natural and cultural resources and associated values; management decisions about resources and visitors are based on adequate scholarly and scientific information.

Goal Category II: Provide for the Public Use and Enjoyment and Visitor Experience of Big Cypress National Preserve.

IIa. Visitors to Big Cypress National Preserve safely enjoy and are satisfied with the availability, accessibility, diversity, and quality of Preserve facilities, services, and appropriate recreational opportunities.

IIb. Preserve visitors and the general public understand and appreciate the preservation of Big Cypress National Preserve and its resources for this and future generations.

Goal Category III: Strengthen and Preserve Natural and Cultural Resources and Enhance Recreational Opportunities Managed by Partners

This mission goal refers primarily to the legislated NPS partnership programs and is accomplished by central offices rather than parks.

Goal Category IV: Ensure Organizational Effectiveness of Big Cypress National Preserve

IVa. The NPS at Big Cypress National Preserve uses current management practices, systems, and technologies to accomplish its mission.

IVb. The NPS at Big Cypress National Preserve increases its managerial capabilities through initiatives and support from other agencies, organizations, and individuals.

Goals for Commercial Services in Big Cypress National Preserve

The Big Cypress National Preserve Commercial Services Planning Team developed the following seven goals, to provide a framework for development of the Commercial Services Plan. They represent where the Preserve would like to be in 10-15 years with regard to commercial services, and provide the current planning direction. The goals are:

1. Commercial service access is available from a central location (multiple services from one location). Very "green," sustainable activities exist (sustainable technology to the extent possible and are environmentally responsible). All visitors are aware of being in a unit of the NPS (identity). A high level of quality exists for all commercial services provided (enjoyable, comfortable, and accurate). Commercial service access may be from strategically located pods/locations (dispersed areas offering multiple services at each location).

2. All visitors have the opportunity to experience the Preserve even if they do not have personally owned motorized or non-motorized special equipment to allow it (access to backcountry specifically).
3. The Preserve has the staff, funding and management tools to allow safe, efficient and effective management of the commercial services program, and is able to manage the impact of all authorized and unauthorized commercial activity in the Preserve. (This includes cost recovery, life cycle costing, phasing of projects).
4. Partnerships that provide compatible commercial recreational activities and services that enhance visitor experience are used to the maximum degree possible.
5. All interpretive information given to visitors is accurate.
6. All commercial activities are compatible with the Preserve's natural and cultural resources.
7. All commercial activities are compatible with the enabling legislation and authorized uses of the Preserve.

RELATIONSHIP TO OTHER PLANS, POLICIES, AND ACTIONS

NATIONAL PARK SERVICE PLANS, POLICIES, AND ACTIONS

Preserve and National Park Service plans, policies, and actions beyond those listed previously that may influence the development of a commercial services plan for the Preserve are provided below.

Big Cypress National Preserve

Long Range Interpretive Plan. A comprehensive interpretive plan identifies focal points by which the preserve can maximize visitor enjoyment while ensuring the protection of natural resources. The plan typically coincides with the park General Management Plan as well as the Strategic Management Plan. Long range interpretive plans can assist in educating visitors on services, proper park etiquette, and practices to assist the park in conservation. In addition, this plan can be utilized by park staff to ensure a proper balance is made between visitor enjoyment and protection of resources (NPS 2005a). The Big Cypress National Preserve Long Range Interpretive Plan was completed in 2002. Interpretation is a large part of visitor experience at the preserve and often accompanies commercial services.



Fire Management Plan. The BICY Fire Management plan implements fire management policies and help achieve resource management and fire management goals as defined in: (1) Federal Wildland Fire Management Policy and Program Review; (2) Managing Impacts of Wildfires on Communities and the Environment, and Protecting People and Sustaining Resources in Fire Adapted Ecosystems – A Cohesive Strategy (USDOI/USDA); and (3) A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment: 10-Year Comprehensive Strategy Implementation Plan.

Fire management programs are designed to meet resource management objectives prescribed for the various areas of the preserve and to ensure that firefighter and public safety are not compromised.

Currently, prescribed burns are utilized for restoration of habitat, hazard fuel reduction, and special resource needs.

National Register of Historic Places. Two structures are currently on the National Register of Historic Places (NRHP) in Big Cypress: Monroe Station and the monument at HP Williams Wayside Park, which commemorates the first wayside park in the state of Florida.

Wayside Exhibit Plan. In 2008, the Preserve began developing a *Wayside Exhibit Plan*, identifying markers to be distributed throughout the park for visitor information and enjoyment, which will contribute to cumulative beneficial effects on visitor experience in the Preserve. Opportunities for enhancing visitor's enjoyment will include answers to on-the-spot questions, available interpretation of sites, direct interaction with preserve facilities, and close proximity to features. In addition, the exhibits are a cost efficient and easily maintained method of display for the Preserve. The plan is expected to be completed by the end of 2009.

South Florida and Caribbean Parks Exotic Plant Management Plan. Currently the NEPA process is underway for the development of an Exotic Plant Management Plan for Big Cypress National Preserve, Biscayne National Park, Canaveral National Seashore, Dry Tortugas National Park, Everglades National Park, Buck Island Reef National Monument, Christiansted National Historic Site, Salt River Bay National Historic Park and Ecological Preserve, and Virgin Islands National Park. Guidelines put forth proposed management and control of non-native plant species, including future implementation. All of these actions can contribute to cumulative impacts on resources in the Preserve, especially vegetation. Currently, exotic plants are treated on a case-by-case basis in the nine parks. The NPS is considering alternate management plans to increase planning, monitoring, and mitigation of non-native species. In addition, active restoration programs have also been proposed to rehabilitate targeted areas and reintroduce native species. The draft management plan and EIS were released for public review and comment in November 2006. Completion of the final exotic plant management plan/EIS and a record of decision are anticipated in late 2007.

OTHER FEDERAL PLANS, POLICIES, AND ACTIONS

Comprehensive Everglades Restoration Plan (CERP). The comprehensive plan is a framework and guide to restore, protect, and preserve the water resources of central and southern Florida, including several projects affecting Florida Bay. The plan is a component of the world's largest ecosystem restoration effort; encompassing 16 counties and an 18,000-square-mile area. CERP includes more than 60 elements designed to capture, store and redistribute fresh water previously lost to tide and to regulate the quality, quantity, timing and distribution of flows. Implementation of CERP will take more than 30 years to complete and will cost an estimated 15 or more billion dollars. Should the CERP projects be successfully implemented, the preserve should experience improvements to the quality, quantity, timing and distribution of water flows.

Manatee Management Plan. In 2001, the U.S. Fish and Wildlife Service Southeast Region published a third revision to the *Florida Manatee Recovery Plan*, which identified information on the manatee's endangered status, as well as presented recovery goals and criteria to ensure a healthy population, and ultimate removal from the endangered list. Future management and information exchange with researchers throughout the world is also outlined. The plan is part of the Comprehensive Everglades Restoration Plan and is part of ongoing research from scientists in the Florida Integrated Science Center, Florida Marine Research Institute, Ten Thousand Islands National Wildlife Refuge, Big Cypress National Preserve, and Everglades National Park (USGS 2005).

OTHER STATE AND LOCAL PLANS, POLICIES, AND ACTIONS

Other state and local plans, policies, and actions that will need to be considered during the development of a commercial services plan include several Florida Department of Transportation projects in the area related to the Tamiami Trail and Interstate 75, research efforts in the preserve, and a number of local planning efforts. The plans and actions identified are not all-inclusive at this point in the planning process.

Several recreational vehicle campground and park facilities near Big Cypress National Preserve have recently closed. In addition, local public boat launches have been lost due to private sector acquisition and development in the region.

PLANNING ISSUES

Internal and external scoping defined a range of issues that were used to develop the commercial services goals mentioned previously. The issues ranged from discussions of resource protection, carrying capacity, and hunting, to interpretation and a quality visitor experience. The complete list of issues identified follows (The numbers in parentheses after each issue below represent which goal on page 26 addresses that issue):

- Resource protection -soils, hydrology, wetlands, threatened/endangered species, vegetation, air quality, noise, state and Federal designations (6)
- Laws and regulations – enabling legislation, Clean Water Act, Endangered Species Act, Land Protection Plan (6)
- Inherently low carrying capacity due to nature of resources – need to accommodate with facilities (improved trails, etc.) (1,6)
- Hunting (Wildlife Management Area) conflicts with other activities – seasonal, legal and safety issues, “compatibility” (6,7)
- Oil and gas rights – road capacity conflicts (6,7)
- Cultural sensitivity to Indian tribes – rights and sacred sites/activities, no regulations currently (6,7)
- Limited disturbed sites for commercial operations – wetland issues for new development, front country infrastructure, high investment necessary (1,2,6)
- Interpretation – are all opportunities to enhance visitor education and appreciation being met?
 - To enhance existing staffing, the NPS must explore new ways to interpret the Preserve including training commercial operators who have contact with visitors
 - Concern over existing interpretive message of providers. Ensure consistency of the messages being delivered (1,2,4)
- Jurisdiction over roads, private land, private airstrips (4,7)
- Surrounded by public lands with opportunities for partnerships to provide commercial opportunities (4)
- Spatial and temporal constraints needed to reduce conflicts between uses and with resource management (6,7)
- Can commercial operations be better coordinated to provide a better range of services for all visitors? (2)
- Commercial services is currently a collateral duty for Preserve staff and impacts on other divisions from increased use (3)
- Increased provision of commercial services could increase visitation beyond NPS ability to manage with current staffing levels (among other factors that could increase visitation) (3)
- Inherent risk of existing and potential activities – need for safety/standards (1)
- Operational issues with management activities (fire, trail maintenance, etc) conflicting with activity and perception of safety by visitors (e.g. prescribed burns, recovery of broken down equipment) (1,7)
- Seasonal and environmental constraints (heat, insects, etc) related to activities - quality of visitor experience (1)
- Large private property base with rights that need to be respected – do not diminish their experiences (7)
- Potential for oil and gas conflicts (7)
- Unauthorized commercial activities (3)
- Competing services and facilities outside the Preserve – necessary and appropriate
- Safety requirements/operational concerns due to specialized equipment – need for special operator training (3)
- Existing challenges with maintaining facilities (3)
- Minimal backcountry infrastructure exists (2,3)

SUSTAINABLE ECOTOURISM AND USER CAPACITY

Destination stewardship, also known as “Ecotourism” or “Geotourism” is tourism that sustains or enhances the geographical character of a place: its environment, culture, aesthetics, heritage, and the well being of its residents.

Place-based tourism showcases an area’s flora, fauna, history, geology, traditional architecture, local music, cuisine (including local agriculture), dances, and arts.

In highlighting these segments of the tourism community, the surrounding community benefits both culturally and financially, which in turn cultivates a motive to protect those values that have been interpreted for the visiting public. This idea of basing tourism on community assets instead of pop culture is the basis of a sustainable tourism program.

The issue of how much use can ultimately be accommodated in parks and protected areas is conventionally called *carrying capacity* in the professional literature, and the NPS resolved in the early 1990’s to address this issue. The effort was led by a group of NPS planners and was supported by several government and university scientists. Based on the scientific and professional literature, a framework was devised to analyze and manage carrying capacity in the national parks and related areas. The framework was called Visitor Experience and Resource Protection (now commonly referred to by its acronym VERP) as an expression of its intentions. The framework was designed to identify and protect what is important about park units and not to inherently limit visitor use, although such limits are needed in some places and at some times to ensure resource protection. VERP defines indicators and standards for Preserve resources and the quality of visitor experience, establishes procedures for monitoring those conditions, and requires management actions to ensure that the standards are maintained. An indicator is a measurable variable that can be used to monitor and track changes in resource conditions and visitor experiences to determine if desired conditions are being met. A standard is the minimum acceptable condition for an indicator. If a standard is not met, management strategies may be adjusted to minimize impacts.

Using standards as part of the VERP framework, Preserve staff can ensure that any impact to Preserve resources or visitor experience is not adverse. Preserve staff have developed a list of appropriate indicators that will be used in the implementation of the Commercial Services Plan for Big Cypress. The list of indicators can be found in Table 5, found on page 92. If and when monitoring of indicators such as those above show Preserve uses reach a level at which they must be limited or curtailed, the preferred choice will be to continue uses that best meet the criteria listed in section 8.2 of the current NPS Management Policies for preferred uses, and to limit or curtail those that least meet those criteria. When monitoring of an individual operator or activity results in reaching the threshold for action, the Potential Management Action for any indicators will result in a four phase approach:

Evaluation – by staff and commercial operator to identify specific actions that have resulted in reaching the threshold value

Education – of commercial operator by Preserve staff and the public (commercial visitor) by commercial operator

Enforcement – by rangers to ensure limits are strictly applied

Exclusion – of commercial operators from areas affected. These exclusions may be spatial or temporal, and may include lowering the number of permits issued for a given activity or management unit, allowing activities only during certain times of day, week, or season.

If monitoring continues to indicate unacceptable levels, this four phase approach will be re-applied, with increasing exclusion, possibly resulting in the cessation of commercial activities in the affected area.

DESIRED FUTURE COMMERCIAL SERVICES CONDITIONS

In response to the issues stated above and in compliance with laws, regulations, policy, the planning direction for the Preserve, and the purpose and significance of the Preserve, the goals on page 26 were developed. They describe the desired status of commercial services for Big Cypress National Preserve in 10 to 15 years. They are consistent with the desired future conditions described in the GMP for management zones in the Preserve but are written specifically for commercial activities. Every element in the alternatives that follow must complement these goals and work towards achieving them.



As stated previously, visitor carrying capacity is the type and level of visitor use that can be accommodated while sustaining the desired resource and visitor experience conditions in the Preserve. Carrying capacity and the use of the VERP framework will allow the Preserve to develop appropriate alternatives, and once a preferred alternative is selected, the VERP framework allows the Preserve to analyze use and visitor experience to ensure that the chosen alternative is providing the highest quality commercial services while still providing for appropriate resource protection. By identifying and staying within carrying capacities, management actions can prevent uses that may unacceptably impact the resources and values for which the Preserve was established. For all zones, districts, or other logical management divisions within the Preserve, the superintendent will identify visitor carrying capacities for managing public use. The Preserve will also identify ways to monitor for, and address, unacceptable impacts to Preserve resources and visitor experiences once the preferred alternative is selected.

When making decisions about carrying capacity with regard to commercial services, Preserve managers must utilize the best available natural and social science and other information, and maintain a comprehensive administrative record relating to their decisions. The decision making process should be based on desired resource conditions and visitor experiences for the area, quality indicators and standards that define the desired resource conditions and visitor experiences, and other factors that will lead to logical conclusions and the protection of Preserve resources and values. The level of analysis necessary to make decisions about carrying capacities for commercial services is commensurate with the potential impacts or consequences of the decisions. The greater the potential for significant impacts or consequences to Preserve resources and values (or the opportunities to enjoy them), the greater the level of study and analysis needed to support the decisions.

The general management planning process determines the desired resource and visitor experience conditions that are the foundation for carrying capacity analysis and decision-making for commercial services, and thus the range of alternatives that may be developed. Although the Preserve's general management plan may not appear current, it is complete, and as more detailed decision-making becomes available, it will be used along with a carrying capacity planning process, such as the VERP framework, which will be applied in this Commercial Services Plan. If the time frame for making decisions is insufficient to allow the application of a carrying capacity planning process, then managers must make decisions based on the best available scientific and other information. In either case, such planning must be accompanied by appropriate environmental impact analysis.

As use changes over time, Preserve managers must continue to decide if management actions are needed to keep use at acceptable and sustainable levels. When indicators and standards have been prescribed for an impact, the acceptable level is the prescribed standard. If indicators and standards do not exist, the Preserve must determine how much impact can be tolerated before management intervention is required.



DESCRIPTION OF ALTERNATIVES

INTRODUCTION

NEPA requires that federal agencies explore a range of reasonable alternatives. The alternatives under consideration must include a “no action” alternative as prescribed by 40 CFR 1502.14. Project alternatives may originate from the proponent agency, local government officials, or members of the public, at public meetings, or during the early stages of project development. Alternatives may also be developed in response to comments from coordinating or cooperating agencies. The alternatives analyzed in this document, in accordance with NEPA, are the result of internal scoping and public scoping. Alternatives selected for full analysis in this EA must meet the management objectives of the preserve, to a large degree, while also meeting the purpose of and need for the action. Further compliance will likely be necessary as further implementation of this plan takes place. As stated on the NPS Concessions webpage (<http://concessions.nps.gov/policy.cfm>), the NPS Concessions Program manages private businesses that provide a wide variety of visitor services, and also supply parks with necessary goods and services:

Letters Used to Identify Alternatives

When preliminary alternatives were introduced to the public in 2005, those preliminary alternatives were identified as “A”-“E”. Because the alternatives were introduced with these identifiers, those preliminary alternatives that were developed into actual alternatives kept their initial identifying letter. Thus, there are no alternatives with identifying letters “B” or “D”.

Congress defined commercial activity and enacted National Parks Omnibus Management Act of 1998, Title IV National Park Service Concessions Management Improvement Act of 1998, under which the National Park Service authorizes preserve commercial operations. It requires that development “...*be limited to those that are necessary and appropriate for public use and enjoyment...*” of the national park area in which they are located “... *and that are consistent to the highest practicable degree with the preservation and conservation of the areas...*”

The Organic Act, the statements of Preserve purpose and significance, and the Preserve’s GMP form the basis for the determination of “necessary and appropriate” criteria. All commercial services operating within the Preserve must meet these criteria. During internal scoping, the Preserve identified those services currently provided at the Preserve that are considered necessary. Potential definitions for what could constitute a necessary use include those services that:

- contribute to a visitor’s understanding and appreciation of the Preserve’s purpose and significance,
- enhance a visitor’s experience consistent with Preserve area philosophies,
- assist the Preserve in managing visitor use and educating Preserve visitors, and
- provide an essential service or facility that is not available within a reasonable distance of the Preserve.

Necessary services in BICY include a variety of accommodations and activities that meet the criteria listed above. These services, listed in Table 2, may be provided by the preserve or a commercial operator under the new plan.

NO ACTION – ALTERNATIVE A

The concept of this alternative is to maintain the existing types and levels of commercial activities, services, and facilities. Some management changes could be made to improve effectiveness and efficiency. Some minor changes to the level of services could be made for resource protection and visitor experience enhancement to be consistent with the management zone prescriptions established in the GMP, but essentially the alternative represents existing conditions. It is the baseline from which the other action alternatives will be compared and analyzed. At present in the Preserve, only two commercial operators are providing limited visitor services (canoe and kayak rental and livery service, guided canoe and kayak tours, and limited hiking in Zones 1 and 2 of the

Stairsteps Unit and Turner River Unit). As necessary and appropriate, additional support facilities, services, and rentals would be provided at existing locations. Current opportunities would remain for those seeking solitude and self-directed activities, and a diverse range of other facilitated activities would be provided that perhaps incorporate commercially guided services (e.g., special events, cultural demonstrations, kayak tours, nighttime hikes). These services would continue, and when those permits expire, similar ones would be issued.



THE ACTION ALTERNATIVES

ALTERNATIVE C

The concept of this alternative is to develop the Preserve's visitor services to the level and quality described in the 1991 GMP. Some management changes could be made to improve effectiveness and efficiency, and some minor changes to the level of services could be made for resource protection and visitor experience enhancement to be consistent with the management zone prescriptions established in the GMP.

This alternative proposes to seek a concessionaire to provide on site visitor services and facilities that would complement those provided by the NPS. The concessionaire would be asked to provide interpretive tours, canoe rentals, backcountry shelter rentals, backcountry guide and outfitter services for hunters and non-hunters.

Visitors would be able to rent canoes for use on the canoe trails within the Preserve, or they could take short guided trips into the backcountry on ORVs. Storage facilities would be provided for visitors who own ORVs, thus eliminating the need to haul these vehicles to and from the Preserve on trailers. The concessionaire would also provide buggy and airboat maintenance services, as well as restrooms, convenience store items and gasoline. Overnight trips (outfitter services) could also be provided into the backcountry.

The GMP describes two possible locations for the concessions facilities: a primary location at Monroe Station and a satellite concession center at Seagrape Drive. Monroe Station would be considered to be the main concession facility, since it is adjacent to a network of designated ORV trails that would provide visitors an opportunity to explore a large part of the Preserve north and south of US 41. From the Seagrape Drive site, short interpretive tours could be provided into the Preserve's backcountry. These tours could be by ORV or boat, and outfitter services, restrooms, and a convenience store would be provided. Visitor parking and a secure storage area for the concessioner would be constructed nearby. Alternative C would provide a broader range of visitor opportunities than the no action alternative, though less than Alternative E, and would concentrate the facilities on

the US 41 corridor, which is an intensively traveled route within the Preserve.

ALTERNATIVE E - PREFERRED

The concept of this alternative is to enhance the Preserve's visitor services by developing one facility at Monroe Station to provide the visitor services deemed necessary and appropriate, with the opportunity to provide a second, smaller facility at Seagrape Drive as funding permits. Other services may begin and end outside the Preserve. Some of the services expected to be provided include the following:

- Hunting and Fishing guides
- Buggy tours
- Hiking tours – both day use and multi-day
- Boat and kayak rentals, livery, and guided tours
- Firewood sales for campgrounds
- Bicycle rentals, livery, and guided tours
- General van tours
- Birding and wildlife viewing and photography – by van, foot, or buggy
- Cooperative associations (The Everglades Association).

Van tours would be limited to sedans or vans with a maximum of 15 passengers. Mini-buses and motor coaches would carry groups too large to be accommodated on the current amenities while still providing a positive visitor experience, except for those transporting large groups to the Oasis Visitor Center or Kirby Storter Wayside Park. As with all alternatives, new services resulting from changes in technology or need would be reviewed individually as to their necessary and appropriate nature (see Appendix E). All backcountry commercial use would be on the existing ORV trails network as identified in the 2000 BICY Recreational ORV Management Plan, and seen in Figure 3 or as amended in the future. The existing trails would be monitored using the VERP and carrying capacity frameworks to ensure sustainability of commercial use. A separate permit system for commercially operated ORVs would be implemented, so as not to affect recreational ORV operations or limits. Wetlands would be strictly avoided. This alternative also contemplates a backcountry camping complex in the northern portion of the Turner River Management Unit. One front country facility would be located at Monroe Station, and the other at Seagrape Drive, both of which were identified in the GMP as suitable locations for a frontcountry visitor service facility. The activities would begin at either frontcountry facility, but may actually take place in all management zones of the Preserve.

All facilities would be developed to be consistent with the management zone prescriptions established in the GMP and other planning documents for the Preserve. Other individual activities would be possible, with operators beginning and ending their services outside the Preserve boundary. Alternative E would provide a range of visitor experience opportunities, while concentrating facilities to frontcountry locations, reducing impacts to visitor experience and natural resources in the backcountry. Under this alternative the Preserve would seek one or more providers for each of the visitor services and facilities that would complement those activities identified as necessary and appropriate, and the Preserve would also review requests for other visitor services as the need arises.

The location for the proposed backcountry camping area is the Wiggins complex of cabins, as seen on the map on page 92. These are NPS-owned cabins, formerly back country camps, and would provide a unique, multi-day, backcountry experience. Guided hunting, wildlife or vegetation viewing or ORV tours could be provided from these points, which would be reached by ORV and backcountry hike.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

NPS policy requires the identification of an environmentally preferred alternative to aid NPS decision-makers in choosing among the alternatives. The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed by NEPA. This includes alternatives that:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) assure for all generations safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
- (4) preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice;
- (5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The No Action alternative does not meet the management prescriptions of the Preserve as published in the GMP. In addition, this alternative does not realize provisions 1, 2, 3, 4, 5 or 6 of the national environmental policy goals. Although this alternative would not create any additional disturbance, the existing unnatural conditions would prevail without providing benefits to natural or visitor-related values.

Alternatives C and E strive to integrate the GMP goal to “protect and enhance natural resources,” and the goal to “provide diverse recreational and educational experiences.” Through the use of minimal limits and controls, information and education emphasis, Alternative C would closely realize provisions 3 and 5 of the national environmental policy goals, but may not meet provisions 2 or 4. Alternatives C and E more closely meet provisions 2, 3, and 4 while also continuing to achieve the balance required in provision 5. Alternatives C and E are most likely to meet provisions 2,3,4, and 5 together, by centralizing services and applying limits and controls through the VERP process. In addition, Alternative E would achieve the best realization of provision 3 while still ensuring the balance in provision 5. **Based on the criteria described above, the NPS has determined that Alternative E is the environmentally preferred alternative.**

MITIGATING MEASURES

Mitigation would tend to reduce the negative impacts of a particular action. The Council on Environmental Quality (CEQ) regulations call for a discussion of the “appropriateness” of mitigation and NPS Director’s Order No. 12, *Conservation Planning, Environmental Impact Analysis, and Decision-making*, requires an analysis of the effectiveness of mitigation. Mitigation for NEPA purposes in this plan and EA are based on the avoidance of adverse effects or application of one or more standard mitigation measures. These measures would be included in all alternatives.

- All development would be constructed on existing fill in order to raise building elevations above the average high water level as determined by the State of Florida. All building floors would be elevated above the 100-year floodplain elevation.
- No dredging or other alteration of existing waterways would be required. Silt fence and/or other Best Management Practices BMP’s would be utilized to prevent introduction of sediments into the waterway and wetlands during any construction activities.
- Following NPS policies, all buildings would be universally accessible and constructed utilizing environmentally sustainable design principles. Recycled materials would be used wherever feasible.
- Utility lines would be buried, if possible. If burying is not possible, the lines would be placed where they would cause the least impacts to scenic viewsheds, especially those from viewing platforms.
- Outdoor lighting would be installed so that it is directed toward the ground and does not scatter to affect night sky viewing opportunities.
- Any revegetation or other plantings would use native species from genetic stocks originating in or near the Preserve.
- The NPS would ensure that all commercial operators are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites or historic properties. They would also be instructed on procedures to follow in case previously unknown archeological resources are discovered.
- All revenue producing visitor services would follow strict guidelines set forth in the enabling legislation, the 1991 GMP, this document, the Big Cypress Long Range Interpretive Plan, and NPS planning and interpretive documents in order to ensure the best visitor experiences.
- All revenue producing visitor services would be managed according to the VERP framework, by which indicators, standards, and thresholds would be put in place before each service is undertaken.
- If thresholds are met under the VERP framework, mitigating actions would be enacted. These may include, but are not limited to seasonal closures, spatial closures, limits on numbers or types of services, restoration efforts, or cessation of the service which resulted in the threshold being exceeded.
- All structures constructed to store equipment would be, to the extent practicable, built near existing development, in areas previously disturbed if possible, and set back from the water line. These structures would be designed to minimize interference with water flow during storm events and other natural processes.

