National Park Service
U.S. Department of the Interior

Biscayne National Park
Florida

Biscayne National Park

Final General Management Plan /Environmental Impact Statement

Volume 2 of 2

April 2015

CONTENTS

Chapter 5: Consultation and Coordination 5

Public and Agency Involvement 7

Introduction 7

Public Meetings and Newsletters 7

Consultation with Other Agencies, Officials, and Organizations 11

Agencies, Organizations, and Individuals Receiving a Copy of this Document 17

Appendixes, Selected References, Preparers, Consultants, and Index 19

Appendix A: Legislation 21

Appendix B: Servicewide Mandates and Policies 29

Appendix C: Consultation Letters 50

Appendix D: Purpose and Authority for Marine Reserve Zone and Special Recreation Zone 163

Appendix E: Adaptive Management Strategies for Special Recreation Zone Alternatives 6 and 7 171

Appendix F: State Comments to NPS for the 2011 Draft Plan and 2013 Supplemental Plan 183

Appendix G: NPS Response to Public Comments on 2011 Draft Plan, 2013 Supplemental Plan, and 2014 Workshop 297

Selected References 321

Preparers and Consultants 337

Index 339

CHAPTER 5
Consultation and Coordination

PUBLIC AND AGENCY INVOLVEMENT

INTRODUCTION

Public input and feedback is a key element of the environmental impact statement process. Public and agency review of this draft document for Biscayne National Park help ensure that relevant issues and alternatives are adequately considered and evaluated and that all pertinent implications of the alternatives have been analyzed. The purpose of this section is to describe the agency and public comments received during the initial scoping process and those from comments on the preliminary management prescriptions and alternatives. The comments and agency responses allow interested parties (including the National Park Service) to review and assess how other agencies, organizations, and individuals view the park and have responded to the different alternatives.

PUBLIC MEETINGS AND NEWSLETTERS

Public input and feedback is a key element of the environmental impact statement process. Public and agency review of this draft document for Biscayne National Park help ensure that relevant issues and alternatives are adequately considered and evaluated and that all pertinent implications of the alternatives have been analyzed. The purpose of this section is to describe the agency and public comments received during the initial scoping process and those from comments on the preliminary management prescriptions and alternatives. The comments and agency responses allow interested parties (including the National Park Service) to review and assess how other agencies, organizations, and individuals view the park and have responded to the different alternatives.

A mailing list was compiled by the planning team that consisted of members of governmental agencies, organizations, businesses, legislators, local governments, and interested citizens. The National Park Service published three newsletters and held public meetings to keep the public informed and involved in the planning process for the Biscayne National Park general management plan. The newsletters were sent to interested parties and were also available at the park and through the park's website. Public meetings were advertised in local newspapers, at the park, and on the park website.

There have been three primary avenues to provide comments throughout the development of the draft plan—participation in public meetings, responses to newsletters, and comments on the NPS planning website. All three avenues were available to people who wanted to comment during plan development. The questions answered by parties interested in Biscayne National Park were purposely open ended so that the planning team would be aware of what was most important to the individuals or organizations that submitted comments. For this reason, numerical comparisons of one issue to another would not be meaningful.

The notice of intent to prepare an environmental impact statement was published in the *Federal Register* in January 2001. The first newsletter was also published in January 2001 and was followed by five public meetings in Florida and Washington, D.C. The newsletter described the general management plan process and asked the public to consider what they value about the park, their concerns, and their vision for the park for the next 15 to 20 years. A total of 2,667 comments were received from participants during the meetings, from mail-in response cards, and through e-mail. Of these, 784 bulk mail comments were received

from the National Parks Conservation Association, and an additional 613 electronic and bulk mail comments were received regarding Stiltsville. Comments were also received from seven environmental and special interest groups as well as a request for additional information from one local governmental entity.

The comments directly related to scoping for the general management plan focus on nine general categories—public access, Homestead Air Force Base, boating, cultural resources, education and interpretation, fishery resources, natural resources, park operations, and partnerships. With the exception of Homestead Air Force Base, the range of comments has remained consistent throughout the public participation process for developing the general management plan.

The second newsletter was published in September 2001. The focus of that newsletter was to share the input received during the initial scoping process and to introduce draft management prescriptions for the park. Two public meetings were also held in September. A total of 769 comments were received during the public meetings, from mail-in response cards, and through e-mail. Of these, 381 were electronic bulk mail responses from National Parks Conservation Association members. Comments were also received from one local government entity and four environmental or special interest groups.

The public was asked to review and comment on six draft management zones that described different approaches to managing areas within the park. Many comments supported the management zones as proposed or with some modifications. The management zones were modified based on the comments received.

Three public meetings were held in Florida following publication of the third newsletter in 2003. This newsletter described the five draft alternatives being considered to guide management of the park, including a preferred alternative. A total of 5,264 comments were received by mail and e-mail. Of these, 4,907 were form letter e-mails and 158 were cards and letters with similar comments. Another 850 comments were received from 104 people who attended three public meetings. In addition, four government agencies and 11 nongovernmental organizations and educational institutions provided comments.

The form letters and e-mails recommended that the park develop stronger conservation-based alternatives to provide long-term protection of the ecosystem. These letters also suggested incorporating no-take zones or marine reserves and limiting or prohibiting commercial fishing within park boundaries. Other suggestions included increasing the number of rangers present on the water to better enforce speed limits and educate boaters on responsible boating practices, more slow speed areas, and no-motor zones. These comments also suggested that the National Park Service work more closely with state agencies to facilitate land acquisition bordering the park as a conservation buffer.

Of the comments received, 85% related to the management zones in the park, 44% related to boating and natural resources, and 37% related to fishing. Another 45% suggested modifications to the draft alternatives. Because many comments related to more than one category (e.g., natural resources and management or fishing and boating), there is some overlap between the categories. Several themes emerged in the comments that addressed fishing and boating. Of particular concern were the location and size of the noncombustion engine use zones. Some were concerned that the areas were so large that flats fishers could not access some areas because it would be too difficult to pole to and from fishing sites. Many offered alternative suggestions, including slow speed or no-wake zones (idle speed) in many corridors through the proposed noncombustion engine use zones where use of engines would be allowed.

Many of the comments relating to natural resources expressed concern that fish populations were in decline and fragile areas such as the seagrass beds were being impacted. Many also supported activities that would assist in the recovery of fish populations in the bay such as no-take zones or bans on commercial fishing. Others suggested reintroducing some fish species or developing a hatchery within the park. The importance of protecting the seagrass, coral reefs, and manatees was also discussed by many. Some of the comments suggested modifications to the boundaries of the management zones in specific areas such as Arsenicker Flats and Elliott Key. Others suggested ways to minimize any impacts from different activities such as increasing boater education and enforcement. Some professional fishing guides proposed alternative 6, which suggested a different size, shape, and location of no-wake and noncombustion engine use zones and two designated "no-entry" zones for research purposes. The guides and others believed the preliminary alternatives may not be safe in all conditions especially for small boats.

Of the people who commented on a particular alternative, more favored alternative 1, the no-action alternative, or alternative 5. Of the people who favored alternative 1, some felt the other alternatives were too complicated or would restrict access to the park via boat. Of particular concern were the noncombustion engine use zones and the permit-only areas. Many suggested greater enforcement of existing regulations. The most frequent comment against alternative 1 noted that the existing approach did not manage visitor use effectively. Many who supported alternative 5 noted it was the most protective of the bay's natural resources. Comments frequently supported the noncombustion engine use zones. Some people who believed that alternative 5 is not protective enough suggested including nature observation and no-take zones as well. Comments against alternative 5 most frequently said it was too restrictive for boating and fishing.

Many comments supported greater law enforcement and educational efforts on both proper boating etiquette in the park and the natural history of the bay. Some also felt that more signs would make it easier for boats to avoid sensitive areas, such as the seagrass beds, while others felt that more signs would distract from the natural ambiance of the bay. Many noted that the park's current budget was not sufficient to adequately address the range of management and resource issues facing the park.

Four government agencies provided comments on the preliminary alternatives. Within the Florida Department of Environmental Protection, the Biscayne Bay Aquatic Preserve supported alternative 5 because it is the most consistent with preserve rules and state statutes. Within the same agency, the Florida Department of Environmental Protection, Division of Recreation and Parks with the Office of Park Planning supported alternative 4 as the best balance between protection and the restoration of a wide range of recreational opportunities. In particular, the division supported boating speed restrictions west of Elliott Key and greater opportunities for paddlecraft in the park. The South Florida Regional Planning Council noted that alternative 4 was particularly compatible with some of the council's goals and policies. The council also suggested that the management plan should be consistent with existing local and regional planning documents. The South Florida Water Management District suggested a more quantitative analysis be completed before they could comment on any particular alternative. The district also suggested that the general management plan for the park be compatible with the *Comprehensive Everglades Restoration Plan* (CERP) and particularly the CERP Biscayne Bay Coastal Wetlands project and the CERP Restoration Coordination and Verification Efforts (RECOVER).

A round of public workshops was held in 2009 to solicit input on the proposed marine reserve zones. Three workshops were held

with a total of 81 participants. Attendees drew on park maps with their ideas of locations for the reserve zones and provided oral and written comments.

The National Park Service held three public meetings on the 2011 Draft Plan. During the public comment period in 2011; more than 300 people attended public meetings. The majority of the approximately 18,000 comments supported an alternative that contained a marine reserve zone, with 294 comments in opposition.

In light of the concerns raised by the State of Florida and a number of other stakeholders, the National Park Service undertook an evaluation process to consider a number of management actions that could be enacted to achieve its objective of a diversified visitor use experience. All proposals were evaluated for protection of natural and cultural resources in the park. The National Park Service examined a wide range of management strategies that included varying degrees of access for the diversity of visitor experience. A number of additional meetings were held with federal and state authorities to discuss these proposals.

The outcome of this process was a Supplemental Draft EIS released for public and agency review from November 14, 2013, through February 20, 2014. During that period, approximately 14,000 pieces of correspondence were received containing approximately 1,800 comments. Over 15,000 commenters specifically expressed opposition to the special recreation zone, of which about 1,300 opposed the fishing restrictions within the zone in favor of no or fewer restrictions, while almost 14,000 commenters supported the concept of a marine reserve zone instead of a special recreation zone to protect park resources and/or improve visitor experience for snorkelers and scuba divers. Less than 500 commenters supported the new alternatives with the special recreation zone. Following the public workshops on the 2013 Supplemental Plan, the FWC, with whom alternative 6 was developed, submitted a formal comment letter in which they withdrew their support for the proposed special activity license permitting system for recreational fishing in the special recreation zone based on public concerns.

In general, public concerns expressed in response to the 2013 Supplemental Plan focused on the special recreation zone, including the number and types of special activity licenses to be issued, how and by whom those licenses would be administered, the quality of science used to inform adaptive management of the zone, and the specific prohibitions on anchoring and spearfishing. Within each topic, widely divergent opinions were expressed. Other comments focused on the planning process itself, differing interpretations of law and policy, and suggestions for accommodating or restricting various types of recreational pursuits in specific places within the park.

The National Park Service held three public meetings in early December 2013 after the release of the 2013 Supplemental Plan, including 177 total attendees. An additional three public workshops were held in September 2014, totaling 241 attendees. Overall, alternative 6 was poorly received by most groups. Those supporting fishing interests raised concerns about the overall permitting approach, including the NPS ability to enforce and the increased size of the special resource zone. Most people commented that because of the larger size of the special resource zone, it would increase fishing pressure into much smaller areas. Those supporting increased environmental protection raised concerns about the effectiveness of this approach and the fact that it was not as scientifically proven as was a marine reserve zone.

During public workshops in September 2014, participants provided more overall support for alternative 7 because it would be easier to administer and enforce, is fairer to all parties, and would be less restrictive than a marine reserve zone. However, there was little

consensus on the appropriate "season" to be closed. Opponents were concerned with the effectiveness of a seasonal closure, and suggested that any gains would be lost when the area is reopened to fishing. Case studies and scientific literature support the concerns about long-term effectiveness. Those who support commercial fishing interests were generally concerned about the proposed phase-out of commercial fishing at the park as identified in the *Fishery Management Plan*.

Public Outreach

Since November 2013, Biscayne National Park continued outreach with agencies, elected officials, and the public to discuss concerns and clarify misinformation about the overall GMP process. In addition to the formal public meetings and workshops mentioned above, the park engaged in several small-format discussions, including public meetings with the FWC, the Biscayne Bay Regional Coordination Team, Miami-Dade County Parks, Recreation and Open Spaces Department, the Biscayne Bay Aquatic Preserve, Florida Keys Commercial Fishermen's Association, Citizens for a Better South Florida, South Florida Wildlands Association, Florida Keys Guide Fishermen Association, Organized Fishermen of Florida, National Marine Manufacturers Association, Monroe County Board of County Commissioners, Everglades Law Center, Tropical Anglers Club, and several other stakeholder groups.

CONSULTATION WITH OTHER AGENCIES, OFFICIALS, AND ORGANIZATIONS

Consultation with U.S. Fish and Wildlife Service and NOAA Fisheries; Consultation Concerning Federally Listed Threatened and Endangered Species

Section 7 of the Endangered Species Act (16 USC 1531 et seq.) outlines procedures for federal interagency cooperation to protect federally listed species and designated critical habitat. Section 7(a)(2) states that each federal agency shall ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

In October 2000, the planning team initiated informal consultation with the U.S. Fish and Wildlife Service and NOAA Fisheries to determine the presence of federally listed threatened and endangered species in Biscayne National Park. Letters were sent to both agencies, advising them of this planning effort and seeking information on species in the park. On October 31, 2000, a letter was received from NOAA Fisheries providing a list of the species under their jurisdiction in Florida (appendix C). The U.S. Fish and Wildlife Service directed the National Park Service to obtain the most current list from the USFWS website. Update letters were sent to the U.S. Fish and Wildlife Service and NOAA Fisheries in July 2010.

The National Park Service has regularly checked these agency websites for changes in the status of species listed as threatened or endangered and changes to critical habitat and those updates are reflected in the 2013 Supplemental Plan and the 2015 *Final General Management Plan / Environmental Impact Statement*.

Both agencies were invited to participate in the marine reserve zone workshops.

Both agencies have been on the mailing list for distribution of information about this project. Copies of the 2011 Draft Plan and the 2013 Supplemental Plan were sent to both agencies for review and a determination of concurrence on NPS findings concerning listed species and critical habitat.

On September 19, 2012, the National Park Service received the biological opinion from NOAA Fisheries that included section 7

determinations on the species that were listed at the time of the 2011 Draft Plan release. The cover letter is included in appendix C. In February 2014, NOAA Fisheries reviewed the 2013 Supplemental Plan and reaffirmed their previously submitted biological opinion.

On May 22, 2014, the National Park Service received a memo of concurrence from the U.S. Fish and Wildlife Service regarding potential impacts on listed species under their jurisdiction, concluding the action proposed in alternatives 6 and 7 may affect but are not likely to adversely affect manatee, nesting sea turtles, American crocodile, Schaus swallowtail butterfly, or the Miami blue butterfly.

Sea turtles are jointly administered. NOAA Fisheries has the lead responsibility for the conservation and recovery of sea turtles in the marine environment, and the U.S. Fish and Wildlife Service has the lead responsibility for conservation and recovery of sea turtles on nesting beaches. NOAA Fisheries determinations for federally listed sea turtles are "may affect, likely to adversely affect."

Biscayne National Park determined that alternative 8 does not change the proposed actions the earlier consultation process addressed. Therefore, reinitiating formal consultation is not required through the provisions of 50 CFR 402.16, which is referenced in the biological opinion received from NOAA Fisheries on September 19, 2012.

Consultation Concerning Essential Fish Habitat

The 1996 amendments to the Magnuson–Stevens Fishery Conservation and Management Reauthorization Act of 2006 set forth a new mandate for NOAA Fisheries, regional fishery management councils, and other federal agencies to identify and protect important marine and anadromous fish habitat. The essential fish habitat provisions of the act support one of the overall marine resource management goals—maintaining sustainable fishery resources. The act requires federal agencies to consult with NOAA Fisheries when any activity proposed, permitted, funded, or undertaken by a federal agency may have adverse impacts on designated essential fish habitat.

In October 2000, the National Park Service sent a letter to NOAA Fisheries advising them of the general management planning effort. The letter requested information on the essential fish habitat in relation to the park and sought guidance on the procedures for consulting concerning essential fish habitat. NOAA Fisheries provided information on the consultation process and general information on essential fish habitat.

NOAA Fisheries was also invited to participate in the marine reserve zone workshops.

NOAA Fisheries has been on the mailing list for information about this project and was invited to public scoping meetings. Copies of the 2011 Draft Plan, 2013 Supplemental Plan, and the *Final General Management Plan / Environmental Impact Statement* have been sent to NOAA Fisheries for review and comment.

Coastal Zone Management. The federal Coastal Zone Management Act (1972), through its Federal Consistency Provisions, gives the state the ability to require that all federal activities in the state be consistent with the Florida Coastal Management Program. Florida's management program was approved by NOAA Fisheries in 1981 and consists of a network of 11 state agencies and four of the five water management districts to

- ensure the wise use and protection of state water, cultural, historic, and biological resources
- minimize state vulnerability to coastal hazards
- ensure compliance with state growth management laws

- protect the state transportation system
- protect the state proprietary interest as the owner of sovereign submerged lands

The state's coastal zone includes the area encompassed by the state's 67 counties and its territorial seas. Therefore, federal actions that occur throughout the state are reviewed by the state for consistency with the Florida Coastal Management Program.