TABLE 1. SUMMARY OF ALTERNATIVES

	No Action Alternative A	Alternative C	Alternative E
Services Offered	Canoe and kayak livery and rental limited guided canoe and hiking tours day use and multi-day use	Hunting guides Buggy tours Hiking tours – both day use and multi-day use Boat and kayak rentals and tours Bicycle tours Van tours Birding and wildlife viewing – by van, foot, or buggy Firewood sales Cooperating Associations	Hunting guides Buggy tours Hiking tours – both day use and multi-day use Boat and kayak rentals and tours Bicycle tours Van tours Birding and wildlife viewing – by van, foot, or buggy Firewood sales Cooperating Associations Backcountry hunting/camping complex
Locations for Services	Dispersed, Outside Preserve	Monroe Station, Seagrape Drive, and Dispersed	Monroe Station, Seagrape Drive, Backcountry Campsite Complex
Individual Opportunities for Services	Yes	Yes	Yes
Centralized or Decentralized	Decentralized	Centralized	Centralized
Degree to which project objectives are met	Project Objectives are not met	Project Objectives are met	Project Objectives are met
Direct Impacts			
Water Quality	No Effect	Long Term, Negligible	Short Term, Negligible
Floodplains	No Effect	Negligible	Negligible
Wetlands	No Effect	Negligible	Negligible
Soils	No Effect	Negligible	Negligible
Vegetation	Long Term, Negligible	Long & Short Term, Negligible	Long Term, Negligible
Wildlife	Short Term, Negligible	Negligible	Long & Short Term, Negligible
Special Status Species	Long Term,	Negligible	Negligible

	Negligible		
Cultural Resources	Long Term, Moderate	Long & Short Term, Minor	Long Term, Minor Beneficial
Soundscapes	Negligible	Long Term, Negligible to Minor	Negligible
Private Property	Long Term, Negligible	Negligible	Negligible
Visitor Use & Experience.	Long Term, Minor	Long Term, Minor to Moderate	Long Term, Moderate
Socioeconomics	No Effect	Long Term, Negligible	Long Term, Minor Beneficial
Transportation	Long Term, Negligible	Long Term, Negligible	Long Term, Negligible
Indirect Impacts			
Water Quality	Long Term, Minor	Long-Term, Negligible	Short Term, Negligible
Floodplains	Long Term, Negligible to Minor	Negligible	Negligible
Wetlands	Long Term, Negligible to Minor	Negligible	Negligible
Soils	Long Term, Negligible to Minor	Long Term, Moderate	Negligible
Vegetation	Long Term, Negligible	Negligible	Negligible
Wildlife	Short and Long Term, Negligible	Short and Long Term, Negligible	Short and Long Term, Negligible
Special Status Species	Long Term, Negligible	Short and Long Term, Negligible	Short and Long Term, Negligible
Cultural Resources	Long Term, Moderate	Short and Long Term, Negligible	Long Term, Minor Beneficial
Soundscapes	Negligible	Short and Long Term, Minor	Negligible
Private Property	Long Term, Negligible	Negligible	Negligible
Visitor Use & Experience	No Effect	Long Term, Minor–Moderate	Long Term, Moderate
Socioeconomics	No Effect	Long Term, Negligible	Long Term, Minor Beneficial
Transportation	Long Term, Negligible	Long Term, Negligible	Long Term, Negligible

Cumulative Impacts	No Action Alternative A	Alternative C	Alternative E
Water Quality	Long Term, Minor– Moderate	Long Term, Negligible	Short Term Negligible
Floodplains	Long Term, Major Beneficial	Long Term, Moderate Beneficial	Long Term, Moderate Beneficial
Wetlands	Long Term, Major Beneficial	Long Term, Major Beneficial	Long Term, Major Beneficial
Soils	Long Term, Moderate Beneficial	Long Term, Major Beneficial.	Long Term, Moderate – Major Beneficial
Vegetation	No Effect	Long Term, Moderate – Major Beneficial	Long Term, Moderate – Major Beneficial
Wildlife	No Effect	Long Term, Negligible	Long Term, Negligible
Special Status Species	Long Term, Negligible	Long Term, Minor - Moderate Beneficial	Long Term, Negligible
Cultural Resources	No Effect	Long Term, Minor Beneficial	Long Term, Minor Beneficial.
Soundscapes	No Effect	Long Term, Minor	Long Term, Minor
Private Property	No Effect	No Effect	No Effect
Visitor Use & Exp.	No Effect	Long Term, Moderate Beneficial	Long Term, Moderate Beneficial
Socioeconomics	No Effect	Long Term, Minor Beneficial	Long Term, Minor Beneficial
Transportation	No Effect	Negligible	Negligible

EVALUATION CRITERIA FOR NECESSARY AND APPROPRIATE REVENUE PRODUCING VISITOR SERVICES FOR ALL ALTERNATIVES

The National Park Service must determine the types and levels of commercial visitor services that are necessary and appropriate to achieve visitor experience and resource protection objectives. As part of this commercial services plan, the Preserve has developed evaluation criteria for determining whether current and potential services are necessary and appropriate. In implementing the plan, the evaluation process will be used to respond to requests from private individuals, corporations, or other entities desiring authorization to provide commercial visitor services. Decisions as to what visitor services are necessary and appropriate for a particular area are made on a case-by-case basis by the NPS (based on the criteria below and public input if appropriate). The criteria provide an objective means of screening services and activities and allowing NPS managers to respond to requests in a timely and consistent manner.

The evaluation criteria were developed based on legal requirements and the Preserve's purpose, significance, mission goals, and applicable management plans. The criteria also reflect desired conditions for resource protection, visitor experience, and NPS operations and facilities. Potential commercial visitor services and activities will be evaluated for consistency with the laws, policies, and regulations that guide NPS management of the Preserve (see Appendix E) and the evaluation criteria below.

Services and activities are considered appropriate if they conform to these conditions and management requirements and support the Preserve's mission goals. Necessary visitor services and activities are those found to be appropriate, and also determined essential for the Preserve to achieve its mission objectives.

The laws, regulations, policies, and directives, along with the Enabling Act for the Preserve, General Management Plan, and the Preserve purpose and significance are used to refine the definition of those activities deemed necessary and appropriate revenue producing visitor services for Big Cypress National Preserve.

A service deemed "**necessary**" must accomplish one or more of the following:

1. Contributes to visitor understanding and appreciation of Preserve purpose and significance
2. Enhances visitor experiences consistent with Preserve area philosophies
3. Assists the Preserve in managing visitor use and educating Preserve visitors
4. Is an essential service or facility not available within a reasonable distance of the Preserve
5. Addresses one or more of the themes identified in the Preserve's Long Range Interpretive Plan

A service that is "**appropriate**" must accomplish all of the following:

1. Is consistent with the purpose and significance of the Preserve
2. Is consistent with laws, regulations and policies applicable to the Preserve and the NPS
3. Does not compromise public health and safety
4. Does not significantly impact or impair Preserve resources or values
5. Does not unduly conflict with other Preserve uses and activities
6. Does not exclude the general public from participating in limited recreational opportunities

Table 2 is the initial list of activities analyzed by Preserve staff for necessary and appropriate in the identified management units. The list was developed by drawing from the activities listed in the 1991 GMP for the Preserve as well as activities identified by the public. This is intended to be a starting point for the Preserve. Requests for other activities will be analyzed as appropriate.

Table 2. Necessary and Appropriate Visitor Services, Type and Location.

Service	Necessary & Appropriate?	Management Unit								
		Bear Island	Deep Lake	Loop	Turner River	Corn Dance	Zone 1	Zone 2	Zone 3	Zone 4
Van Tours (General)	YES	<i>Roads, Preserve parking areas, and amenities</i>								
Boat & Kayak Rentals/Tours	YES				*		*			
Bike Rentals & Tours	YES	* on Road		* on Road						
Hiking Tours (Day)	YES	*	*	*	*	*	*	*	*	
Hiking Tours (Multi Day)	YES	*		*	*	*	*			
Fishing Guides	YES	*	*	*	*	*	*	*	*	*
Firewood Sales in Campgrounds	YES	*		*	*					*
Birding/Wildlife/Photo Tours by Foot	YES	*	*	*	*	*	*	*	*	
Birding/Wildlife/Photo Tours by Van	YES	<i>Roads, Preserve parking areas, and amenities</i>								
Cooperative Associations	YES	<i>In visitor facilities</i>								
Towing Services (Frontcountry)	YES	<i>On Roads and Preserve frontcountry areas</i>								
Towing Services (Backcountry)	YES	*	*	*	*	*	*	*	*	*
Hunting Guides	YES	*	*	*	*	*	*	*	*	*
Birding/Wildlife/Photo Tours by Buggy	YES				*	*				*
Buggy Tours (Multi-day)	YES				*	*				*
Outfitter Svcs for Hunters and Non hunters	YES	<i>Covered in Hiking and Hunting Guides & Tours</i>								
Convenience Items / Merchandise	YES	<i>In visitor facilities</i>								
Backcountry Shelter Rentals	YES				*	*				*
ORV Storage	NO									
Buggy & Airboat Maintenance	NO									
Gasoline	NO									
Commercial operation of BICY Campgrounds	NO									

All commercial operations from the GMP were evaluated for their necessary and appropriate status because there have been many changes to technology and visitor needs since the GMP was approved in 1991. Several essential services did not meet Preserve criteria for necessary any longer because a facility providing that service is available within a reasonable distance of the Preserve. Other commercial activities that may occur at some time within the Preserve are regulated on a national level or are already addressed in other BICY plans. Several of these are listed below.

GPS Based Recreation

These recreational activities include geocaching, letterboxing, virtual caching (including an educational variation called EarthCaching™), waymarking, and the Degree Confluence Project. Other variations on these themes currently exist, and more are likely in the future. NPS guidance does not cover all recreational activities that employ GPS technology, such as wayfaring or GPS Frisbee golf, nor does it apply to non-recreational activities that use GPS technology. The rapid growth in popularity of GPS based recreation and potential to impact park units in both positive and negative ways has prompted extensive NPS review to clarify how our existing policies and regulations should be applied when reviewing proposals to allow them. Since this type of recreational use is expected to continue to evolve, reviews will be made as necessary to keep it reasonably up to date and posted on-line at www.nps.gov/policy/GPSguidance.pdf.

Many people who participate in a GPS activity believe it has such a negligible impact that it does not warrant interference by preserve staff, or even informing the NPS. However, judging from information contained in web sites promoting GPS activities and from information received from preserve staff, it is clear that these activities have the potential to cause injuries to participants or lead them into unsafe situations; cause serious adverse impacts to preserve resources (such as threatened and endangered species, cryptobiotic soils, and paleo and archeological resources); and otherwise violate NPS regulations. Conversely, other preserve staff have provided information showing how GPS activities can be properly managed to offer significant recreational and educational value to visitors, including opportunities for a growing number of families to experience appropriate outdoor adventures in park units. As with all activities proposed for park units, we must ensure that a proposed GPS activity is appropriate to the park and does not impair or cause unacceptable impacts to preserve resources and values. Because of the diversity of GPS activities and the variations in the way they are (or can be) managed, the Service does not have a policy explicitly allowing or prohibiting any of these activities. Instead, NPS managers must make determinations on a case-by-case basis, taking into account factors such as their preserve's resources and values, impacts that might be caused by the activity, the appropriateness of the activity to their park unit, and the ability of preserve staff to manage the activity. In the future, the Preserve may create or authorize cache activities to augment the interpretation and education programs. Standard cautions about the potential hazards would apply to any use that is authorized in backcountry areas.

Preserve managers will monitor preserve sponsored and approved GPS activities in the same way they would any other recreational or educational activity in the preserve. This is necessary to ensure that preserve objectives are being met and that unanticipated and unacceptable impacts do not occur. In addition, field staff will be vigilant and alert to caches that have been posted on the web without prior knowledge or approval by preserve staff.

If the superintendent determines it is necessary to prohibit GPS activities in some or all parts of the preserve due to the sensitivity of preserve resources or other reasons, this will be done through the superintendent's compendium, following procedures in 36 CFR sections 1.5 and 1.7. Conversely, if the Superintendent determines that a GPS activity can take place without causing unacceptable impacts, then the superintendent has the authority to manage the activity. If necessary, the superintendent will use the 36 CFR 1.5 authority to designate specific locations, times, and conditions for the activity. Selection of locations and communication with the GPS community will be the key to success.

Conditions may exist where a properly managed GPS activity would be complementary to the preserve's education mission, so that the superintendent might wish to be a sponsor or co-sponsor. Where appropriate, and preferably with the collaboration and assistance of the recreational GPS user community, this activity could be

offered by the preserve to highlight or emphasize particular resources or destinations and thereby enhance the visitor's experience, much like orienteering courses where visitors learn land navigation.

The superintendent may find that a GPS activity is an appropriate use but needs to be managed under the terms and conditions of a special use permit. Requiring a permit will help to manage the use and also raise awareness in a way that fosters the cooperation of recreational GPS users. Cost recovery regulations will apply to permits issued for GPS activities.

Aviation, Overflights, and Commercial landing of Aircraft within the Preserve

The National Parks Air Tour Management Act of 2000 provides for the regulation of commercial air tour operations over units of the national park system through air tour management plans (ATMPs). The objective of the ATMPs is to develop acceptable and effective measures to mitigate or prevent significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources of and visitor experiences in national park units as well as tribal lands (those included in or abutting a national park unit).

The U.S. Department of Transportation, Research and Innovative Technology Administration, John A. Volpe National Transportation Systems Center is supporting the FAA, Western Pacific Region and NPS Natural Sounds Program Office in the development of ATMPs for the four south Florida parks this fall. Once the ATMP is completed for the Preserve, the plan will be incorporated into the commercial services program.

Use of Backcountry Camps for Commercial Activities

The 1991 Amendment to the Preserve's Land Protection Plan gives clear guidance regarding the use of backcountry camps for commercial operations. No backcountry camps in the original Preserve qualified for exemption from acquisition with a type ii exemption, which would allow for continuation of commercial activities that took place before the Preserve was created, and conversion of non-commercial property to commercial uses is a stated example of an inappropriate activity on "improved property" and would be considered detrimental to the purposes of the preserve. When inappropriate activities such as these come to Service attention, the Superintendent will ask the landowners to voluntarily cease the action. If unsuccessful, the Superintendent will utilize appropriate county, State, or Federal regulations to halt the activity. If all other options fail and the landowner persists in an inappropriate use, the Superintendent will move to acquire the land. (*LPP, p 18-19*)

CUA Limitations

Due to the sensitive nature of Preserve resources and the documented number of individuals interested in providing and procuring the following visitor services, initial limits will be set in order to ensure the protection of the natural and cultural resources and maintain the highest possible visitor experience for Preserve visitors. After monitoring of indicators has occurred, the Preserve may choose to add to or change the limitations.



Table 3. Necessary and Appropriate Visitor Services, Limitations.

Service	Limitations			
	# of CUAs Available	Maximum # of Guests/Guides/Vessels	Area Closures	Time Sequencing
Boat & Kayak Rentals/Tours Turner River	5	10 kayaks or 6 canoes per trip, maximum of 15 persons including guides, 45 minutes between each commercial launch	No launches 30 minutes before or after NPS scheduled programs	1 hour daily launch windows will be assigned and implemented at ramps during high visitation or crowding
Boat & Kayak Rentals/Tours Halfway Creek	5	10 kayaks or 6 canoes per trip, maximum of 15 persons including guides, 45 minutes between each commercial launch	No launches 30 minutes before or after NPS scheduled programs	1 hour daily launch windows will be assigned and implemented at ramps during high visitation or crowding
Bike Rentals, Livery, & Tours Bear Island and Loop Road	2 per area	10 riders + guide	Programs may not enter the backcountry before 8 am during general gun and archery hunting seasons	1 hour daily launch windows will be assigned and implemented during high visitation or crowding
Hiking Tours (Day); Birding/Wildlife/Photo Tours by Foot	2 per mgmt. unit	10 guests + guide	Programs may not enter the backcountry before 8 am during general gun and archery hunting seasons	1 hour daily launch windows will be assigned and implemented during high visitation or crowding
Hiking Tours (Multi-day)	2 per mgmt. unit	6 guests + guide		Morning and afternoon launch windows will be assigned and implemented during high visitation, user conflict, or crowding
Fishing Guides Hunting Guides	5 5	4 guests + guide		
Buggy Tours (Multi-day) Birding/Wildlife/Photo Tours by Buggy	2 per mgmt. unit	6 guests + guide, 2 buggies maximum per trip, no more than 2 trips in backcountry at any one time per CUA	Programs may not enter the backcountry before 8 am during general gun and archery hunting seasons	Separate, non-transferable ORV and backcountry permits will be issued for Commercial Service operators
Van Tours (General) Birding/Wildlife/Photo tours by Van	10	No larger than 15-passenger vans (maximum capacity) at parking areas, except at Oasis VC and Kirby Storter Wayside		Morning and afternoon launch windows will be assigned and implemented during high visitation, user conflict, or crowding at parking areas

Applications to provide visitor services for the Preserve under a CUA will be accepted only at certain times of the year. Applications will be accepted during September, December, March, and June. During each open period, applications will be accepted during the calendar days of that month only. Commercial operators wishing to submit applications for permits during other months will be asked to resubmit during the four months open for receiving applications. This is intended to expedite processing by Preserve staff as well as allowing for more focused attention for each activity. Any changes in the processing of applications will be announced, and posted on the Preserve website with enough time for businesses to respond appropriately. The website for the Preserve is www.nps.gov/bicy. Once at the Preserve website, users should navigate to the “Management” tab and then click on “Doing Business in the Park”.

Initially, applications will be accepted in sequenced groups according to activity in order to be most efficient in phasing in commercial activities in the Preserve. The first open month will be accepting applications for water-based visitor services, including canoe and kayak rentals, livery, and tours in appropriate management zones. The second open month will be accepting applications for bicycle based activities, including bicycle rentals, livery, and tours in all appropriate preserve management zones. The third open month will be accepting applications for land based hiking tours, both one day and multi day operations in all appropriate preserve management zones. This may include birding, wildlife viewing, or photography tours on foot. Also during this open month, applications for providing firewood sales in Campgrounds will be accepted. The fourth open month will be accepting applications for those revenue producing visitor services that are not accepted in the previous three open months.

This schedule may change at any time, if the number or complexity of applications calls for a different schedule, or if the Preserve is not prepared to manage a particular type of commercial visitor service. Commercial operators are encouraged to visit the Preserve website, including the link for “Doing Business in the Park” to view updates and changes throughout the year.

Table 4. Initial Timetable for accepting applications.

	Months To Accept Applications			
	Period 1 September	Period 2 December	Period 3 March	Period 4 June
Activities for which CUA Permits Applications will be Accepted	Water based Visitor Services <ul style="list-style-type: none"> • Canoe and kayak rentals, tours, livery services 	Bicycle based Visitor Services <ul style="list-style-type: none"> • Bicycle rentals, tours, and livery services in Bear Island and on Loop Road 	Land based Hiking Guides and Tours <ul style="list-style-type: none"> • Day use and multi-day tours • Birding, wildlife, photography tours by foot • Firewood sales in BICY campgrounds 	Revenue Producing Visitor Services not Processed During Periods 1, 2, and 3 <ul style="list-style-type: none"> • Hunting guides • Fishing guides • Buggy tours

AFFECTED ENVIRONMENT

LOCATION AND ACCESS

Big Cypress National Preserve is located centrally in South Florida, between Naples and Miami, and lies within Collier, Monroe, and Miami-Dade counties. It is bordered by several large areas of public land, on the south by Everglades National Park and to the east by the Miccosukee Reservation Lands and the South Florida Water Management District's Water Conservation Area 3. On the western boundary is State Road 29 and beyond that is the Fakahatchee Strand Preserve State Park and Florida Panther and Ten Thousand Islands National Wildlife Refuges. On the southwestern boundary of the Preserve are the small communities of Everglades City and Chokoloskee. On the north, Hendry and Broward County are the home of several private agricultural landowners and the Big Cypress Seminole Reservation. The Preserve also contains or is within close proximity to the unincorporated developments of Copeland, Jerome, Plantation Island, and Pinecrest. Ochopee, also unincorporated, is within the boundaries of the Preserve and consists of most of the lands and privately held properties along the Preserve's roads.

There is no "main entrance" to Big Cypress National Preserve. The primary access points are provided by two east/west thoroughfares, U.S. Highway 41 (also called Tamiami Trail), which accesses the southern portion of the Preserve, and Interstate 75 (I-75), which travels through its northern portion. North/south thoroughfares accessing Big Cypress National Preserve are State Road 29 and County Road 839 (Turner River Road). There is one visitor center located on U.S. 41. The Preserve plans to break ground on a welcome center located on Seagrape Drive in 2008. Headquarters is located in the same area at the southwestern edge of the Preserve.

When Congress passed Public Law 93-440 in 1974 to establish Big Cypress National Preserve, the concept of a "National Preserve" was a new one. The intent was to protect the ecological integrity and recreational values of the area while also allowing certain private land uses to the extent those uses do not interfere with the basic purpose of the Preserve.

The House and Senate reports identified the natural flow of freshwater as a fundamental resource in the Preserve. Freshwater flow is the key to the survival of Everglades National Park and the integrity of the entire South Florida ecosystem. Further, the report cited the natural, scenic, floral, and faunal values of Big Cypress as being worthy of national recognition and protection on their own merit. Recreation is discussed along with the natural values because the natural resources provide opportunities for recreational pursuits.

Access to the Preserve and its interior are as follows:

- US 41 (Tamiami Trail): US 41 is a two-lane roadway extending from Miami to Naples and north. Historically, and before the opening of Interstate 75 to the north, this was the main highway connecting Miami to Florida's west coast. The section of US 41 that runs through the Preserve was designated as a Florida State Scenic Highway. In addition there were several projects completed as part of the Florida Scenic Highways Improvement Plan. These included short boardwalks at HP Williams Wayside Park, Kirby Storter Wayside Park, and the Oasis Visitor Center. In 2007, the Highway was de-designated, but the improved visitor amenities still exist.

- Interstate 75 (Alligator Alley) : I-75 is a four-lane roadway extending from the Miami/Fort Lauderdale metropolitan area to the Naples/Fort Myers Metropolitan area. Most of the regions adjacent to I-75 between the east and west coast metropolitan areas are sparsely populated. Apart from one rest area, a recreational access point, and a service plaza managed by the Miccosukee Tribe of Indians of Florida, there are no commercial establishments along I-75 between mile marker 45 and mile marker 100. This road also provides access to the northern Addition. **Commercial operations in the Addition portion of the Preserve will be addressed after the completion of the General Management Plan for the Addition, in an addendum to this document.**
- State Road 29: Located near the western boundary of the Preserve, Route 29 consists of a paved, two-lane road that runs north-south and connects I-75 and US 41. SR 29, after intersecting US 41, is the only roadway into Everglades City. Several visitor destinations including Deep Lake are located adjacent to this roadway, but these are within the Addition. **Commercial operations in the Addition portion of the Preserve will be addressed after the completion of the General Management Plan for the Addition, in an addendum to this document.**
- Route 839 (Turner River Road): Route 839 is a 28-mile north-south, unpaved road that offers access to various interior recreation and visitor points with the Preserve. In particular, it serves as the primary access point to the Bear Island area in the northwest quadrant of the Preserve. It is important to note, however, that while it is the only road that offers direct access to Bear Island, its entrance is in the southwestern corner of the Preserve, on US 41 directly across from the Turner River canal. As Route 839 extends north from US 41, it intersects but does not access I-75, roughly twenty miles to the north. It also is a main loop drive for scenic views of landscape and wildlife, when traversed with Birdon, Upper Wagon Wheel and Lower Wagon Wheel roads.
- State Road 94 (Loop Road): Loop Road is an east-west road that traverses Collier, Monroe, and Miami-Dade counties south of US 41 and offers several recreation and visitor amenity locations within the Preserve. It accesses ORV trailheads, hiking trails, and campgrounds, and an Environmental Education Center along the 27 mile stretch. It is largely unpaved, and offers some of the best wildlife viewing from any roadway in the Preserve. The Gator Hook Trail and wayside is also planned to be completed in the near future.

The Big Cypress National Preserve visitor study conducted in the winter of 1999 by the University of Idaho Cooperative Park Studies Unit, (Meehan 1999), identified general visitor demographics. These findings are based on 857 questionnaires that were distributed January 2 through 10, 1999 at nine locations. Five hundred eighty-two surveys were returned for a 68 percent response rate.

Twenty-five percent of the total visitors surveyed were Florida residents. New York, Indiana, and California followed with 4 percent each. International visitors from 21 countries comprised 21 percent of the visitors surveyed. Germany, Canada, and England were the most frequently cited foreign countries of origin.

Bird watching, viewing wildlife, sightseeing, experiencing wilderness, and experiencing solitude were rated as the most important activities by those surveyed. Hunting is also a popular recreational activity in the Preserve. Hunting seasons run from September through April.

The use of off-road vehicles (ORVs) is a popular recreational activity within Big Cypress National Preserve. This activity and associated impacts was studied in depth in the *Final Recreational Off-Road Vehicle Management Plan and Supplemental Environmental Impact Statement* (NPS 2000b).

Hiking opportunities include Fire Prairie Trail and a section of the Florida National Scenic Trail. The NPS collects limited information on visitor statistics for various categories of recreational use. Camping occurs in both frontcountry and backcountry sites. In 1999, there were 16,301 frontcountry tent and recreational vehicle

camping overnight stays. Backcountry camping statistics were collected only for hikers using Florida Trail campsites and totaled 10,158 overnight stays.

Visitors drive Turner River Road and Loop Road to view birds, alligators, and other wildlife in the roadside canals. People commonly fish in roadside canals. Bicycling is gaining in popularity, particularly in the Bear Island area and along the Loop Road and Turner River Road/Birdon Road corridor. Canoeing occurs primarily on Turner River and Halfway Creek, with commercial tours taking frequent trips from U.S. Highway 41 to the Everglades City area. Hiking use on the Florida National Scenic Trail is increasing. Many hikers use the first few miles of the trail north or south of Oasis and then turn around, rather than hiking all the way through to I-75 or points farther north.

Formal and informal interpretation is available to visitors at the Big Cypress Visitor Center at Oasis and at Concho Billie, Bear Island, and Turner River areas. Guided bicycle trips, canoe tours, and environmental education activities, as well as swamp walks and hikes on the Florida Trail, are offered each winter season from mid-December through early April.

Visitor facilities presently available include one visitor center, two picnic areas, two developed campgrounds, six primitive campgrounds, and an interpretive trail on Loop Road. Planned projects include a welcome center in the southwest corner of the Preserve, interpretive trails, an improved canoe landing, and improved parking/ORV staging areas.



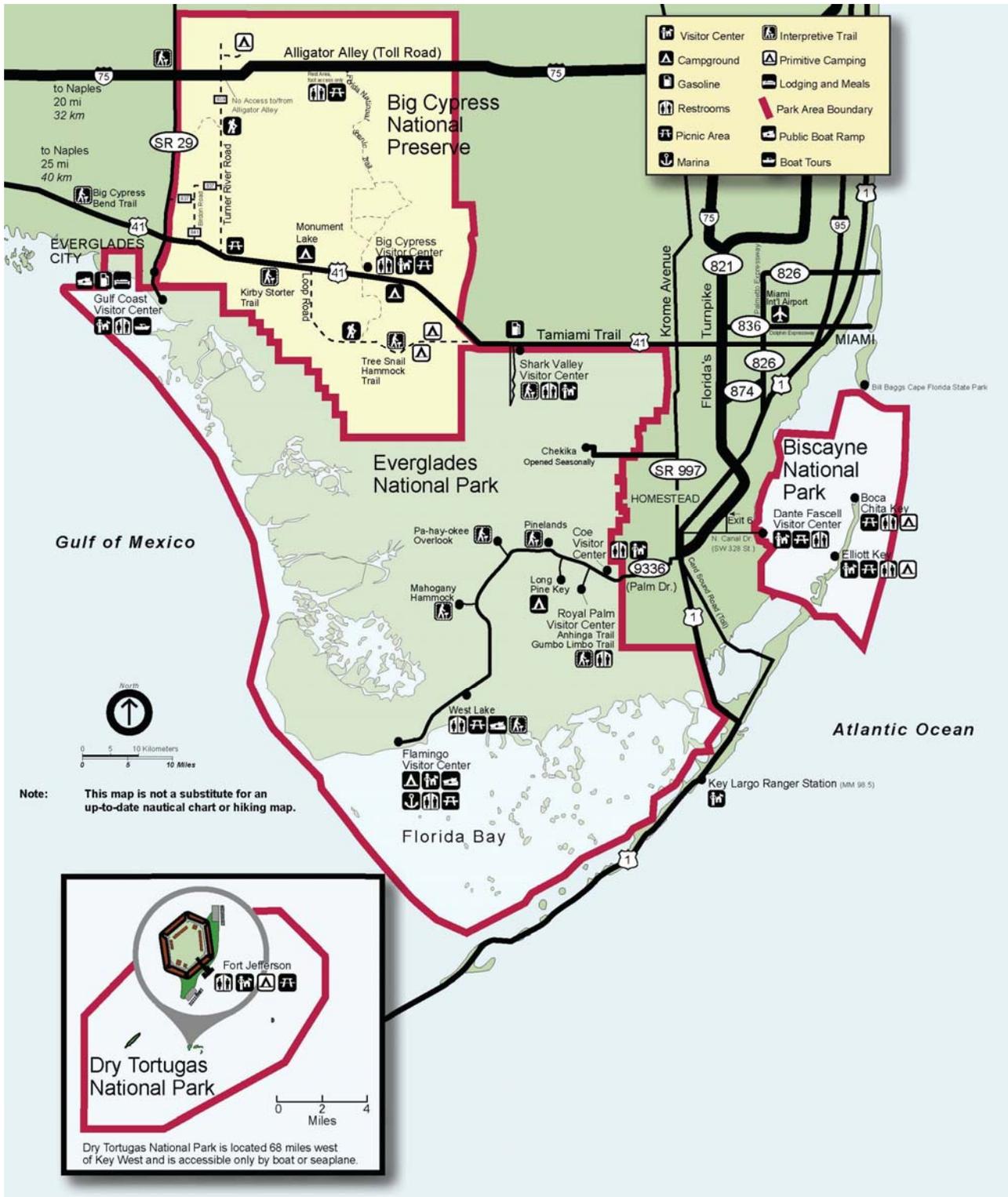


Figure 1. Vicinity Map.

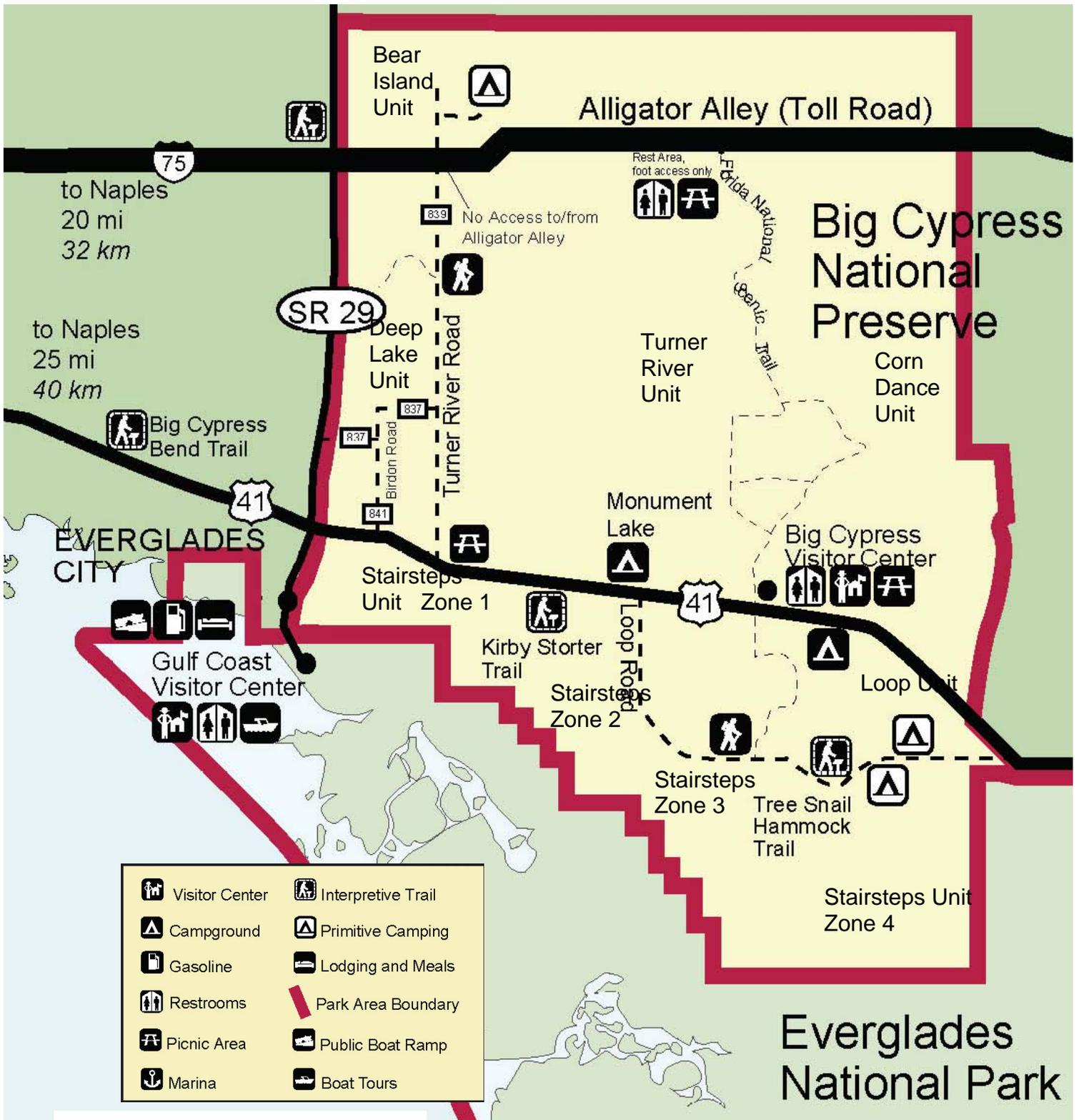


Figure 2. BICY Activities Map

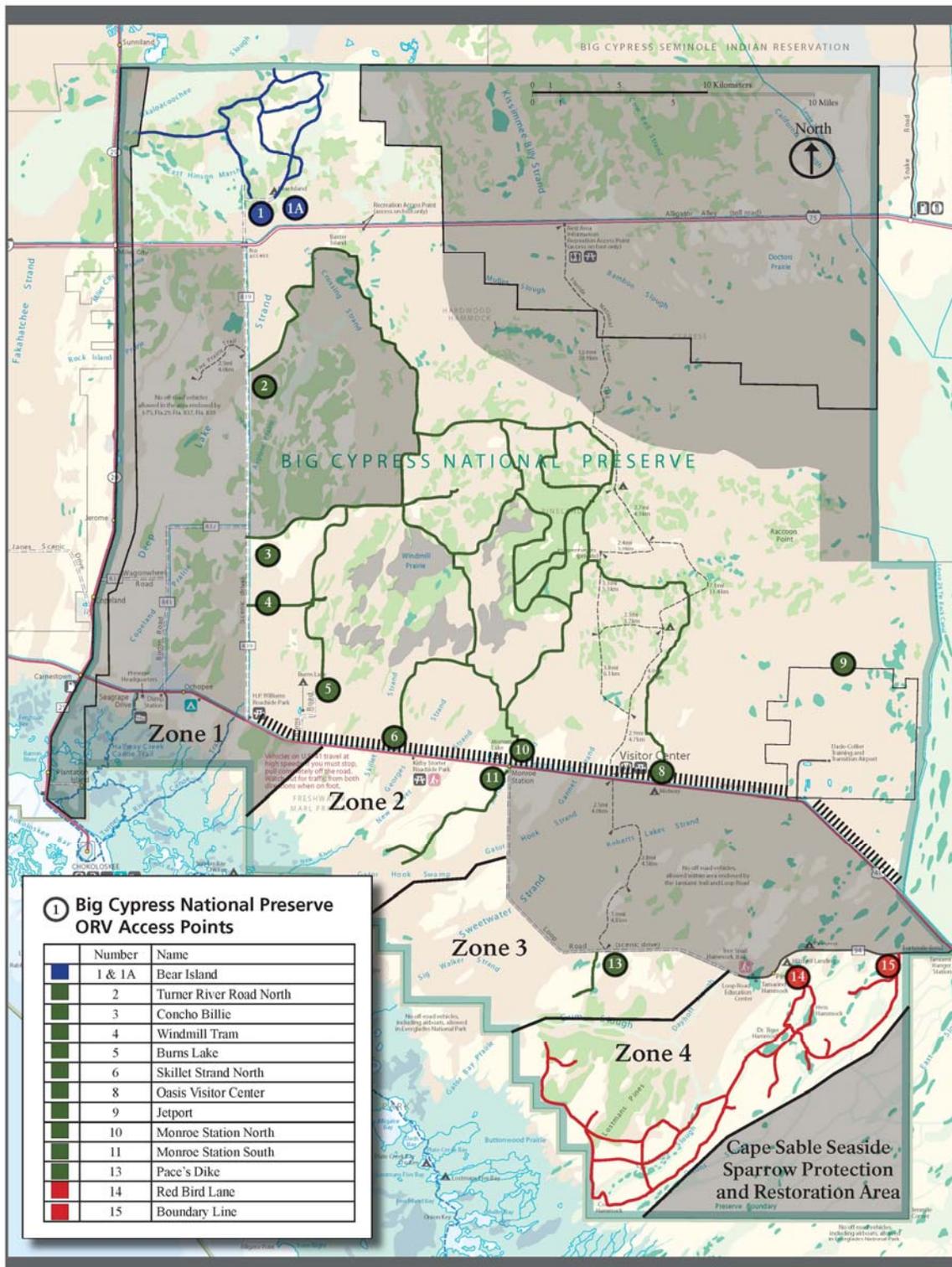


Figure 3. BICY ORV Trails Network

NATURAL RESOURCES

The Preserve and Addition total more than 729,000 acres, with the original Preserve encompassing almost 575,000 acres. The Preserve is important for protecting a high quality water supply to Everglades National Park and the Ten Thousand Islands area. The Preserve provides valuable habitat for a variety of threatened and endangered species, including the Florida panther, West Indian manatee, red cockaded woodpecker, wood stork, and others. The variety of plant communities in the Preserve provide for high quality recreational, scenic and educational experiences. An important feature



of the Preserve is the vast expanse of dwarf cypress combined with assemblages of subtropical upland and wetlands. The Preserve is a remote subtropical component of a larger ecosystem in the midst of a rapidly growing metropolitan region.

Water is the principal natural resource of the entire south Florida region, and about 90 percent of Big Cypress is flooded during the wet season. Because of the high annual rainfall (mean annual precipitation is 54 inches, with approximately seventy-five percent of that falling during the summer) and the flat limestone topography (a seaward slope of 2 inches per mile), the inundation lasts for several months beyond the actual rainfall period. Because the Preserve is relatively undeveloped, it serves as a large natural reservoir and nutrient filter, permitting natural biological processes to nourish diverse ecological communities distinctive to south Florida. Throughout the wet season the water flows out of the Preserve in a southwesterly direction through the estuaries of western Everglades National Park. The ecology of the Preserve is finely tuned to the seasonal flow of water, and any interference can alter this sensitive subtropical habitat. Extensive prairies and marshes, forested swamps, and shallow sloughs characterize the Preserve. Hydroperiod, the amount of time each year that soils are saturated, is the major determinant of vegetation communities, and a difference of only a few inches in elevation subsequently changes the hydroperiod and leads to the establishment of totally different plant communities.

Big Cypress National Preserve is home to many mammals, birds, and reptiles unique to Florida's climate. It is easy to view and appreciate Florida's largest reptile, the American alligator, living here in its natural environment. Anhinga, egrets, and herons are found in plentiful numbers feeding, displaying courtship feathers, and nesting in and among the cypress trees. Occasionally, one can witness river otter, bobcats, black bear, and the endangered Florida panther on the Preserve's back roads and trails. The GMP for the Preserve has a detailed list of flora and fauna.

CULTURAL RESOURCES

Cultural resources found in Big Cypress National Preserve provide clues to life in the Big Cypress swamp for the earliest native inhabitants to the pioneer communities established in the late part of the 19th century. Life was tightly tied to the diversity and abundance of the natural resources found in the cypress swamp for food, shelter, and economic necessity.

Over 400 known archeological sites have been found within the Preserve. These sites may contain valuable information on past occupations of the area by prehistoric and historic people. Sites are protected under the National Historic Preservation Act of 1966, as amended, and the Archeological Resource Protection Act of 1979. The cultural materials known to exist in these sites are extremely diverse and include ceramics, floral and faunal materials, lithics, structural information and a full range of more recent historic material dating to the Early Miccosukee and Seminole as well as prehistoric remnants of the Calusa culture. Of these known archeological sites (both historic and prehistoric), many are on dry hammocks where there is potential for adverse impacts from oil and gas exploration, ORV use, back country camping, pothunters, cattle grazing, changing water levels, exotic plants, armadillo and wild hog burrowing, and vandalism. Vandalism, pot hunting and burrowing by armadillos appear to be the most serious threats. Some sites are on the National Register of Historic Places and should receive a higher degree of protection. Until determinations of eligibility have been made in association with the State Historic Preservation Office all must be treated as eligible and protected. (see Section 110 (a) (2) g of NHPA revised).

Current management planning and actions are based upon archeological surveys conducted since 1979, an ethnohistory of Native American and Euro-American usage of the Big Cypress area, partial ethnographic review of "usual and customary" Native-American use of the Preserve, and historic structures reports that determined no existing structures [were] currently eligible for nomination to or inclusion on the National Register. As a base from which the Preserve could establish initial priorities for research and protection and planning, this data is only marginally adequate. Future management must be based upon additional analysis of known archeological sites, historic structures reports and research on traditional Native-American activities within the Preserve.

Twenty archeological sites and two districts have been placed on the National Register of Historic Places or are in the process of being nominated. Six sites are listed, four have been nominated, and 19 considered eligible. Monroe Station and the H.P. Williams wayside are also listed on the current List of Classified Structures.

The Preserve's cultural resources represent the following significant contexts and themes:

Indigenous American populations spanning the South Florida peninsula from Atlantic Ocean to Gulf of Mexico coasts between the post-archaic and pre-contact developments. The types of resources contained within the Preserve associated with this context are numerous archeological sites and collections of fiber-tempered ceramics and faunal data relating to the late Glades I and Glades II periods (ca. A.D. 500-1300). This includes the "Post-Archaic Adaptation of Eastern Coastal Regions" sub-theme.

The sub-theme "Ethno-History of Indigenous American Populations" represents the period of the demise of Native American populations within the Glades Area after European contact with the complete extinction of South Florida tribes occurring in the late eighteenth century. The resources in the Preserve associated with this facet of native cultural adaptations at contact are similar to the Glades III period with a void after extinction.

The final facet, the Myth of the Vanishing Native, is characterized by the migration of Creeks into South Florida after the First Seminole Indian War. Sometime after 1820, the Seminole population reached 3000 in South Florida and farming was the principal industry. Resources associated with the facet within the Preserve are farm implements, utensils, and native artifacts.

History and Prehistory in the National Park System and the National Historic Landmarks Program, NPS, 1987.

VISITATION AND VISITOR USE

First-time visitors to the Big Cypress see a flat, wet, primitive land. The area was named Big Cypress because of its extent, not because of the size of its trees, and visitors drive for miles through an expanse of open prairies

dotted with cypress trees, distant pinelands, and tree islands broken at intervals by dark, forested swamps. On the whole, first impressions are likely to be of an inhospitable land, with no firm ground beyond the highway shoulders.

Big Cypress National Preserve provides numerous recreational opportunities for south Florida visitors, and has a strong history of being used recreationally even before it was established as a Preserve. Bird watching, camping, canoeing, bicycling, off road vehicles, hunting, hiking, and wildlife observations are common activities for visitors to the nearly 729,000 acre Preserve. Administered by the NPS, the Preserve was authorized in 1974 to protect the water quality and to ensure the natural and ecological integrity of the Big Cypress Swamp. Traditional land uses, which are permitted under the enabling legislation, include hunting, trapping and fishing.

Visitor experience may be described as those memories visitors accrue during their contact with a place. Often the most memorable experiences occur informally. The best experience for some visitors could be a casual drive through a cypress swamp. A hiker or ORV enthusiast will get away for the weekend to experience the peace and quiet of the backcountry. Others may remember the gentle pattern of flight of an egret across a marl prairie. Surprise at finding an alligator basking between the road and canal may become another visitor's most memorable experience.

Resources and facilities provide opportunity for a variety of experiences throughout the Preserve. Visitor experience objectives describe desired ends or visions for the Preserve's future to be achieved through planning, design, development and operation. In the Long Range Interpretive Plan for the Preserve, the vision of the Preserve is further explained as:

Big Cypress National Preserve will be a nationally recognized area where natural resources and ecological processes are protected, restored, and maintained. The Preserve will be a critical part of a vast, healthy natural system that is a place of refuge and recreation. It will be a place where people can forge emotional and intellectual ties to their natural and cultural heritage.

The objectives for visitor experience in Big Cypress National Preserve have been identified as allowing the opportunity to do the following:

- Learn information and stories associated with primary interpretive themes to the depth that they choose and through a variety of media.
- Enjoy improved visibility and image of the Preserve with local, regional, and national communities.
- Participate in and enjoy a variety of active and inactive, safe, non-damaging recreational activities ranging the spectrum from wildness to social, including accessibility to off-road areas for adventure, risk taking, and quiet solitude.
- Obtain information necessary to safely, enjoyably, and easily visit natural and cultural features, visitor facilities, activities, and services.
- Understand the economic, environmental, recreational, and social effects of Big Cypress on the South Florida environment and be inspired to wisely use, develop, and Preserve natural resources in the future in their own sphere of influence.
- Experience current and historic lifestyles of the region to understand similarities and differences between contemporary and historic people.
- Participate in activities appropriate for audiences with differing levels of interest, ability, understanding, sophistication, and time frames; layers of involvement provide opportunity for each activity to build on previous ones.
- Foster environmental consciousness and a sense of individual responsibility for wise stewardship of the environment in general and the Preserve resources in particular.
- Understand the interrelationships of the primary resources within the Preserve and those of the South Florida ecosystems as a whole.
- Receive current, accurate, balanced information.

- Understand that the Big Cypress landscape is the product of prehistoric, historic, and continuing changes in natural and cultural environments.
- Participate in an array of interpretive opportunities developed in cooperation with local, state, tribal, and federal agencies.
- Obtain thorough orientation to the variety and significance of resources and the opportunities to experience those resources at a variety of levels to meet the needs of most visitors.
- Experience individual media, non-personal and personal, that complements all other media; it will be obvious to visitors that all media and activities were planned, designed, produced, and presented to build upon each other rather than compete or repeat.
- Enhance their curiosity to learn more about the resources they drive through as they cross the Preserve.
- Understand and appreciate Big Cypress' natural and cultural history, and be able to relate it to the broader scope of South Florida and American experience.
- Participate in a scenic drive through a variety of landscapes representing South Florida ecosystems.
- Explore the diversity of Big Cypress' natural and cultural resources and be inspired to participate in perpetuation of the area's natural and cultural heritage.
- Find universal accessibility to resources, media, and activities that are culturally inviting to all constituents.
- Interact with NPS staff and programs that provide opportunity to understand and support NPS mission and contribute to perpetuation of Preserve values.

INTERPRETIVE THEMES

The primary themes for Big Cypress National Preserve are expressed below. **All revenue producing visitor services are expected to fall within or relate directly to one of the interpretive themes stated for the Preserve.**

WATER

Preserving the Big Cypress watershed is key to the survival of the South Florida ecosystem.

- Fresh water flowing through the Big Cypress Swamp provides a steady supply of life-giving nourishment to Everglades National Park and the Ten Thousand Islands, a vital estuary system.
- Wetlands are one of the most endangered ecosystems in the world. Development, recreational use and non-point source pollutants threaten the Big Cypress Swamp from all sides.
- Subtle geologic features influence water flow and vegetation patterns which, in turn, affect wildlife, fire frequency, and soil compaction.

BIOLOGICAL DIVERSITY

Acting as custodian for ecological and biological processes, Big Cypress National Preserve provides habitat and protection for a great diversity of plant and animal species.

- The diversity of habitat types found in Big Cypress, including pinelands, mixed hardwood hammocks, wet prairies, dry prairies, marshes, and estuarine mangrove forests provides for a diversity of plant and animal species.
- Rare sub-tropical and temperate plants and animals have retreated to this remaining stronghold. Rare orchids, Florida panthers, red-cockaded woodpeckers and unusual ferns are found here and few other places in the world.
- The vast biological diversity existing in Big Cypress National Preserve makes it one of the most unusual natural areas in the world. The Big Cypress is a wetland interspersed with pine islands and hardwood hammocks. One may experience a variety of ecological communities as they are modified and characterized by the presence or absence of water, depending on hydroperiod.
- Fire and living things have evolved together. Fire is responsible for sculpting the landscape. Prescribed fire returns nutrients to the ecosystem and prevents excessive fuel buildup.

- Exotic species such as melaleuca (*Melaleuca quinquenervia*), Brazilian pepper (*Schinus terebinthifolius*), Old World climbing fern (*Lygodium microphyllum*), water lettuce (*Pistia stratiotes*), hydrilla (*Hydrilla verticillata*), air potato (*Dioscorea bulbifera*) and Australian pine (*Casuarina equisetifolia*) threaten native plant communities. With no natural enemies, exotics multiply rapidly and crowd out native species.

HUMAN/CULTURE

Big Cypress National Preserve reveals stories from times long past and into the future, reflecting a pattern of changing culture and human involvement.

- A rich history of human involvement with the swamp spans time. The Miccosukee Tribe of Indians of Florida and the Seminole Tribe of Florida, escaped slaves, land speculators, timber harvesters, hunters, fishermen, guides, cattlemen, and recreationists have all left their trails through the swamp.
- The establishment of Big Cypress National Preserve is a story of cooperation and conflict between various user groups to stop a threat to a treasured place.

RECREATION/MULTI-USE

Big Cypress National Preserve manages a spectrum of human activities, recreational and commercial.

- Big Cypress National Preserve provides an important oasis of wildness for recreation, reflection, and rejuvenation.
- Providing a unique environment with scenic vistas and wild areas, Big Cypress National Preserve hosts opportunities for human activities.
- Water birds, alligators, turkey, deer, raccoons and many other creatures call the Big Cypress their own. With increasing development in South Florida, opportunities to view such wildlife are becoming rare.
- Multiple use mandates make Big Cypress National Preserve different from other NPS units. Oil exploration, hunting, and off-road vehicle use add challenge to the mission of preservation and protection.
- Open space, quiet places, and wilderness are endangered in South Florida. Big Cypress National Preserve, along with other natural areas in the region, is vital to the quality of life in the state.
- The Big Cypress is a unique expanse of cypress-dominated scenery. A windshield tour across Alligator Alley or Tamiami Trail provides vast scenic vistas.

Visitation to Big Cypress National Preserve and the local region has greatly increased from 2000 to 2006 as the adjacent community populations have continued to grow exponentially. Over this six year period these areas have had an 11% increase in residential population of counties; a 16% increase in visitation to Florida, and a 63% increase in Preserve visitation.

Based on the NPS National Interpretive Action Plan, Big Cypress National Preserve would require the permittee and their employees to attend at least two NPS-led interpretive hikes or programs prior to leading tours within the Preserve, and the permittee and employees shall attend NPS-sponsored interpretive skills training and/or orientation programs that are made available at the Preserve. The goal of this training is to ensure the quality of programs, consistency of message, and inclusion of critical stories that connect visitors to the significance of the place, person, or event. Requiring training of the permittee and their employees will ensure that national park visitors consistently receive quality interpretation and education services. This training will result in a clear, achievable process for partners to participate in the delivery of interpretation and education services.



ENVIRONMENTAL CONSEQUENCES

This section analyzes the potential effects of three management alternatives on natural and cultural resources and the socioeconomic environment of the Preserve. By examining the environmental consequences of all alternatives on an equivalent basis, decision-makers can decide which approach creates the most desirable combination of the greatest beneficial results with the fewest adverse effects on the Preserve.

Each impact topic includes a description of the positive (beneficial) and negative (adverse) effects of the alternative, a discussion of the cumulative effects when this project is considered in conjunction with other actions occurring in the region, and a brief conclusion. The no action alternative (continue current management) analysis identifies what future conditions would be if no changes to facilities, services, or Preserve management occurred. This alternative reflects changes associated with the growth in regional population and increased visitor use that is anticipated over the next 20 years. The two action alternatives were then compared to the no action alternative to identify the incremental changes that would occur as a result of changes in Preserve facilities, services, and management.

The potential effects of the alternatives on natural and cultural resources and the socioeconomic environment of the Preserve are discussed below. The NPS based these impact analyses and conclusions on the review of existing literature and park studies, information provided by experts within the NPS and other agencies, professional judgments and Preserve staff insights, and public input.

Intensity - For this analysis, intensity or severity of the impact is defined as follows:

Negligible – impact to the resource or discipline is barely perceptible and not measurable and confined to a small area.

Minor – impact to the resource or discipline is perceptible and measurable and is localized.

Moderate – impact is clearly detectable and could have an appreciable effect on the resource or discipline.

Major – impact would have a substantial, highly noticeable influence on the resource or discipline on a regional scale.

Duration - The duration of the impacts in this analysis is defined as follows:

Short term – impacts that last less than 1 year.

Long term – impacts that last longer than 1 year.

Direct versus Indirect Impacts - The following definitions of direct and indirect impacts were used in this evaluation:

Direct – an effect that is caused by an action and occurs at the same time and place.

Indirect – an effect that is caused by an action but is later in time or farther removed in distance, but still reasonably foreseeable.

Cumulative Impacts

A cumulative impact is described in regulations developed by the Council on Environmental Quality (CEQ), 40 CFR 1508.7, as follows:

Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what

agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Cumulative impacts were determined by combining the impact of implementing this plan with potential impacts of other past, present, and reasonably foreseeable future actions. Therefore, it was necessary to identify other ongoing or foreseeable future projects within Big Cypress National Preserve and the surrounding region. The projects identified include:

The U.S. Highway 41 Scenic Corridor Visitor Safety Highway Improvement Project. This project involves work at several locations along U.S. Highway 41, Turner River Road, and Loop Road. These projects include improving entrance roads to three existing campgrounds and constructing new parking facilities and boardwalks.