For direct federal activities, the state is required by the Coastal Zone Management Act to complete its review and provide the federal agency with its federal consistency concurrence within 60 days following the receipt of the required information. If the state does not provide the federal agency with its federal consistency concurrence or objection within 60 days, the federal action is presumed to be consistent with the Florida Coastal Management Program.

Information for consistency determination is submitted to the Florida State Clearinghouse, which is in the Department of Environmental Protection. The state clearinghouse serves as the single point of contact for the receipt of documents that require federal consistency review. The Florida State Clearinghouse is the only entity legally authorized to accept information and/or materials on behalf of the state that require federal consistency review.

The National Park Service requested a consistency determination for the federal Coastal Zone Management Act via the Florida State Clearinghouse program of the Florida Department of Environmental Protection. The National Park Service proposes no development in any area of the national seashore that would conflict with the coastal management program.

Consultation with Florida Fish and Wildlife Conservation Commission. In October 2000, the planning team initiated coordination with the FWC to determine the presence of state listed species in Biscayne National Park. A letter was sent advising the commission of this planning effort and seeking information on species in the park. On October 20, 2000, a letter was received from the commission with information on state listed species that may be in the park (appendix C).

In January 2012, the National Park Service received a letter from the Florida Department of Environmental Protection, including a letter from the FWC, raising a number of significant concerns about the NPS preferred alternative (see appendix G). In particular, the Florida Department of Environmental Protection and Florida Fish and Wildlife and Conservation Commission identified a number of Florida statutes and policies of the Florida Coastal Management Program as the basis for their objections to the general management plan under the Coastal Zone Management Act.

The State of Florida asserted that certain management actions and zones proposed in the general management plan, notably the marine reserve zone, are inconsistent with enforceable policies included in the Florida Coastal Zone Management Program absent changes to alternative 4. In addition, the FWC felt the implementation of a marine reserve through the GMP was inconsistent with the existing memorandum of understanding between the FWC and the NPS as related to the GMP. The position of the State of Florida was that any consideration of a marine reserve zone could only occur after measurable management objectives have been clearly defined and less restrictive management measures have been appropriately implemented and evaluated in close coordination with the FWC and stakeholders.

The National Park Service maintains that the 2011 Draft Plan is consistent with the Coastal Zone Management Act and the memorandum of understanding. However, the National Park Service did attempt to resolve some of their issues with the creation

of a special recreation zone developed in consultation with the FWC, and presented for public review in the 2013 Supplemental Plan. As described in alternative 6, the special recreation zone would have provided for some recreational fishing through a special activity license to be issued dually by the FWC and the National Park Service.

In March 2014, the National Park Service again received a letter from the Florida Department of Environmental Protection, including a letter from the FWC, raising a number of significant concerns about the NPS preferred alternative (see appendix G). In particular, the Florida Department of Environmental Protection and the FWC opposed several key aspects of the special recreation zone, including the number and type of permits to be issued, gear limitations (specifically the prohibition on spearfishing), and the anchoring prohibition. The FWC also required modifications to the special recreation zone to allow transit of boats with fish caught outside the zone to travel through the zone and the inclusion of options in the adaptive management strategy to become less restrictive at each evaluation period. The FWC also opposed the dual permit system and stated that the permit should be issued at no cost to the recipient. The FWC also reaffirmed their opposition to the seasonal fishing closure proposed in alternative 7 and the marine reserve zone in alternatives 3, 4, and 5.

Again, the State of Florida asserted that certain management actions and zones proposed in the 2013 Supplemental Plan are inconsistent with enforceable policies included in the Florida Coastal Management Program. In addition, the FWC reiterated that the implementation of a marine reserve through the GMP was inconsistent with the existing memorandum of understanding between the FWC and the National Park Service as related to the GMP. The FWC requested that the National Park Service undertake additional stakeholder engagement with recreational and commercial fishing interests; changes to zone descriptions, names, and markings; transit of personal watercraft via the Intracoastal Waterway through park waters;, and a commitment that a future Miami-area visitor center will not be built within or adjacent to the Bill Sadowski Critical Wildlife Area on Virginia Key.

In October 2014, the FWC sent a letter withdrawing its support for alternative 6, and expressing support for an alternative that had either a special recreation zone or a seasonal closure zone as proposed in alternatives 6 and 7 but of the zone shape, size, and location as proposed in alternative 4. They also expressed support for the other marine zones (e.g., slow speed zone, noncombustion engine use zone) as proposed in alternatives 6 and 7.

Section 106 Consultation. Agencies that have direct or indirect jurisdiction over historic properties are required by section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 270 et seq.), to take into account the effect of any undertaking on properties eligible for listing in the National Register of Historic Places. The National Park Service sent letters to the Florida state historic preservation office and the Advisory Council on Historic Preservation on January 4, 2001, inviting their participation in the planning process. The state historic preservation office responded positively to the request to consult. Both offices were sent all the newsletters with a request for comments. The state historic preservation office and Advisory Council on Historic Preservation were sent letters to update their respective offices on the progress of the general management plan in October 2010.

On September 14, 2011, the National Park Service received a letter from the Florida Department of State, Division of Historical Resources (SHPO) that stated the 2011 Draft Plan adequately addresses cultural resources within Biscayne National Park. On January 27, 2014, the National Park Service received a letter from the Florida SHPO that

stated the 2013 Supplemental Plan adequately addresses cultural resources within Biscayne National Park. A copy of the SHPO consultation letters is included in appendix C.

On April 24, 2014, the Advisory Council on Historic Preservation issued a letter of concurrence with the following provision: "In accordance with the provisions at 36 CFR 800.8(c), the National Park Service set out to use the process and documentation required for the preparation of this environmental impact statement to comply with section 106 of the National Historic Preservation Act. Through these integrated processes, the National Park Service was able to consult with parties with an interest in historic preservation including the Florida State Historic Preservation Office and Indian tribes. In consultation with these parties, the National Park Service was able to identify historic properties listed in or eligible for inclusion in the National Register of Historic Places within the broadly defined area of potential effects for the general management plan. However, due to the general nature of a general management plan and the relative uncertainty of the nature of federal undertakings that may stem from it, the National Park Service cannot yet assess the potential effects of these undertakings on historic properties. This *Final General Management Plan / Environmental Impact Statement* is part of the 'nondestructive project planning' for these prospective undertakings, and as such does not 'restrict the subsequent consideration of alternatives to avoid, minimize or mitigate [a specific] undertaking's adverse effects on historic properties' in accordance with 36 CFR 800.1(c). Accordingly, the National Park Service finds that no historic properties will be adversely affected by the development of this *Final General Management Plan / Environmental Impact Statement* in accordance with 36 CFR 800.4(d)(1). Further, the National Park Service commits in this decision to complete the section 106 review for each undertaking that may stem from this *Final General Management Plan / Environmental Impact Statement* in accordance with the programmatic agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for compliance with section 106 of the National Historic Preservation Act (2008) and the section 106 implementing regulations, 'Protection of Historic Properties'(36 CFR Part 800)."

Native American Consultation. The National Park Service recognizes that indigenous peoples may have traditional interests and rights in lands now under NPS management. The need for government-to-government Native American Consultation stems from the historic power of Congress to make treaties with American Indian tribes as sovereign nations. Consultations with American Indians and other Native Americans, such as Native Hawaiians and Alaska Natives, are required by various federal laws, executive orders, regulations, and policies. They are needed, for example, to comply with section 106 of the National Historic Preservation Act of 1966, as amended. Implementing regulations of the Council on Environmental Quality for the National Environmental Policy Act of 1969 also call for Native American Consultation.

Letters were sent to the following American Indian tribes on January 4, 2001, to invite their participation in the planning process: the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the Seminole Nation of Oklahoma.

The tribes were briefed on the scope of the planning project and the preliminary alternatives by newsletter and follow-up telephone calls soliciting comments. Subsequent meetings with the Miccosukee Tribe in 2002 provided perspectives on planning that the park considered in the formulation of the management plan alternatives. Comments by the Miccosukee included recommendations to see American Indian sites preserved in place, the return of

all artifacts to their in situ location after archeological research is completed, and limiting visitor access to certain identified sites. In addition, the tribe wants to be contacted if human remains are located. The tribe also desires to be kept informed about research proposals in the park. Other tribes had no comments at that time. It was also communicated that it is important that park interpretation include the American Indian perspective.

The Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the Seminole Nation of Oklahoma were sent letters to update their respective tribes on the progress of the general management plan in October 2010.

The National Park Service did not receive any official comments from any tribe on the 2011 Draft Plan. The Seminole Tribe of Florida's Tribal Historic Preservation Officer (THPO) submitted a letter of no objection for the 2013 Supplemental Plan.

Consultation with Miami-Dade Historic Preservation. Also in 2001, the Miami-Dade Historic Preservation Division was contacted to ask for their involvement in the consultation process. No response was received. A letter was sent to update Miami-Dade County about the continuation of the planning effort and progress of the general management plan in October 2010.

Copies of NPS consultation letters for the above topics are included in appendix C.

AGENCIES, ORGANIZATIONS, AND INDIVIDUALS RECEIVING A COPY OF THIS DOCUMENT

FEDERAL AGENCIES

Advisory Council on Historic Preservation
U.S. Department of Commerce
NOAA - National Marine Fisheries Service, Florida Keys National Marine Sanctuary, U.S. Coral Reef Task Force, South Atlantic Fisheries Management Council
U.S. Army Corps of Engineers
U.S. Department of Agriculture
National Forest Service
Natural Resources Conservation Service
U.S. Department of Homeland Security
U.S. Coast Guard
U.S. Department of the Interior
U.S. Fish and Wildlife Service
U.S. Geological Survey
U.S. National Park Service
U.S. Environmental Protection Agency

U.S. SENATORS AND REPRESENTATIVES

Honorable, U.S. Senator from Florida
Junior U.S. Senator from Florida
Honorable U.S. Representative from Florida

STATE AGENCIES

State of Florida Clearinghouse, including but not limited to Florida Fish and Wildlife Conservation Commission, Florida Department of Environmental Protection, South Florida Water Management District, and State Historic Preservation Office
Bill Baggs Cape Florida State Park
John Pennekamp State Park

STATE OFFICIALS

Florida Governor
State Senators
State Representatives

AMERICAN INDIAN TRIBES TRADITIONALLY ASSOCIATED WITH BISCAYNE NATIONAL PARK LANDS

Miccosukee Tribe of Indians of Florida
Seminole Tribe of Florida
Seminole Nation of Oklahoma

CITY AND COUNTY GOVERNMENTS

Mayor of Miami-Dade County
Mayor of Florida City
Mayor of Homestead
Mayor of Cutler Bay
Mayor of Miami
Mayor of Palmetto Bay
Mayor of Pinecrest
Miami-Dade County Commissioners
Miami-Dade County Office of Historic and Archeological Resources
Miami-Dade Planning and Zoning Department
Miami-Dade Department of Environmental Resource Management
Monroe County Commissioners
Public libraries of Miami-Dade County and Monroe County (Key Largo)

LOCAL AGENCIES/INSTITUTIONS

University of Miami Rosenstiel School of Marine and Atmospheric Science
University of Florida
Florida International University
Southeast Florida Coral Reef Initiative

ORGANIZATIONS AND BUSINESSES

Active Divers Association
American Fisheries Society
American Whitewater Association
Amy Slate's Amoray Dive Resort
Associated Press
Atlantic Gamefish Foundation
Audubon Society of Florida
Austin's Dive Center
Biscayne Bay Foundation
Biscayne Bay Wingnet Association
Biscayne National Underwater Park
CCA Florida
Center for Marine Conservation
Citizens for a Better South Florida
Community Partners
The Conservation Fund
Defenders of Wildlife
Divers Direct Outlet Store
Environmental Defense Fund
Everglades Association, Inc.
Federation of Fly Fishermen
Fishin' Buddy
Fishing Rights Alliance
Florida Audubon Society
Florida Bay Outfitters
Florida Collector
Florida Keys Commercial Fishermen's Association
Florida Keys Guide Association
Florida Power & Light Company
Florida Scuba News
Florida Sea Base High Adventure
Florida Skin Divers Association
Florida Sportsmen
Greater Miami Convention & Visitors Bureau
History Miami
International Game Fish Association
Islamorada Dive Association
Izaac Walton League
Holiday Diver
Hook and Line Fishermen, Inc.
Keys Association of Dive Operators
The Miami Herald
National Association of Black Scuba Divers
National Fish and Wildlife Foundation
National Hispanic Environmental Council
National Parks and Conservation Association
National Park Concessions, Inc.
Natural Resources Defense Council
The Nature Conservancy
The Ocean Conservancy
Ocean Divers
Organized Fishermen of Florida
Quiescence Diving Services, Inc.
Reef Environmental Education Foundation
Reefkeeper International
Reef Relief
R/V Coral Reef II
Slate's Dive Center
Sierra Club
South Dade Anglers
South Florida Freedivers
South Florida National Parks Trust
South Florida Sports Fishermen Club
Tropical Anglers
Tropical Audubon Society
Trust for Public Land
Underwater Society of America
World Wildlife Fund
WPBT-TV Channel 2
Waterfront News
Wildlife Rescue of Dade County
World Wildlife Fund
Youth Fishing Foundation
Others on the park's mailing list

INDIVIDUALS

There were too many individuals to list here. A full mailing list is available from the park.

Appendixes, Selected References, Preparers, Consultants, and Index

APPENDIX A: LEGISLATION

6. Biscayne

An Act to authorize the establishment of the Biscayne National Monument in the State of Florida, and for other purposes. (82 Stat. 1188)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, the Secretary of the Interior may establish the Biscayne National Monument within so much of the area in the State of Florida as generally depicted on the drawing entitled "Biscayne National Monument Boundary Map," numbered NM–BIS 7101, and dated May 1966, which drawing is superimposed on a photographic reproduction of a portion of Coast and Geodetic Survey Chart Numbered 1249 (eighth edition, December 20, 1965, correction numbered 22, dated May 28, 1966) as lies north of the north boundary of the channel easement shown thereon. The drawing shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary may revise the boundaries of the national monument from time to time, but the total acreage of the national monument shall not exceed ninety-six thousand three hundred acres and no boundary shall be revised outward or in such a manner as to obstruct any seaport channel which may be hereafter constructed outside the boundaries hereinbefore referred to.

SEC. 2. (a) Within the boundaries of the Biscayne National Monument, the Secretary of the Interior may acquire lands, waters, or interests therein by donation, purchase with donated or appropriated funds, or exchange. The Secretary may in addition acquire by any of the above methods not more than eighty acres of land or interests therein on the mainland for a headquarters site, and not more than forty acres of land or interest therein on Key Largo for a visitor contact site.

(b) When acquiring property by exchange the Secretary may accept title to any non-Federal property within the boundaries of the national monument, and outside of such boundaries within the limits prescribed in subsection (a) of this section, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction in the State of Florida which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment

289

of cash to the grantor or to the Secretary as the circumstances require.

SEC. 3. Notwithstanding any other provision of this Act, lands and interests in land owned by the State of Florida or Dade County may be acquired solely by donation, and the Secretary shall not declare the Biscayne National Monument established until the State has transferred or agreed to transfer to the United States its right, title and interest in and to its lands within the boundaries of said national monument. The Secretary shall not acquire any other lands or interests in land pursuant to this Act except by donation or with donated funds until the State has made or obligated itself to make the aforesaid transfer: *Provided*, That nothing contained in this sentence shall preclude the Secretary from acquiring options for the purchase of lands and interests in land, other than lands and interests in land held by the State of Florida or Dade County, which are to be acquired pursuant to this Act and, upon the State's transferring or obligating itself to transfer as aforesaid, he shall proceed as expeditiously as possible to acquire the other lands and interests in land which are necessary to carry out the purposes of this Act.

SEC. 4. The Secretary of the Interior shall preserve and administer the Biscayne National Monument in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–4), as amended and supplemented. The waters within the Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited or otherwise regulated in the interest of sound conservation or in order to achieve the purposes for which the national monument is established.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $24,575,000 for land acquisition and $2,900,000 for development.

Approved October 18, 1968.

Legislative History

House Report No. 1789 (Committee on Interior and Insular Affairs).
Senate Report No. 1597 (Committee on Interior and Insular Affairs).
Congressional Record, Vol. 114 (1968):
Sept. 16: Considered and passed House.
Oct. 4: Considered and passed Senate.

5. Biscayne

An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the National Park System, to authorize appropriations for additional costs of land acquisition for the National Park System, and for other purposes. (88 Stat. 1445) (P.L. 93–477)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitations on appropriations for the acquisition of lands and interests therein within units of the National Park System contained in the following Acts are amended as follows:

* * * * * * *

(1) Biscayne National Monument, Florida: Section 5 of the Act of October 18, 1968 (82 Stat. 1188, 1189) is amended by changing "$24,575,000" to "$28,350,000":

* * * * * * *

TITLE III—BOUNDARY CHANGES

SEC. 301. The Secretary of Interior shall revise the boundaries of the following units of the National Park System:

* * * * * * *

(1) Biscayne National Monument, Florida: To add approximately 8,738 acres of land and water, including all of Swan Key and Gold Key.

* * * * * * *

Approved October 26, 1974.

An Act to authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho. (92 Stat. 3467) (P.L. 95–625)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEVELOPMENT CEILING INCREASES

SEC. 101. The limitations on funds for development within certain units of the National Park System and affiliated areas are amended as follows:

* * * * * * *

(4) Biscayne National Monument, Florida: Section 5 of the Act of October 18, 1968 (82 Stat. 1188), is amended by changing "$2,900,000" to "$6,565,000".

* * * * * * *

Approved November 10, 1978.

3. Biscayne

Public Law 96-287
96th Congress

An Act

To establish the Biscayne National Park, to improve the administration of the Fort Jefferson National Monument, to enlarge the Valley Forge National Historical Park, and for other purposes.

June 28, 1980
[H.R. 5926]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Biscayne National Park. Establishment.

TITLE I—BISCAYNE NATIONAL PARK

16 USC 410gg.

SEC. 101. In order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, there is hereby established the Biscayne National Park (hereinafter referred to in this title as the "park") in the State of Florida. The boundary of the park shall include the lands, waters, and interests therein as generally depicted on the man entitled "Boundary Map, Biscayne National Park", numbered 169-90,003, and dated April 1980, which map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register, not more than one year after the date of enactment of this Act, a detailed description of the boundary established pursuant to this section. Following reasonable notice in writing to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate of his intention to do so, the Secretary may make minor revisions in the boundary of the park by publication of a revised boundary map or other description in the Federal Register.

Boundary map, availability for public inspection.

Boundary description, publication in Federal Register.
Minor boundary revisions, notice to congressional committees and publication in Federal Register.

SEC. 102. (a) Within the boundary of the park the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that property owned by the State of Florida or any political subdivision thereof may be acquired only by donation, and subject to such reservations and restrictions as may be provided by Florida law. Lands, waters, and interests therein within such boundary which are owned by the United States and under the control of the Secretary are hereby transferred to the administrative jurisdiction of the National Park Service to be managed for the purposes of the park. Any federally owned lands within the park which are not under the control of the Secretary shall be transferred to his control for purposes of the park at such time as said lands cease to be needed by the agencies which currently control them.

Property acquisition; donation by Florida.
16 USC 410gg-1.

U.S. property, transfer to National Park Service.

(b) It is the express intent of the Congress that the Secretary shall substantially complete the land acquisition program authorized herein within three complete fiscal years from the effective date of this Act. Any owner of property within the park may notify the

Time limitation on land acquisition.

Notification to Secretary.

Secretary of the desire of such owner that his property be promptly acquired, and the Secretary shall give immediate and careful consideration, subject to the availability of funds, to the prompt acquisition of such property.

Preservation and administration. 16 USC 410gg-2. Fishing.

SEC. 103. (a) The Secretary shall preserve and administer the park in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4), as amended and supplemented. The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the park is established: Provided, That with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law.

Biscayne National Monument, abolition.

(b) The Biscayne National Monument, as authorized by the Act of October 18, 1968 (82 Stat. 1188; 16 U.S.C. 450qq), as amended, is abolished as such, and all lands, waters, and interests therein acquired or reserved for such monument are hereby incorporated within and made a part of the park. Any funds available for the purposes of such monument are hereby made available for the purposes of the park, and authorizations of funds for the monument shall continue to be available for the park.

Designation of wilderness areas, report to President and Congress. 16 USC 410gg-3. 16 USC 1132.

SEC. 104. Within three complete fiscal years from the effective date of this Act, the Secretary shall review the area within the park and shall report to the President and the Congress, in accordance with subsections 3 (c) and (d) of the Wilderness Act (78 Stat. 890), his recommendations as to the suitability or nonsuitability of any area within the park for designation as wilderness. Any designation of any such areas as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Management plan, submittal to congressional committees. 16 USC 410gg-4.

SEC. 105. Within two complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a revised comprehensive general management plan for the park consistent with the provisions of this title and pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. la-1 et seq.).

16 USC 1a-7. Appropriation authorization. 16 USC 410gg-5.

SEC. 106. In addition to the sums previously authorized to be appropriated for Biscayne National Monument, there are authorized to be appropriated such sums as may be necessary for the administration of the park, and not to exceed $8,500,000 for the acquisition of lands and interests therein, as provided in this title. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the park.

* * * * * * *

94 STAT. 602 Approved June 28, 1980.

LEGISLATIVE HISTORY:
HOUSE REPORT No. 693 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD
Vol. 125 (1979): Dec. 10, considered and passed House.
Vol. 126 (1980): June 5, considered and passed Senate, amended.
June 17, House concurred in Senate amendment.

APPENDIX B: SERVICEWIDE MANDATES AND POLICIES

As summarized in the "Servicewide Laws and Policies," appendix B presents some of the most pertinent servicewide mandates and policy topics related to planning and managing Biscayne National Park. Across from each topic are the *desired conditions that the staff is striving to achieve* for that topic and thus the tables are written in the present tense. The law or policy directing these actions and examples of the types of actions being pursued by NPS staff is also included. The alternatives considered in this document incorporate and comply with the provisions of the following mandates and policies as funding and staffing allow. These mandates and policies illustrate that a general management plan is not needed to decide, for instance, that it is appropriate to protect endangered species, control nonnative species, protect archeological sites, conserve artifacts, or provide for universal accessibility. Those and other issues are already laws, mandates, or policies.

Government-to-Government Relations between American Indian Tribes and Biscayne National Park

GOVERNMENT-TO-GOVERNMENT RELATIONS BETWEEN AMERICAN INDIAN TRIBES AND BISCAYNE NATIONAL PARK	
Current laws and policies require that the following conditions be achieved in the park	
Desired Condition	**Source**
The National Park Service and tribes culturally affiliated with the park maintain positive, productive, government-to-government relationships. Park managers and staff respect the viewpoints and needs of the tribes, continue to promptly address conflicts that occur, and consider American Indian values in park management and operation.	National Historic Preservation Act, Archeological Resources Protection Act, Native American Graves Protection and Repatriation Act, American Indian Religious Freedom Act, NPS *Management Policies 2006*
Actions The National Park Service will take the following kinds of actions to meet legal and policy requirements related to park neighbors and other agencies:	
• Continue to cooperate with tribes in conducting ethnographic studies to better understand which tribes are culturally affiliated with the park and identify culturally significant resources. • Continue regular consultations with affiliated tribes to continue to improve communications and resolve any problems or misunderstandings. • Continue to encourage the employment of American Indians on park staff to improve communications and working relationships, and encourage cultural diversity in the workplace. • Consider culturally affiliated tribal values in efforts to improve overall management and park interpretation. • Implement a joint monitoring program to monitor plant-gathering sites for potential impacts.	

Natural Resource Management Requirements

AIR QUALITY	
The park is a class II air quality area. Current laws and policies require that the following conditions be achieved in the park.	
Desired Condition	**Source**
Air quality in the park meets national ambient air quality standards for specified pollutants. The park's air quality is maintained or enhanced with no significant deterioration. Nearly unimpaired views of the landscape both within and outside the park are present. Scenic views are substantially unimpaired.	Clean Air Act, NPS *Management Policies 2006;* NPS-77, "Natural Resources Management Guidelines"
Actions The National Park Service will take the following kinds of actions to meet legal and policy requirements related to air quality.	
Although the National Park Service has very little direct control over air quality in the air shed encompassing the park, the National Park Service will continue to cooperate with the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency to monitor air quality and ensure that air quality is not impaired. • Inventory the air quality-related values associated with each park. • Monitor and document the condition of air quality and related values. • Evaluate air pollution impacts and identify causes. • Minimize air quality pollution emissions associated with park operations, including the use of prescribed fire and visitor use activities. • Conduct air quality monitoring in conjunction with other government agencies. • Conduct park operations in compliance with federal, state, and local air quality regulations. • Ensure healthful indoor air quality at NPS facilities. • Participate in federal, regional, and local air pollution control plans and drafting of regulations and review permit applications for major new air pollution sources • Conduct operations in compliance with federal, state, and local air quality regulations. • Maintain constant dialogue with the Florida Department of Environmental Protection regarding visibility conditions at the park. • Reduce emissions associated with administrative and recreational uses. • Develop educational programs to inform visitors and regional residents about the threats of air pollution. • Participate in research on air quality and effects of air pollution. Determine changes in ecosystem function caused by atmospheric deposition and assess the resistance and resilience of native ecosystems in the face of these external perturbations. • Research effects of atmospheric deposition on water quality, plants, soils, and wetlands in the park.	

ECOSYSTEM MANAGEMENT	
Current laws and policies require that the conditions delineated below be achieved in the park.	
Desired Condition	**Source**
The park is managed holistically, as part of a greater ecological, social, economic, and cultural system.	NPS *Management Policies 2006* (1.5, 4, 4.1, 4.14, 4.41)

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to ecosystem management:

- Continue to participate in the South Florida Ecosystem Task Force.
- Continue to seek cooperative agreements with other adjacent land managing agencies to protect the ecosystem and wildlife corridors.
- Continue to develop cooperative agreements, partnerships, and other feasible arrangements to set an example in resource conservation and innovation, and to facilitate research related to park resources and their management.

NONNATIVE SPECIES	
Current laws and policies require that the following conditions be achieved in the park.	
Desired Condition	**Source**
The management of populations of nonnative plant and animal species, up to and including eradication, are undertaken wherever such species threaten park resources or public health and when control is prudent and feasible.	NPS *Management Policies 2006*; EO 13112, "Invasive Species"; NPS-77, "Natural Resources Management Guidelines"

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to nonnative species:

- Complete an inventory of plants and animals in the park and regularly monitor the distribution and condition (e.g., health, disease) of selected species that are (a) invasive nonnative species or, (b) native species capable of creating resource problems (e.g., habitat decline due to overpopulation).
- Continue to participate in the development of and the implementation of the Exotic Plant Management Plan for the South Florida Parks.
- Study the environmental and ecological effects of nonnative species invasion to assess threats and prioritize management actions.
- Undertake research to assess the methods by which nonnative species become established and spread into native plant communities so that strategies for preventing introduction and establishment can be developed and implemented.
- Manage exclusively for native plant species in pristine and primitive management prescriptions. In other management prescriptions, limit planting of nonnative species to noninvasive plants that are justified by the historic scene or operational needs.
- Control or eliminate nonnative plants and animals, exotic diseases, and pest species where there is a reasonable expectation of success and sustainability. Base control efforts on:
  - the potential threat to legally protected or uncommon native species and habitats
  - the potential threat to visitor health or safety
  - the potential threat to scenic and aesthetic quality
  - the potential threat to common native species and habitat
- Manage nonnative diseases and pest species based on similar priorities.
- Provide interpretive and educational programs on the preservation of native species for visitors and for residents neighboring the park.

LAND PROTECTION	
The National Park Service will manage for protection of park lands.	
Desired Condition	**Source**
Land protection plans are prepared to determine and publicly document what lands or interests in land need to be in public ownership, and what means of protection are available to achieve the purposes for which the national park was created.	NPS *Management Policies 2006*
Actions The National Park Service will take the following kinds of actions to comply with the policies mentioned above.	
• Prepare a land protection plan for the park.	

LIGHTSCAPE MANAGEMENT / NIGHT SKY	
The park's night sky is a feature that contributes to visitors' experiences. Current laws and policies require that the following conditions be achieved in the park:	
Desired Condition	**Source**
Excellent opportunities to see the night sky are available. Artificial light sources both within and outside the park do not unacceptably adversely affect opportunities to see the night sky.	NPS *Management Policies 2006*
Actions	
The National Park Service will take the following kinds of actions to comply with the policy mentioned above: • The National Park Service will cooperate with park visitors, neighbors, and local government agencies to find ways to prevent or minimize the intrusion of artificial light into the night scene in the park. • In natural areas, artificial outdoor lighting will be limited to basic safety requirements and will be shielded when possible. • The park staff will evaluate the impacts on the night sky caused by park facilities. If light sources in the park are affecting night skies, the staff will study alternatives such as shielding lights, changing lamp types, or eliminating unnecessary sources.	

MARINE RESOURCES	
Current laws and policies require that the conditions delineated below be achieved in the park:	
Desired Condition	**Source**
Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities.	NPS *Management Policies 2006*; NPS-77 "Natural Resources Management Guideline" chapter 2, page 95

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to marine resources:

- Inventory all ecosystem components.
- Maintain and restore all components and processes of naturally evolving marine ecosystems, recognizing that change caused by extreme natural events (e.g., storms, red tide, El Niño) is an integral part of functioning natural systems.
- Maintain natural genetic diversity of marine ecosystems.
- Maintain or improve water quality affecting marine ecosystems.
- Maintain or improve air quality affecting marine ecosystems.
- Maintain natural marine viewsheds.
- Protect and restore threatened and endangered species and their critical habitat.
- Regulate and mitigate human activities to minimize adverse impacts.
- Determine limits of natural system variation (baseline condition).
- Monitor system dynamics to detect abnormal changes in time to affect remedial actions.
- Educate visitors about the importance and fragility of marine resources, threats to them, and mitigation to lessen impact.

NATIVE VEGETATION AND ANIMALS	
Current laws and policies require that the following conditions be achieved in the park:	
Desired Condition	**Source**
The National Park Service will maintain as parts of the natural ecosystem, all native plants and animals in the park. Native species populations that have been severely reduced in or extirpated from the park are restored where feasible and sustainable. Populations of native plant and animal species function in as natural condition as possible except where special considerations are warranted.	NPS *Management Policies 2006;* NPS-77 "Natural Resources Management Guideline"
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to native wildlife and vegetation: • Complete inventory of the plants and animals in the park and regularly monitor the distribution and condition of selected species that are indicators of ecosystem condition and diversity. • Develop methods to restore native biological communities. • Minimize human impacts on native plants, animals, populations, communities and ecosystems and the processes that sustain them. • Restore native plant and animals populations in the park that have been extirpated by past human-caused action, where feasible. • Whenever possible, natural processes will be relied upon to maintain native plant and animal species, and to influence natural fluctuations in populations of these species. • Protect a full range of genetic types (genotypes) of native plant and animals populations in the park by perpetuating natural evolutionary processes and minimizing human interference with evolving genetic diversity. • Complete an inventory of plants and animals in the park and regularly monitor the distribution and condition (e.g., health, disease) of selected species that are indicators of ecosystem condition and diversity. • Develop methods to restore native biological communities. • Research soil properties including nutrients, microorganisms and soil crusts to learn how to restore native plant communities.	

SOUNDSCAPES	
An important part of the NPS mission is to preserve or restore the natural soundscapes associated with national park system units. The sounds of nature are among the intrinsic elements that combine to form the environment of our national park system units. Current laws and policies require that the following conditions be achieved in the park.	
Desired Condition	**Source**
The National Park Service preserves the natural ambient soundscapes, restores degraded soundscapes to the natural ambient condition wherever possible, and protects natural soundscapes from degradation due to human-caused noise. Disruptions from recreational uses are managed to provide a high-quality visitor experience in an effort to preserve or restore the natural quiet and natural sounds.	NPS *Management Policies 2006,* DO 47: *Sound Preservation and Noise Management*
Noise sources are managed to preserve or restore the natural soundscape.	Executive memorandum signed by President Clinton on April 22, 1996
Actions	
The National Park Service will take the following kinds of actions to comply with the policies mentioned above. • Actions will be taken to monitor and minimize or prevent or minimize unnatural sounds that adversely affect park resources or values or visitors' enjoyment of them. • The park staff continues to require tour bus companies to comply with regulations designed to reduce noise levels (e.g., turning off engines when buses are parked). • Noise generated by NPS management activities will be minimized by strictly regulating administrative functions such as the use of motorized equipment. Noise will be a consideration in the procurement and use of equipment by the park staff.	

SOILS	
Current laws and policies require that the following conditions be achieved in the park:	
Desired Condition	**Source**
The National Park Service actively seeks to understand and preserve the soil resources of the park, and to prevent, to the extent possible, the unnatural erosion, physical removal, or contamination of the soil, or its contamination of other resources.	NPS *Management Policies 2006;* NPS-77 "Natural Resources Management Guideline"
Natural soil resources and processes function in as natural a condition as possible, except where special considerations are allowable under policy.	NPS *Management Policies 2006;* NPS-77, "Natural Resources Management Guidelines"
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to soils: • Update soils map of the park in digital format that can be used in the park's geographic information system (GIS). • Take actions to prevent—or if that is not possible, to minimize—adverse, potentially irreversible impacts on soils. Possibly implement soil conservation and soil amendment practices to reduce impacts, and import off-site soil or use soil amendments to restore damaged sites. Off-site soil normally is salvaged soil, not soil removed from pristine sites, unless the use of pristine site soil can be achieved without causing any unacceptable adverse impacts on the overall ecosystem. • Survey areas of the park with soil resource problems and take actions appropriate to the management prescription to prevent or minimize further erosion, compaction, or deposition. • Apply effective best management practices to problem soil erosion and compaction areas in a manner that stops or minimizes erosion, restores soil productivity, and reestablishes or sustains a self-perpetuating vegetation cover.	

THREATENED AND ENDANGERED SPECIES	
Current laws and policies require that the following conditions be achieved in the park:	
Desired Condition	**Source**
Federally listed and state listed threatened and endangered species and their habitats are protected and sustained.	Endangered Species Act; equivalent state protective legislation; NPS *Management Policies 2006;* NPS-77, "Natural Resources Management Guidelines"
Native threatened and endangered species populations that have been severely reduced in or extirpated from the park are restored where feasible and sustainable.	

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to species of special concern:

- Support research that contributes to management knowledge of rare and protected species and their habitat.
- To protect rare or protected species and their habitat, complete an inventory of rare or protected plants and animals in the park and regularly monitor the distribution and condition (e.g., health, disease). Modify management plans to be more effective based on the results of monitoring.
- Cooperate with the U.S. Fish and Wildlife Service and NOAA-Fisheries, as appropriate, to ensure that NPS actions comply with the Endangered Species Act.
- Survey for, protect, and strive to recover all species native to the park that are listed under the Endangered Species Act.
- Participate in the recovery planning process when appropriate.
- Manage designated critical habitat, essential habitat, and recovery areas to maintain and enhance their value for listed species.
- To the greatest extent possible, inventory, monitor, and manage state and locally listed species in a manner similar to federally listed species.