The Recreational Off Road Vehicle (ORV) Management Plan. The implementation of the 2000 ORV Plan will result in substantial beneficial effects to surface water flow, soils, and vegetation. These beneficial effects will result from limiting ORVs to designated roads and trails, which would produce a major reduction in the spatial extent of the preserve affected by ORVs. Restoration of trails no longer used by ORVs will further enhance the natural and scenic values of the Preserve. The visitor experience for ORV users is affected by the limitations on their ability to access certain places by vehicle, and by the need to conform with new rules and permit requirements. Many visitors who do not use ORVs perceive a benefit from reduced impacts to the scenic quality of the preserve.

South Florida Ecosystem Restoration. The south Florida ecosystem stretches south from Orlando through the Chain of Lakes, the Kissimmee Valley, Lake Okeechobee, and the remaining Everglades to the waters of Florida Bay and coral reefs. The ecosystem encompasses approximately 18,000 square miles within 16 counties. This region supports 68 federally listed plant and animal threatened and endangered species. There is an intense, cooperative effort among federal, state, and local government agencies, tribes, environmental organizations, universities, businesses, and local citizens to Preserve and restore the greater Everglades ecosystem. More than 200 restoration projects within this region have been identified. The projects that would have the most influence on the Preserve are the Comprehensive Everglades Restoration Plan (CERP) and the Southwest Florida Feasibility Study.

Regional Growth and Development. Based on the most recent data from the Southwest Florida Regional Planning Council, southwest Florida is one of the most rapidly growing areas of the nation. For example, yearly gross and taxable sales nearly doubled from 1990 to 1999. In 1999, more than 12,000 new single-family-unit building permits and more than 8,000 multi-family-unit building permits were issued. This rapid growth is expected to continue, and the population of the southwest Florida region is projected to expand from 1,161,000 in 2000 to 1,652,300 in 2020. This represents a 42 percent increase. As this growth occurs, increasing demand will occur on all of the region's resources.

Impairment Analysis

In addition to determining the environmental consequences of the alternatives, the 2006 National Park Service *Management Policies* and Director's Order #12 (NPS 2001) require analysis of potential effects to determine if actions would impair park resources.

The fundamental purpose of the National Park Service, established by the Organic Act and reaffirmed by the General Authorities Act as amended, begins with a mandate to promote and regulate so as to conserve Preserve resources and values. National Park Service managers must always seek ways to avoid or minimize to the greatest degree practicable adverse effects on park resources and values. However, the laws do give National Park Service management discretion to allow effects to park resources and values when necessary and appropriate to fulfill the purposes of a park unit, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given National Park Service management discretion to allow certain effects within parks, that discretion is limited by statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically

provides otherwise. The prohibited impairment is an effect that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of Preserve resources or values, including opportunities that otherwise would be present for the enjoyment of those resources or values. An impact would more likely constitute impairment to the extent it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park unit;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park unit; or
- Identified as a goal in the park unit's Master Plan or General Management Plan or other relevant National Park Service planning documents.

Impairment may result from National Park Service activities in managing the park unit, from visitor activities, or from activities undertaken by concessionaires, contractors, and others operating in the park unit. A determination of impairment is made for each resource topic within each "Conclusion" section of this environmental assessment under "Environmental Consequences." As required by National Park Service guidelines, an assessment of the potential for impairment is provided in situations where moderate or greater intensity of effects on natural or cultural resources are predicted.



The NPS has determined that none of the alternatives analyzed in this EA would impair Preserve resources or values. This determination is based on a finding that for each of the alternatives there would be no major, adverse impacts to a resource or value the conservation of which is (1) necessary to fulfill specific purposes identified in the enabling legislation of BICY; (2) key to the natural or cultural integrity of the Preserve; or (3) identified as a goal in the Preserve's General Management Plan or other relevant National Park Service planning documents

IMPACT TOPICS

DERIVATION OF IMPACT TOPICS

Specific impact topics were developed for discussion focus, and to allow comparison of the environmental consequences of each alternative. These impact topics were identified based on federal laws, regulations, and Executive Orders; 2006 NPS Management Policies; and NPS knowledge of limited or easily impacted resources. A brief rationale for the selection of each impact topic is given below, as well as the rationale for dismissing specific topics from further discussion.

IMPACT TOPICS INCLUDED IN THIS DOCUMENT

Water Quality

Construction of any buildings and associated amenities and facilities could affect water quality through the increasing of impervious surface for parking lots and buildings as well as the human use of the area. For this reason, water quality is an impact topic that will be analyzed in this document.

Floodplains

All of Big Cypress National Preserve south of US Highway 41 is within the 100-year floodplain according to the Federal Emergency Management Agency (FEMA). For this reason, floodplains are an impact topic that will be analyzed in this document.

Any future construction undertaken to implement an alternative set forth in this plan would be subject to further site-specific analysis pursuant to NEPA, the National Historic Preservation Act, and other applicable laws and regulations. In particular, any construction in the Preserve would be subject to Executive Order 11988 (“Floodplain Management”) and related NPS policies. These policies may require the preparation of a Statement of Findings that addresses in detail the impacts that a particular project may have on floodplains.

Wetlands

All alternatives proposed for this planning effort have the potential to impact wetlands simply because of the proposed increased use of the areas.

Any future construction undertaken to implement an alternative set forth in this plan would be subject to further site-specific analysis under NEPA, the National Historic Preservation Act, and other applicable laws, regulations and policies. In particular, construction in the Preserve may be subject to Executive Order 11990 (“Protection of Wetlands”) and related NPS policies. These policies may require the preparation of a Statement of Findings that addresses in detail the impacts that a particular project may have on wetlands.

Soils

There is the possibility of adverse impact to native soils if any of the alternatives are selected, because they may result in an increased use of the trails, campgrounds and other resources of the Preserve. Therefore, soils are an impact topic that will be analyzed in this document.

Vegetation

Effects on vegetation are analyzed in this document, because construction of buildings and associated amenities or facilities can destroy plants and trees and create openings for invasive plants. Increased, intense use of any of the areas proposed in any of the alternatives may also decrease the quality of the vegetation of the Preserve.

Wildlife

One or more alternatives could potentially affect the quality of the wildlife habitat or directly disturb individual animals located in the Preserve, so this topic is included for analysis.

Special Status Species

The U.S. Fish and Wildlife Service (USFWS) has identified species on the federal threatened and endangered species list that inhabit the Big Cypress National Preserve (personal communication Deborah Jansen, 2003). Based on this information, the American alligator, wood stork (*Mycteria americana*), West Indian manatee (*Trichechus manatus*) eastern indigo snake, Cape Sable seaside sparrow, red-cockaded woodpecker, snail kite, and Florida panther will be addressed in this document.

The Florida Fish and Wildlife Conservation Commission (FWC) lists additional species as threatened or endangered within the Preserve: the bald eagle, white-crowned pigeon, arctic peregrine falcon, Florida sandhill crane, least tern, Everglades mink, Big Cypress fox squirrel, and Florida black bear. These species have also been documented throughout the locations proposed in one or more of the alternatives. Therefore, the impacts to these species will be further analyzed in this document.

After applying the criteria of adverse effect contained in Section 7 of the federal Endangered Species Act (16 U.S.C. 1536; 50 CFR 402), the National Park Service concludes that none of the alternatives would have an adverse effect on any federally listed threatened or endangered species. This conclusion is based on a site inspection of potentially impacted areas and professional knowledge of threatened and endangered species at the Preserve. The National Park Service will continue informal consultation with the USFWS, National Marine Fisheries Service (NMFS), and Florida Fish and Wildlife Conservation Commission prior to making a final decision regarding the proposed action. Any additional comments on the project from the USFWS, NMFS, Florida Fish and Wildlife Conservation Commission, and other interested parties will be addressed in the final compliance documents. Should the need arise, additional mitigation measures will be developed in consultation with the USFWS, NMFS and Florida Fish and Wildlife Conservation Commission.

Soundscapes

Analysis of potential impacts to natural soundscapes is required by NPS' *Management Policies, 2006*. Many of the proposed actions begin and end in a semi-developed area, thus most activities articulated in the action alternatives would not affect the soundscape of the area. However, several of the activities in the action alternatives may affect the area soundscape, so this topic was included for further consideration.

Cultural Resources

The 1966 National Historic Preservation Act (NHPA, 16 USC 470 et seq.), the 1916 NPS Organic Act, and NPS planning and cultural resource guidelines call for the consideration and protection of historic properties in development proposals (The term historic properties refers to all cultural resources, including prehistoric archeological sites, cultural landscapes, ethnographic sites, and historic sites eligible for or listed on the National Register of Historic Places). The evaluation of potential impacts of proposed actions on significant historic properties is required by NEPA and NHPA, as is attention to the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) for sites where human remains or burials may be present.

The NPS will consult with the Florida State Historic Preservation Officer (SHPO) and, as appropriate, the Advisory Council on Historic Preservation to ensure consistency with state cultural resource protection goals for any facility locations or areas of increased activity. If impacts to significant resources could not be avoided by redesign, mitigating measures would be developed in consultation with the SHPO to help ensure that the informational significance of the sites would be preserved. If appropriate, provisions of the Native American Graves Protection and Repatriation Act of 1990 would be implemented.

After applying the Advisory Council on Historic Preservation's criteria of adverse effects (36 CFR Part 800.5, *Assessment of Adverse Effects*), the NPS concludes that implementation of the alternatives described in this document would result in a "no historic properties affected" determination. This is due to the fact that Monroe Station is intended to be rehabilitated separately through the NPS Local Area Project for stabilization and rehabilitation, and this process will protect the cultural integrity of the structure. Since there are no other

historic properties in the area of potential effect, this portion of the topic was dismissed from further consideration.

As required by Section 106 of the NHPA, the National Park Service has initiated informal consultation regarding this project with potentially affected Federally-recognized Indian tribes, as well as with the Florida State Historic Preservation Officer. The National Park Service will also consult with other interested parties, as appropriate. Comments on the project from the Tribes, the State Historic Preservation Officer, and other interested parties will be addressed in the final compliance documents. Should the need arise, additional mitigation measures will be developed in consultation with the State Historic Preservation Officer.

Private Property

Implementation of any of the alternatives would result in a new facility or rehabilitation of an existing facility which may impact private property parcels within the Preserve. Because there may be an impact to private property owners, this topic will be addressed in this document.

Visitor Use and Experience

Visitor use would be affected by implementation of any of the alternatives, so this topic is included for analysis. Factors that affect visitor experience are safety, scenery, quality of experience, educational and cultural resources and traffic. One or more alternatives could affect visitor activities; therefore, this topic will be included as part of visitor use and experience.

Socioeconomic Environment

The socioeconomic environment, including employment, occupation, income changes, tax base, infrastructure, etc., may be affected. Property owners adjacent to the Preserve boundary may be affected by one or more alternatives. The proposal could also affect the economy of the area. These topics are closely related and have been combined for analysis in this document.

Transportation

One or more alternatives could affect vehicular traffic patterns; therefore, this topic will be included as an impact topic.

IMPACT TOPICS DISMISSED FROM FURTHER ANALYSIS

Several potential impacts were dismissed because they would not be affected or the potential for impacts under all alternatives would be negligible. These topics are listed below with an explanation of why they were not considered in detail.

Wilderness, Wild and Scenic Rivers

These are areas designated by Congress and do not exist in the area of concern of this EA. Because these areas do not exist in the area of concern, this topic was dismissed from further consideration. Any commercial activities that would be considered within areas of the Preserve that may be eligible for wilderness designation, would be conducted in such a manner that the activities would not disqualify that area for wilderness designation.

Prime or Unique Farmlands

The Farmland Protection Policy Act and the U.S. Department of the Interior require an evaluation of impacts on prime or unique agricultural lands. These lands require certain soil types and water availability. According to the U.S. Department of Agriculture, Natural Resources Conservation Service office located in Naples, Florida, there are no prime or unique farmlands within Big Cypress National Preserve (personal communication Anthony Polizos, USDA 2003).

Air Quality

The 1963 Clean Air Act, as amended (42 U.S.C. 7401 et seq.), requires federal land managers to protect air quality, while the 2006 NPS *Management Policies* address the need to analyze air quality during park planning. Big Cypress National Preserve is a Class II area under the Clean Air Act. The Preserve is currently within a designated attainment area, meaning that concentrations of criteria pollutants are within standards. Should an action alternative be selected, local air quality could be temporarily affected by dust and vehicle emissions. Any alternative selected would have a negligible effect on regional pollutant levels. In addition, if an alternative is selected that results in construction or modification of a facility or amenity, best management practices (BMP's) to control dust will be required during construction.

In summary, if any action alternative is selected, local air quality in the immediate vicinity could be temporarily degraded by dust generated from site reconstruction activities and emissions from construction equipment and vehicles. There may be increased automobile emissions from vehicles using the site, but neither overall Preserve nor regional air quality would be more than negligibly affected. For these reasons, air quality was dismissed as an impact topic in this document.

Night Sky

It is NPS policy to preserve opportunities for visitors to have an unobstructed view of the night sky. Artificial light pollution can affect this opportunity. Any outdoor lighting that may result from implementation of any alternatives would be designed so that it is directed toward the ground and does not scatter in order to prevent light pollution.

Mineral Resources

No claims for locatable, leaseable or saleable mineral resources are near the beginning or end of proposed locations except in the immediate area of Bear Island. Since all alternatives will ensure that mineral rights will not impinged upon, this topic will not be considered further.

Indian Trust Lands

Secretarial Order 3175 requires that any anticipated impacts to Indian trust resources from a proposed project or action by Department of Interior agencies be explicitly addressed in environmental documents. The federal Indian trust responsibility is a legally enforceable fiduciary obligation on the part of the United States to protect tribal lands, assets, resources, and treaty rights, and it represents a duty to carry out the mandates of federal law with respect to American Indian and Alaska Native tribes. There are no Indian trust resources in Big Cypress National Preserve. The lands comprising Big Cypress National Preserve are not held in trust by the Secretary of the Interior for the benefit of the Indians due to their status as Indians. Therefore, Indian trust resources were dismissed as an impact topic.

Urban Quality and Design of the Built Environment

Consideration of this topic is required by 40 CFR 1502.16. Urban area quality and vernacular designs will be taken into consideration in implementation of any alternative. Because this topic will be incorporated into any design, this topic was dismissed from further consideration.

Energy Requirements and Conservation Potential

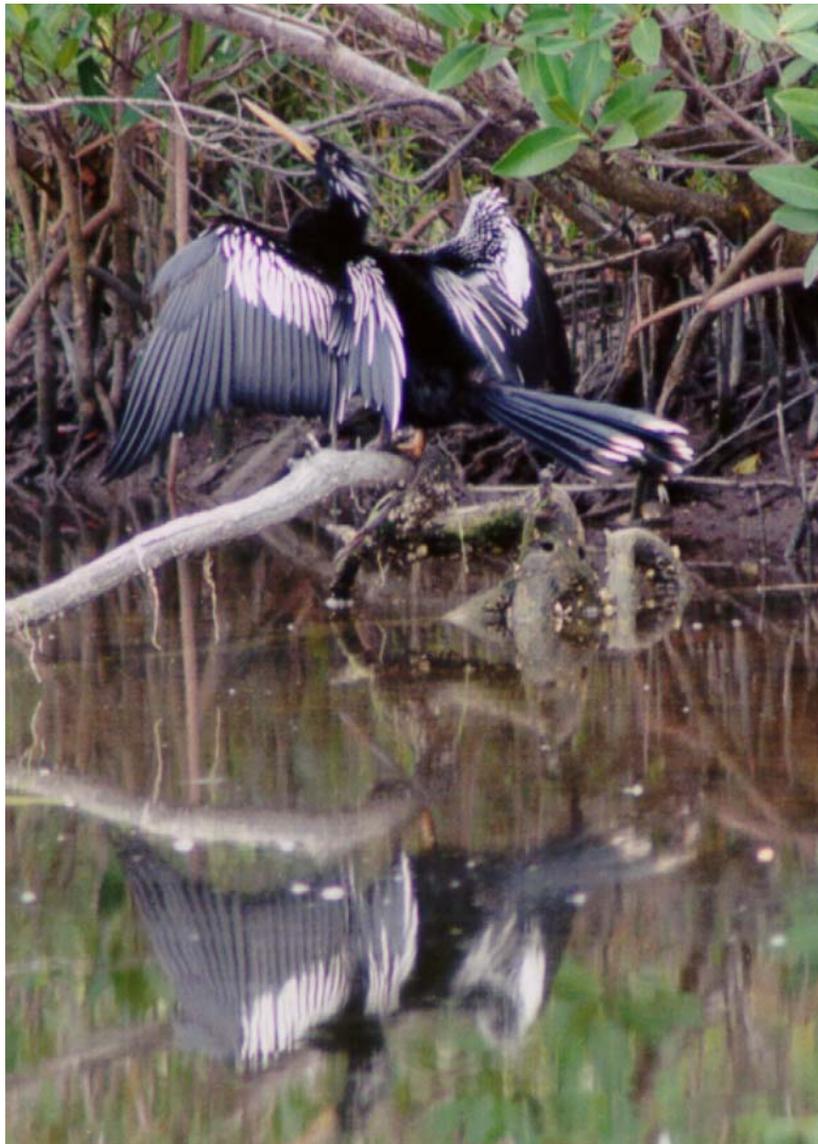
The alternatives would not have appreciable effects on energy availability or costs in the region. Because there would not be appreciable energy effects, this topic was dismissed from further consideration.

Environmental Justice

Executive Order 12898 requires all federal agencies to incorporate environmental justice into their missions by identifying and addressing disproportionately high and adverse human health or environmental effects on minorities or low income populations or communities. The proposed action is not expected to cause adverse health or environmental impacts to minorities, low-income populations, or communities and so this topic will not be considered further.

Coastal Zone Management

In accordance with the Coastal Zone management Act, federal projects must be consistent with the State of Florida's Coastal Zone Management Plan. Through consultation with the State of Florida, the Preserve will ensure that the proposed project was determined to be consistent. Therefore Coastal Zone Management was dismissed as an impact from further analysis.



IMPACT ANALYSIS FOR ALTERNATIVES

NO ACTION – ALTERNATIVE A

The concept of this alternative is to maintain the existing types and levels of commercial activities, services, and facilities at current levels.

Natural Resources

The impact on natural resources from the no action alternative could be expected to be moderate in intensity and long term in duration, resulting not from the limited services that would be provided under this alternative, but from the continuation of unregulated and un-permitted activities that are currently taking place within the Preserve.

Water Quality

Water quality would not be affected directly if the no action alternative is adopted, since no new structures or facilities would be put in place. The water in the Preserve is typically of very high quality; therefore, even small amounts of contaminants can result in adverse effects. No new impervious surface would be created, but human use of the area would be maintained at current levels in an uncontrolled manner.

Cumulative Impacts. This alternative would result in no construction activities, and in this way would result in no cumulative impacts. The increased human use could affect water quality over time by allowing unlimited concentrated use specific to commercial operations in more popular areas of the Preserve, causing long term, minor to moderate cumulative impacts.

Conclusion. The no action alternative can be expected to result in long term, minor adverse impacts to water quality. In order to prevent impairment to the resources or values of Big Cypress National Preserve, mitigating measures such as spatial or seasonal closures would be implemented.

Floodplains

The portion of the Preserve south of U.S. Highway 41 is within the 100-year floodplain according to the Federal Emergency Management Agency (FEMA).

Cumulative Impacts. This alternative would result in no construction activities, although human use would continue to occur within the Preserve, and thus within the floodplain. Implementation of this alternative would result in negligible, long-term, adverse impacts to floodplains. Current hydrologic restoration improvements are underway as water conveyance structures are planned to be installed under the Tamiami Trail as an Everglades Ecosystem Restoration Project. These are anticipated to result in long-term, major benefits to floodplains. The implementation of this alternative coupled with the additional regional projects is anticipated to result in moderate, beneficial cumulative impacts to floodplains through the restoration of floodplain functions.

Conclusion. The implementation of the no action alternative would result in negligible impacts to floodplains. It is consistent with the State Floodplain Management Program. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Wetlands

Alternative A has the potential to impact wetlands simply because of the expected increased use of the Preserve by people. Impacts could result from increased use on unimproved trails, causing sheet flow to be channeled unnaturally, and increased use could result in littering, noise, or vegetation and soils displacement, all resulting in diminished wetlands values.

Cumulative Impacts. The no action alternative would result in no construction activities, but increased human use would continue to impact resources and visitor experience in the Preserve. Construction in wetlands is controlled by Florida state and federal laws. Wetlands receive benefits from extra protection on lands managed by the NPS. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. Current hydrologic restoration improvements are presently underway, as water conveyance structures are planned for installation under the Tamiami Trail as an Everglades Ecosystem Restoration Project. This will result in restoration of the hydrology to vast areas of wetlands. These projects would result in long-term, major, beneficial impacts to wetlands. The impacts of implementing this alternative coupled with the other projects are expected to have major, beneficial, cumulative impacts on wetlands

Conclusion. The implementation of this alternative would result in negligible impacts to wetlands. In order to prevent adverse impacts to the resources or values of Big Cypress National Preserve, mitigating measures such as spatial or seasonal closures would be implemented. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soils

There is the possibility of adverse impact to native soils if any of the alternatives are selected, because all will result in an increased use of the trails, campgrounds and other resources of the Preserve. Soils within Big Cypress are fragile, and may be compacted by foot traffic or off road vehicles. The increased use by visitors on trails resulting from increased visitors but not limited or directed by the no action alternative may cause moderate, long term impacts to soils within the Preserve.

Cumulative Impacts. This alternative would result in no construction activities, but increased human use would continue to impact resources in the Preserve. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. This will result in beneficial impacts to the soils in vast areas of the Preserve which are most likely to receive increased use. This project would result in long-term, major, beneficial impacts to soils. The impacts of implementing this alternative coupled with the other project are expected to have moderate, beneficial cumulative impacts on soils.

Conclusion. The implementation of the no action alternative would result in negligible impacts to soils. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Vegetation

The implementation of this alternative may result in indirect, negligible, adverse impacts to vegetation. The areas currently receiving limited use by humans would gradually increase over time as visitation in the region increases. Humans are a common means of spreading non-indigenous plant species (U.S. Congress Office of Technology Assessment 1993). Therefore, the introduction of higher numbers of people at any of the visitor use locations could cause the spread of exotic plant species. This indirect, adverse impact is expected to be negligible, and the impacts would be reduced by implementation of mitigating measures such as seasonal or spatial closures.

The no action alternative has the possibility of indirect benefits relating to vegetation, since visitors would continue to be educated about the native plants and the threats of exotic plants to the Preserve if they are part of the formal interpretive programs. These benefits are anticipated to be long-term and negligible to minor. Increased, intense use of any of the areas proposed in any of the alternatives may also decrease the quality of the vegetation of the Preserve as a whole.

Cumulative Impacts. This alternative would result in no construction activities, but increased human use would continue to impact resources in the Preserve. Impacts to the region's vegetation are occurring on lands managed by the NPS, State of Florida and private landowners. The construction of the

Tamiami Trail and Loop Road visitor safety improvements has resulted in adverse impacts to vegetation through the long-term loss of vegetation. These impacts were minimized through the siting of the locations on mostly previously disturbed lands. However, native vegetation will be impacted by the construction of the improvements. The implementation of the ORV Plan is anticipated to have major, long-term benefits to the vegetation of the Preserve by eliminating ORVs from sensitive resources such as prairies and the restoration of numerous miles of trails.

These projects, coupled with the impacts associated with this alternative, are expected to result in moderate to major, beneficial cumulative impacts on vegetation. The implementation of the ORV Management Plan is expected to have major, long-term benefits to the vegetation of the Preserve.

Conclusion. The implementation of the no action alternative would result in negligible, direct and indirect, adverse impacts to vegetation due to the anticipated increase in visitation, but anticipated impacts would not result in impairment of the resources or values of the Preserve.

Wildlife

Implementation of Alternative A could potentially affect the quality of the wildlife habitat or directly disturb individual animals located in the Preserve, as increased human use can create a disturbed state with little to no return of natural vegetative cover. Where natural wildlife habitat persists and no loss of habitat is anticipated, wildlife avoidance may still occur. Terrestrial animals and birds that are currently using an area may be displaced during intensive use; however large areas of natural prairie habitat should remain available in surrounding areas. In some cases, birds and smaller animals may become accustomed to the new use and return to use the areas previously avoided. Larger wildlife may also return, causing unintended conflict with visitors.

Indirect effects would be beneficial and long-term, because of visitors learning about local wildlife through interpretation. This education could result in indirect benefits to wildlife by discouraging visitors to feed or disturb wildlife in the Preserve. In the long term, the use of visitor use sites would cause disturbance to wildlife that may return to the site.

Cumulative Impacts. The no action alternative would result in no construction activities, although the projects would displace wildlife, due to noise and human activity. The highway improvement project construction resulted in the permanent loss of wildlife habitat. However, due to the small scale of these projects relative to the available wildlife habitat, the adverse impact to wildlife would be negligible.

The implementation of CERP projects is anticipated to result in long-term, major benefits to wildlife through the restoration of large areas of wildlife habitat. These projects are anticipated to have a major cumulative benefit to wildlife. The implementation of this alternative would contribute a negligible, short-term, adverse impact to the cumulative impacts to wildlife.

Conclusion. The implementation of the no action alternative would result in negligible impacts to wildlife. This alternative is expected to have short-term and long-term, negligible, adverse impacts during visitor use, due to noise and activity affecting wildlife using the sites and surrounding area. In the long term, the use of the site by visitors would cause disturbance to wildlife that may return to the site.

Special Status Species

Alternative A may cause visitor use to intersect with special status species habitats at some time. The wood stork, alligator, and manatee are more likely to come in contact with humans, because they are more likely to be present in the frontcountry, where the average visitor will be. The rest of the listed species here are expected to rarely come in contact with Preserve visitors due to the remote habitat that they most often occupy. Indirect impacts on manatees and alligators could include visitors feeding or harassing the animals from the canal bank. This would be minimized through educational and enforcement efforts of Preserve staff and the use of signage. Therefore, it is expected that this alternative is not likely to adversely affect the manatee or alligator. The wood

stork forages in open, shallow water areas. Storks have been observed along the canals located in the frontcountry of the Preserve, where the majority of visitor use occurs. Wood storks can also be seen foraging in roadside drainage swales such as along Tamiami Trail. Increased activity in these areas could result in the displacement of wood storks that feed in this portion of the canal. However, due to the large area of suitable habitat in the Preserve, this alternative is not likely to adversely affect the wood stork.

Cumulative Impacts. The no action alternative would result in no construction activities, but increased human use could cause long term, negligible effect on habitats. The greatest source of adverse impacts on wildlife species of special concern in surrounding Big Cypress ecosystems is habitat disruption and destruction, as in other South Florida ecosystems. The implementation of this alternative would contribute only a negligible direct effect on biological systems in the region.