WATER RESOURCES	
Current laws and policies require that the conditions delineated below be achieved in the park:	
Desired Condition	**Source**
Surface water and groundwater are protected and water quality meets or exceeds all applicable water quality standards.	Clean Water Act; Executive Order 11514 "Protection and Enhancement of Environmental Quality"; NPS *Management Policies 2006;* NPS-77, "Natural Resources Management Guidelines"
National Park Service and NPS-permitted programs and facilities are maintained and operated to avoid pollution of surface water and groundwater.	Clean Water Act; EO 12088, "Federal Compliance with Pollution Control Standards"; Rivers and Harbors Act; NPS *Management Policies 2006;* NPS-77, "Natural Resources Management Guidelines"

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to water resources:

- Work with appropriate governmental bodies to obtain the highest possible water quality standards available under the Clean Water Act.
- Cooperate with other government agencies to maintain and/or restore quality of park water resources.
- Take all necessary actions to maintain or restore the quality of surface and groundwater in the park consistent with the Clean Water Act.
- Determine which methods can be used to ensure minimum flows under state and federal law.
- Determine minimum flow needs to sustain aquatic life and provide recreational boating opportunities.
- Investigate and monitor water quality including salinity and trace elements. Study the effects of the water quality on aquatic life.
- Promote water conservation by the National Park Service, concessioners, park staff, and visitors.
- Apply best management practices to all pollution-generating activities and facilities in the park, such as NPS maintenance and storage facilities and parking areas.
- Minimize the use of pesticides, fertilizers, and other chemicals and manage them in keeping with NPS policy and federal regulations.
- Continue to work within the South Florida Ecosystem Task Force to address water resources facing the park.
- Press for continued and expanded monitoring to fulfill the database requirement and thus reveal any unknown water quality problems.
- Continue to monitor the effects of visitor use.
- Continue to assess stormwater runoff.
- Promote greater public understanding of water resource issues at park and encourage public support for and participation in protecting the watershed.

WETLANDS	
Current laws and policies require that the conditions delineated below be achieved in the park:	
Desired Condition	**Source**
The natural and beneficial values of wetlands are preserved and enhanced.	Clean Water Act; EO 11990; "Protection of Wetlands"; NPS *Management Policies 2006;* DO 77-1: *Wetland Protection*; Rivers and Harbors Act
The National Park Service implements a "no net loss of wetlands" policy and strives to achieve a longer-term goal of net gain of wetlands across the national park system through the restoration of previously degraded wetlands.	DO 77-1: *Wetland Protection*; EO 11514 "Protection and Enhancement of Environmental Quality"
The National Park Service avoids to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and avoids direct or indirect support of new construction in wetlands wherever there is a practicable alternative.	EO 11990; "Protection of Wetlands"
The National Park Service compensates for remaining unavoidable adverse impacts on wetlands by restoring wetlands that have been previously degraded.	"Protecting America's Wetlands: A Fair, Flexible, and Effective Approach," White House Office on Environmental Policy, 1993; NPS 77-1: *Wetland Protection*
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to wetland resources: • All facilities would be located to avoid wetlands if feasible. If avoiding wetlands was not feasible, other actions would be taken to comply with Executive Order 11990 ("Protection of Wetlands"), the Clean Water Act, and Director's Order 77-1 (*Wetland Protection*). • A statement of findings for wetlands will be prepared if the NPS actions would result in adverse impacts on wetlands. The statement of findings would include an analysis of the alternatives, delineation of the wetland, a wetland restoration plan to identify mitigation, and a wetland functional analysis of the impact site and restoration site. • Conduct or obtain parkwide wetland inventories to ensure proper planning, management, and protection of wetlands. • Enhance natural wetland values by using them for educational and scientific purposes that do not disrupt natural wetland functions. • If natural wetland functions have been degraded or lost due to human action, the National Park Service will work to restore wetlands to predisturbance conditions, to the extent practicable.	

Cultural Resource Management Requirements

ARCHEOLOGICAL RESOURCES	
Current laws and policies require that the following conditions be achieved in the parks:	
Desired Condition	**Source**
Archeological sites area identified and inventoried and their significance is determined and documented. Archeological sites are protected in an undisturbed condition unless it is determined through formal processes that disturbance or natural deterioration is unavoidable. When disturbance or deterioration is unavoidable, the site is professionally documented and excavated and the resulting artifacts, materials, and records are curated and conserved in consultation with the Florida state historic preservation office (and American Indian tribes if applicable). Some archeological sites that can be adequately protected may be interpreted to the visitor.	National Historic Preservation Act; Archeological Resources Protection Act; *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation;* programmatic agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (2008); NPS *Management Policies 2006*, DO 28: *Cultural Resource Management Guideline*
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to archeological sites: • Conduct a parkwide cultural resource inventory. • Survey and inventory archeological sites park wide, determine and document their significance. The most critical area for study is park land where development or visitor activity is planned. • Determine which archeological sites should be added to the Archeological Sites Management Information System (ASMIS) and nominated to the National Register of Historic Places. • Educate visitors on regulations governing archeological resources and their removal and transport. • Monitor archeological sites. • Treat all archeological resources as eligible for listing on the National Register of Historic Places pending a formal determination by the National Park Service, the state historic preservation office, and associated Indian tribes as to their significance. • Protect all archeological resources eligible for listing or listed on the National Register; if disturbance to such resources is unavoidable, conduct formal consultation with the Advisory Council on Historic Preservation, as appropriate, and the Florida state historic preservation office and Indian tribes in accordance with the National Historic Preservation Act and implementing regulations.	

HISTORIC STRUCTURES	
Current laws and policies require that the following conditions be achieved for historic structures (e.g., buildings, structures, roads, and trails):	
Desired Condition	**Source**
Historic structures are inventoried and their significance and integrity are evaluated under National Register of Historic Places criteria. The qualities that contribute to the listing or eligibility for listing of historic structures on the national register are protected in accordance with *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (unless it is determined through a formal process that disturbance or natural deterioration is unavoidable).	National Historic Preservation Act; Archeological and Historic Preservation Act; *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation*; *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; programmatic agreement among the National Park Service, the Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (2008); NPS *Management Policies 2006*, DO 28: *Cultural Resource Management Guideline*

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to historic structures:

- Update and certify the List of Classified Structures (LCS).
- Determine the appropriate level of preservation for each historic structure formally determined to be eligible for listing or listed on the National Register of Historic Places (subject to *The Secretary of the Interior's Standards*).
- Implement and maintain the appropriate level of preservation for such properties.
- Analyze the design elements (e.g., materials, colors, shape, massing, scale, architectural details, and site details) of historic structures in the park (e.g., intersections, curbing, signs, and roads and trails) to guide the rehabilitation and maintenance of sites and structures.
- Before modifying any historic structure on the National Register of Historic Places, the Park Service will consult with the state historic preservation officer and the Advisory Council for Historic Preservation, as appropriate.
- Before modifying any structures associated with "Mission 66," the structures would be evaluated for listing on the National Register in consultation with the state historic preservation office.
- Complete a survey, inventory, and evaluation of historic properties.
- Submit the inventory and evaluation results to the state historic preservation officer for review and comment. Forward the final nomination to the Keeper of the National Register with recommendations for eligibility to the national register.
- Implement and maintain the appropriate level of preservation for such structures.

CULTURAL LANDSCAPES

According to the National Park Service's *Cultural Resource Management Guideline* (DO 28), a cultural landscape is

> a reflection of human adaptation and use of natural resources and is often expressed in the way land is organized and divided, patterns of settlement, land use, systems of circulation, and the types of structures that are built. The character of a cultural landscape is defined both by physical materials, such as roads, buildings, walls, and vegetation, and by use reflecting cultural values and traditions.

Current laws and policies require that the following conditions be achieved for cultural landscapes.

Desired Condition	Source
Cultural landscape inventories are conducted to identify landscapes potentially eligible for listing in the National Register and to assist in future management decisions for landscapes and associated resources, both cultural and natural. The management of cultural landscapes focuses on preserving the landscape's physical attributes, biotic systems, and use when that use contributes to its historical significance. The preservation, rehabilitation, restoration, or reconstruction of cultural landscapes is undertaken in accordance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guideline's for the Treatment of Cultural Landscapes*.	National Historic Preservation Act of 1966, as amended (54 USC 300101 et seq.); Advisory Council on Historic Preservation's implementing regulations regarding the "Protection of Historic Properties" (36 CFR 800); *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (1996); NPS *Management Policies 2006*; National Park Service's *Cultural Resources Management Guideline* (DO 28, 1996)

Actions

To accomplish the above goals, the National Park Service will do the following:

- Complete a survey, inventory, and evaluation of landscapes under national register criteria.
- Complete a survey, inventory, and evaluation of cultural landscapes.
- Submit the inventory and evaluation results to the state or tribal historic preservation officer for review and comment; forward final nomination form to the Keeper of the National Register with recommendations for eligibility to the national register.
- Determine the appropriate level of preservation for each landscape formally determined to be eligible for listing or actually listed on the national register, subject to *The Secretary of the Interior's Standards*.
- Implement and maintain the appropriate level of preservation for such resources.

Visitor Use And Experience and Park Use Requirements

VISITOR USE AND EXPERIENCE AND PARK USE REQUIREMENTS	
Current laws, regulations, and policies leave considerable room for judgment about the best mix of types and levels of visitor use activities, programs, and facilities. For this reason, most decisions related to visitor experience and use are addressed in the alternatives. However, all visitor use of national park system units must be consistent with the following guidelines.	
Desired Condition	**Source**
Park resources are conserved "unimpaired" for the enjoyment of future generations. Visitors have opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in the park. No activities occur that would cause derogation of the values and purposes for which the park has been established.	NPS Organic Act, National Park System General Authorities Act, NPS *Management Policies 2006*
For all zones, districts, or other logical management divisions within a national park system unit, the types and levels of visitor use are consistent with the desired resource and visitor experience conditions prescribed for those areas.	National Park System General Authorities Act, NPS *Management Policies 2006*
Park visitors will have opportunities to understand and appreciate the significance of the park and its resources, and to develop a personal stewardship ethic.	NPS *Management Policies 2006*
To the extent feasible, programs, services, and facilities in the park are accessible to and usable by all people, including those with disabilities.	Architectural Barriers Act of 1968; Americans with Disabilities Act of 1990; 28CFR36, "Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities" (ADAAG-ADA *Accessibility Guidelines for Buildings* and Facilities); Uniform Federal Accessibility Standards of 1984 (UFAS); U.S. Access Board Draft Accessibility Guidelines for Outdoor Developed Areas of 1999; NPS *Management Policies 2006;* DO 42: *Accessibility for Visitors with Disabilities in NPS Programs, Facilities, and Services;* Rehabilitation Act of 1973; Secretary of the Interior's regulation 43CFR17, *Enforcement on the Basis of Disability in Interior Programs*
For all zones, districts, or other logical management divisions in a park, superintendents will identify carrying capacities for managing public use. Superintendents will also identify ways to monitor for, and address, unacceptable impact on park resources and visitor experiences.	1978 National Parks and Recreation Act (PL 95-625), NPS *Management Policies 2006*
Actions	
The National Park Service will take the following kinds of actions to meet legal and policy requirements related to visitor understanding and use of the park: • Park staff will continue to monitor visitor comments on issues such as crowding, encounters with other visitors in the backcountry, availability of campsites at busy times of the year, availability of parking and visitor encounters with bears. Should bear encounters increase to a level unacceptable to the park, actions such as seasonal closures, moving trails, reduction of visitor numbers in the area and increased education would be taken. • Conduct periodic visitor surveys to stay informed of changing visitor demographics and desires to better tailor programs to visitor needs and desires.	

COMMERCIAL SERVICES

Commercial services are another way of providing for the visitor use and experience and park use requirements already described. Commercial operators are "partners" with the National Park Service to provide goods and services to visitors that are necessary and appropriate but not provided by NPS personnel. The Park Service manages commercial service levels and types to achieve the same resource protection and visitor experience conditions required by the NPS Organic Act, General Authorities Act, management policies, and other regulations and policies. In addition, commercial services must comply with the provisions of the NPS Concessions Management Improvement Act of 1998. By law, all commercial activities in national park system units must be authorized in writing by the superintendent. A commercial activity is defined as any activity for which compensation is exchanged. It includes activities by for-profit and nonprofit operators. Commercial services are more than just concessions. They include concession contracts, commercial use authorizations, leases, cooperative agreements, rights of way, and special use permits. All commercial services must be managed. All commercial services must be necessary and/or appropriate by achieving the resource protection and visitor use goals for the park unit.

Desired Condition	Source
Same as Visitor Use and Experience and Park Use Requirements (above)	Same as Visitor Use and Experience and Park Use Requirements
All commercial services must be authorized, must be necessary and/or appropriate, and must be economically feasible. Appropriate planning must be done to support commercial services authorization.	NPS Concessions Management Improvement Act of 1998

Actions

The National Park Service will take the following kinds of actions to meet legal and policy requirements related to commercial services:

- Establish and document that all commercial services in the park unit are necessary and/or appropriate before they are proposed or reauthorized.
- Ensure that all necessary and/or appropriate commercial activities in the park unit are authorized in writing by the superintendent.
- Stop all unauthorized commercial activities in the park unit.
- Use the most appropriate authorization tool (concession contracts, commercial use authorizations, leases, cooperative agreements, rights of way, and special use permits) to manage the commercial services program effectively and efficiently.
- Ensure that all commercial activities in the park unit provide high-quality visitor experiences while protecting important natural, cultural, and scenic resources.
- Ensure that new or modified concessions are economically feasible and that the operator has a reasonable opportunity to make a profit before they are proposed in a planning document.
- Establish levels of commercial use that are consistent with resource protection and visitor experience goals for the park unit and do not unduly interfere with the independent visitor's ability to participate in the same activity.
- Ensure that all commercial services are safe and sustainable.
- Authorize only those commercial services that are not or cannot be made available within a reasonable distance outside the park unit.
- Prepare a commercial services plan if necessary to describe in detail the actions required to achieve commercial services and related visitor experience goals.

SUSTAINABLE DESIGN / DEVELOPMENT	
Sustainability can be described as the result achieved by managing units of the national park system in ways that do not compromise the environment or its capacity to provide for present and future generations. Sustainable practices minimize the short- and long-term environmental impacts of developments and other activities through resource conservation, recycling, waste minimization, and the use of energy-efficient and ecologically responsible materials and techniques.	
Desired Condition	**Source**
NPS and concessioner visitor management facilities are harmonious with park resources, compatible with natural processes, aesthetically pleasing, functional, as accessible as possible to all segments of the population, energy efficient, and cost effective.	NPS *Management Policies 2006*; EO 13123, "Greening the Government through Efficient Energy Management"; EO 13101, "Greening the Government through Waste Prevention, Recycling, and Federal Acquisition"; NPS *Guiding Principles of Sustainable Design;* DO 13: *Environmental Leadership*; DO 90: *Value Analysis*
All decisions regarding park operations, facilities management, and development in the park—from the initial concept through design and construction—reflect principles of resource conservation. Thus, all park developments and park operations are sustainable to the maximum degree possible and practical. New developments and existing facilities are located, built, and modified according to the *Guiding Principles of Sustainable Design* (NPS 1993) or other similar guidelines.	"Greening Federal Facilities: An Energy, Environmental, and Economic Resource Guide for Federal Facility Managers and Designers," 2nd ed.
Management decision making and activities throughout the national park system should use value analysis, which is mandatory for all Department of the Interior bureaus, to help achieve this goal. Value planning, which may be used interchangeably with value analysis/value engineering/value management, is most often used when value methods are applied on general management or similar planning activities.	Director's Order 90: *Value Analysis*
Actions	
The NPS *Guiding Principles of Sustainable Design* (1993b) directs NPS management philosophy. It provides a basis for achieving sustainability in facility planning and design, emphasizes the importance of biodiversity, and encourages responsible decisions. The guidebook articulates principles to be used in the design and management of tourist facilities that emphasize environmental sensitivity in construction, the use of nontoxic materials, resource conservation, recycling, and integrating visitors with natural and cultural settings. Sustainability principles have been developed and are followed for interpretation, natural resources, cultural resources, site design, building design, energy management, water supply, waste prevention, and facility maintenance and operations. The Park Service also reduces energy costs, eliminates waste, and conserves energy resources by using energy-efficient and cost-effective technology. Energy efficiency is incorporated into the decision-making process during the design and acquisition of buildings, facilities, and transportation systems emphasizing the use of renewable energy sources. In addition to following these principles, the following also will be accomplished: • Have NPS staff work with appropriate experts to make park facilities and programs sustainable. Perform value analysis and value engineering, including life cycle cost analysis, to examine the energy, environmental, and economic implications of proposed developments. • Support and encourage suppliers, permittees, and contractors to follow sustainable practices. • Address sustainable practices within and outside the national park in interpretive programs. • Promote the reduction, reuse, and recycling of materials; support the rehabilitation (recycling) of existing buildings and facilities over new construction; require new developments or modifications of existing facilities to be built using NPS sustainability guidelines. • The park has state-of-the-art water systems for conserving water, and energy conservation technologies and renewable energy sources whenever possible. Biodegradable, nontoxic, and durable materials are used in the park whenever possible. Park personnel promote the reduction, use, and recycling of materials and avoid as much as	

SUSTAINABLE DESIGN / DEVELOPMENT
possible materials that are nondurable or environmentally detrimental or that require transportation from great distances. • Promote and encourage modes of transportation other than the single-occupancy vehicle. • Promote land use planning for transportation that can efficiently meet human needs and can be responsibly planned to conserve the finite resources. • Implement the NPS Climate Change Response Strategy. • Explore and establish sustainable practices for NPS operations within the park. Explore use of low-emission vehicles and biofuels for NPS operations. Encourage partners and concessioners to provide services and products that are consistent with departmental and NPS guidance on sustainable operations.

Climate Change

CLIMATE CHANGE	
Climate change is expected to affect the park's weather, resources (e.g., shorelines, vegetation, fish and wildlife, coral reefs, and submerged cultural resources), facilities (e.g., docks and roads), and visitors (e.g., seasonal use patterns, boating and fishing, and other visitor opportunities such as diving). These changes will have direct implications on resource management and park operations, and on the way visitors use and experience the park. Although climate change is expected to affect the park during the life of this plan, many of the specific effects, the rate of changes, and the severity of impacts are not known.	
Desired Condition	**Source**
Biscayne National Park is a leader in its efforts to address climate change by reducing the contribution of NPS operations and visitor activities to climate change; preparing for and adapting to climate change impacts; and increasing its use of renewable energy and other sustainable practices. NPS staff proactively monitor and mitigate the climate change impacts on cultural and natural resources and visitor amenities. The park provides refugia for marine and terrestrial species to increase their resilience to climate change. Education and interpretive programs help visitors understand climate change impacts in the park and beyond, and how they can respond to climate change. Partnerships with various agencies and institutions allow NPS staff to participate in research on climate change impacts.	NPS Organic Act; Executive Order 13423 (includes requirements for the reduction of greenhouse gases and other energy and water conservation measures); Department of the Interior Secretarial Order 3226 (ensures that climate change impacts be taken into account in connection with departmental planning and decision making); NPS *Management Policies 2006* (including sections on environmental leadership [1.8], sustainable energy design [9.1.1.6], and energy management [9.1.7]); NPS Environmental Quality Division's "Draft Interim Guidance: Considering Climate Change in NEPA Analysis"

Actions

- Identify key natural and cultural resources and visitor amenities that are at risk from climate change. Establish baseline resource conditions, identify thresholds, and monitor for change. Identify key resources in various management zones/areas (e.g., coral reefs, submerged cultural resources, important fisheries, seagrass and mangrove communities, and NPS operations) that may require different management responses to climate change impacts.
- Form partnerships with other resource management entities, including nearby national parks in South Florida, to maintain regional habitat connectivity and protected areas (refugia) that allow species dependent on park resources to better adapt to changing conditions. NPS staff would also participate with partners to research climate change impacts.
- Restore key ecosystem features and processes, and protect key cultural resources to increase their resiliency to climate change (e.g., coral reef protection, sea wall construction, building stabilization). By reducing other types of impacts on resources, the overall condition of the resources will improve and they will more easily recover from or resist the impacts of climate change.
- Use the dynamic environment of the southern Florida ecosystem as a teaching opportunity about climate change. Educate visitors about climate change and research efforts, and climate change impacts on the resources they are enjoying. Reach out to all sectors of the large and diverse visitor population, and inspire visitors to action through leadership and education.
- Implement the NPS Climate Change Response Strategy.

APPENDIX C: CONSULTATION LETTERS

United States Department of the Interior

NATIONAL PARK SERVICE
DENVER SERVICE CENTER
12795 W. ALAMEDA PARKWAY
P.O. BOX 25287
DENVER, COLORADO 80225-0287

IN REPLY REFER TO:
1621 (DSC-PDS)
BISC A614

OCT 02 2000

Michael R. Johnson
National Marine Fisheries Service
Southeast Regional Office
Habitat Conservation Division
11420 North Kendall Drive, Suite 103
Miami, Florida 33176

Dear Mr. Johnson:

Reference: Biscayne National Park, BISC A614, General Management Plan

Subject: Essential Fish Habitat Consultation

The National Park Service (NPS) is preparing a General Management Plan for Biscayne National Park. This letter initiates informal consultation on the proposed plan concerning essential fish habitat. We are requesting any information on essential fish habitat as it relates to the park. Also we are seeking guidance on the procedures for consulting with your agency on this matter.

The National Park Service is required to maintain an up-to date management plan for all units in the national park system. The purpose of this plan is to ensure the park has a clearly defined direction for resource protection and visitor use. General management plans will be reviewed and revised as necessary to keep them current. It is anticipated that such reviews will be needed every 10 to 15 years.

Biscayne National Park current general management plan was finalized in 1983. The National Park Service believes that preparing an updated general management plan is critical for the park. In preparing this plan, the National Park Service will comply with the National Environmental Policy Act, the Endangered Species Act and other relevant federal legislation. An environmental impact statement will be prepared for the plan.

Enclosed you will find a brochure that provides some information on the park. If you have any questions or comments, please contact me at (303) 969-2674. Thank you for your time and consideration.

Sincerely,

Patrick Kenney
Natural Resource Specialist

Enclosure

cc:
Supt., Biscayne National Park

PDS:PKENNEY:BCL:10/02/00:2674:BISCGENERALMANAGEMENTPLAN

United States Department of the Interior

NATIONAL PARK SERVICE
DENVER SERVICE CENTER
12795 W. ALAMEDA PARKWAY
P.O. BOX 25287
DENVER, COLORADO 80225-0287

IN REPLY REFER TO:

OCT 02 200

1621 (DSC-PDS)
BISC A614

Mr. Jay Slack, Project Leader
U.S. Fish and Wildlife Service
South Florida Field Office
P.O. Box 2676
Vero Beach, Florida 32961-2676

Dear Mr. Slack:

Reference: Biscayne National Park, BISC A614, General Management Plan

Subject: Request for List of Federal Species of Concern

The National Park Service (NPS) is preparing a General Management Plan for Biscayne National Park. This letter initiates informal consultation on the proposed plan by requesting a current list of federally listed, proposed, and candidate species; designated and proposed critical habitat; and other species or habitats of concern that may inhabit the park.

The National Park Service is required to maintain an up-to date management plan for all units in the national park system. The purpose of this plan is to ensure the park has a clearly defined direction for resource protection and visitor use. General management plans will be reviewed and revised as necessary to keep them current. It is anticipated that such reviews will be needed every 10 to 15 years.

Biscayne National Park current general management plan was finalized in 1983. The National Park Service believes that preparing an updated general management plan is critical for the park. In preparing this plan, the National Park Service will comply with the National Environmental Policy Act, the Endangered Species Act and other relevant federal legislation. An environmental impact statement will be prepared for the plan.

Enclosed you will find a brochure that provides some information on the park. If you have any questions or comments, please contact me at (303) 969-2674. Thank you for your time and consideration.

Sincerely,

Patrick Kenney
Natural Resource Specialist

Enclosure

cc:
Supt., Biscayne National Park

PDS:PKENNEY:BCL:10/02/00:2674:BISCGENERALMANAGEMENTPLAN

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, FL 33702
(727) 570-5312, FAX 570-5517

OCT 31 2000

F/SER3:EGH

Mr. Patrick Kenney
National Park Service
Denver Service Center
12795 W. Alameda Parkway
Denver, CO 80225-0287

Dear Mr. Kenney:

This responds to your October 2, 2000, letter concerning Biscayne National Park General Management Plan. You have requested section 7 consultation pursuant to the Endangered Species Act of 1973.

Enclosed is a list of Federally protected species under the jurisdiction of the National Marine Fisheries Service for the state of Florida.

If you have any questions, please contact Eric Hawk, fishery biologist, at the number listed above, or by email at EricHawk@noaa.gov.

Sincerely,

charles a. Oravetz

Charles A. Oravetz
Assistant Regional Administrator
for Protected Resources

Enclosure

cc: F/PR3
o:\section7\informal\biscayne.nps
File: 1514-22. O.4.a

Endangered and Threatened Species and Critical Habitats under the Jurisdiction of the National Marine Fisheries Service

Florida - Atlantic Coast

Listed Species	Scientific Name	Status	Date Listed
Marine Mammals			
blue whale	*Balaenoptera musculus*	Endangered	12/02/70
finback whale	*Balaenoptera physalus*	Endangered	12/02/70
humpback whale	*Megaptera novaeangliae*	Endangered	12/02/70
right whale	*Eubalaena glacialis*	Endangered	12/02/70
sei whale	*Balaenoptera borealis*	Endangered	12/02/70
sperm whale	*Physeter macrocephalus*	Endangered	12/02/70
Turtles			
green sea turtle	*Chelonia mydas*	Endangered[1]	07/28/78
hawksbill sea turtle	*Eretmochelys imbricata*	Endangered	06/02/70
Kemp's ridley sea turtle	*Lepidochelys kempi*	Endangered	12/02/70
leatherback sea turtle	*Dermochelys coriacea*	Endangered	06/02/70
loggerhead sea turtle	*Caretta caretta*	Threatened	07/28/78
Fish			
shortnose sturgeon	*Acipenser brevirostrum*	Endangered	03/11/67
Seagrasses			
Johnson's seagrass	*Halophila johnsonii*	Threatened	09/14/98

Species Proposed for Listing

None

Designated Critical Habitat

Right whale: Between 31°15'N (approximately the mouth of the Altamaha River, Georgia) and 30°15'N (approximately Jacksonville, Florida) from the coast out to 15 nautical miles offshore; the coastal waters between 30°15'N and 28°00'N (approximately Sebastian Inlet, Florida) from the coast out to 5 nautical miles.

Proposed Critical Habitat

None

Candidate Species[1]	Scientific Name
Fish	
dusky shark	*Carcharhinus obscurus*
sand tiger shark	*Odontaspis taurus*
night shark	*Carcharinus signatus*
speckled hind	*Epinephelus drummondhayi*
Atlantic sturgeon	*Acipenser oxyrhynchus oxyrhynchus*
mangrove rivulus	*Rivulus marmoratus*
opposum pipefish	*Microphis brachyurus lineatus*
Key silverside	*Menidia conchorum*
jewfish	*Epinephelus itajara*
Warsaw grouper	*Epinephelus nigritus*
Nassau grouper	*Epinephelus striatus*

1. Candidate species are not protected under the Endangered Species Act, but concerns about their status indicate that they may warrant listing in the future. Federal agencies and the public are encouraged to consider these species during project planning so that future listings may be avoided.

---

[1] Green turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific Coast of Mexico, which are listed as endangered.

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

JAMES L. "JAMIE" ADAMS, JR.
Bushnell

BARBARA C. BARSH
Jacksonville

QUINTON L. HEDGEPETH, DDS
Miami

H.A. "HERKY" HUFFMAN
Deltona

DAVID K. MEEHAN
St. Petersburg

JULIE K. MORRIS
Sarasota

TONY MOSS
Miami

EDWIN P. ROBERTS, DC
Pensacola

JOHN D. ROOD
Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

October 20, 2000

Patrick Kenney
National Park Service
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Mr. Kenney:

This letter is in response to your request for information on listed species and critical habitats found within Biscayne National Park. Several species and their associated habitats were found within the park boundaries using various data sources. Potential habitat maps, Strategic Habitat Conservation Area (SHCA) maps, and point location data was examined for occurrences within the park.

Potential habitat for federally listed species (endangered and threatened) and state listed species (threatened and species of special concern) was found within the park. These species include: crocodile, alligator, indigo snake, brown pelican, and white-crowned pigeon. Priority wetlands for the species listed above, excluding the indigo snake, were also within the park. Occurrence records indicated the following state or federally listed species have been located within the park: little blue heron, tri-colored heron, snowy egret, white ibis, Florida tree snail, and Schaus swallowtail.

I hope this information is helpful. If you have any further questions, feel free to contact me at (850) 488-6661.

Sincerely,

Beth Stys

Beth Stys

BS
ENV 8-7/8

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Dr. Janet Snyder Matthews
State Historic Preservation Officer and Director
Division of Historic Resources
Florida Department of State
R.A. Gray Building, Fourth Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250

Reference: Biscayne National Park, Florida; General Management Plan and Environmental Impact Statement

Subject: Initiation of Section 106 Compliance

Dear Dr. Matthews:

The National Park Service is preparing a general management plan and an environmental impact statement for Biscayne National Park in Miami-Dade County, Florida. The general management plan will guide park operations and resource management for the next fifteen years or so by developing an overall decision-making framework. Public scoping will identify important issues and concerns facing park management and will explore reasonable management alternatives. Within the environmental impact statement framework each alternative's potential environmental consequences on cultural and natural resources will be analyzed.

Charting a course for the next 15 years is a challenge and an opportunity. The park's mangrove shoreline, shallow estuarine bay, chain of undeveloped keys, and the northernmost coral reefs in the country support richly diverse communities of birds, fish, plants, and animals and provide an opportunity to experience the sights and sounds of a tropical paradise. The park's historic buildings and archeological sites which include numerous shipwrecks and other types of submerged sites, represent South Florida's rich cultural history encompassing Native American, early European settlement, maritime trade, agricultural development, and the melding of diverse cultures. Within the park are three historic/archeological districts that are listed on the National Register of Historic Places, with more sites potentially eligible for listing. The lands and waters of Biscayne National Park have shaped the people, and the people have shaped the resources. It is little wonder that Congress established the area as a unit of the national park system.

The National Park Service requests your involvement in accord with the consultation process set forth in 36 CFR 800 and with the 1995 Programmatic Agreement among the National Conference

of State Historic Preservation Officers, the Advisory Council on Historic Preservation, and the National Park Service. We are beginning our data-gathering efforts for this plan. The planning team is multi-disciplinary with cultural and natural resource specialists represented along with an interpretive planner and a fisheries management specialist. Any issues, concerns, or information you wish to pass along at this time would be most appreciated.

We shall keep you informed about our progress in this planning effort. The schedule of public meetings, to which you and members of your staff are invited, is included at the end of this letter. Additionally you should have received separate invitation to attend a workshop scheduled for January 17, 2001. We welcome any assistance from your office.

In any case, the draft general management plan/environmental impact statement will be sent to you for review and comment. We look forward to your involvement and believe that your participation in this planning effort for Biscayne National Park will result in better resources management.

Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at 305-230-1144, extension 3002, or Ms. Monika Mayr, Assistant Superintendent, 305-230-1144, extension 3004; or Mr. Jim Adams, Cultural Resource Management Specialist at 305-230-1144, extension 3081.

Sincerely,

Monika Mayr

for Linda Canzanelli
Superintendent

SCHEDULE OF PUBLIC MEETINGS

(1) January 22, 2001, Holiday Inn, 1711 North University Drive, Plantation, Florida, 3 to 8 p.m.
(2) January 23, 2001, Keys Gate Golf and Tennis Club, 2300 Palm Drive, Homestead, Florida, 3 to 8 p.m.
(3) January 24, 2001, Renaissance Ballroom, 5910 SW 8th Street, Miami, Florida, 3 to 8 p.m.
(4) January 25, 2001, Westin Beach Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida, 3 to 8 p.m.
(5) January 30, 2001, U.S. Department of the Interior, Main Building, Rachel Carson Room, 1848 C Street, NW, Washington, District of Columbia, 3 to 5 p.m.

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Chris Eck, Director
Miami-Dade Historic Preservation Division
140 West Flager St.
Suite 1102
Miami, Florida 33130

Reference: Biscayne National Park, Florida, General Management Plan and Environmental Impact Statement

Subject: Initiation of Section 106 Compliance

Dear Mr. Eck:

The National Park Service is preparing a general management plan and an environmental impact statement for Biscayne National Park in Miami-Dade County, Florida. The general management plan will guide park operations and resource management for the next fifteen years or so by developing an overall decision-making framework. Public scoping will identify important issues and concerns facing park management and will explore reasonable management alternatives. Within the environmental impact statement framework each alternative's potential environmental consequences on cultural and natural resources will be analyzed.

Charting a course for the next 15 years is a challenge and an opportunity. The park's mangrove shoreline, shallow estuarine bay, chain of undeveloped keys, and the northernmost coral reefs in the country support richly diverse communities of birds, fish, plants, and animals and provide an opportunity to experience the sights and sounds of a tropical paradise. The park's historic buildings and archeological sites which include numerous shipwrecks and other types of submerged sites, represent South Florida's rich cultural history encompassing Native American, early European settlement, maritime trade, agricultural development, and the melding of diverse cultures. Within the park are three historic/archeological districts that are listed on the National Register of Historic Places, with more sites potentially eligible for listing. The lands and waters of Biscayne National Park have shaped the people, and the people have shaped the resources. It is little wonder that Congress established the area as a unit of the national park system.

The National Park Service requests your involvement in accord with the consultation process set forth in 36 CFR 800 and with the 1995 Programmatic Agreement among the National Conference of State Historic Preservation Officers, the Advisory Council on Historic Preservation, and the National Park Service. We are beginning our data-gathering efforts for this plan. The planning team

is multi-disciplinary with cultural and natural resource specialists represented along with an interpretive planner and a fisheries management specialist. Any issues, concerns, or information you wish to pass along at this time would be most appreciated.

We shall keep you informed about our progress in this planning effort. The schedule of public meetings, to which you and members of your staff are invited, is included at the end of this letter. Additionally you should have received separate invitation to attend a workshop scheduled for January 17, 2001. We welcome any assistance from your office.

In any case, the draft general management plan/environmental impact statement will be sent to you for review and comment. We look forward to your involvement and believe that your participation in this planning effort for Biscayne National Park will result in better resources management.

Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at 305-230-1144, extension 3002; or Ms. Monika Mayr, Assistant Superintendent, 305-230-1144, extension 3004; or Mr. Jim Adams, Cultural Resource Management Specialist at 305-230-1144, extension 3081.