The recent (2000) Tamiami Trail National Scenic Byway designation has the potential to increase traffic that could put storks at higher risk of mortality through collisions with cars. However, Tamiami Trail has been the primary east-west route across this part of the Big Cypress since before the establishment of the Preserve in 1974 and was designated a Florida Scenic Highway in 1998. Although it has been de-designated, it has continued to be a heavily traveled roadway, as urban growth rates along both the Gulf and Atlantic coastal areas continue to accelerate. Therefore, this recent designation is anticipated to have a minor, adverse impact on wood storks. Furthermore, roadway improvements, including a coordinated signage plan as well as a comprehensive interpretive plan, under the Florida Scenic Highway Program and hydrologic improvements under the road as an Everglades Ecosystem Restoration Project are anticipated to have only temporary adverse impacts to the natural systems in this region due to construction activities. However, the hydrologic improvements entail installation of additional water conveyance structures under the roadway to provide restored functions to the wetlands adjacent to and downstream of the roadway, constituting a positive effect on habitat for the manatee and wood stork. The impacts of these projects, coupled with the direct and indirect, negligible, adverse impacts of implementing this alternative, are expected to have a minor to moderate, beneficial cumulative impact on the manatee and wood stork. The other special status species are primarily found in more remote portions of the Preserve not usually encountered by most visitors, so this alternative would be expected to have no impact on the remainder of the species.

Conclusion. The implementation of this alternative would result in negligible impacts to special status species; therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soundscapes

Analysis of potential impacts to natural soundscapes is required by NPS' *Management Policies, 2006*. Because the activities permitted in this alternative already begin and end outside the Preserve, in a semi-developed area, most activities would not affect the soundscape of the area. Increased use at previously established facilities and attractions may have an effect, but this would be highly localized and would consist of only human voices, as no motorized activities are currently permitted.

Cumulative Impacts. This alternative would result in no new construction activities, and would not encourage any increased human use. As activities begin and end in previously developed areas outside the Preserve, this alternative would result in no new cumulative impacts.

Conclusion. The implementation of this alternative would result in negligible impacts to soundscapes. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Cultural Resources

The impact on cultural resources from this alternative could be expected to be moderate in intensity and long term in duration, resulting not from the limited services, but from continuing increased use by visitors without limitation or direction of commercial activities that are currently taking place within the Preserve. Protection of

archaeological and cultural sites within the Preserve is best achieved through education of the public, which is not currently occurring at the level to be most effective.

Private Property

Implementation of this alternative would result in a no new facilities, but increased human use may affect the exclusivity and solitude that camp owners, especially backcountry camp owners have enjoyed for many years. All commercial activities would be required to avoid negatively impacting camps as well as commercial property within the Preserve.

Cumulative Impacts. This alternative would result in no new construction activities, and the increase in visitor use would result in no cumulative impacts to property owners.

Conclusion. The implementation of this alternative would result in negligible impacts to private property. Therefore, it would not result in impact to resources or values of Big Cypress National Preserve.

Visitor Use and Experience

Factors that affect visitor experience are safety, scenery, quality of experience, educational and cultural resources and traffic. Implementation of this alternative would keep the opportunities for visitor services at present levels. There would be continuation of a minor, adverse and long-term impact to visitation under this alternative, as visitors to the southwest side of the Preserve would continue to have limited opportunity to obtain information about the Preserve or other federal lands in south Florida due to the lack of NPS visitor service presence.

Cumulative Impacts. The no action alternative would result in no new construction activities, and since this alternative would have no incremental impact on commercial visitor use, this alternative would result in no cumulative impacts. This alternative would not contribute to any change in visitation numbers or use of the area and, therefore, would not contribute to cumulative effects on visitor use.

Conclusion. The implementation of the no action alternative would result in no effect on visitor use. This alternative would not contribute to the cumulative impacts on overall visitor use of the Preserve. However, there would continue to be an adverse, minor and long-term impact to visitors on the west side of the Preserve who do not have the opportunity to receive resource or travel information specific to Big Cypress National Preserve. The current number and type of visitors to the sites would not be changed by this alternative, but rather by the increase in visitation to the region.

Transportation

Implementation of the no action alternative would not result in construction of new facilities nor would it change current traffic patterns within or near the Preserve.

Cumulative Impacts. The implementation of the no action alternative would not result in an influence on transportation; therefore, it would not result in a contribution to cumulative impacts.

Conclusion. The implementation of the no action alternative would result in negligible impacts to transportation.

Socioeconomics

The impact on socioeconomics from Alternative A could be expected to be minor to moderate in intensity and long term in duration resulting from general increase in number of visitors in the local community, not the limited services provided and the limited number of providers available locally. While the current operators are local residents, they do not provide employment to a large number of community members. Under this alternative, no new facilities would be developed, nor would any increases occur to the revenue producing

visitor opportunities. Thus, implementation of this alternative would result in no positive effect on the economics of the area.

Cumulative Impacts. Since Alternative A would have no incremental impact on socioeconomics, this alternative would not result in cumulative impacts to the socioeconomic environment of the local and regional community.

Conclusion. This alternative would have no positive or negative effect on the economics of the area nor would it contribute to the cumulative impacts.

No Action Cumulative Impacts

Cumulative impact may result from the incremental impact of this action when added to other past, present, and reasonably foreseeable future actions due to the continued impact on natural and cultural resources from unregulated use, the increased demand and no increasing supply for visitor services, and a steady decline in the economic integrity of the local culture and community. These impacts may seem minor, but collectively may be significant when taking place over a period of ten to fifteen years, the expected life of this plan.



No Action Conclusion

The implementation of this alternative would have a negligible long term impact to Preserve resources, though it does not meet the management needs of the Preserve, protect its resources proactively, nor does it meet the requirements of the public.

ALTERNATIVE C

The concept of this alternative is to develop the Preserve's visitor services to the level and quality described in the 1991 GMP. Services would be centralized in two locations, and be limited to those revenue producing visitors services contemplated within that document.

Natural Resources

The impact on natural resources from Alternative C could be expected to be minor in intensity and long term in duration, resulting from the new service that would be provided under this alternative, and from the construction or rehabilitation of the two facilities that would be required to allow two centralized service locations to operate. Any new development would be constructed and operated while protecting undisturbed natural and cultural resources.

Water Quality

The water in the Preserve is typically of very high quality; therefore, even small amounts of contaminants can result in adverse effects. Water quality could be affected during the design, construction, and maintenance of new structures or facilities that would be put in place. Mitigating measures such as limiting impervious surface would be implemented, thus lessening the duration and intensity of the affected areas. Centralizing service locations would have a minor, long term benefit to water quality by localizing impacts.

Cumulative Impacts. Implementation of Alternative C would result in new construction activities at the southwestern corner of the Preserve at Seagrape Drive, and in this way would result in long term,

minor cumulative impacts. Construction of new facilities would temporarily affect water quality, but best management practices would be implemented to lessen the effect. After the completion of the facilities, the increased human use could affect water quality over time, by allowing concentrated use in more popular areas of the Preserve, causing long term, minor to moderate cumulative impacts. Current hydrologic restoration improvements are underway as water conveyance structures are planned to be installed under the Tamiami Trail as an Everglades Ecosystem Restoration Project. These are anticipated to result in long-term, major benefits to water quality. The implementation of this alternative coupled with the additional regional projects is anticipated to result in moderate, beneficial cumulative impacts to water quality through the restoration of wetland function. Alternative C, coupled with these restoration projects would result in long term, negligible effects to wetlands.

Conclusion. Implementation of Alternative C can be expected to result in long term, negligible impacts to water quality. In order to prevent adverse impacts to the resources or values of Big Cypress National Preserve, mitigating measures such as spatial or seasonal closures as well as best management practices during restoration activities would be implemented. Therefore, this alternative would not impair the Preserve's resources or values.

Floodplains

The entire Preserve south of US 41 is within the 100-year floodplain according to the Federal Emergency Management Agency (FEMA). Thus any development outside of a floodplain is not feasible in this area. However, implementation of this alternative is expected to result in negligible, long-term, adverse impacts to floodplains, because human use would continue to occur.

Cumulative Impacts. Alternative C would result in construction activities, although they would be restored or constructed on previously disturbed, filled land. Human use would continue to occur within the Preserve, and thus within the floodplain. Implementation of this alternative would result in negligible, long-term, adverse impacts to floodplains. Current hydrologic restoration improvements are underway as water conveyance structures are planned to be installed under the Tamiami Trail as an Everglades Ecosystem Restoration Project. These are anticipated to result in long-term, major benefits to floodplains. The implementation of this alternative coupled with the additional regional projects is anticipated to result in moderate, beneficial cumulative impacts to floodplains through the restoration of floodplain functions.

Conclusion. The implementation of Alternative C would result in negligible impacts to floodplains. It is consistent with the State Floodplain Management Program. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Wetlands

Alternative C has the potential to impact wetlands simply because of the proposed increased use of the area by people. Implementation would result in construction, and establishment of a wider range of opportunities for visitors to be in the backcountry of the Preserve. If buggy tours are established for visitors, increased use on trails may exceed the intended capacity, and result in degradation of those trails. Stabilized trails are intended to minimize impacts to wetlands by ORVs, and if commercial operation of buggy tours and rentals degrades those trails, this may result in a decrease in wetland values.

Cumulative Impacts. Implementation of Alternative C would result in construction activities along the US Highway 41 corridor, and increased human use would continue to impact resources and visitor experience in the Preserve. Construction in wetlands is controlled by Florida state and federal laws. Wetlands receive benefits from extra protection on lands managed by the NPS. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. Current hydrologic restoration improvements are presently underway, as water conveyance structures are being installed under the Tamiami Trail as an Everglades Ecosystem Restoration Project. This will result in restoration of the hydrology to vast areas of wetlands. These projects would result in long-

term, major, beneficial impacts to wetlands. The impacts of implementing this alternative coupled with the other projects are expected to have major, beneficial, cumulative impacts on wetlands

Conclusion. The implementation of Alternative C would result in negligible impacts to wetlands. In order to prevent adverse impacts to the resources or values of Big Cypress National Preserve, mitigating measures such as spatial or seasonal closures would be implemented. Best management practices would also be implemented during any construction or restoration activities, mitigating any effects to wetlands. Also, proposed facilities are to be located on previously disturbed or filled areas, preventing loss of wetlands due to new construction. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soils

There is the possibility of adverse impact to native soils if Alternative C is selected, because it will result in an increased use of the trails, campgrounds and other resources of the Preserve. Soils within Big Cypress are fragile, and may be compacted by foot traffic or off road vehicles. The increased use by visitors on trails proposed in Alternative C may cause localized, moderate, long term impacts to soils within the Preserve.

Cumulative Impacts. Alternative C would result in new construction activities, but they would be on previously filled and disturbed lands. Increased human use would continue to impact resources in the Preserve. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. This will result in beneficial impacts to the soils in vast areas of the Preserve which are most likely to receive increased use. This project would result in long-term, major, beneficial impacts to soils. The impacts of implementing this alternative coupled with the other project are expected to have moderate, beneficial cumulative impacts on soils.

Conclusion. The implementation Alternative C would result in negligible impacts to soils. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Vegetation

The implementation of Alternative C may result in indirect, negligible, adverse impacts to vegetation, resulting from trampling by increased use, as well as the possibility of introduction of exotic species during construction activities or from increased visitation to the front or backcountry. The areas currently receiving limited use by humans would gradually increase over time as visitation in the region increases. Humans are a common means of spreading non-indigenous plant species (U.S. Congress Office of Technology Assessment 1993). Therefore, the introduction of higher numbers of people at any of the existing or proposed visitor use locations could cause the spread of exotic plant species. This indirect, adverse impact is expected to be negligible, and the impacts would be reduced by implementation of mitigating measures such as seasonal or spatial closures and education of the public.

This alternative has the possibility of indirect benefits relating to vegetation, since visitors would continue to be educated about the native plants and the threats of exotic plants to the Preserve if they are part of the formal interpretive programs. These benefits are anticipated to be long-term and negligible to minor. Increased, intense use of any of the areas proposed in any of the alternatives may also decrease the quality of the vegetation of the Preserve as a whole.

Cumulative Impacts. Implementation of Alternative C would result in construction activities along the US Highway 41 corridor, and increased human use would continue to impact resources in the Preserve. Impacts to the region's vegetation are occurring on lands managed by the NPS, State of Florida and private landowners. The construction of the Tamiami Trail and Loop Road visitor safety improvements has resulted in adverse impacts through the long-term loss of vegetation. These impacts were minimized through the siting of the locations on mostly previously disturbed lands. However, native vegetation is impacted by the construction of the improvements. The implementation of the ORV Plan is anticipated to have major, long-term benefits to the vegetation of the Preserve by eliminating ORVs

from sensitive resources such as prairies and the restoration of numerous miles of trails. These projects, coupled with the impacts associated with Alternative C, are expected to result in moderate to major, long term, beneficial cumulative impacts on vegetation.

Conclusion. The implementation of Alternative C would result in negligible, direct and indirect, adverse impacts to vegetation due to the anticipated increase in visitation, and new construction. However, anticipated impacts would not result in impairment of the resources or values of the Preserve.

Wildlife

Implementation of Alternative C could potentially affect the quality of the wildlife habitat or directly disturb individual animals located in the Preserve, as increased human use can create a disturbed state with little to no return of natural vegetative cover. Where natural wildlife habitat persists and no loss of habitat is anticipated, wildlife avoidance may still occur. Terrestrial animals and birds that are currently using an area may be displaced during intensive use or construction activities; however large areas of natural prairie habitat should remain available in surrounding areas. In some cases, birds and smaller animals may become accustomed to the new use and return to use the areas previously avoided.

Indirect effects would be beneficial and long-term because of visitors learning about local wildlife through interpretation. This education could result in indirect benefits to wildlife by discouraging visitors to feed or disturb wildlife in the Preserve. In the long term, the use of visitor use sites would cause disturbance to wildlife that may return to the site.

Cumulative Impacts. Implementation of Alternative C would result in construction activities along US 41, and the projects could displace wildlife due to noise and human activity. The highway improvement project construction resulted in the permanent loss of wildlife habitat. However, due to the small scale of these projects relative to the available wildlife habitat, the adverse impact to wildlife would be negligible. The implementation of CERP projects is anticipated to result in long-term, major benefits to wildlife through the restoration of large areas of wildlife habitat. These projects are anticipated to have a major cumulative benefit to wildlife. The implementation of Alternative C coupled with the other regional restoration projects would contribute a negligible, short-term, adverse impact to the cumulative impacts to wildlife.

Conclusion. The implementation of Alternative C would result in negligible impacts to wildlife. This alternative is expected to have short-term and long-term, negligible, adverse impacts during visitor use, and also resulting from construction noise and activity affecting wildlife using the sites and surrounding area. In the long term, the use of the site by visitors would cause disturbance to wildlife that may return to the site. The potential loss of habitat to new construction would be mitigated by using previously disturbed, frontcountry sites for facility placement. It would not result in impairment of the resources and values of the Preserve.

Special Status Species

Alternative C may cause visitor use to intersect with special status species habitats at some time. Indirect impacts on manatees and alligators could include visitors feeding or harassing the animals from the canal bank. This would be minimized through educational and enforcement efforts of Preserve staff and the use of signage. Therefore, it is expected that this alternative is not likely to adversely affect the manatee or alligator. The wood stork forages in open, shallow water areas. Storks have been observed along the canals located in the frontcountry of the Preserve, where the majority of visitor use occurs. Wood storks can also be seen foraging in roadside drainage swales and canals such as Tamiami Trail. Increased activity in these areas could result in the displacement of wood storks that feed in this portion of the canal. However, due to the large area of suitable habitat in the Preserve, implementation of Alternative C is not likely to adversely affect the wood stork.

Cumulative Impacts. Implementation of Alternative C would result in construction activities along US Highway 41, and increased human use could cause long term, negligible effect on habitats. The greatest

source of adverse impacts on wildlife species of special concern in surrounding Big Cypress ecosystems is habitat disruption and destruction, as in other South Florida ecosystems. The implementation of this alternative would contribute only a negligible direct effect on biological systems in the region.

Tamiami Trail has been the primary east-west route across this part of the Big Cypress since before the establishment of the Preserve in 1974. It has continued to be a heavily traveled roadway, as urban growth rates along both the Gulf and Atlantic coastal areas continue to accelerate and its popularity as a scenic drive increases. Furthermore, roadway improvements, including a coordinated signage plan as well as a comprehensive interpretive plan, under the Florida Scenic Highway Program and hydrologic improvements under the road as an Everglades Ecosystem Restoration Project are anticipated to have only temporary adverse impacts to the natural systems in this region due to construction activities. However, the hydrologic improvements entail installation of additional water conveyance structures under the roadway to provide restored functions to the wetlands adjacent to and downstream of the roadway, constituting a positive effect on habitat for the manatee and wood stork. The impacts of these projects, coupled with the direct and indirect, negligible, adverse impacts of implementing this alternative, are expected to have a minor to moderate, beneficial cumulative impact on the manatee and wood stork. The other special status species are primarily found in more remote portions of the Preserve not usually visited by the average visitor, so this alternative would be expected to have no impact on the remainder of the species.

Conclusion. The implementation of Alternative C would result in negligible impacts to special status species; therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soundscapes

Implementation of Alternative C would have limited effect on the soundscapes of the Preserve, but because proposed visitor activities could begin or end within the Preserve, soundscapes may be negatively affected in these areas. New facilities along US 41 could have some effect, but as these are proposed in semi-developed areas, the effect would be expected to be negligible. As activities in this alternative are permitted, if they may affect the area soundscape, Preserve staff will use the VERP framework to implement limits and controls as thresholds are reached.

Cumulative Impacts. This alternative would result in new construction activities and rehabilitation of an existing historic structure, and visitation is expected to increase as more activities are permitted. As activities would begin and end in previously developed areas, impacts in these areas would be negligible. Soundscape effects due to new activities in more remote areas are expected to be long term and minor, and the VERP framework will be used to mitigate these impacts.

Conclusion. The implementation of Alternative C would result in negligible to minor impacts, which will be mitigated using monitoring to apply seasonal and spatial closures to protect soundscapes. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Cultural Resources

The impact on cultural resources from implementation of Alternative C would be minor in intensity and long term in duration, resulting from the increase in permitted activities that will take place within the Preserve. The resulting opportunities for interpretation of these resources could serve to improve the public's knowledge of these cultural artifacts thus assisting with general awareness of their importance. Protection of archaeological and cultural sites within the Preserve is best achieved through education of the public, which will be at much more effective levels than in the past.

Conclusion. The implementation of Alternative C would result in minor impacts to cultural resources; therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Private Property

Implementation of Alternative C would result in new facilities, rehabilitation of one existing facility, and increased use of the Preserve by visitors all of which may impact private property parcels within the Preserve. Mitigation of this long term, minor negative impact may be achieved by closely monitoring use and types of services to ensure that they are not intruding on the recreational values of landowners or the enjoyment of their property rights. Through proper oversight of commercial services using the VERP framework, property owners should not be affected by commercial operations.

Cumulative Impacts. Implementation of Alternative C would result in construction activities, but with appropriate limits and controls using Indicators and Standards set forth in the VERP framework, the resulting increased human use would result in no cumulative impacts.

Conclusion. Implementation of Alternative C would result in negligible impacts to private property within the Preserve. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Visitor Use and Experience

Factors that affect visitor experience are safety, scenery, quality of experience, educational and cultural resources and traffic. Implementation of Alternative C would increase the opportunities and types of visitor services within Big Cypress National Preserve. There would be minor to moderate long-term impact to visitation under this alternative, as visitation to the Preserve would probably increase, due to more opportunities to obtain information about the Preserve or other federal lands in south Florida.

Cumulative Impacts. Implementation of Alternative C would result in construction activities and incremental increase in visitor use, resulting in moderate, long term cumulative impacts to visitor use within Big Cypress. These effects would be positive, because the public would have increased availability to experience the resources of the Preserve in guided, directed events.

Conclusion. The implementation of Alternative C would result in minor to moderate positive effects on visitor use. It would not result in impairment of resources or values of Big Cypress National Preserve.

Transportation

Implementation of Alternative C would result in construction of new facilities, but it would not change current traffic patterns except near the Preserve headquarters. Minor, long term impacts are expected, meaning the impact could change traffic patterns, but the change would be slight and localized, with few measurable consequences. These could be mitigated by implementing the VERP framework to impose spatial or seasonal limits on use by commercial operators.

Cumulative Impacts. Implementation of Alternative C would have a negligible effect on transportation in the region and would not result in cumulative impacts.

Conclusion. The implementation of Alternative C would result in negligible impacts to transportation. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Socioeconomics

The socioeconomic environment, including employment, occupation, income changes, tax base, infrastructure, etc., may be affected by this alternative. Owners of property adjacent to the Preserve boundary as well as the local economy may be affected by this alternative. The impact on socioeconomics from this alternative could be expected to be minor to moderate in intensity and long term in duration resulting from the increase in services provided and the number of providers in the local community that will have the opportunity to provide these services. Under this alternative, new facilities would be developed, resulting in increased the revenue producing visitor opportunities. Thus, implementation of Alternative C would result in long term, minor positive effect on the economics of the area.

Cumulative Impacts. Implementation of Alternative C would result in long term, minor beneficial effect on the economics of the area as a result of the increase in opportunities to provide revenue-producing visitor services.

Conclusion. Implementation of Alternative C would have a positive, long term effect on the economics of the area, and would not negatively affect the resources or values of Big Cypress National Preserve.

Alternative C Cumulative Impacts

Cumulative impacts may result from the incremental impact of this action when added to other past, present, and reasonably foreseeable future actions due to the continued, although lessened impact on natural and cultural resources, the increased demand for visitor services, and the effect on the economy and culture of the local community. Effects may be mitigated when VERP standards are adopted, as the indicators will guide staff as to seasonal closures, spatial closures, and restoration methods that may be appropriate when thresholds are met. These impacts may seem minor, but collectively may be significant when taking place over a period of ten to fifteen years, the expected life of this plan.

Alternative C Conclusion

This alternative is intended to develop the Preserve's visitor services to the level and quality described in the 1991 GMP. Services would be centralized in two locations, and be limited to those revenue producing visitors services contemplated within that document. Although centralization of services will benefit resources positively, the needs of the visitors may not be met, as the GMP did not contemplate changes that have occurred with regard to visitor use and backcountry techniques nor new technology for accessing and experiencing the Preserve. The impacts analyzed would not result in impairment of resources or values within Big Cypress National Preserve, although impacts to natural and cultural resources, as well as effects on private property owners would have to be closely monitored through the VERP process, in order to minimize effects on the quality of these resources.



ALTERNATIVE E - PREFERRED

The concept of this alternative is to enhance the Preserve's visitor services by developing two facilities, at Monroe Station and Seagrape Drive to provide the visitor services deemed necessary and appropriate as identified in Alternative C, and the addition of one backcountry camping complex in the northern portion of the Turner River Management Unit.

Natural Resources

The impact on natural resources from the implementation of Alternative E would be minor in intensity and long term in duration, resulting from the new services that would be provided, and from the construction or rehabilitation of the facilities that would be required to allow two centralized service locations to operate and the addition of backcountry camping facilities. Any new development would be constructed and operated while protecting undisturbed natural and cultural resources.

Water Quality

Water quality would be affected in the short term and long term if Alternative E is adopted, as existing structures or facilities would be modified to accommodate increased use by the public. The water in the Preserve is typically of very high quality; therefore, even small amounts of contaminants can result in adverse effects. Limited new impervious surface would be created, but human use of the area would be increased above current levels. Erosion control Best Management Practices (BMPs) would be utilized and maintained throughout construction and restoration until soils are stabilized with vegetation. The use of BMPs would minimize the potential for sediment and contaminants from the parking area being carried into the water. Sewage handling systems would be constructed in accordance with current state and federal environmental protection standards to prevent impacts to water quality. Plantings of vegetation would stabilize and hold the soil to prevent sedimentation of waterways. Design features of any parking lots and other facilities would prevent runoff from directly entering the waterway. With these measures, this alternative would result in short-term, negligible effects on water quality.

Cumulative Impacts. The implementation of the Comprehensive Everglades Ecosystem Restoration Plan and the Tamiami Trail Culvert Project are anticipated to make major, long-term improvements to water quality in the region. The program establishes water treatment areas that mitigate impacts to water quality from agricultural and urban development. The construction of the Tamiami Trail visitor safety improvements has the potential to impact water quality by increasing the areas of impervious surfaces within the Preserve. These areas are anticipated to accumulate oil and grease relating to vehicles. However, the impacts of these areas will be minimized by the construction of stormwater management systems in accordance with State law at these locations. The impacts of implementing Alternative E combined with the other projects are anticipated to have long-term, moderate to major, beneficial cumulative impacts. Although Alternative E would have a short-term, negligible, adverse impact, this increment is not anticipated to reduce the anticipated beneficial cumulative impacts.

Conclusion. With the proposed mitigation measures, Alternative E is expected to result in short-term, negligible, adverse impacts to water quality. The implementation of this alternative would not impair the resources or values of Big Cypress National Preserve.

Floodplains

Although all portions of the Preserve south of US Highway 41 are considered within the 100-year floodplain, all proposed development would occur on existing fill pads or in previously disturbed areas. This, coupled with the use of BMPs during restoration of sites and structures would mitigate any hazard and risk associated with using buildings in a floodplain. Development of structures outside of a floodplain is not feasible in this area.

Therefore, the implementation of this alternative is expected to result in negligible, long-term, adverse impacts to floodplains.

Cumulative Impacts. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. This would be a beneficial impact to floodplains. Hydrologic restoration improvements are planned through the installation of water conveyance structures and canal plugs along U.S. 41 as an Everglades Ecosystem Restoration Project. These are anticipated to result in long-term, major benefits to floodplains. The implementation of Alternative E coupled with these additional projects is anticipated to result in moderate, beneficial cumulative impacts to floodplains through the restoration of floodplain functions resulting from ecosystem-wide restoration efforts.

Conclusion. The implementation of this alternative would result in negligible impacts to floodplains. It is consistent with the State's Floodplain Management Program. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Wetlands

Alternative E will have negligible impact on wetlands because the proposed increased use of the area by people will be strictly controlled and monitored. Under Alternative E, the restoration of facilities would avoid emergent, freshwater wetlands. Upland or previously disturbed areas would be sought for development at all sites to mitigate any other impacts to wetlands. The implementation of Alternative E would result in negligible impacts to wetlands; if suitable previously disturbed uplands are not located additional environmental analyses would be implemented to find reasonable alternatives.

Cumulative Impacts. The implementation of Alternative E would result in construction activities, and increased human use would continue to impact resources and visitor experience in the Preserve. Construction in wetlands is controlled by Florida state and federal laws. Wetlands receive benefits from extra protection on lands managed by the NPS. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. Current hydrologic restoration improvements are presently underway, as water conveyance structures are being installed under the Tamiami Trail as an Everglades Ecosystem Restoration Critical Project. This will result in restoration of the hydrology to vast areas of wetlands. These projects would result in long-term, major, beneficial impacts to wetlands. The impacts of implementing this alternative coupled with the other projects are expected to have major, beneficial, cumulative impacts on wetlands

Conclusion. The implementation of this alternative would result in negligible impacts to wetlands, and would have less potential for affecting wetlands than Alternatives C or D. Mitigating measures such as spatial or seasonal closures would be implemented as well as best management practices during restoration activities. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soils

There is the possibility of adverse impact to native soils if Alternative E is selected, because it would result in an increased use of the trails, campgrounds and other resources of the Preserve. Soils within Big Cypress are fragile, and may be compacted by foot traffic or off road vehicles. Use by visitors on trails proposed by this alternative may cause moderate, long term impacts to soils within the Preserve, but use would be more localized than Alternatives C or E, because of the centralized location of the facilities.

Cumulative Impacts. Implementation of Alternative E would result in construction during restoration activities, and increased human use would continue to impact resources in the Preserve. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. This would result in beneficial impacts to the soils in vast areas of the Preserve which are most likely to receive increased use. This restoration project would result in long-term, major, beneficial impacts to

soils. The impacts of implementing Alternative E coupled with the restoration project are expected to have moderate, beneficial cumulative impacts on soils.

Conclusion. The implementation of this alternative would result in negligible impacts to soils due to implementation of BMPs during restoration and mitigation measures during implementation. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Vegetation

The implementation of Alternative E may result in indirect, negligible, adverse impacts to vegetation. The areas currently receiving limited use by humans would gradually increase over time as visitation in the region increases. Humans are a common means of spreading non-indigenous plant species (U.S. Congress Office of Technology Assessment 1993). Therefore, the introduction of higher numbers of people at any of the visitor use locations could cause the spread of exotic plant species. This indirect, adverse impact is expected to be negligible, and the impacts would be reduced by implementation of mitigating measures such as vehicle cleaning, quarantines, or seasonal and spatial closures.

Alternative E has the possibility of indirect benefits relating to vegetation, since visitors would continue to be educated about the native plants and the threats of exotic plants to the Preserve if they are part of the formal interpretive programs. These benefits are anticipated to be long-term and negligible to minor. Increased, intense use of any of the areas proposed in this alternative may also decrease the quality of the vegetation of the Preserve as a whole.

Cumulative Impacts. This alternative would result in construction activities, and increased human use would continue to impact resources in the Preserve. Impacts to the region's vegetation are occurring on lands managed by the NPS, State of Florida and private landowners. The construction of the Tamiami Trail and Loop Road visitor safety improvements resulted in adverse impacts to vegetation through the long-term loss of vegetation. These impacts were minimized through the siting of the locations on previously disturbed lands. However, native vegetation has been impacted by the construction of the improvements. The implementation of the ORV Plan is anticipated to have major, long-term benefits to the vegetation of the Preserve by eliminating ORVs from sensitive resources such as prairies and the restoration of numerous miles of trails. These projects, coupled with the impacts associated with Alternative E, are expected to result in moderate to major, beneficial cumulative impacts on vegetation. The implementation of the ORV Management Plan is expected to have major, long-term benefits to the vegetation of the Preserve.

Conclusion. The implementation of this alternative would result in negligible, direct and indirect, adverse impacts to vegetation resulting from the anticipated increase in visitation and construction activities, but anticipated impacts would not result in impairment of the resources or values of the Preserve.

Wildlife

Implementation of this alternative could potentially affect the quality of the wildlife habitat or directly disturb individual animals located in the Preserve, as increased human use could create a disturbed state with little to no return of natural vegetative cover. Where natural wildlife habitat persists and no loss of habitat is anticipated, wildlife avoidance may still occur. Terrestrial animals and birds that are currently using an area may be displaced during intensive use; however large areas of natural prairie habitat should remain available in surrounding areas. In some cases, birds and smaller animals may become accustomed to the new use and return to use the areas previously avoided. Indirect effects would be beneficial and long-term, because of visitors learning about local wildlife through interpretation. This education could result in indirect benefits to wildlife by discouraging visitors to feed or disturb wildlife in the Preserve. In the long term, the use of visitor use sites would cause disturbance to wildlife that may return to the site.

Cumulative Impacts. Alternative E would result in construction activities and may displace wildlife, due to noise and human activity. The Tamiami Trail highway improvement project construction resulted in the permanent loss of wildlife habitat. However, due to the small scale of these projects relative to the available wildlife habitat, the adverse impact to wildlife would be negligible. The implementation of CERP projects is anticipated to result in long-term, major benefits to wildlife through the restoration of large areas of wildlife habitat. These projects are anticipated to have a major cumulative benefit to wildlife. The implementation of Alternative E would contribute a negligible, short-term, adverse impact to the cumulative impacts to wildlife.

Conclusion. The implementation of Alternative E would result in negligible impacts to wildlife. This alternative would have short-term and long-term, negligible, adverse impacts during construction activity and visitor use, due to noise and activity affecting wildlife using the sites and surrounding area. It would not result in impairment of the resources or values of the Preserve.

Special Status Species

Alternative E may cause visitor use to intersect with special status species habitats at some time. Indirect impacts on manatees and alligators could include visitors feeding or harassing the animals from the canal bank. This would be minimized through educational efforts of Preserve staff and the use of signage. Therefore, it is expected that this alternative would not likely adversely affect the manatee or alligator. The wood stork forages in open, shallow water areas. Storks have been observed along the canals located in the frontcountry of the Preserve, where the majority of visitor use occurs. Wood storks can also be seen foraging in roadside drainage swales such as those found along Tamiami Trail. Increased activity in these areas could result in the displacement of wood storks that feed in this portion of the canal. However, due to the large area of suitable habitat in the Preserve, Alternative E would not likely adversely affect the wood stork. Many of the special status species are primarily found widely scattered in the more remote portions of the Preserve, and Alternative E would have long term, negligible impacts on the remainder of the species.

Cumulative Impacts. Alternative E would result in construction activities during structure restoration and increased human use and could cause long term, negligible effect on wildlife habitats. The greatest source of adverse impacts on wildlife species of special concern in surrounding Big Cypress ecosystems is habitat disruption and destruction, as in other South Florida ecosystems. The implementation of this alternative would contribute only a negligible direct effect on biological systems in the region. Tamiami Trail has been the primary east-west route across this part of the Big Cypress since before the establishment of the Preserve in 1974. It has continued to be a heavily traveled roadway, as urban growth rates along both the Gulf and Atlantic coastal areas continue to accelerate. Furthermore, roadway improvements, including a coordinated signage plan as well as a comprehensive interpretive plan, and hydrologic improvements under the road as an Everglades Ecosystem Restoration Project are anticipated to have only temporary adverse impacts to the natural systems in this region due to construction activities. However, the hydrologic improvements entail installation of additional water conveyance structures under the roadway to provide restored functions to the wetlands adjacent to and downstream of the roadway, constituting a positive effect on habitat for the manatee and wood stork. The impacts of these projects, coupled with the direct and indirect, negligible, adverse impacts of implementing Alternative E, are expected to have a minor to moderate, beneficial cumulative impact on the manatee and wood stork. The alternative would result in visiting locations in the backcountry not usually visited by the average visitor, and since many of the special status species are primarily found in more remote portions of the Preserve, this alternative would be expected to have long term, negligible impacts on the remainder of the species.

Conclusion. The implementation of this alternative would result in negligible impacts to special status species; therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

Soundscapes

Implementation of Alternative E would have limited effect on the soundscapes of the Preserve, Alternative E would introduce more intense human activity in otherwise remote locations in the Preserve, causing an increase in human noise, including simple speaking and motorized vehicle noise. This effect is expected to be highly localized, and in the case of Monroe Station and the Cal Stones backcountry option, these are semi-developed areas where ambient noise is more acceptable. While most activities articulated in this alternative would not affect the soundscape of the area, as activities in this alternative are permitted, if they may affect the area soundscape, Preserve staff will use the VERP framework to implement limits and controls as thresholds are reached.

Cumulative Impacts. This alternative would result in restoration activities, and visitation is expected to increase as more activities are permitted. As new activities are permitted, and visitation increases in locations previously not considered a visitor destination, effects to the soundscape may be long term and minor. The use of mitigating measures can lessen this effect.

Conclusion. The implementation of Alternative E would result in negligible impacts to soundscapes. Seasonal and spatial closures and the use of other mitigating measures would be employed to ensure that it would not result in impairment of resources or values of Big Cypress National Preserve.

Cultural Resources

The impact on cultural resources from this alternative could be expected to be minor in intensity and long term in duration, resulting from the increase in permitted activities that will take place within the Preserve and the resulting opportunities for interpretation of these resources. Protection of archaeological and cultural sites within the Preserve is best achieved through education of the public, which would be at much more effective levels than in the past resulting in moderate long-term, positive impacts.

Conclusion. Minor, long term adverse impacts are combined with the moderate, long term positive impacts if this alternative is implemented. It would not result in impairment of resources or values of Big Cypress National Preserve.

Private Property

Implementation of this alternative calls for the rehabilitation of one existing facility, and the establishment of backcountry camping areas, resulting in increased use of the Preserve by visitors which may impact private property parcels within the Preserve. Mitigation of this long term, minor negative impact may be achieved by closely monitoring use and types of services to ensure that they are not intruding on the recreational values of landowners or the enjoyment of their property rights. Through proper oversight of commercial services using the VERP framework, property owners would not be affected by commercial operations.

Cumulative Impacts. This alternative would result in construction activities during restoration and increased human use, but the use of VERP indicators and standards, would result in no cumulative impacts.

Conclusion. The implementation of Alternative E would result in negligible impacts to private property within the Preserve.

Visitor Use and Experience

Implementation of Alternative E would increase the opportunities and types of visitor services within Big Cypress National Preserve. There would be minor to moderate long-term impact to visitation under Alternative E, as visitation to the Preserve would probably increase, due to more opportunities to obtain information about the Preserve or other federal lands in south Florida.

Cumulative Impacts. This alternative would result in construction activities and incremental increase in visitor use in the front and backcountry resulting in moderate, long term cumulative impacts to visitor use within Big Cypress. The effects on visitor experience would be positive, because the public would have increased availability to experience the resources of the Preserve in guided, directed events. The negative impacts of increased visitation (crowding, wear on facilities) would be mitigated through the use of VERP standards and thresholds.

Conclusion. The implementation of this alternative would result in moderate long term, beneficial impacts to visitor use and experience due to increased range of opportunities for guided services. Those wishing for a more isolated experience would still have many opportunities for solitude within the remote areas of the Preserve.

Transportation

Implementation of this alternative would result in construction of new facilities, and it would change traffic patterns near the intersection of US 41 and the western terminus of Loop Road. Minor, long term impacts are expected at this location, meaning the impact could change traffic patterns, but the change would be slight and localized, with few measurable consequences.

Cumulative Impacts. This project would have a negligible effect on transportation in the region and would not result in cumulative impacts.

Conclusion. The implementation of this alternative would result in negligible impacts to transportation.

Socioeconomics

The socioeconomic environment, including employment, occupation, income changes, tax base, and infrastructure may be affected by this alternative. Owners of property adjacent to the Preserve boundary, as well as the local economy, could be affected by this alternative. The impact on socioeconomics from this alternative would be minor in intensity and long term in duration resulting from the increase in services provided and the number of providers in the local community that would have the opportunity to provide these services. Under this alternative, facilities would be developed, resulting in increased revenue producing visitor opportunities. Thus, implementation of this alternative would result in long term, minor positive effect on the economics of the area.

Cumulative Impacts. Since Alternative E would provide for increased revenue producing visitor service opportunities, it would result in long term, minor beneficial effect on the economy of the area. The effect would be highly localized, and would have a negligible effect on the south Florida regional economy.

Conclusion. This alternative would have a positive, long term effect on the socioeconomics of the area.

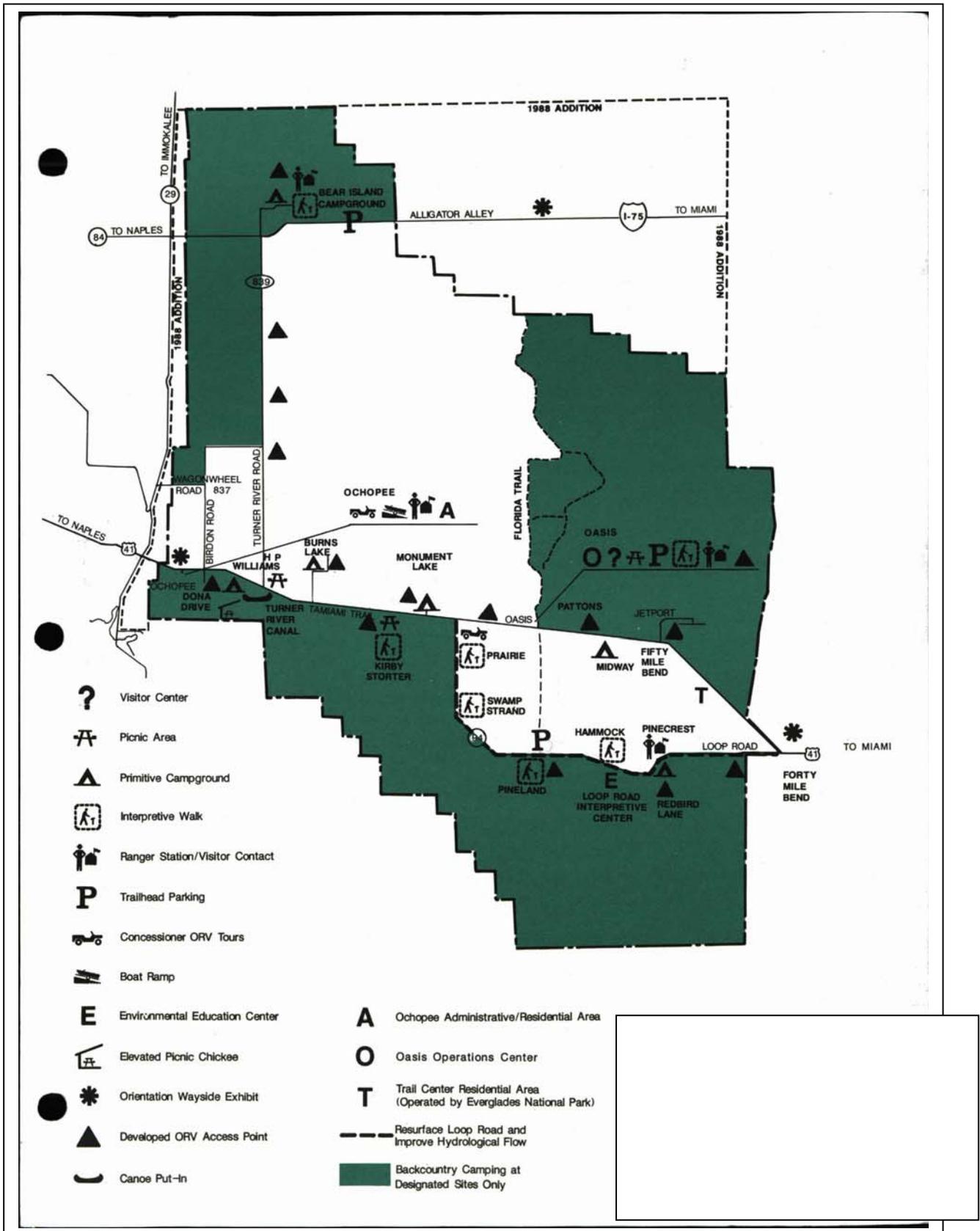
Alternative E Cumulative Impacts

This alternative advocates developing two locations to provide the visitor services deemed necessary and appropriate as identified in Alternative C with the addition a backcountry camping complex in the northern portion of the Turner River Management Unit. Cumulative impacts may results from the incremental impact of this action when added to other past, present, and reasonably foreseeable future actions due to the continued impact on natural and cultural resources from use, the increased demand for visitor services, and a positive effect on the economic integrity of the local culture and community. These impacts may seem minor, but collectively may be significant when taking place over a period of ten to fifteen years, the expected life of this plan. Impacts to natural and cultural resources may be mitigated through closely monitoring indicators and standards identified through the VERP process and implementation of spatial and temporal closures to avoid impairment to Preserve resources.

Alternative E Conclusion

Developing two frontcountry locations to provide the visitor services deemed necessary and appropriate as identified in Alternative C with the addition a backcountry camping complex in the northern portion of the Turner River Management Unit would serve the needs of Preserve staff while providing adequate protection to natural and cultural resources of the Preserve and ensuring a varied, positive experience to the Preserve visitor. This alternative would use previously disturbed locations which already have infrastructure provided, thus lessening resource impacts. As with all alternatives, Alternative E would have to be implemented using the careful monitoring and adaptive management set forth in the VERP framework to ensure high quality visitor experience while providing for the best protection of the sensitive natural and cultural resources of Big Cypress National Preserve.





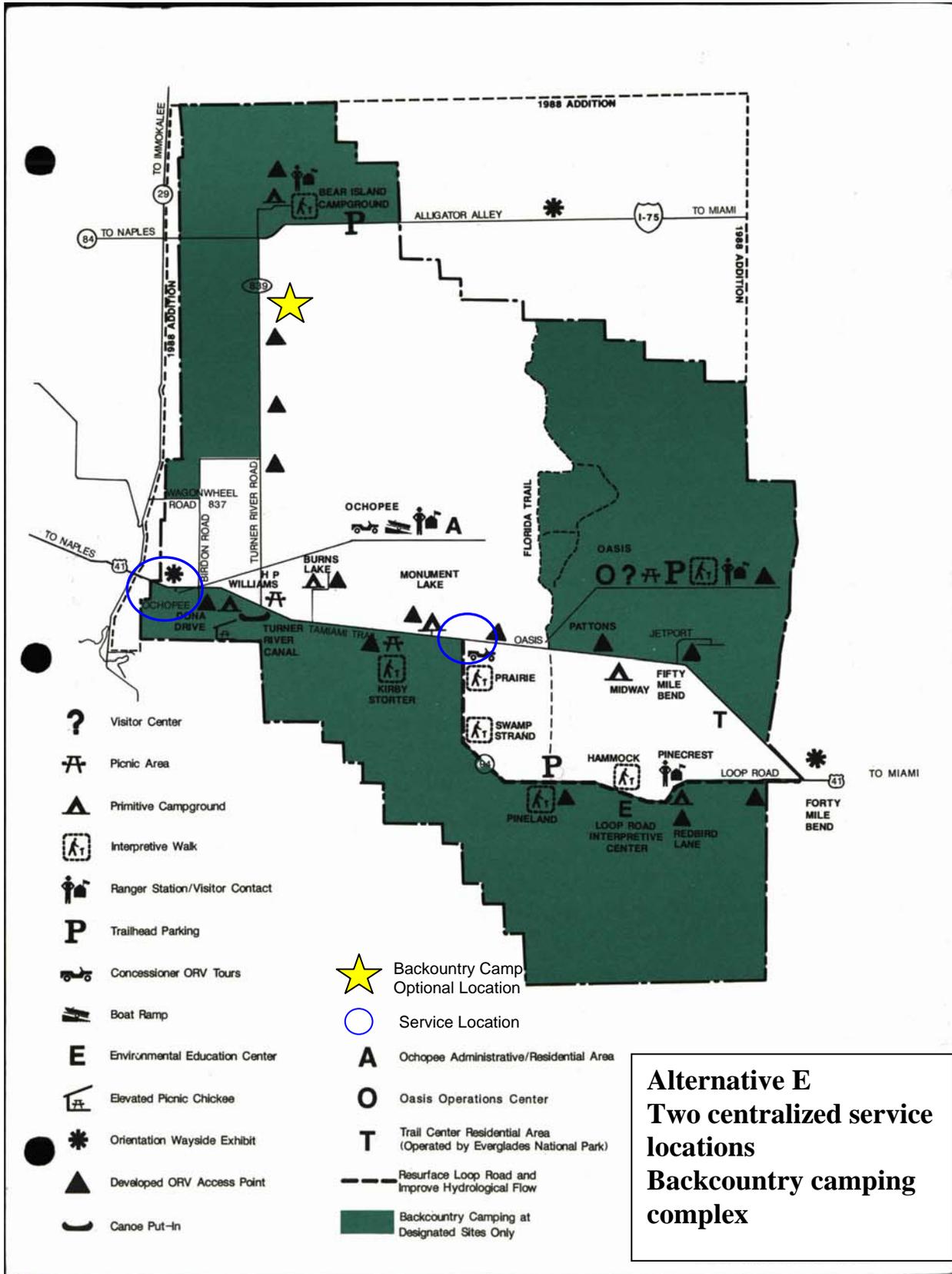


TABLE 5: USER CAPACITY INDICATORS AND POTENTIAL STANDARDS

Indicator Topic	Primary Indicator	Unit of Measurement	What Does It Indicate?	Standard		Potential Management Action *
Recreation	Group size	Number of persons per Group Frontcountry	Trends in Visitation Pattern	8-10		
		Number of persons per Group Backcountry Recreation (Including Access Points)	Trends in Visitation Pattern	8-10 at facilities 15 at trailheads		
		Number of persons per Group Primitive Backcountry on Trails	Trends in Visitation Pattern	8		
	Number of groups encountered	Number of Groups per Hour Frontcountry	Trends in Visitation Pattern	Hunting	Non Hunting	
				20	20	
		Number of Groups per Day Backcountry Recreation (Including Access Points)	Trends in Visitation Pattern	10	10	
		Number of Groups per Day Primitive Backcountry on Trails	Trends in Visitation Pattern	6	6	(Florida Trail Standard)
	User Conflict	Documented Complaints or Conflicts between Users per month for each management unit	Potential User Conflicts on Trails or in Specific Areas	5 per mgmt. unit, Trail, or visitor facility		
		Documented Complaints or Conflicts between Users per year Preserve wide	Potential User Conflicts on Trails or in Specific Areas	25 documented		
Compliance	Documented Violations	Number of documented violations (incl. warnings, citations, or arrests) for non-compliance per month for each management unit, trail system, or access point	Compliance with designated trail policy and identification of specific areas of concern	30 documented violations		
	Social Trails	Incidence of New Social Trails per month, per trail system	Compliance with designated trail policy and Vegetation loss, spread of invasive species, disruption to surface water flow, contact with sensitive resources, habitat fragmentation	1 per winter/spring (a.k.a. hunting or other season) Incidences = observed real-time occurrence of off-trail activity, as well as physical impact resulting from off-trail activity		

Indicator Topic	Primary Indicator	Potential Unit of Measurement	What Does It Indicate?	Potential Standard	Potential Management Action
	Widening of Trails	Incidence of Trail Widening on individual trail segments	Compliance with designated trail policy and Vegetation loss, spread of invasive species, disruption to surface water flow, contact with sensitive resources, habitat fragmentation	1 per winter/spring (a.k.a. hunting or other season)	
Natural Resources	Change in population of prey species as a result of visitor use	Abundance and distribution; demographics	Change in population trend, habitat fragmentation	Populations of prey species are maintained to satisfy sustainable predator needs*	Continued census of predator and prey species will be necessary to determine # of prey available/# of predators that will be seeking the prey
	Change in population of game species as a result of visitor use	Abundance and distribution; demographics	Change in population trend, habitat fragmentation	Populations of game species are maintained to satisfy sustainable harvest*	Continued census of game species and hunter success will be necessary to determine # of game species available for harvest as game and for predators
	Change in population of T&E Species/Species of management concern as a result of visitor use	Abundance and distribution; demographics	Change in population trend, habitat fragmentation	No adverse affects* *Further specificity on standards for population changes will be provided in the future hunting management plan.	Monitoring of T&E populations to determine if species' status is stable, improving, or in decline plan.
Cultural Resources	Incidences of disturbance to cultural resources	Number of incidences of disturbance to cultural resources per year	Trends in visitor behavior and compliance with Preserve rules/regulations	NONE	

CONSULTATION AND COORDINATION

The Following is a list of persons, organizations, and agencies that were contacted for information and that assisted identifying important issues, developing alternatives, and analyzing impacts.

Big Cypress National Preserve

Bill Evans, Fire & Aviation Division
Bob DeGross, Interpretation Division
Christine Clark, Office of the Superintendent
Damon Doumlele, Office of the Superintendent
Dennis Bartalino, Maintenance Division
Edward Clark, Visitor & Resource Protection
Isobel Kalafarski, Interpretation Division
John Javor, Maintenance Division

John Nobles, Fire & Aviation Division
Pete Roth, Maintenance Division
Karen Gustin, Superintendent
Pedro Ramos, Deputy Superintendent
Drew Gilmour, Visitor & Resource Protection
Randy Effert, Administration Division
Robert Sobczak, Resources Management Division
Ron Clark, Resources Management Division

WASO, Denver Service Center

Kerri Cahill
Kathy Fleming

Patrick Kenney
Terry Goodrich, retired

Southeast Regional Office

Bill Stevens, Chief of Concessions
Cheri Brice, Concessions Management Specialist
Mark Kinzer, Planning and Compliance
David Libman, Planning and Compliance
T. Jones, Cultural Resources Stewardship

Chuck Schuler, Science and Natural Resource Management
Jim Strotman, Land Resources
Jami Hammond
Rich Sussman

Consultation

Everglades National Park

Fakahatchee Strand Preserve State Park

Biscayne National Park

Collier-Seminole State Park

National Park Service
Southeast Archeological Center

Florida Wildlife Federation

Florida Panther National Wildlife Refuge

National Parks Conservation Association

U.S. Army Corps of Engineers

Florida Biodiversity Project

Seminole Tribe of Florida

U.S. Department of the Interior
South Florida Ecosystem Restoration Task Force

Miccosukee Tribe of Indians of Florida

South Florida Water Management District

Rookery Bay National Estuarine Research Reserve

Everglades Coordinating Council

Picayune Strand State Forest

South Florida Ecological Services Office
U. S. Fish and Wildlife Service

Collier County Transportation Services Division

Florida Department of Transportation

State Historic Preservation Officer
Florida Department of State
Division of Historical Resources

Florida Department of Community Affairs

United States Geological Survey
Big Cypress National Preserve Field Station

Collier County Manager's Office

Collier County Board of County Commissioners

Collier County Chamber of Commerce

Miami-Dade Board of County Commissioners

Miami-Dade County

Miami-Dade Chamber of Commerce

Monroe County Board of County Commissioners

Broward County Board of Commissioners

Broward County Chamber of Commerce

City of Marco Island, Florida

Marco Island Chamber of Commerce

City of Everglades, Florida

Everglades City Chamber of Commerce
Everglades Area Chamber of Commerce

The Chamber of Southwest Florida

Greater Naples Chamber of Commerce
Naples, Florida

Society for Ethical Ecotourism
Southwest Florida Chapter

Public Involvement

Internal and external scoping occurred during the development of this plan. Federal, state, and local agencies as well as Tribal entities were contacted early in the process to receive input on issues affecting interested parties. Issues identified by these agencies and tribes were incorporated into the planning goals and planning issues for the CSP. Two public meetings were held in November, 2007 and a public comment period was open from November 1 to December 31, 2007 to provide opportunities to involve the public in the review and development of alternatives.