Sincerely,

Monika Mayr

for Linda Canzanelli
Superintendent

SCHEDULE OF PUBLIC MEETINGS

(1) January 22, 2001, Holiday Inn, 1711 North University Drive, Plantation, Florida, 3 to 8 p.m.
(2) January 23, 2001, Keys Gate Golf and Tennis Club, 2300 Palm Drive, Homestead, Florida, 3 to 8 p.m.
(3) January 24, 2001, Renaissance Ballroom, 5910 SW 8th Street, Miami, Florida, 3 to 8 p.m.
(4) January 25, 2001, Westin Beach Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida, 3 to 8 p.m.
(5) January 30, 2001, U.S. Department of the Interior, Main Building, Rachel Carson Room, 1848 C Street, NW, Washington, District of Columbia, 3 to 5 p.m.

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Mr. Billy Cypress, Chairperson
Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Reference: Biscayne National Park, Florida; General Management Plan and Environmental Impact Statement

Subject: Government-to-Government Native American Consultations with American Indian Tribes

Dear Mr.Cypress:

The National Park Service is preparing a general management plan and an environmental impact statement for Biscayne National Park in Miami-Dade County, Florida. The general management plan will guide park operations and resource management for the next fifteen years or so by developing an overall decision-making framework. Public scoping will identify important issues and concerns facing park management and will explore reasonable management alternatives. Within the environmental impact statement framework each alternative's potential environmental consequences on cultural and natural resources will be analyzed.

Charting a course for the next 15 years is a challenge and an opportunity. The park's mangrove shoreline, shallow estuarine bay, chain of undeveloped keys, and the northernmost coral reefs in the country support richly diverse communities of birds, fish, plants, and animals and provide an opportunity to experience the sights and sounds of a tropical paradise. The park's historic buildings and archeological sites which include numerous shipwrecks and other types of submerged sites, represent South Florida's rich cultural history encompassing Native American, early European settlement, maritime trade, agricultural development, and the melding of diverse cultures. Within the park are three historic/archeological districts that are listed on the National Register of Historic Places, with more sites potentially eligible for listing. The lands and waters of Biscayne National Park have shaped the people, and the people have shaped the resources. It is little wonder that Congress established the area as a unit of the national park system.

The National Park Service requests your involvement in accord with various laws, executive orders, and federal regulations and policies calling for government-to-government Native American Consultations with American Indian tribes, such as section 106 of the National Historic Preservation Act, as amended. We are beginning our data-gathering efforts for this plan. The planning team is multi-disciplinary with cultural and natural resource specialists represented along with an interpretive

planner and a fisheries management specialist. Any issues, concerns, or information you wish to pass along at this time would be most appreciated.

We shall keep you informed about our progress in this planning effort. The schedule of public meetings, to which you and members of your staff are invited, is included at the end of this letter. We realize that you may not be able to attend, or may not wish to attend, any of these meetings. We would be happy to schedule a meeting with you, and other members of your tribe you designate, at your convenience in your community. Please let me know. We welcome any assistance from your office.

In any case, the draft general management plan/environmental impact statement will be sent to you for review and comment. We look forward to your involvement and believe that your participation in this planning effort for Biscayne National Park will result in better resources management.

Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at 305-230-1144, extension 3002; or Ms. Monika Mayr, Assistant Superintendent, 305-230-1144, extension 3004; or Mr. Jim Adams, Cultural Resource Management Specialist at 305-230-1144, extension 3081.

Sincerely,

Monika Mayr

for Linda Canzanelli
Superintendent

SCHEDULE OF PUBLIC MEETINGS

(1) January 22, 2001, Holiday Inn, 1711 North University Drive, Plantation, Florida, 3 to 8 p.m.
(2) January 23, 2001, Keys Gate Golf and Tennis Club, 2300 Palm Drive, Homestead, Florida, 3 to 8 p.m.
(3) January 24, 2001, Renaissance Ballroom, 5910 SW 8th Street, Miami, Florida, 3 to 8 p.m.
(4) January 25, 2001, Westin Beach Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida, 3 to 8 p.m.
(5) January 30, 2001, U.S. Department of the Interior, Main Building, Rachel Carson Room, 1848 C Street, NW, Washington, District of Columbia, 3 to 5 p.m.

Margaret ID - FL

Miccosukee Tribe of Indians
of Florida

Rick/Jim
Please set up a meeting - late Oct. The m-l

Business Council Members
Billy Cypress, Chairman
Jasper Nelson, Ass't. Chairman
Max Billie, Treasurer
Andrew Bert Sr., Secretary
Jerry Cypress, Lawmaker

July 2, 2001

Superintendent Canzanelli
National Park Service
Biscayne National Park
9700 S.W. 328th Street
Homestead, FL 33033-5634

Dear Superintendent Canzanelli:

The Miccosukee Tribe of Indians of Florida received your letter concerning government-to-government consultation on the general management plan and environmental impact statement for Biscayne National Park in Miami-Dade County. Mr. Steve Terry and Mr. Fred Dayhoff are the Cultural Representatives for the Miccosukee Tribe. I have instructed Mr. Terry and Mr. Dayhoff to meet with you and your staff on cultural resources issues which may affect the Tribe.

Thank you for initiating the government-to-government consultations. Please contact Mr. Terry at (305) 223-8380, Ext. 2243, to arrange a date and time to meet to discuss these plans.

Sincerely,

Billy Cypress
Tribal Chairman

PC: Steve Terry, Land Resources Manager
Fred Dayhoff, Tribal Consultant

P.O. Box 440021, Tamiami Station, Miami, Florida 33144, (305) 223-8380, fax (305) 223-1011
Constitution Approved by the Secretary of the Interior, January 11, 1962

BISC 7-6-01

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Mr. James Billie, Chairperson
Seminole Tribe of Florida
6073 Stirling Road
Hollywood, Florida 33024

Reference: Biscayne National Park, Florida; General Management Plan and Environmental Impact Statement

Subject: Government-to-Government Native American Consultations with American Indian Tribes

Dear Mr. Billie:

The National Park Service is preparing a general management plan and an environmental impact statement for Biscayne National Park in Miami-Dade County, Florida. The general management plan will guide park operations and resource management for the next fifteen years or so by developing an overall decision-making framework. Public scoping will identify important issues and concerns facing park management and will explore reasonable management alternatives. Within the environmental impact statement framework each alternative's potential environmental consequences on cultural and natural resources will be analyzed.

Charting a course for the next 15 years is a challenge and an opportunity. The park's mangrove shoreline, shallow estuarine bay, chain of undeveloped keys, and the northernmost coral reefs in the country support richly diverse communities of birds, fish, plants, and animals and provide an opportunity to experience the sights and sounds of a tropical paradise. The park's historic buildings and archeological sites which include numerous shipwrecks and other types of submerged sites, represent South Florida's rich cultural history encompassing Native American, early European settlement, maritime trade, agricultural development, and the melding of diverse cultures. Within the park are three historic/archeological districts that are listed on the National Register of Historic Places, with more sites potentially eligible for listing. The lands and waters of Biscayne National Park have shaped the people, and the people have shaped the resources. It is little wonder that Congress established the area as a unit of the national park system.

The National Park Service requests your involvement in accord with various laws, executive orders, and federal regulations and policies calling for government-to-government Native American Consultations with American Indian tribes, such as section 106 of the National Historic Preservation Act, as amended. We are beginning our data-gathering efforts for this plan. The planning team is multi-disciplinary with cultural and natural resource specialists represented along with an interpretive

planner and a fisheries management specialist. Any issues, concerns, or information you wish to pass along at this time would be most appreciated.

We shall keep you informed about our progress in this planning effort. The schedule of public meetings, to which you and members of your staff are invited, is included at the end of this letter. We realize that you may not be able to attend, or may not wish to attend, any of these meetings. We would be happy to schedule a meeting with you, and other members of your tribe you designate, at your convenience in your community. Please let me know. We welcome any assistance from your office.

In any case, the draft general management plan/environmental impact statement will be sent to you for review and comment. We look forward to your involvement and believe that your participation in this planning effort for Biscayne National Park will result in better resources management.

Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at 305-230-1144, extension 3002; or Ms. Monika Mayr, Assistant Superintendent, 305-230-1144, extension 3004, or Mr. Jim Adams, Cultural Resource Management Specialist at 305-230-1144, extension 3081.

Sincerely,

Monika Mayr

for Linda Canzanelli
Superintendent

SCHEDULE OF PUBLIC MEETINGS

(1) January 22, 2001, Holiday Inn, 1711 North University Drive, Plantation, Florida, 3 to 8 p.m.
(2) January 23, 2001, Keys Gate Golf and Tennis Club, 2300 Palm Drive, Homestead, Florida, 3 to 8 p.m.
(3) January 24, 2001, Renaissance Ballroom, 5910 SW 8th Street, Miami, Florida, 3 to 8 p.m.
(4) January 25, 2001, Westin Beach Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida, 3 to 8 p.m.
(5) January 30, 2001, U.S. Department of the Interior, Main Building, Rachel Carson Room, 1848 C Street, NW, Washington, District of Columbia, 3 to 5 p.m.

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Mr. James Cornelius, Director
Historic Preservation Program
Seminole Nation of Oklahoma
PO Box 1498
Wewoka, Oklahoma 74884

Mr. Mickey Douglas, Director
Environmental Protection Office
Seminole Nation of Oklahoma
227 North Main Street
Seminole, Oklahoma 74864

Subject: Government to Government Native American Consultations with American Indian Tribes

Dear Mr. Cornelius and Mr. Douglas:

Ms. Tricia Gay, Director of Communications suggested that we provide you with copies of the enclosed correspondence to Principal Chief Jerry Haney. Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at (305) 230-1144, ext. 3081, or email Jim_Adams@nps.gov.

Sincerely,

Jim Adams
Cultural Resource Management Specialist

United States Department of the Interior

NATIONAL PARK SERVICE
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D 18

January 4, 2001

Mr. Jerry G. Haney, Principal Chief
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Reference: Biscayne National Park, Florida; General Management Plan and Environmental Impact Statement

Subject: Government-to-Government Native American Consultations with American Indian Tribes

Dear Mr. Haney:

The National Park Service is preparing a general management plan and an environmental impact statement for Biscayne National Park in Miami-Dade County, Florida. The general management plan will guide park operations and resource management for the next fifteen years or so by developing an overall decision-making framework. Public scoping will identify important issues and concerns facing park management and will explore reasonable management alternatives. Within the environmental impact statement framework each alternative's potential environmental consequences on cultural and natural resources will be analyzed.

Charting a course for the next 15 years is a challenge and an opportunity. The park's mangrove shoreline, shallow estuarine bay, chain of undeveloped keys, and the northernmost coral reefs in the country support richly diverse communities of birds, fish, plants, and animals and provide an opportunity to experience the sights and sounds of a tropical paradise. The park's historic buildings and archeological sites which include numerous shipwrecks and other types of submerged sites, represent South Florida's rich cultural history encompassing Native American, early European settlement, maritime trade, agricultural development, and the melding of diverse cultures. Within the park are three historic/archeological districts that are listed on the National Register of Historic Places, with more sites potentially eligible for listing. The lands and waters of Biscayne National Park have shaped the people, and the people have shaped the resources. It is little wonder that Congress established the area as a unit of the national park system.

The National Park Service requests your involvement in accord with various laws, executive orders, and federal regulations and policies calling for government-to-government Native American Consultations with American Indian tribes, such as section 106 of the National Historic Preservation Act, as amended. We are beginning our data-gathering efforts for this plan. The planning team is multi-disciplinary with cultural and natural resource specialists represented along with an interpretive

planner and a fisheries management specialist. Any issues, concerns, or information you wish to pass along at this time would be most appreciated.

We shall keep you informed about our progress in this planning effort. The schedule of public meetings, to which you and members of your staff are invited, is included at the end of this letter. We realize that you may not be able to attend, or may not wish to attend, any of these meetings. We would be happy to schedule a meeting with you, and other members of your tribe you designate, at your convenience in your community. Please let me know. We welcome any assistance from your office.

In any case, the draft general management plan/environmental impact statement will be sent to you for review and comment. We look forward to your involvement and believe that your participation in this planning effort for Biscayne National Park will result in better resources management.

Thank you in advance for your consideration. Should you have any questions, or require additional information, please contact me at 305-230-1144, extension 3002; or Ms. Monika Mayr, Assistant Superintendent, 305-230-1144, extension 3004; or Mr. Jim Adams, Cultural Resource Management Specialist at 305-230-1144, extension 3081.

Sincerely,

Monika Mayr

Linda Canzanelli
for Superintendent

SCHEDULE OF PUBLIC MEETINGS

(1) January 22, 2001, Holiday Inn, 1711 North University Drive, Plantation, Florida, 3 to 8 p.m.
(2) January 23, 2001, Keys Gate Golf and Tennis Club, 2300 Palm Drive, Homestead, Florida, 3 to 8 p.m.
(3) January 24, 2001, Renaissance Ballroom, 5910 SW 8th Street, Miami, Florida, 3 to 8 p.m.
(4) January 25, 2001, Westin Beach Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida, 3 to 8 p.m.
(5) January 30, 2001, U.S. Department of the Interior, Main Building, Rachel Carson Room, 1848 C Street, NW, Washington, District of Columbia, 3 to 5 p.m.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240

FWS/OCHR/BCH/010867

JAN 2 2 2003

Memorandum

To: Regional Director, Region 4

From: Director Steve Williams

Subject: Consultation Procedures to be Followed for All Watercraft-related Access Activities Occurring within Peninsular Florida.

The issue of incidental take of endangered manatees as a result of watercraft-related activities occurring within peninsular Florida is of continuing concern. The data recently compiled by the Fish and Wildlife Service through the preparation of a draft environmental impact statement (DEIS) and the issuance of a proposed rule on the incidental take of manatees demonstrate the relationship between boating activity and the taking of manatees. The Service has most recently used the "interim strategy," a policy developed under the Settlement Agreement in *Save the Manatee Club v. Ballard*, to carry out our Endangered Species Act section 7 consultation responsibilities with the Army Corps of Engineers and other federal agencies on an informal basis, using "concurrence letters" (based on findings that the proposed activities are not likely to adversely affect manatees) to complete the consultation process for those projects that occur within areas that are "adequately protected" and for projects connected to single family homes. However, manatee mortalities and injuries continue to increase, and the record developed through the incidental take regulatory process calls into question the appropriateness of issuing "concurrence letters" for watercraft-related activities during this interim period.

Therefore, beginning now and continuing until final incidental take regulations are issued (on or before May 5, 2003), the formal consultation procedure (50 C.F.R. § 402.14) shall be used for every proposed watercraft-related activity within peninsular Florida that "may affect" manatees. For purposes of this memorandum, the phrase "peninsular Florida" means the coastline and navigable waterways of the State of Florida from the mouth of the St. Mary's River on the Atlantic Coast to the mouth of the Aucilla River on the Gulf of Mexico Coast. As outlined in the handbook, formal consultation procedures also include consultation on projects batched together and programmatic consultations. The Service shall not issue "concurrence letters" for these proposed activities during this interim period. Instead, biological opinions must be issued in response to future consultation requests. In the incidental take statement portion of any "non-jeopardy" biological opinion, the Service must state whether the direct and indirect effects of the proposed watercraft-related activity are "reasonably certain" to result in the taking of manatees over the life of the activity. If the Service concludes that the proposed activity is not reasonably certain to result in the taking of manatees, then the consultation process is concluded.

If the opposite conclusion is reached, then the incidental take statement must state that incidental take is not authorized until the issuance of incidental take regulations under section 101(a)(5) of the Marine Mammal Protection Act, as well as the issuance of a letter of authorization pursuant to those regulations (see the section 7 handbook for standard language paragraph, page 4-57).

For those consultations involving watercraft-related activities where the project proponent or the State or county regulatory authority has incorporated into the project description specific measures that will reduce the likelihood that the proposed action will result in prohibited taking of manatees, the Service should address those measures in the incidental take statement of the biological opinion. If the implementation of such definite measures (including the assurances that the measures will be carried out throughout the life of the activity) would lessen the probability of take to a level where the direct and indirect project effects would no longer pose a "reasonably certain" risk of mortality or harassment, then the Service should state that conclusion in the biological opinion (together with the factual findings that support it), and the consultation process would be completed.

This memorandum is a management directive that is intended to prescribe uniform agency practice for all section 7 consultations conducted by Service personnel within the Southeast Region that pertain to watercraft-related activities that may affect manatees around and within peninsular Florida. It is a temporary, interim management directive that proscribes the use of "concurrence letters" as an optional approach to completing the consultation process, and it does not in any way mandate the conclusion or findings of any biological opinion.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

JAN 27 2003

cc: Margaret DeLaune
2/18/03

Received
FEB 21 2003
DSC-PSD

In Reply Refer To:
FWS/R4/ES

Ms. Patricia Hooks
Acting Southeast Regional Director
National Park Service
100 Alabama St. SW, 1924 Building
Atlanta, Georgia 30303

Dear Ms. Hooks:

This letter is to inform you of our revised consultation procedures under section 7 of the Endangered Species Act that will be followed for all watercraft-related access activities within peninsular Florida. These procedures are the result of our Director's memorandum of January 22, 2003 (copy enclosed), that provides the management directive prescribing a uniform process for all section 7 consultations within our Southeast Region that pertain to watercraft-related activities that may affect manatees around and within peninsular Florida. For the purpose of these procedures, we have defined "peninsular Florida" as the coastline and navigable waterways of the State of Florida from the mouth of the St. Mary's River on the Atlantic Coast to the mouth of the Aucilla River on the Gulf of Mexico Coast. These procedures are effective immediately and will continue until our final incidental take regulations under the Marine Mammal Protection Act are issued, as well as the issuance of letters of authorization pursuant to these regulations.