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Public Law 105 Section 418, CUA
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APPENDIX A

Commercial Tour Fee Schedule					
(Effective January 1, 1998)					
Tier	National Park Unit	Sedan 1-6 persons	Van 7-15	Mini-Bus 16-25	Motor Coach 26+ persons
	Grand Canyon NP	\$ 8pp **	\$ 8pp **	\$ 8pp **	\$ 300 **
I	Grand Teton NP	\$ 25+ *	\$ 125	\$ 200	\$ 300
	Yellowstone NP				
	Yosemite NP				
II	Big Bend NP	\$ 25+ *	\$ 75	\$ 100	\$ 200
	Crater Lake NP				
	Death Valley NP				
	Everglades NP				
	Glacier NP				
	Hawaii Volcanoes NP				
	Kings Canyon NP				
	Mesa Verde NP				
	Mt Rainier NP				
	Olympic NP				
	Rocky Mt NP				
	Sequoia NP				
	Shenandoah NP				
III	Acadia NP	\$ 25+ *	\$ 50	\$ 60	\$ 150
	Badlands NP				
	Bandolier NP				
	Bryce Canyon NP				
	Cape Cod NS				
	Dinosaur NM				
	Harpers Ferry NHP				
	Joshua Tree NP				
	Lassen Volcano NP				
	Petrified Forest NP				
	Theodore Roosevelt NP				
	Zion NP				
IV	All other vehicle-based fee parks	\$ 25+*	\$ 40	\$ 40	\$ 100

APPENDIX B

NPS Management Policies 2006

Chapter 10 Commercial Visitor Services

Through the use of concession contracts or commercial use authorizations, the NPS will provide commercial visitor services that are necessary and appropriate for public use and enjoyment. Concession operations will be consistent to the highest practicable degree with the preservation and conservation of resources and values of the park unit. Concession operations will demonstrate sound environmental management and stewardship.

144 10.1 General

Commercial visitor services will be authorized through concession contracts or commercial use authorizations, unless otherwise provided by law. Section 10.2 below addresses concession authorizations; section 10.3 addresses commercial use authorizations.

(See Leases 8.12. Also see Director's Orders #48A: Concession Management, and #48B: Commercial Use Authorizations)

10.1.1 Leasing

See Section 8.12.

10.2 Concessions

10.2.1 Concession Policies

Concession operations are subject to the provisions of the NPS Concessions Management Improvement Act of 1998; NPS regulations published at 36 CFR Part 51; this chapter of NPS Management Policies; Director's Order #48A: Concession Management; and other specific guidance that may be issued under the Director's authority. In Alaska, concession operations are also subject to the provisions of the Alaska National Interest Lands Conservation Act and 36 CFR Part 13.

10.2.2 Commercial Visitor Services Planning

Commercial visitor services planning will identify the appropriate role of commercial operators in helping parks to provide opportunities for visitor use and enjoyment. This planning will be integrated into other plans and planning processes and will comply with all Service policies regarding planning and environmental analysis. The number, location, and sizes of facilities and sites assigned through concession authorizations

will be the minimum necessary for proper and satisfactory operation of the facilities.

A park commercial services strategy must be in place to ensure that concession facilities and services are necessary and appropriate, financially viable, and addressed in an approved management plan. Commercial services plans may be developed to further implement a park's commercial services strategy and to guide decisions on whether to authorize or expand concessions. A decision to authorize or expand a park concession will consider the effect on, or need for, additional infrastructure and management of operations and be based on a determination that the facility or service

- is consistent with enabling legislation, and
- is complementary to a park's mission and visitor service objectives, and
- is necessary and appropriate for the public use and enjoyment of the park in which it is located, and
- is not, and cannot be, provided outside park boundaries, and
- incorporates sustainable principles and practices in planning, design, siting, construction, and maintenance, and
- adopts appropriate energy and water conservation, source reduction, and environmental purchasing standards and goals, and
- will not cause unacceptable impacts.

Prior to initiating new services authorized under a concession contract, a market and financial viability study/ analysis will be completed to ensure the overall contract is feasible.

For information about leasing structures for appropriate uses, see section 8.12 and Director's Order #38: Real Property Leasing. *(See Unacceptable Impacts 1.4.7.1)*

10.2.3 Concession Contracting

Approved standard contract language will be used in all NPS concession contracts. Any deviations from such language must be approved in writing by the Director.

10.2.3.1 Terms and Conditions of Contracts

Concession services will be authorized under concession contracts unless otherwise authorized by law. The term of a concession contract will generally be 10 years or less.

However, the Director may award a contract for a term of up to 20 years if the Director determines that the contract terms and conditions, including the required construction of capital improvements, warrant a longer term. In this regard, the term of concession contracts should be as short as is prudent, taking into account the financial requirements of the concession contract, the required construction of capital improvements, resource preservation and conservation, visitor needs, and other factors that the Director may deem appropriate. Proposed concession operations must be economically feasible and supported by a feasibility study prepared by a qualified individual.

10.2.3.2 Modifications/Amendments

Concession contracts may be modified only by written amendment. Amendments developed after the issuance of a concession contract must be consistent with current NPS policies and orders. Unless otherwise authorized by the contract, a concession contract may be amended to provide minor additional visitor services that are a reasonable extension of the existing services.

10.2.3.3 Extension

Concession contracts may be extended only in accordance with the requirements of 36 CFR Part 51, subpart D. The signature authority for contract extensions or amendments must be consistent with delegations of authority from the Director.

10.2.3.4 Competition

To obtain the best service provider and maximize benefits to the government, the NPS encourages competition in the awarding of concession contracts.

Through outreach, the NPS also encourages the participation of American Indian, minority, and women-owned businesses when new business activities occur.

10.2.3.5 Third-party Agreements and Subconcessions

Unless specified in the contract, sub-concession or other third-party agreements (including management agreements) for the provision of visitor services that are required and/or authorized under concession contracts are not permitted.

The NPS may also advertise for a new concession contract to provide these additional services.

10.2.3.6 Multipark Contracts

Concessioners operating in more than one park unit must have separate contracts for each park unit. When approved by the Director, an exception may be made in the case of those park units having common NPS management or where service is provided in contiguous park areas (for example, a pack trip that crosses the boundary of two adjoining parks, or where lack of opportunity for profit, geographic location, and type of service is not feasible within a single location).

10.2.3.7 Termination

The Service may terminate concession contracts for default and under any other circumstances specified in the concession contract.

10.2.4 Concession Operations

10.2.4.1 Operating Plans

The operating plan is an exhibit to the concession contract; the plan will describe operational responsibilities authorized in the contract between the concessioner and the Park Service. The plan is reviewed and updated annually by the Service in accordance with the terms of the contract. Operating plans are considered an integral part of a concessioner's contractual performance compliance. Some aspects of a concessioner's operating requirements may also be contained in general or specific provisions unique to that contract.

10.2.4.2 Service Type and Quality

It is the objective of the NPS that park visitors are provided with high-quality facilities and services. Where appropriate, the concession contract will specify a range of facility, accommodation, and service types that are to be provided at reasonable rates and standards to ensure optimal facility maintenance and quality services to visitors. Concessioners are not permitted to use or encourage pseudo-ownership concepts such as time shares or longterm rental agreements.

10.2.4.3 Evaluation of Concession Operations

Concession operations will be regularly evaluated to ensure that park visitors are provided with high-quality services and facilities that are safe and sanitary and meet NPS environmental, health, safety, and operational standards.

As outlined in the concessioner operational evaluation program, the evaluation results will provide a basis for NPS management to determine (1) whether to continue or terminate a concession contract, and (2) whether a concessioner is eligible to exercise a right of preference in the award of a qualified new concession contract for those categories of contracts where such a right is available by law.

10.2.4.4 Interpretation by Concessioners

Concessioners will be required to appropriately train their employees and, through their facilities and services, to instill in their guests an appreciation of the park, its purpose and significance, its proper and sustainable management, and the stewardship of its resources. When the provision of interpretive services is required by the contract, concessioners will provide formal interpretive training, approved by the NPS, for their employees, or will participate in formal interpretive training that is either offered by the NPS or cosponsored by the concessioner.

Visitor appreciation of the park can be instilled in many ways. For example, it can be accomplished through guided activities; the design, architecture, landscape, and decor of facilities; educational programs; interpretive menu design and menu offerings; and involvement in the park's overall interpretive program. Gift shop merchandise and

displays also present opportunities to educate visitors about park history; natural, cultural, and historical resources; and sustainable environmental management.

Concession contracts will require the concessioner to provide all visitor services in a manner that is consistent with and supportive of the interpretive themes, goals, and objectives articulated in each park's planning documents, mission statement, and/or interpretive prospectus.

(See Interpretive Competencies and Skills 7.4)

10.2.4.5 Merchandise

The NPS will approve the nature, type, and quality of merchandise to be offered by concessioners.

Although there is no Service-wide list of specific preferred merchandise, priority will be given to sale items that foster awareness, understanding, and appreciation of the park and its resources and that interprets those resources.

Merchandise should have interpretive labeling or include other information to indicate how the merchandise is relevant to the park and its interpretive program and themes.

Each concession operation with a gift shop will have a mission statement based on the park's concession service plan or general management plan. Concessioners will develop and implement a merchandise plan based on the park's gift shop mission statement. The merchandise plan must be satisfactory to the Director, and should ensure that merchandise sold or provided reflects the significance of the park and promotes the conservation of the park's geological resources, wildlife, plant life, archeological resources, local Native American culture, local ethnic and traditional culture, historical significance, and other park resources and values. The plan should also integrate pollution prevention and waste-reduction objectives and strategies for merchandise and packaging.

10.1-10.2

Merchandise must be available at a range of prices. Theme related merchandise manufactured or handcrafted in the United States—particularly

in a park's geographic vicinity—will be encouraged. The revenue derived from the sale of United States Indian, Alaska Native, native Samoan, and Native Hawaiian handicrafts is exempt from any franchise fee payments.

10.2.4.6 Artifacts and Specimens

Concessioners will not be permitted to sell any merchandise in violation of laws, regulations, or NPS policies. The park superintendent may prohibit the sale of some items for retail sale because the merchandise is locally sensitive or inappropriate for sale. The sale of original objects, artifacts, or specimens of a historic, archeological, paleontological, or biological nature is prohibited. Replicated historic, archeological, paleontological, or biological objects, artifacts, or specimens may be sold if they are obvious replicas and clearly labeled.

Any geological merchandise approved for sale or exhibit by concessioners must be accompanied by appropriate educational material and a written disclaimer clearly stating that such items were not obtained from inside park boundaries. The proposed sale of any replicas, or of geological merchandise, must be addressed in the gift shop merchandise plan.

10.2.4.7 Rates

The NPS must approve all rates charged to visitors by concessioners. The reasonableness of a concessioner's rates and charges to the public will, unless otherwise provided in the contract, be judged primarily on the basis of comparison with current rates and charges for facilities and services of comparable character under similar conditions. Due consideration will be given to length of season, provision for peak loads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the NPS Director.

10.2.4.8 Risk Management Program

Concession contracts require each concessioner to develop a risk management program that is (1) appropriate in scope to the size and nature of the operation, (2) in accord with the Occupational Safety and Health Act of 1970 and the NPS concession risk management program, and (3) approved by the superintendent. Concessioners

are responsible for managing all of their operations to minimize risk and control loss due to accident, illness, or injury. To ensure compliance, the Service will include a risk management evaluation as part of its standard operational review of concession operations.

10.2.4.9 Natural and Cultural Resource Management Requirements

Concessioners are required to comply with applicable provisions of all laws, regulations, and policies that apply to natural and cultural resource protection. The use, maintenance, repair, rehabilitation, restoration, or other modification of concession facilities that are listed in or eligible for the National Register of Historic Places are subject to the applicable provisions of all laws, executive orders, regulations, and policies pertaining to cultural properties. The NPS will assist concessioners in understanding and complying with regulations for the protection of historic properties (36 CFR Part 800) promulgated by the Advisory Council on Historic Preservation. Historic structures and their contents and museum objects that are in the control of concessioners will be treated in accordance with the appropriate standards contained in NPS guidance documents. The Service will work closely with concessioners to integrate into concession activities the policies, procedures, and practices of Executive Order 13287 (Preserve America).

(See Chapter 4: Natural Resource Management; Use of Historic Structures 5.3.5.4.7. Also see Reference Manual 24: the Museum Handbook; Director's Order #28: Cultural Resource Management; #38: Real Property Leasing, and #48A: Concession Management)

10.2.4.10 Environmental Program Requirements

In the operation of visitor services, concessioners will be required by contract to meet environmental compliance objectives by

- complying with all applicable laws pertaining to the protection of human health and the environment; and
- incorporating best management practices in all operations, construction, maintenance, acquisition, provision of

visitor services, and other activities under the contract.

Concessioners will also be required by contract to develop, document, implement, and comply fully with—to the satisfaction of the Director—a comprehensive, written environmental management program (EMP) to achieve environmental management objectives. The EMP

- should be appropriate to the nature and size of the operation;
- must account for all activities with potential environmental impacts conducted by the concessioner, or to which the concessioner contributes;
- must be updated at least annually; and
- must be approved by the superintendent.

The scope and complexity of the EMP may vary based on the type, size, and number of concessioner activities. Exceptions to the requirement for an EMP must be approved by the Director. The NPS will review concessioner compliance with the EMP under the contract. The Park Service will also

- assist concessioners in understanding environmental program requirements;
- conduct environmental compliance audits of all commercial visitor services at least every three years in accordance with the concessions environmental audit program (the concessioner will be responsible for corrective actions required by law and identified during the environmental compliance audits); and
- include an environmental management evaluation as part of its annual standard operational reviews of concession operations.

(See Compensation for Injuries to Natural Resources 4.1.6; Integrated Pest Management Program 4.4.5.2; Compensation for Injuries to Cultural Resources 5.3.1.3; Overnight Accommodations and Food Services 9.3.2. Also see Director's Order #48A: Concession Management; Director's Order #83: Public Health)

10.2.4.11 Insurance

Concession contracts will identify the types and minimum amounts of insurance coverage required of concessioners to

- provide reasonable assurance that concessioners have the ability to cover bona fide claims for bodily injury, death, or property damage arising from an action or omission of the operator;
- protect the government against potential liability for claims based on the negligence of the operators; and enable rapid repair or replacement of essential visitor facilities located on park lands that are damaged or destroyed by fire or other hazards.

Concessioners will not be permitted to operate without liability insurance. Under limited conditions, concessioners may operate without property insurance, as described in Director's Order #48A: Concession Management.

10.2.4.12 Food Service Sanitation Inspections

Concessioners who prepare food on or off park lands or serve food on park lands will be subject to inspection for compliance with all applicable health and sanitation requirements of local and state agencies, the U.S. Public Health Service, and the Food and Drug Administration.

(Also see Director's Order #83: Public Health)

10.2.4.13 Smoking

Generally, all NPS concession facilities will be smoke free. The only exceptions—which the Service does not encourage—will be specifically designated smoking areas and rooms if allowed by state and local law. The sale of tobacco products through vending machines is prohibited.

(Also see Director's Order #50D: Smoking Policy; Executive Order 13058 (Protecting Federal Employees and the Public from Exposure to Tobacco Smoke in the Federal Workplace))

10.2.4.14 Wireless Local Area Networks

Concessioners may be authorized to provide wireless local area network access for park visitors and for administrative and employee use within concessioner assigned facilities. If this type of service is found to be necessary and appropriate and otherwise in accord with the park's planning and other guidance documents, the concession authorization's operating plan must identify the

need for the service and the standards for offering the service. A request to construct telecommunications equipment and infrastructure outside the concessioner's assigned facilities must be processed in accordance with section 8.6.4.3.

10.2.5 Concessions Financial Management

Concession contracts must provide for payment to the government of a franchise fee, or other monetary consideration as determined by the Secretary, upon consideration of the probable value to the concessioner of the privileges granted by the particular contract involved. Such probable value will be based upon a reasonable opportunity for net profit in relation to capital invested and the obligations of the contract. Consideration of revenue to the United States is subordinate to the objectives of protecting and preserving park areas and providing necessary and appropriate services for visitors at reasonable rates.

10.2.5.1 Franchise Fees

The amount of the franchise fee or other monetary consideration paid to the United States for the term of the concession contract must be specified in the concession contract and may only be modified to reflect extraordinary unanticipated changes from the conditions expected as of the effective date of the contract. Contracts with a term of more than five years will include a provision that allows reconsideration of the franchise fee at the request of the Director or the concessioner in the event of such extraordinary unanticipated changes. Such provision will provide for binding arbitration in the event that the Director and the concessioner are unable to agree upon an adjustment to the franchise fee in these circumstances.

10.2.5.2 Franchise Fee Special Account

All franchise fees and other monetary considerations will be deposited into a Department of the Treasury special account. In accordance with the NPS Concessions Management Improvement Act of 1998, twenty percent (20%) will be available to support activities throughout the national park system, and eighty percent (80%) will be available to the park unit in which it was generated for visitor services and funding high-priority and urgently necessary resource management programs and operations.

10.2.5.3 Record-keeping System

All concessioners will establish and maintain a system of accounts and a record-keeping system that use written journals and general ledger accounts to facilitate the preparation of annual concessioner financial reports.

10.2.5.4 Annual Financial Reports

For each concession contract, concessioners will be required to submit a separate annual financial report that reflects only the operations they are authorized to provide under that particular contract.

10.2

10.2.5.5 Donations to the National Park Service

The NPS will not solicit or accept direct donations or gifts from entities that have or are seeking to obtain a concessions contract. The NPS will not require any concessioner to donate or make contributions to the Service under any circumstance, including the incorporation of such a requirement in concession contracts. Further guidance on donations is available in Director's Order #21: Donations and fundraising.

10.2.6 Concession Facilities

All buildings under a concession contract are U.S. government/Service-owned structures and are part of the overall facility inventory at each park. Depending on the contract, the concessioner may have a contractual right of compensation in the form of a leasehold surrender interest or possessory interest in one, some, or all of the buildings. Responsibilities for maintenance, environmental management, and other operational issues must be included in each concession contract. Park facility managers will work closely with the park's concession program managers to ensure that these government buildings are part of the overall park inventory and tracking systems. Park managers will ensure that possessory interests and leasehold surrender interest valuations conform to the terms and conditions of the concession contract.

10.2.6.1 Design

Concession facilities will be of a size and at a location that the Service determines to be necessary and appropriate for their intended purposes. All concession facilities must comply with applicable federal, state, and local construction codes, and meet accessibility requirements as set forth in applicable accessibility guidelines. Proposed concession facilities must conform to NPS standards for sustainable design, universal design, and architectural design. Concession development or improvement proposals must undergo review for compliance with the National Environmental Policy Act of 1969 and section 106 of the National Historic Preservation Act (16 USC 470f), and proposals must be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* and other applicable legal requirements.

In addition to general park design requirements, the NPS will apply value analysis during the design process to analyze the functions of facilities, processes, systems, equipment, services, and supplies. Value analysis must be used to help achieve essential functions at the lowest lifecycle cost, consistent with required performance, reliability, environmental quality, and safety criteria and standards.

(See Facility Planning and Design 9.1.1)

10.2.6.2 Accessibility of Commercial Services

Concessioners share the NPS's responsibility to provide employees and visitors with the greatest degree of access to programs, facilities, and services that is reasonable, within the terms of existing contracts and agreements. Applicable laws include, but are not limited to (1) regulations issued under the authority of section 504 of the Rehabilitation Act of 1973, as amended (43 CFR Part 17), which prohibits discrimination on the basis of disability in programs or activities conducted by federal executive agencies; and (2) the Architectural Barriers Act of 1968, which requires physical access to buildings and facilities.

Where there is no specific language identifying applicable accessibility laws in an existing concession contract, the NPS will address the issue of compliance in the annual concession operating plan.

(See Physical Access for Persons with Disabilities 5.3.2; Accessibility for Persons with Disabilities 1.9.3, 8.2.4 and 9.1.2. Also see Director's Order #42: Accessibility for Visitors with Disabilities in NPS Programs and Services)

10.2.6.3 Maintenance

Concession contracts will require concessioners to be responsible for all maintenance and repair of facilities, lands, and utility systems assigned for their use, in accordance with standards acceptable to the Service. Exceptions will be made only in extraordinary circumstances, as determined by the Director. All concession contracts must include a current maintenance plan as specified in the concession contract. Maintenance plans are an exhibit to the concession contract and will be considered an integral part of a concessioner's contractual performance compliance. Maintenance of historic properties and cultural landscapes will be carried out in a manner consistent with applicable provisions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*.

10.2.6.4 Utilities and Services

Utilities include, but are not limited to, electricity, fuel, natural gas, water, disposal of wastewater and solid waste, and communication systems. When available, the Service may provide utilities to the concessioner for use in connection with the operations required or authorized under the contract at rates to be determined in accordance with applicable laws. If the Service does not provide utilities to the concessioner, the concessioner will, with the written approval of the Director and under any requirements prescribed by the Director, (1) secure necessary utilities at its own expense from sources outside the area; or (2) install the utilities within the area, subject to conditions of the contract.

(Also see Director's Order #35B: Sale of NPS-produced Utilities)

10.2.6.5 Closure of Commercial Operations during Government Shutdown

The Anti-Deficiency Act requires federal agencies to suspend all nonessential activities whenever there is a failure to enact an appropriations bill or adopt a continuing resolution. All concessioner-operated programs and services must cease, and visitors must be asked to leave within 48 hours. All commercial facilities and services in a park will be closed to protect the safety of visitors and the integrity of park resources. Exceptions to this policy include concessions that are required for health and safety purposes or protection of the environment, or that are necessary to support park operations that are deemed essential, such as law enforcement.

Commercial facilities located on through-roads (roads or public highways that begin and end outside of a park, plus parkways) and public highways may remain open if doing so does not result in additional costs to the park (for example, the staffing of entrance stations). These commercial facilities may include operations such as service stations, food services, stores, and lodging, or portions of such operations. The commercial facility in question should have access directly from the road or highway and not require the reopening of park roads having other destinations. More specific aspects of closures may be guided by a Service-wide shutdown plan.

10.2.7 Concessioner Employees and Employment Conditions

10.2.7.1 Nondiscrimination

Concessioners will comply with all applicable laws and regulations relating to nondiscrimination in employment and the provision of services to the public. As the NPS strives to achieve workforce diversity, so too will concessioners be encouraged to recognize workforce diversity as a sound business practice.

10.2.7.2 Substance Abuse

In compliance with state and federal regulations condemning substance abuse, the NPS prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol. The Service also prohibits the unlawful manufacture, cultivation, processing, or transportation of illicit drugs. This

policy applies to concessioners and their employees, at any facility or in any activity taking place on NPS lands. Concessioners are required to provide and advise employees about the availability of employee assistance programs addressing substance abuse problems.

10.2.8 NPS Employees

10.2.8.1 Accepting Gifts and Reduced Rates from Concessioners

NPS employees may not receive concessioner goods or services at a discount unless it is in connection with official business, is to the government's advantage, and is provided for under the terms of a concession contract.

However, employees may accept reduced rates or discounts offered by the concessioner when those same reduced rates or discounts are available to the general public.

NPS employees may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from a concessioner or other person who conducts operations and activities that are regulated by the Department of the Interior. Employees should consult with their ethics counselor regarding the limited exceptions to the general prohibition on accepting gifts from outside sources.

10.2.8.2 Employment of NPS Personnel or Family Members by Concessioners

Federal law prohibits government employees from making recommendations, decisions, or approvals relating to applications, contracts, controversies, or other matters in which the employee or the employee's spouse or minor child has a financial interest. Park employees may not make decisions, approvals, or recommendations related to concession activities when their spouse or dependent child is employed by a park concessioner in that particular park. For example, the spouse or dependent child of the superintendent, assistant superintendent, concession staff, environmental manager, or public health specialist may not be employed by a concessioner in the specific park in which the NPS employee works.

(Also see Director's Order #37: Home Businesses in Park Housing)

10.2.8.3 NPS Employee Ownership or Investment in Concession Businesses

Department of the Interior policy prohibits employees and their spouses and minor children from acquiring or retaining for commercial purposes any permit, lease, or other rights granted by the Department for conducting commercial services on federal lands. Therefore, no NPS concession contract or commercial use authorization to conduct commercial services in a park will be issued to NPS employees or their spouses and minor children who are owners, partners, corporate officers, or general managers of any business seeking such a contract in federal land managed by the Department of the Interior. Further, to avoid the appearance of partiality and conflicts of interest, and to comply with ethics laws that apply to all federal employees, NPS employees may not work on any matter involving a business in which they, their spouse, or their minor children have a financial interest.

10.2.8.4 Concession Management Personnel Qualifications

To effectively carry out the concession management program, managers and supervisors will make every effort to ensure that personnel selected for positions meet the essential competencies established for the position being filled. When concession management personnel lack the full complement of essential competencies or require refresher training for their position, managers and supervisors will ensure that those employees are trained and certified as competent. All personnel vacancy announcements issued for concession management must include program competencies.

10.3 Commercial Use Authorizations

Commercial use authorizations (CUAs), which are not considered as concession contracts, may be issued pursuant to section 418 of the NPS Concessions Management Improvement Act of 1998 (16 USC 5966). A commercial use authorization is a permit that authorizes suitable commercial services to park area visitors in limited circumstances as described in 10.3.1. may be issued instead of the commercial use

authorization when the Director determines that the services are necessary and appropriate, and/or provision of the services require certain protections such as legal, financial, and resource provisions that are more typical of a concession contract. A more detailed discussion of commercial use authorizations is included in Director's Order #48B: Commercial Use Authorizations.

10.3.1 General

Commercial use authorizations may be issued only to authorize services that (1) are determined to be an appropriate use of the park; (2) will have minimal impact on park resources and values; and (3) are consistent with the purpose for which the unit was established, as well as all applicable management plans and park policies and regulations.

10.3.2 Requirements

By law, a commercial use authorization must provide for

- payment of a reasonable fee, such fees to be used, at a minimum, to recover associated management and administrative costs;
- provision of services in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values; and
- limitation of liability of the federal government arising from the commercial use authorization.

No park may issue commercial use authorizations in a quantity inconsistent with the preservation and proper management of park resources and values. Each park issuing commercial use authorizations will ensure that it contains provisions for the protection of visitors and the resources and values of the park.

10.3.3 Limitations

By law, commercial use authorizations may be issued only for

- commercial operations with annual gross receipts of not more than \$25,000 resulting from services originating and provided solely within a unit of the

national park system pursuant to such authorization;

- the incidental use of resources of the unit by commercial operations that provide services originating and terminating outside of the boundaries of the park unit; or
- such uses by organized children's camps, outdoor clubs, nonprofit institutions (including backcountry use), and such other uses as the Secretary of the Interior deems appropriate.

Nonprofit institutions will be required to obtain commercial use authorizations only when they generate taxable income from the authorized use.

10.3.4 Construction Prohibition

By law, under no circumstances will a commercial use authorization provide for or allow construction of any structure, fixture, or improvement on federally owned land within any unit of the national park system.

10.3.5 Duration

By law, the maximum term for any commercial use authorization is two years in length. No rights of renewal are associated with commercial use authorizations.

10.3.6 Other Contracts

Holding or seeking to obtain a commercial use authorization does not preclude a person, corporation, or other entity from submitting proposals for concessions contracts.

Appendix C
Sample Commercial Filming Permit Conditions

FORM 10-114

(FORM DATE 12-15-2000)

CONDITIONS OF THIS PERMIT

1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.
2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.
3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise there from: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.
4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.
5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a)(4)].
7. Permittee will comply with applicable public health and sanitation standards and codes.
8. This permit may be terminated upon breach of any of the stated conditions.
9. The permittee agrees to carry a general liability insurance policy against claims occasioned by the action or omissions of the permittee, its agents and employees in carrying out the activities and operations authorized by this permit. Such insurance shall be in the amount of (\$1,000.000), and the United States of America (National Park Service, Big Cypress National Preserve, 33100 Tamiami Trail, East, Ochopee, Florida 34141) is named as additionally insured on that policy.
10. The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of the Interior, The NPS, and all Federal, State, county and municipal laws, ordinances, or regulations which are applicable to the area of operations covered by this permit.
11. Credit must not state or imply NPS endorsement of commercial product.
12. No activity shall be conducted that injures the natural, historic or cultural features within the Preserve. The area used will be cleaned up and restored to its prior condition.
 - a. Nothing shall be attached to NPS facilities, structures, rocks or vegetation.
 - b. Digging, scraping, or moving of natural features is prohibited.
 - c. Cutting of branches or ground cover is not permitted.

- d. Permittee will comply with any fire restrictions that may be in place at the time of permitted activity.
- 13. Vehicle use is restricted to established roadways. Off-road vehicle use is strictly prohibited.
- 14. Impacts to visitor use shall be kept to a minimum. Permittee staff will communicate with visitors in a courteous, knowledgeable and professional manner.
- 15. Permittee will work with Collier County Sheriff's Office for activity conducted on County Roads.
- 16. In case of emergency, notify our dispatch center at 305-242-7740.

APPENDIX D
Sample Commercial Use Authorization Conditions

CONDITIONS OF THIS PERMIT

1. The permittee and all participants authorized herein must comply with all of the conditions of this permit including all exhibits or amendments or written directions of the Preserve Superintendent. The permittee must have obtained all permits or licenses of State or local governments as applicable, necessary to conduct the commercial activities specified above and must operate in compliance with all pertinent Federal, State, and local laws and regulations.

2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.

3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefit to arise there from. Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.

4. Assignment - This permit may not be transferred, extended or assigned under any circumstances.

5. Revocation - This permit may be revoked at any time at the discretion of the Superintendent without compensation to the permittee or liability to the United States.

6. The permittee is prohibited from giving false information, to do so will be considered a breach of conditions and be grounds for revocation: [Re: 36 CFR 2.32 (4)].

7. Permittee will comply with applicable public health and sanitation standards and codes.

8. The following provisions constitute Condition 4 in accordance with Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967.

NONDISCRIMINATION. If use of the resource covered by their permit will involve the employment by the permittee of a person or persons, the permittee agrees as follows.

(a) The Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Permittee agrees to post in conspicuous places, available to employees and applicants for employment notices to be provided by the Superintendent setting forth the provisions of this nondiscrimination clause.

(b) The Permittee will, in all solicitations or advertisements for employees placed by or on behalf of the Permittee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The Permittee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Superintendent, advising the labor union or workers' representative of the Permittee's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Permittee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto and will permit access to his books, records and accounts by the Superintendent and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the Permittee's noncompliance with the non-discrimination clauses of this permit or with any of such rules, regulations, or orders, this permit may be canceled, terminated or suspended in whole or in part and the Permittee may be declared ineligible for further Government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 25, 1965, as amended, or by rule, regulations or order of the Secretary of Labor, or as otherwise provided by law.

(g) The permittee will include the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontract or purchase order as the Superintendent may direct as a means of enforcing such provisions including sanctions for non-compliance. Provided, however, that in the event the Permittee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Superintendent, the Permittee may request the United States to enter into such litigation to protect the interests of the United States.

9. The area(s) authorized for use under this permit must be left in substantially the same condition as it was prior to the activities authorized herein, and all refuse shall be placed in the trash containers provided, or disposed of as otherwise required by the Superintendent. The permittee shall be liable for any damages to property of the United States resulting from the activities authorized hereunder.

10. This permit is applicable only for the use of the area(s) and term designated above.

11. It is expressly agreed and understood that this permit does not authorize the permittee to advertise, solicit business, collect any fees, or sell any goods or services on lands owned and controlled by the United States. Vehicles permanently marked with a logo or other form of advertising are exempt from this requirement.

12. Indemnification: The permittee shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the permittee, his employees, subcontractors or agents under this PERMIT.

(a) The permittee shall purchase at a minimum the types and amounts of insurance coverage as stated herein and agrees to comply with any revised insurance limits the Superintendent may require during the term of this PERMIT.

(b) The permittee shall provide the Superintendent with a Statement of Insurance and Certificate of Insurance at the inception of this PERMIT and annually thereafter, and shall provide the Superintendent thirty (30) days advance written notice of any material change in the permittee's insurance program hereunder.

(c) The Director will not be responsible for any omissions or inadequacies of insurance coverages and amounts if such prove to be inadequate or otherwise insufficient for any reason whatsoever.

(d) **Public Liability.** The permittee shall provide comprehensive general liability insurance against claims occasioned by actions or omissions of the permittee in carrying out the activities and operations authorized hereunder. Such insurance shall be in the amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than **(\$300,000)** per occurrence covering both bodily injury and property damage. If claims reduce available insurance below the required per occurrence limits, the permittee shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a comprehensive general liability policy, may be used to achieve the required limits.

(e) All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America is named an additional insured.

13. **Construction.** No building or other structures will be erected under this permit within Big Cypress National Preserve.

14. Operations under this permit shall be subject to the laws of Congress governing the area and rules and regulations promulgated there under, whether now in force or hereafter enacted or promulgated; provided, however, that this permit does not constitute a concession contract or permit within the meaning of 16 U.S.C. 20 et seq., and, specifically, that no preferential right of renewal attaches to this permit.

15. Reference in this permit to "Superintendent" shall mean the Service official executing this permit and the term shall include his/her duly authorized representatives, and reference to "Service" herein shall mean the National Park Service.

16. **Annual Report.** Within sixty (60) days after the end of each year from the effective date of this permit, the permittee shall submit an annual report which summarizes total in-park visitor use and includes gross revenues for the year. For the purpose of this permit, gross revenues are defined as:

The total amount received, realized by, or accruing to the business operator for all sales of goods and services provided by the business operator for payment by cash, barter, or credit pursuant to the privileges granted by the permit. This includes income from subsidiary or other operations located outside of lands administered by the National Park Service to the extent that they support operations authorized by the permit.

Gross receipts generated from subsidiary or other operations located outside of the park that do not participate in the provision of the service will not be included in the calculation of revenues generated under this permit.

17. **Soil Erosion.** The permittee shall take adequate measures, as directed and approved by the Superintendent, to restrict and prevent soil erosion on the lands covered hereby and shall so utilize such lands as not to contribute to erosion on adjoining lands.

18. Non-Exclusive Authorization . This permit shall not be construed as limiting the obligation of the Superintendent to issue similar permits at the request of all other persons seeking to conduct the same or similar activities in the area. This authorization is not exclusive, and the permittee will not be considered a concessioner of the National Park Service as defined in P. L. 105-391.

19. The rates of the permittee will not be approved by the National Park Service.

20. This authorization may not be transferred or assigned without the written consent of the Preserve superintendent.

21. Mitigation. *N/A*

22. Cost incurred by the Preserve as a result of accepting and processing the application and managing and monitoring the authorization activity will be reimbursed by the holder. Administrative costs and estimated costs for activities on site must be paid when the authorization is approved. If any additional costs are incurred by the Preserve, the holder will be billed at the conclusion of the authorization.

23. The permit holder is to maintain an accounting system under which its accounts can be readily identified within its system of accounts classification. The accounting system must be capable of providing the information required by this authorization. The holder grants the United States of America and the General Accounting Office access to its books and records at any time for the purpose of determining compliance with the terms and conditions of this authorization.

24. It is expressly understood that the permittee is subject to any and all special conditions attached.

APPENDIX E

New Commercial Services Evaluation Process

There are four procedural steps that Big Cypress National Preserve (BICY) will use in reviewing and analyzing proposals for *new or expanded* commercial operations within the Preserve.

These procedures are designed to provide a consistent and fair evaluation of all requests. Primary in this evaluation process is the focus on effects the proposed activities will have on Preserve resources and non-commercial visitor activities.

Commercial use authorizations (CUAs) that are being reissued or applications for new CUAs that are identical or nearly so to an approved activity do not go through the evaluation process. However, if there are notable changes to an activity previously approved in the Commercial Services Plan, or if some aspects of a proposed activity have not previously been evaluated, some level of additional review and NEPA compliance may be required.

The four steps in the evaluation process are:

1. Initial Screening

A cursory review by Preserve managers will take place upon receipt of any proposal, and a determination made on whether the application is for a commercial service or a special Preserve use. A special Preserve use is a specific activity that uses NPS land or facilities, generally for one-time events that do not involve commercial services. If determined to be a special Preserve use, a Special Use Permit application will be forwarded to the applicant.

If the request is for a commercial service (except requests for a concession authorization), the Commercial Services Plan will be referenced to determine if the activity has been identified as appropriate in the Preserve. If listed as an appropriate activity, an application form and associated documents will be sent to the applicant. If the activity is listed as an inappropriate use, the applicant would be notified and the reason for denying the request explained.

2. Application Evaluation

After the application, required documentation and application fees are submitted, a multi-disciplinary

evaluation process will begin. An evaluation form will be used to ensure a consistent review of all activities and applications. The criteria used in the evaluation include legal, recreation, resource, management, and other components. These criteria are derived from the Preserve purpose, significance, and desired future conditions.

3. Decision

Upon evaluation of the completed application and supporting documents, a decision will be made as to whether or not to authorize the activity.

The decision to approve or reject a proposal will be based on the evaluation process, with the final determination made by the Preserve Superintendent. If the Superintendent decides that a service should be authorized within the Preserve, **the Right of First Refusal shall then be offered to both recognized Tribes**. The right of first refusal will take between 90 and 180 days to complete. If additional environmental clearance is required, costs for compliance with the National Environmental Policy Act (NEPA) will be borne by the applicant.

4. Applicant Notification

Commercial Use Authorizations: An acceptance letter and completed commercial use authorization will be sent to successful applicants for signature. Also included are the indicators and standards for the VERP process that must be monitored for the activity being performed. Preserve staff will be available to discuss monitoring, thresholds, and management actions that directly relate to the revenue producing visitor service activities that will be permitted under the CUA.

The application process will be completed when the applicant returns the signed permit, submits all required documentation, shows proof of liability insurance with the NPS listed as an additional insured party, and remits the required fees. Applicants denied permits will receive written notification. Such responses will identify specific reasons for the denial.

Concession Contracts: Concession contracts will be issued for concession type activities that are determined to be necessary and appropriate. Concession contracts are only issued in accord with

the Commercial Services Plan and NPS regulations and policies and will typically be subject to a competitive bidding process.

Evaluation Criteria

All proposed new commercial activities at Big Cypress National Preserve will be evaluated based upon the following criteria to determine if they are appropriate and necessary.

LEGAL / POLICY MANDATES

Federal, state, and local laws, rules, codes, and regulations will be reviewed to determine if the activity will comply with law and NPS policies related to that activity. Any violation or conflict with a law or regulation will result in rejection of the proposal or application.

• Land Use Zoning

The General Management Plan divided the Preserve into land use zones and subzones. Each of these zones has criteria and guidelines that define the land use activities allowed. These guidelines are used to determine if a proposed action is consistent with authorized uses in the zone, if it will be consistent with development constraints, and if it will complement the management strategy for the particular zone(s) involved.

• Preserve Mission

If a proposed activity is in conflict with the stated mission of the Preserve as outlined in the General Management Plan and other documents it will not be authorized unless changes can be made to mitigate the conflict.

• Concession Contracts

The evaluation will be used to identify proposals that may conflict with an authorized service already being provided by a concessionaire under a concession contract.

VISITOR USE / EXPERIENCE

These criteria help with the measurement of impacts on the visitor experience and ensure compliance with NPS goals and objectives for suitable visitor activities. Appropriate Interpretive themes would also be reviewed.

• Public Safety

Promoting safety is a very high priority, and all proposals should incorporate safety measures to assure safe visitor experiences.

• Education

Education is a high priority. CUA proposals and concession bids should address the educational activities the operator is proposing to provide, by identifying which BICY Interpretive Themes (p 56) the proposed service would address and detailing how the proposed service would benefit the NPS goal of furthering the identified themes. Staff training to assure quality educational services, will be required.

• Use Limitations

Some locations and activities in BICY are extremely popular, resulting in conflicts among users and localized crowding and congestion. Use limits (limitations on the number of available CUAs, persons-at-one-time capacity limitations, and area closures) are established by the VERP framework to protect both visitor experiences and Preserve resources. Authorizations of new commercial activities will be denied if they would exceed or conflict with these use limitations.



RESOURCES

• Cultural Resources

The presence of numerous cultural resources lends significance to BICY and its management for the public trust. There are cultural resources in all of the designated zones; therefore, all proposed commercial activities will be evaluated for potential impacts on these fragile, non-renewable resources.

- **Natural Resources**

Current resource surveys will be consulted, or a survey will be conducted by staff as part of any proposal review when needed. The information will assist in the determination of potential effects of the proposed activity on upland and/or wetland resources.

- **Visitor Experience**

Impacts on aesthetic resources can have a significant impact on the experiences of commercial clients and other visitors. Such resources include quiet, solitude, scenery, space, a sense of history, sounds of nature, and clear night skies. Commercial activity requests will be evaluated for impacts on aesthetic resources. If such impacts appear likely, the proposal will be adjusted to mitigate those impacts or not approved.

MANAGEMENT ISSUES

The NPS has responsibility for assuring commercial services are of high quality and appropriate to the Preserve unit. Because of this responsibility, commercial activities of all types require NPS oversight. Time and effort are required to issue various authorizations, monitor activities for compliance with permit restrictions, collect fees, assign and maintain support facilities, etc. These management activities require the attention and commitment of Preserve staff; the expense of these activities will be borne by commercial operators.

- **Land Requirements**

Facilities, including all developments, are not dedicated by commercial use authorizations. They are, however, typically authorized for exclusive use by concession contracts and special use permits. If facilities are needed for the business to operate, a determination will be made about which type of concessions authorization will be applicable. Final approval will depend on an assessment of benefits to the Preserve and appropriateness of the proposed activity.

- **Staffing Needs**

The process of monitoring individual commercial use authorizations and concession contracts will be examined to determine NPS staff requirements. The amount of staff time required is often dictated by the complexity of the operation. To assess the amount of staff time for processing an application, the approval / rejection and evaluation process, and subsequent

authorization and monitoring requirements, the following definitions of complexity will apply:

1. **High** — Successful monitoring of the activity will include administrative review annually, and compliance and onsite contact with the operation on a biweekly to monthly basis.
2. **Medium** — Successful monitoring will include administrative, compliance, and onsite contact on a monthly to quarterly basis.
3. **Low** — Successful monitoring will include administrative review annually, and compliance and onsite contact with the operation on a quarterly to annual basis.

The Concessions Management Improvement Act of 1998 and the Cost Recovery Act (16 USC 3a) requires that applicants and permittees bear the costs of these activities.

- **Management Plans**

Land management plans will be reviewed to assist in the determination of whether an operation will be allowed in a particular area and under what conditions. Examples of such plans include the General Management Plan, the Commercial Services Plan, Recreational ORV Management Plan, Long Range Interpretive Plan, Resource Management Plan, Land Protection Plan, and other plans or studies.

- **Support Facilities / Services**

Many commercial activities require support facilities and/or services, such as parking spaces, restrooms, changing rooms, and picnic areas. Such support activities have an impact on Preserve budgets, staff, and facilities. When the demand for commercial services exceeds the supply of support facilities and services, the proposed commercial activity will be modified or denied.

OTHER ISSUES

Local situations and conditions that are not anticipated will be identified on a case-by-case basis. Among issues to be considered:

- **Effects on Neighbors**

The NPS will accomplish its mission at BICY partly through partnerships with the state and local government, agencies, organizations, and individuals. Activities and proposals will be evaluated not only for their effects on the Preserve but for effects on

neighbors, especially when issues are the subject of cooperative arrangements.

- **New Activities**

Proposals for activities not currently available at BICY could create new and different effects on resources and visitor experiences. New activities will be critically evaluated.

- **Cumulative Effects**

Activities and proposals will be evaluated to determine if they could contribute to adverse cumulative effects when added to other commercial services in the entire south Florida ecosystem.

APPLICATIONS

Applications to provide visitor services for the Preserve under a CUA will be accepted only at certain times of the year. Applications will be accepted during the months of September, December, March, and June. Commercial operators wishing to submit applications for permits during other months will be asked to resubmit during the four months open for receiving applications. This is intended to expedite processing by Preserve staff as well as allowing for more focused attention for each proposed activity.

Any changes in the processing of applications will be announced, and posted on the Preserve website with enough time for businesses to respond appropriately.

The website for the Preserve is

www.nps.gov/bicy

Once at the Preserve website, users should navigate to the tab entitled, “Doing Business in the Park”.

Initially, applications will be accepted in sequenced groups according to activity in order to be most efficient in phasing in commercial activities in the Preserve.

The first open month will be accepting applications for water-based visitor services. This will include canoe and kayak rentals, livery, and tours in appropriate management zones. The second open month will be accepting applications for bicycle based activities. This will include bicycle rentals, livery, and tours in all appropriate preserve management zones. The third open month will be accepting applications for land based hiking tours, both one day and multi day operations in all appropriate preserve management zones. This may include birding, wildlife viewing, or photography tours on foot. Also during this open month, applications for providing firewood sales in campgrounds will be accepted. The fourth open month will be accepting applications for those revenue producing visitor services that are not mentioned in the previous three open months. This schedule may change at any time, if the number or complexity of applications calls for a different schedule. Commercial operators are encouraged to visit the Preserve website, including the link for “Doing Business in the Park” for updates and changes throughout the year.

**BIG CYPRESS NATIONAL PRESERVE
ENVIRONMENTAL ASSESSMENT
IMPLEMENTATION OF COMMERCIAL SERVICES PLAN**

ERRATA

As required by the National Park Service (NPS) Director's Order No. 12, the following errata sheets make corrections to the text of the environmental assessment (EA) prepared in conjunction with the Commercial Services Plan (CSP) for Big Cypress National Preserve. These errata sheets also respond to substantive comments submitted by the public and government agencies.

NEW LANGUAGE IN THE EA

- **With regard to the following excerpt from the draft CSP/EA that describes wetland impacts for the preferred alternative (Alternative E):**

In the draft EA, wetlands impacts were stated as follows:

Wetlands

Alternative E has the potential to impact wetlands because of the proposed increased use of the area by people. Under Alternative E, the restoration of facilities would impact up to several acres of emergent, freshwater wetland. Upland or previously disturbed areas would be sought for development at all sites to mitigate any impact to wetlands. The implementation of Alternative E would result in minor, long-term, adverse impacts to wetlands, due to the permanent loss of natural lands, if suitable previously disturbed uplands are not located.

Cumulative Impacts. The implementation of Alternative E would result in construction activities, and increased human use would continue to impact resources and visitor experience in the Preserve. Construction in wetlands is controlled by Florida state and federal laws.

Wetlands receive benefits from extra protection on lands managed by the NPS. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. Current hydrologic restoration improvements are presently underway, as water conveyance structures are being installed under the Tamiami Trail as an Everglades Ecosystem Restoration Critical Project. This will result in restoration of the hydrology to vast areas of wetlands. These projects would result in long-term, major, beneficial impacts to wetlands. The impacts of implementing this alternative coupled with the other projects are expected to have major, beneficial, cumulative impacts on wetlands

Conclusion. The implementation of this alternative would result in negligible impacts to wetlands, and would have less potential for affecting wetlands than Alternatives C or D. Mitigating measures such as spatial or seasonal closures would be implemented as well as best management practices during restoration activities. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

The preferred alternative was designed to restrict development or construction to upland or filled sites as much as possible. The wetlands impacts were put in the document as a precaution in the remote possibility that a facility may have to be constructed in wetlands. After further consultation

with regional compliance staff, it is understood that if we foresee such effects occurring, a separate NEPA document with a wetlands statement of findings would be required. The above section has been corrected to state that the alternative would result in no wetland impacts, and thus a Wetlands statement of findings is not required. The following is added to the plan, replacing the wetlands language on page 83:

Alternative E will have negligible impact on wetlands because the proposed increased use of the area by people will be strictly controlled and monitored. Under Alternative E, the restoration of facilities would avoid emergent, freshwater wetlands. Upland or previously disturbed areas would be sought for development at all sites to mitigate any other impacts to wetlands. The implementation of Alternative E would result in negligible impacts to wetlands; if suitable previously disturbed uplands are not located additional environmental analyses would be implemented to find reasonable alternatives.

Cumulative Impacts. The implementation of Alternative E would result in construction activities, and increased human use would continue to impact resources and visitor experience in the Preserve. Construction in wetlands is controlled by Florida state and federal laws. Wetlands receive benefits from extra protection on lands managed by the NPS. The NPS plans to restore some areas impacted by ORV trails as part of implementing the 2000 ORV Management Plan. Current hydrologic restoration improvements are presently underway, as water conveyance structures are being installed under the Tamiami Trail as an Everglades Ecosystem Restoration Critical Project. This will result in restoration of the hydrology to vast areas of wetlands. These projects would result in long-term, major, beneficial impacts to wetlands. The impacts of implementing this alternative coupled with the other projects are expected to have major, beneficial, cumulative impacts on wetlands

Conclusion. The implementation of this alternative would result in negligible impacts to wetlands, and would have less potential for affecting wetlands than Alternatives C or D. Mitigating measures such as spatial or seasonal closures would be implemented as well as best management practices during restoration activities. Therefore, it would not result in impairment of resources or values of Big Cypress National Preserve.

- In the description of the Preferred Alternative on page 39, the following has been added: Wetlands will be strictly avoided.
- **With regard to User Capacity on page 34, and the mechanism for monitoring effects to listed species once an alternative is implemented and the plan for altering operations if effects are adverse, Table 5 in the Final CSP: “User Capacity Indicators and Standards” on page 91 was added for clarification and to state management actions. Each operator will be required to work with Preserve staff to select three applicable indicators to monitor.**
- **With regard to Table 3 on page 49, which lists the limits placed on the number of each type of visitor service, the NPS was asked to explain how these were determined and if the effects on wildlife expected from the maximum level of service were considered.**

Preserve staff, along with NPS WASO carrying capacity specialists were consulted, and after consideration of the preferred alternative and its effect on visitor experience and resource

protection, limitations were developed for the activities that are expected to have the highest interest or the greatest change with regard to preserve operations. Interpretation staff, who are responsible for numerous visitor service programs for the Preserve were instrumental in determining appropriate group sizes for positive visitor experience, and resource managers, ranger activity staff, and the superintendent's office assisted to determine appropriate closures, sequencing, and numbers of CUAs for individual services. It is important to remember that after monitoring of indicators has occurred, the Preserve may choose to change the limitations to enhance visitor experience or protect affected natural and cultural resources. The following has been added to the EA: When monitoring of an individual operator or activity results in reaching the threshold for action, the Potential Management Action for any indicators will result in a four phase approach:

Evaluation – by staff and commercial operator to identify specific actions that have resulted in reaching the threshold values

Education – of commercial operator by Preserve staff and the public (commercial visitor) by commercial operator

Enforcement – by rangers to ensure limits are strictly applied

Exclusion – of commercial operators from areas affected. These exclusions may be spatial or temporal, and may include lowering the number of permits issued for a given activity or management unit, allowing activities only during certain times of day, week, or season.

If monitoring continues to indicate unacceptable levels or effects, this four phase approach will be re-applied, with increasing exclusion, possibly resulting in the cessation of commercial activities in the affected area.

CLARIFICATION RESULTING FROM SUBMITTED COMMENTS

- **With regard to concession facilities for each alternative, in a letter from the US Fish and Wildlife Service (USFWS) we were asked for more specific “foot prints”:**
 - Alternative A – No frontcountry or backcountry concessions operations facilities currently exist in Big Cypress National Preserve. The commercial operators that operate through commercial use authorizations within the Preserve currently do not have possessory interest in any NPS facility, all operations begin and end outside the Preserve. This would continue, and no new structures would be altered or constructed if this alternative was implemented.
 - Alternative C - No frontcountry or backcountry concessions operations facilities currently exist in Big Cypress National Preserve. Under Alternative C, portions of Monroe Station would be utilized for commercial services operations. Monroe Station is a historic wayside, and the main structure is scheduled to be restored to its 1928 character. The footprint of the completed main 2 story, four room building is approximately 600 square feet, and approximately 200 square feet would be available to the concession operator. Buggy storage would be provided within the existing footprint of Monroe Station, and two 100 square foot, secure storage sheds would be provided on site as well. Visitor parking and sites for four volunteer/seasonal RV hook-up locations are already planned as part of the historic preservation and restoration of Monroe Station, but would be available for limited use by commercial operations and their employees. At Seagrave Drive, no permanent facility would be constructed, parking would be on existing fill with no change to existing placement or locations. Temporary shelter may be placed at the boat launch, but would be removed during hurricane season.

- Alternative E - No frontcountry or backcountry concessions operations facilities currently exist in Big Cypress National Preserve. Under Alternative E, portions of Monroe Station would be utilized for commercial services operations as described in Alternative C above. At Seagrape Drive, one permanent facility is to be constructed, and would consist of a 20 x 10 concrete block structure with a tin roof. Power would be supplied to the building utilizing the existing fill and right of way, but since water and restroom facilities will be provided at the adjacent Welcome Center, no additional permanent facilities would be needed at this boat ramp. The structure and parking at this site would be on existing fill with no change to existing placement or locations. Additional temporary canoe/kayak storage or shelters may be placed at the boat launch, but would be removed completely during each hurricane season.
- **Alternative E, as described on page 39, consists of developing one facility for visitor's services. Page 40 continues to describe this alternative, but mentions one facility at Monroe Station and one at Seagrape Drive. Table 1 on page 43 lists two service locations. Page 84 lists two facilities in the first paragraph describing the alternative, but only one facility in the next paragraph addressing natural resources. We were asked by USFWS to clarify how many service locations are included in the plan.**

The concept of this alternative is to enhance the Preserve's visitor services by developing one facility at Monroe Station to provide the visitor services deemed necessary and appropriate, with the opportunity to provide a second, smaller facility at Seagrape Drive *as funding permits*. Further, the impact on natural resources from the implementation of Alternative E would be minor in intensity and long term in duration, resulting from the new services that would be provided, and from the construction or rehabilitation of the facilities that would be required to allow two centralized service locations to operate and the addition of backcountry camping facilities. Any new development would be constructed and operated while protecting undisturbed natural and cultural resources. These clarifications have been made in the final plan.

- **The third paragraph of the description for Alternative C on page 39 describes off-road vehicle storage facilities, buggy and airboat maintenance services, and gasoline as services that would be offered under that alternative. However, Table 2 on page 47 indicates these services are not necessary or appropriate in any management unit of the preserve. The NPS was asked to clarify these statements in several comments.**

Alternative C is intended to directly represent the services stated in the 1991 General Management Plan (GMP) for Big Cypress National Preserve. We felt it appropriate to keep the services stated in the GMP as a group, not eliminating any that were mentioned in the Plan. At the time the GMP was completed, these services were considered both necessary and appropriate, and the public continues to request these services as components of the Commercial Services Plan. Our intent is to identify these requested services in writing, and to qualify them clearly as not appropriate for the Preserve in this plan.