If you or your staff have any questions regarding these consultation procedures, or have a need to discuss them further, please fell free to contact me at 404/679-4000, or contact Mr. Jay Slack, Field Supervisor, Vero Beach, Florida, at 772/562-3909, ext. 300, or Mr. David Hankla, Field Supervisor, Jacksonville, Florida, at 904/232-2580, ext. 108.

Sincerely yours,

Sam D. Hamilton
for Regional Director

Enclosure

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

131

February 3, 2004

Margaret Delaura, PSD
National Park Service
Denver Service Center
12795 West Alameda Parkway
PO Box 25287
Denver, CO 80225-9901

Dear Ms. Delaura:

Subject: **Comments on the Draft Alternatives for the Biscayne National Park General Management Plan Newsletter #3**

Thank you for providing the South Florida Water Management District (District) the opportunity to provide comments on the Draft Alternatives for the Biscayne National Park (Park) General Management Plan (GMP). It is evident from the newsletter that significant effort went into defining the management zones that may be combined to create a potential management alternative.

In general, District staff has two primary comments. First, although we do not see any conflicts at this time, it is recommended that the final selected alternative for the Park's GMP be evaluated to insure compatibility with the Comprehensive Everglades Restoration Plan (CERP). In particular, the alternative should be compatible with the CERP Biscayne Bay Coastal Wetlands project and with CERP Restoration Coordination and Verification (RECOVER) efforts.

Second, the Response Form with the newsletter requested comments on whether a full range of alternatives have been considered, the likes and dislikes of each alternative, and ways to improve the alternatives. However, District staff is not able to adequately respond to this request relative to the resource protection goal of the Park without being provided the anticipated quantified benefit for each management zone/alternative and how that benefit compared to the existing conditions and to the other management zones/alternatives. The general assumption that increased visitor restrictions increases resource protection is not sufficient to determine if there is a quantifiable difference in benefits obtained from each alternative and whether a full range of alternatives have been considered. It would be helpful if a summary table could be developed showing how conditions in the Park would be anticipated to change under each alternative. We know that it is difficult to quantify benefits, but possibly a table could include a score of relative change to summarize why alternative 4 is the Park's preliminary preferred alternative.

GOVERNING BOARD
Carlos J. Gutiérrez, Jr., Esq., Chair
Pamela Brooks-Thomas, Vice-Chair
Michael Collins
Hugh M. English
Kevin M. Carty
Hartley R. Thornton
EXECUTIVE OFFICE
Henry Dean, Executive Director

Again, thank you for the opportunity for the District to provide comments in this planning process. We look forward to learning more about the next phase of the GMP process, the determination of the quantifiable benefits of each alternative, and the viability in successfully implementing each alternative. Please continue to keep the District informed on this process and if we can be of any assistance, please do not hesitate to contact either of us.

Sincerely,

Deborah Drum
Director
Coastal Ecosystems Division
South Florida Water Management District

Larry Gerry
Director
CERP Planning & Federal Projects
South Florida Water Management District

DD/lg

c: Elizabeth Abbott
Christiana Aguirre
Richard Alleman
Humberto Alonso
Matthew Davis
Jim Jackson
Jorge Jaramillo
Jose Lopez
Jorge Marban
Audrey Ordenes
Dean Powell
Susan Ray
Charles Scott
Trisha Stone

606 Consultation / 4

United States Department of the Interior
National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 14, 2010

Mr. Mitchell Cypress, Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Reference: Government to Government Consultations with American Indian Tribes

Subject: Draft General Management Plan for Biscayne National Park

Dear Chairman Cypress:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. We first contacted your office in 2001 to request your involvement in accordance with the consultation process in various laws, executive orders, and federal regulations and policies calling for government-to-government Native American consultations with American Indian tribes, such as Section 106 of the National Historic Preservation Act, as amended. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in Florida following the publication of the third newsletter. More than 6,000 comments have been received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. Most public comments focused on concerns related to fish population and ecosystem health, fishing, and access. The tribes were briefed on the scope of the general management plan by newsletter and follow-up phone calls asking for additional comments. A meeting was also held with the Miccosukee Tribe of Indians of Florida in 2002. Tribal concerns and recommendations related to the preservation of sites, return of artifacts to their original locations, inadvertent discoveries relevant to the Native American Graves Protection and Repatriation Act, and inclusion of tribal viewpoints in park interpretive and educational materials. Public and tribal comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

A draft general management plan and environmental impact statement should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

cc: Mr. William S. Steele
Tribal Historic Preservation Officer
Seminole Tribe of Florida
Ah-Tah-Thi-Ki Museum
HC-61, Box 21-A
Clewiston, FL 33440

Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

605 Correspondence / Consult

United States Department of the Interior
National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 14, 2010

Mr. Leonard M. Harjo, Principal Chief
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Reference: Government to Government Consultations with American Indian Tribes

Subject: Draft General Management Plan for Biscayne National Park

Dear Principal Chief Harjo:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. We first contacted your office in 2001 to request your involvement in accordance with the consultation process in various laws, executive orders, and federal regulations and policies calling for government-to-government Native American consultations with American Indian tribes, such as Section 106 of the National Historic Preservation Act, as amended. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

TAKE PRIDE IN AMERICA

#10: CorncopoarX / consult

United States Department of the Interior
National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 27, 2010

Mr. Colley Billie, Chairman
Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Reference: Government to Government Consultations with American Indian Tribes

Subject: Draft General Management Plan for Biscayne National Park

Dear Chairman Billie:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. We first contacted your office in 2001 to request your involvement in accordance with the consultation process in various laws, executive orders, and federal regulations and policies calling for government-to-government Native American consultations with American Indian tribes, such as Section 106 of the National Historic Preservation Act, as amended. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

TAKE PRIDE IN AMERICA

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in Florida following the publication of the third newsletter. More than 6,000 comments have been received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. Most public comments focused on concerns related to fish population and ecosystem health, fishing, and access. The tribes were briefed on the scope of the general management plan by newsletter and follow-up phone calls asking for additional comments. A meeting was also held with the Miccosukee Tribe of Indians of Florida in 2002. Tribal concerns and recommendations related to the preservation of sites, return of artifacts to their original locations, inadvertent discoveries relevant to NAGPRA, and inclusion of tribal viewpoints in park interpretive and educational materials. Public and tribal comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

A draft general management plan and environmental impact statement should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

cc: Mr. Fred Dayhoff
Miccosukee Tribe of Indians of Florida
NAGPRA and Section 106 Representative
HC61 S.R. 68
Ochopee, FL 34141

Mr. Steve Terry
Miccosukee Tribe of Indians of Florida
Land Resources Manager
P.O. Box 440021, Tamiami Station
Miami, Florida 33144

Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

#600 Scoping 2010 / consult
7/2010

BISC A614

National Marine Fisheries Service
Southeast Regional Office
Protected Resources Division
9721 Executive Center Drive North
St. Petersburg, FL 33702

Reference: Biscayne National Park General Management Plan

The National Park Service (NPS) is continuing to prepare a General Management Plan for Biscayne National Park. We first contacted your office in 2001 to initiate informal consultation on the proposed plan by requesting a current list of federally listed, proposed, and candidate species; essential fish habitat; and other species or habitats of concern that may be found in the park. The National Park Service is required to maintain an up-to date management plan for all units in the national park system. The purpose of this plan is to ensure the park has a clearly defined direction for resource protection and visitor use. General management plans will be reviewed and revised as necessary to keep them current.

Based on the list provided by your office and professional judgment on what species would be affected by the proposed actions, we are addressing potential impacts to West India manatee, several sea turtle species, the American crocodile, and the Schaus swallowtail butterfly. One of the actions being presented in some of the alternatives is creating a no-take Marine Reserve Zone along the southeast boundary of the park.

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in southern Florida following the publication of the third newsletter. Many comments were received from the public, 4 government agencies, 11 nongovernmental organizations and educational institutions, and one American Indian tribe. Most comments have been focused on concerns related to fish population and ecosystem health, fishing, and access. All of these comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative.

A draft general management plan and environmental impact statement with an embedded biological assessment should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact Ms. Elsa Alvear, Chief of Resource Management at 305-230-1144, x3007.

Sincerely,

Mark Lewis
Superintendent

cc: Matthew Safford
NR Specialist, DSC

7/2010

BISC A614

Project Leader
U.S. Fish and Wildlife Service
South Florida Field Office
P.O. Box 2676
Vero Beach, Florida 32961-2676

Reference: Biscayne National Park General Management Plan

The National Park Service (NPS) is continuing to prepare a General Management Plan for Biscayne National Park. We first contacted your office in 2001 to initiate informal consultation on the proposed plan by requesting a current list of federally listed, proposed, and candidate species; designated and proposed critical habitat; and other species or habitats of concern that may inhabit the park. The National Park Service is required to maintain an up-to date management plan for all units in the national park system. The purpose of this plan is to ensure the park has a clearly defined direction for resource protection and visitor use. General management plans will be reviewed and revised as necessary to keep them current. It is anticipated that such reviews will be needed every 10 to 15 years.

Based on the list provided by your office and professional judgment on what species would be affected by the proposed actions, we are addressing potential impacts to West India manatee, several sea turtle species, the American crocodile, and the Schaus swallowtail butterfly. One of the actions being presented in some of the alternatives is creating a no-take Marine Reserve Zone along the southeast boundary of the park.

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in southern Florida following the publication of the third newsletter. Many comments were received from the public, 4 government agencies, 11 nongovernmental organizations and educational institutions, and one American Indian tribe. Most comments have been focused on concerns related to fish population and ecosystem health, fishing, and access. All of these comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative.

A draft general management plan and environmental impact statement with an embedded biological assessment should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact Ms. Elsa Alvear, Chief of Resource Management at 305-230-1144.

Sincerely,

Mark Lewis
Superintendent

cc: Matthew Safford
NR Specialist, DSC

B.V.I Correspondence / Consult

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 14, 2010

Kathleen Kauffman, Chief
Office of Historic and Archeological Resources
Miami-Dade County Planning and Zoning
111 NW 1st Street, Suite 695
Miami, Florida 33128

Reference: Biscayne National Park, General Management Plan and Environmental Impact Statement

Subject: Draft General Management Plan for Biscayne National Park

Dear Ms. Kauffman:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in Florida following the publication of the third newsletter. More than 6000 comments have been received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. Most comments have been focused on concerns related to fish population and ecosystem health, fishing, and access. Comments were received from one American Indian tribe. All of these comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

A draft general management plan and environmental impact statement should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Mark Lewis
Superintendent

cc: Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

609 Correspondence / Comm /

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 14, 2010

Mr. Scott M. Stroh III
State Historic Preservation Officer and Director
Division of Historic Resources
Florida Department of State
R.A. Gray Building, Fourth Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250

Reference: Biscayne National Park, General Management Plan and Environmental Impact Statement

Subject: Draft General Management Plan for Biscayne National Park

Dear Mr. Stroh:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. We first contacted your office to request your involvement at that time in accordance with stipulation VI.E of the 1995 Programmatic Agreement Among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

TAKE PRIDE IN AMERICA

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in Florida following the publication of the third newsletter. More than 6000 comments have been received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. Most comments have been focused on concerns related to fish population and ecosystem health, fishing, and access. Comments were received from one American Indian tribe. All of these comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

A draft general management plan and environmental impact statement should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

cc: Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

609 Correspondence / consul

United States Department of the Interior
National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

September 14, 2010

Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, #803
Washington, D.C. 20004

Reference: Biscayne National Park, General Management Plan and Environmental Impact Statement

Subject: Draft General Management Plan for Biscayne National Park

Dear Mr. Nelson:

The National Park Service is continuing with general management planning for Biscayne National Park that began in 2001. We first contacted your office to request your involvement at that time in accordance with stipulation VI.E of the 1995 Programmatic Agreement Among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. Since then the park has been gathering data, conducting public and other consultation meetings, all while formulating a draft. After several delays and changes in personnel the park is again moving forward with a draft. The draft will include analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. We will be coordinating National Environmental Policy Act analysis with the Section 106 assessment of effect. To that end documentation has been provided to all consulting parties in accordance with 36 CFR 800.11.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development, including fishing, citrus agriculture, and recreational development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access.

TAKE PRIDE IN AMERICA

To date three newsletters have gone out to the public asking for review and comment. Three public meetings were held in Florida following the publication of the third newsletter. More than 6,000 comments have been received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions, and one American Indian tribe. Most comments have been focused on concerns related to fish population and ecosystem health, fishing, and access. All of these comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

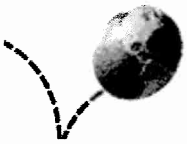
A draft general management plan and environmental impact statement should be available in early 2011 for your review and comment. If you have any questions, or require additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Mark Lewis
Superintendent

cc: Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

BISC 108773



Elsa Alvear/BISC/NPS
08/16/2010 02:47 PM

To Mark Lewis/BISC/NPS@NPS, Morgan Elmer/DENVER/NPS@NPS
cc PIFS Mailbox@NPS, Vanessa McDonough/BISC/NPS@NPS
bcc
Subject BISC GMP: BA is recommended by NOAA/NMFS

Hello:

Please see below. Our contact at NMFS thinks a BA is a good idea since the two listed coral species and their critical habitat are in the area of the proposed marine reserve. Note that beneficial impacts for these species are expected.

Here is a link where you can scroll down to "marine plants and invertebrates" and click to quickly download area maps showing critical habitat.

http://www.nmfs.noaa.gov/pr/species/criticalhabitat.htm

Thanks,

Elsa M. Alvear
Chief of Resource Management, Biscayne National Park
9700 S.W. 328th Street, Homestead, FL 33033-5634
Direct (786) 335 3623
Office (305) 230-1144 x 002 Fax (305) 230-1190
Elsa_Alvear@nps.gov
----- Forwarded by Elsa Alvear/BISC/NPS on 08/16/2010 04:39 PM -----

Vanessa McDonough
08/16/2010 03:06 PM EDT

To: elsa_alvear@nps.gov
cc:
Subject: Fw: Question about a BO/BA

----- Forwarded by Vanessa McDonough/BISC/NPS on 08/16/2010 03:06 PM -----

Audra Livergood <Audra.Livergood@noaa.gov>
08/16/2010 11:04 AM

To Vanessa_McDonough@nps.gov
cc Winston_Hobgood@fws.gov, Jocelyn Karazsia <Jocelyn.Karazsia@noaa.gov>
Subject Re: Question about a BO/BA

Hi Vanessa,

Thanks for the heads up. It is difficult to answer your question without more info on the preferred alternative; however, based on the info you've provided, this sounds like a good thing that may potentially benefit ESA-listed species and critical habitat for /A. palmata/ and /A. cervicornis. /Please see attached guidance re: BAs/BEs. The NMFS' guidance borrows heavily from NEPA regs for when an EIS is required. As per the attached NMFS' guidance "A BA is required if listed species or critical habitat may be present in the action area." So, to answer your question, yes, I think a BA is a good idea. You may wish to emphasize the potential benefits of the preferred alternative for listed

species/critical habitat (e.g., a no-anchor marine reserve may benefit listed corals and their critical habitat by minimizing anchor damage). The attached guidance should help you prepare a BA and it should help with your effect determinations. If you have any questions or would like to discuss further, please feel free to call or e-mail me.

Thanks,
Audra
(954) 356-7100

P.S. Note that I will be starting a rotational assignment in mid-Sept. that will run for 5 months. I may be unavailable to answer questions during the assignment, so it would be best to reach me between now and then.

Vanessa_McDonough@nps.gov wrote:
> Dear Winston and Audra,
> I hope this message finds each of you well.
>
> As you may already know, Biscayne National Park is in the process of
> drafting a new General Management Plan, or GMP. The GMP is the main
> document that guides park operations and determines which types of
> activities are appropriate in each area of the park. The GMP document
> presents five alternatives for park management. Among other things, the
> preferred alternative includes:
> increases in the number of slow speed and no-wake zones for the
> protection of manatees
> a no-take and no-anchor marine reserve zone where visitors can enjoy
> snorkeling and diving on coral reefs more representative of an
> unimpacted coral reef, with larger and more abundant reef fishes and
> invertebrates.
>
> As we proceed with planning and public meetings, we would like to know if
> you believe that a biological opinion or a biological assessment is
> warranted for this plan. Please let me know if you need any additional
> information in order to accurately answer this request.
>
> Thanks very much for your time!
>
>
> Vanessa McDonough, Ph.D.
> Fishery and Wildlife Biologist
> Biscayne National Park
> 9700 SW 328th St
> Homestead, FL 33033
> ph: 305-230-1144 ext 027
> fax: 305-230-1190
>
>
>

BA GUIDE-INITGUIDE COMBO_April 23, 2007.doc

United States Department of the Interior
NATIONAL PARK SERVICE

Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33133

In Reply Refer to:
L7615

19 AUG 2011

Mr. Bob Progulske
Acting Field Supervisor
South Florida Ecological Service Field Office
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1339-20th Street
Vero Beach, Florida 32960

Re: Section 7 Consultation
General Management Plan/Draft Environmental Impact Statement
Biscayne National Park
Miami-Dade County

Dear Mr. Progulske:

We are writing to initiate Section 7 consultation as described in the Endangered Species Act, as amended. Enclosed for your review and comment is the General Management Plan/Draft Environmental Impact Assessment for Biscayne National Park.

We are inviting your office to attend any of three identical public meetings as follows:

September 13	September 14	September 15
6 – 9 pm	6 – 9 pm	6 – 9 pm
Crowne Plaza Hotel	Florida City's City Hall	Holiday Inn Key Largo
950 N.W. 42 Avenue	404 W. Palm Drive	99701 Overseas Hwy
Miami, FL 33126	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. Alternatively, we could schedule a face to face meeting at a time and location of your choosing. We would appreciate receiving your comments by October 31, the end of the public comment period.

Biscayne National Park is one of the largest marine parks in the National Park system and features a spectacular array of mangrove, coastal hammocks, seagrass, hardbottom, and coral reef habitats. The park is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling and SCUBA diving, picnicking, wildlife viewing, and birding.

Much has changed since the last comprehensive management plan for the park was completed in 1983: the population near the park has greatly increased, visitor use patterns and types have changed, and people have brought new recreational activities into the park. Each of these changes has implications for how visitors access and use the national park and the facilities needed to support those uses, how resources are managed and protected, and how the National Park Service manages its operations. This new plan addresses the need for an updated plan and examines five alternatives for managing the park for the next 15 to 20 years. The alternatives are as follows:

Alternative 1, the no-action alternative, consists of a continuation of existing management and trends at Biscayne National Park and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. The National Park Service would continue to manage the national park as it is currently being managed. Existing operations and visitor facilities would continue, and no new construction would be authorized other than what has already been approved and funded. Current law, policy, and plans, would continue to provide the framework of guidance. The important impacts of continuing existing management conditions and trends would include no new impacts on natural resources, no adverse effect on cultural resources, a continuation of adverse effects on visitor experience, a continuation of adverse effects on park operations, and no new impact on the socioeconomic environment. Alternative 1 is described in detail beginning on page 63 of the enclosed plan.

Alternative 2 would emphasize the recreational use of the park while providing for resource protection as governed by law, policy, or resource sensitivity. This concept would be accomplished by providing a high level of services, facilities, and access to specific areas of the park. Alternative 2 is described in detail beginning on page 69 of the enclosed plan.

Alternative 3 would allow all visitors a full range of visitor experiences throughout most of the park and would use a permit system to authorize a limited number of visitors to access some areas of the park. Management actions would provide strong natural and cultural resource protection and diverse visitor experiences. This alternative designates a no-take Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community. Alternative 3 is described in detail beginning on page 75 of the enclosed plan.

Alternative 4 is the National Park Service's **preferred alternative** and would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Some areas would be reserved for limited types of visitor use. The preferred alternative is described in detail beginning on page 81 of the enclosed plan. Some highlights of Alternative 4 include:

- Providing a moderate level of new or enhanced visitor services, facilities, and access
- Increasing opportunities to experience natural sounds
- Creating a combination of increased Non-combustion Engine Use and Slow Speed zones to provide higher levels of resource protection and diversity of visitor opportunities

- Designating a no-take Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community.

Alternative 5 would promote the protection of natural resources, including taking actions to optimize conditions for protection and restoration. A permit system would be used in some parts of the park. Other areas would have limited numbers of visitors, manner of access, and recreational activities to provide certain experiences. This alternative proposes the largest no-take Marine Reserve Zone of all the alternatives. Alternative 5 is described in detail beginning on page 87 of the enclosed plan.

NATIONAL PARK SERVICE DETERMINATIONS ON THREATENED AND ENDANGERED SPECIES:

A detailed discussion of threatened and endangered species occurring in Biscayne National Park and the effect determinations of each alternative on these species can be found beginning on page 124 of Chapter 3 and page 250 of Chapter 4, respectively. Table 7 (page 115) of the plan also summarizes the Section 7 effect determinations for threatened and endangered species. NPS scientists have determined that implementation of Alternative 4, the Preferred Alternative, will have the following determinations on federally listed species. We request that U.S. Fish and Wildlife Service concur with our effect determinations for the species listed below. The determinations are summarized in the table below, followed by more detailed explanation. Our agency is also completing consultation with National Marine Fisheries Service regarding impacts to those species which they oversee.

Species	Scientific Name	Effect Determination	Relevant pages in the plan
Florida manatee	*Trichechus manatus latirostrus*	May affect, not likely to adversely affect	126, 250
Sea turtles (nesting)	*Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbriocota*, and *Dermochelys coriacea*	May affect, not likely to adversely affect	126, 250
American crocodile	*Crocodylus acutus*	May affect, not likely to adversely affect	127, 251
Schaus Swallowtail Butterfly	*Heraclides aristodemus ponceanus*	May affect, not likely to adversely affect	128, 251

Florida Manatees: Manatees are routinely observed within Biscayne National Park between October and May, and are occasionally observed in the park between June and September. The park, in cooperation with the state and Miami-Dade County, has implemented a Slow Speed Zone along the entire mainland coastline in the park. This zone extends out 1,000 feet from the mainland shoreline. The Slow Speed Zone in the park is consistent with areas so designated outside park boundaries. These zones are designed to provide boat operators time to react when they observe manatees, reducing the potential of striking the animals. Under the preferred alternative, the manatee protection area would be modified so that the 500 feet

nearest the shoreline would be designated a Non-combustion Engine Use Zone and the remaining 500 feet would be designated a Slow Speed Zone. Within the Non-combustion Engine Use Zone, management would focus on protecting water-based resources and minimizing visitor use impacts. This zone would provide additional protection to the manatee by reducing the potential for boat-related injuries and mortality in the areas where manatees are most likely to occur. The Slow Speed Zone would provide boat operators a greater opportunity to avoid collisions with manatees that are further from shore by increasing their response times. The Slow Speed and Non-combustion Engine Use zones under this alternative would also result in fewer boat groundings in seagrass beds, an important habitat/food source for manatees. The modifications to the manatee protection area and zoning would have a long-term beneficial impact on manatees in the park. The impacts on the manatee under the preferred alternative would be small, localized, and beneficial. Measurable beneficial outcomes on individual manatees and the manatee population because of the protective zones are likely. This would equate to a "may affect, not likely to adversely affect" determination.

Sea Turtles: Green and loggerhead turtles are routinely observed within Biscayne Bay and nesting has been documented primarily on Elliott Key. Most nesting activity is presumed to be from loggerhead turtles. The other species of sea turtles have only rarely been observed within the park, and are not known to nest within the park. Nesting behavior of sea turtles may be affected by noise from combustion-powered boats, and the preferred alternative could result in a reduced number of combustion-powered boats in the park. Although this alternative includes primitive campsites on Elliott Key, overall development on Elliott Key would be minimal because only the breezeway loop trail would be improved. There would not be a substantial amount of light from the campsites. Mitigation measures such as education efforts regarding the importance of reducing artificial light, additional monitoring and patrols as visitation increases, and possible limitations on the number of visitors would reduce the level of adverse impacts. No new development would occur. Overall, the effects of actions under Alternative 4 are likely to slightly benefit sea turtle nesting activity compared to current management actions, and thus may affect, but is not likely to adversely affect sea turtle nesting activity.

American Crocodile: Crocodile habitat is typically along the shoreline in the mangroves and in the canals. The USFWS has designated all land and waters encompassed by a line beginning at Turkey Point traveling southeast to the southernmost point of Elliott Key and southwest along the eastern shorelines of the keys to the park boundaries as critical habitat. Turkey Point Power Plant cooling canals, located just south of the park's southern mainland boundary, are a major nesting area for American crocodiles. Juvenile crocodiles do inhabit the park and are infrequently observed by park staff and/or visitors. Under the preferred alternative, visitor services and infrastructure would remain near current levels with the designated paths, a possible viewing platform, boardwalk, and jetty in the vicinity of Convoy Point. This area is north of the designated critical habitat area for the crocodiles where few crocodiles are so this alternative would not be expected to impact their activities in the park. The mangroves south of the visitor center would continue to be managed primarily to protect the habitat characteristics of the area. No additional development within the designated critical habitat would be proposed under this alternative. The impacts of activities on crocodile habitat and activities along the mainland shore would be negligible for this

alternative. The impacts on the American crocodile under the preferred alternative would be negligible, localized, and beneficial. Mitigation measures would be put in place in the event of more visitor-crocodile interactions because of population pressures near the park. Overall, this would equate to a "may affect, not likely to adversely affect" determination for the American crocodile.

Schaus Swallowtail Butterfly: The largest numbers of Schaus swallowtail butterfly are observed within the boundaries of Biscayne National Par, particularly along trail edges within the hardwood hammocks of Elliott and Adams Keys. Schaus swallowtails are monitored annually during the May-June flight period. New development on Adams Key would include only the staging area for canoes and kayaks and possibly minimal facilities for the environmental education center. The level of development on the island would occur near the shore and would be unlikely to impact the butterfly population or habitat on the island. The long-term adverse impact on the butterfly population and habitat would be negligible. On Elliott Key the potential disturbance of the butterfly population or habitat would be slight because only the loop trail would be made universally accessible. The long-term impact of this alternative on the population of the butterfly would be adverse and negligible. Old Rhodes and the other southern keys would be zoned for nature observation, and Swan Key would be zoned as a sensitive resource area. Impacts on the hardwood hammocks on these keys would not change under this alternative. There would be no short-term or long-term impacts on butterfly populations and habitat caused by this alternative. Weather-related phenomena would remain the greatest risk to the butterfly under this alternative because there would be no development proposed that would impact butterfly habitat. Thus, the impacts on the Schaus swallowtail under the preferred alternative would be negligible and neutral to adverse in some locations, but mitigation measures to protect the species' habitat and breeding season are likely to be successful. Overall, the preferred alternative "may affect, not likely to adversely affect" the Schaus swallowtail.

Thank you for your attention to this important project. If you have any questions or concerns, please contact Elsa Alvear, Chief of Resource Management, at (305) 230-1144 ext 002 or elsa_alvear@nps.gov.

Sincerely,

Mark Lewis
Superintendent

Enclosures

General Management Plan/Draft Environmental Impact Statement
Newsletter

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

L7615

16 APR 2011

James Billie, Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Subject: Government to Government Consultations with American Indian Tribes
General Management Plan/Draft Environmental Impact Statement for Biscayne National Park

Dear Chairman Billie,

The General Management Plan/Draft Environmental Impact Statement for Biscayne National Park is now available. This plan details the National Park Service proposals for the long-term management of the park.

Enclosed is a copy of the plan which includes analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. The park's Preferred Alternative emphasizes strong natural and cultural resource protection while providing a diversity of visitor experiences. The Preferred Alternative proposes to manage large areas of the park as they are managed today, and adds several zones for new recreational opportunities, such as no-motor zones by the mainland coast and a marine protected area where visitors can snorkel and dive a reef that experiences no fishing pressure. For a detailed analysis of the Preferred Alternative's effect on cultural resources, please see "Cultural Resources" under the section titled "Impacts of Implementing Alternative 4, the NPS Preferred Alternative" in Chapter 4.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access. A detailed description of the park's cultural properties can be found in the "Cultural Resources" section of Chapter 3.

Over the past eleven years the park has solicited public involvement to develop this plan, with two public comment periods and two series of public meetings during which 6,000 comments were

received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. The tribes were briefed on the scope of the General Management Plan by newsletter and follow-up phone calls asking for additional comments. A meeting was also held with the Miccosukee Tribe of Indians of Florida in 2002. Tribal concerns and recommendations focused on the preservation of sites, return of artifacts to their original locations, inadvertent discoveries relevant to NAGPRA, and inclusion of tribal viewpoints in park interpretive and educational materials. Public and tribal comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

We are inviting tribal representatives to attend any of three identical public meetings as follows:

September 13	September 14	September 15
6 – 9 pm	6 – 9 pm	6 – 9 pm
Crowne Plaza Hotel	Florida City's City Hall	Holiday Inn Key Largo
950 N.W. 42 Avenue	404 W. Palm Drive	99701 Overseas Hwy
Miami, FL 33126	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. Alternatively, we could schedule a face to face meeting at a time and location of your choosing.

We would appreciate receiving any comments you may have by October 25, the end of the public comment period. If you should have any questions, please contact me at (305) 230-1144 x024 or Charles Lawson, Biscayne National Park Cultural Resource Manager, at (786) 335-3676 or by email at Charles_Lawson@nps.gov.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

Enclosures

General Management Plan/Draft Environmental Impact Statement
Newsletter

cc: Mr. William S. Steele, Tribal Historic Preservation Officer, Seminole Tribe of Florida
Tribal Historic Preservation Office
30290 Josie Billie Highway
PMB 1004
Clewiston, FL 33440

Gretchen Ward, CR Specialist, National Park Service, Denver Service Center

United States Department of the Interior
National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

L7615

19 AUG 2011

Mr. Leonard M. Harjo, Principal Chief
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Subject: Government to Government Consultations with American Indian Tribes
General Management Plan/Draft Environmental Impact Statement for Biscayne National Park

Dear Principal Chief Harjo:

The General Management Plan/Draft Environmental Impact Statement for Biscayne National Park is now available. This plan details the National Park Service proposals for the long-term management of the park.

Enclosed is a copy of the plan which includes analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. The park's Preferred Alternative emphasizes strong natural and cultural resource protection while providing a diversity of visitor experiences. The Preferred Alternative proposes to manage large areas of the park as they are managed today, and adds several zones for new recreational opportunities, such as no-motor zones by the mainland coast and a marine protected area where visitors can snorkel and dive a reef that experiences no fishing pressure. For a detailed analysis of the Preferred Alternative's effect on cultural resources, please see "Cultural Resources" under the section titled "Impacts of Implementing Alternative 4, the NPS Preferred Alternative" in Chapter 4.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access. A detailed description of the park's cultural properties can be found in the "Cultural Resources" section of Chapter 3.

Over the past eleven years the park has solicited public involvement to develop this plan, with two public comment periods and two series of public meetings during which 6,000 comments were

received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. The tribes were briefed on the scope of the General Management Plan by newsletter and follow-up phone calls asking for additional comments. A meeting was also held with the Miccosukee Tribe of Indians of Florida in 2002. Tribal concerns and recommendations focused on the preservation of sites, return of artifacts to their original locations, inadvertent discoveries relevant to NAGPRA, and inclusion of tribal viewpoints in park interpretive and educational materials. Public and tribal comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

We are inviting tribal representatives to attend any of three identical public meetings as follows:

September 13	September 14	September 15
6 – 9 pm	6 – 9 pm	6 – 9 pm
Crowne Plaza Hotel	Florida City's City Hall	Holiday Inn Key Largo
950 N.W. 42 Avenue	404 W. Palm Drive	99701 Overseas Hwy
Miami, FL 33126	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. Alternatively, we could schedule a face to face meeting at a time and location of your choosing.

We would appreciate receiving any comments you may have by October 25, the end of the public comment period. If you should have any questions, please contact me at (305) 230-1144 x024 or Charles Lawson, Biscayne National Park Cultural Resource Manager, at (786) 335-3676 or by email at Charles_Lawson@nps.gov.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

Enclosures

General Management Plan/Draft Environmental Impact Statement
Newsletter

cc: Ms. Natalie Deere
Tribal Historic Preservation Officer
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Mr. Mickey Douglas, Director
Environmental Protection Office
Seminole Nation of Oklahoma
P.O. Box 1603
Seminole, Oklahoma 74818-1603

Gretchen Ward
CR Specialist, National Park Service, Denver Service Center

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

L7615

19 AUG 2017

Mr. Colley Billie, Chairman
Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Subject: Government to Government Consultations with American Indian Tribes
General Management Plan for Biscayne National Park

Dear Chairman Billie:

The General Management Plan/Draft Environmental Impact Statement for Biscayne National Park is now available. This plan details the National Park Service proposals for the long-term management of the park.

Enclosed is a copy of the plan which includes analysis pursuant to the National Environmental Policy Act as well as Section 106 of the National Historic Preservation Act. The park's Preferred Alternative emphasizes strong natural and cultural resource protection while providing a diversity of visitor experiences. The Preferred Alternative proposes to manage large areas of the park as they are managed today, and adds several zones for new recreational opportunities, such as no-motor zones by the mainland coast and a marine protected area where visitors can snorkel and dive a reef that experiences no fishing pressure. For a detailed analysis of the Preferred Alternative's effect on cultural resources, please see "Cultural Resources" under the section titled "Impacts of Implementing Alternative 4, the NPS Preferred Alternative" in Chapter 4.

Biscayne National Park is predominantly a marine park with significant cultural resources that are associated with human activity from prehistoric times to the present. The park's cultural resources include archeological resources, historic buildings, structures and sites, and cultural landscapes. Human activities have occurred on and around the mainland, keys, and waters of Biscayne Bay for some 12,000 years. These activities are associated with American Indian habitation, land use, and subsistence, and with European-American exploration, settlement, and socioeconomic development. Many of the park's more sensitive cultural sites are either submerged or are in locations currently closed to public access. A detailed description of the park's cultural properties can be found in the "Cultural Resources" section of Chapter 3.

Over the past eleven years the park has solicited public involvement to develop this plan, with two public comment periods and two series of public meetings during which 6,000 comments were

received and analyzed. Comments were also received from four government agencies and 11 nongovernmental organizations and educational institutions. The tribes were briefed on the scope of the General Management Plan by newsletter and follow-up phone calls asking for additional comments. A meeting was also held with the Miccosukee Tribe of Indians of Florida in 2002. Tribal concerns and recommendations focused on the preservation of sites, return of artifacts to their original locations, inadvertent discoveries relevant to NAGPRA, and inclusion of tribal viewpoints in park interpretive and educational materials. Public and tribal comments were taken into consideration in the formulation of the five draft alternatives and in the selection of the preferred alternative. No controversial issues were identified relevant to cultural resources during public meetings or in the comments received.

We are inviting tribal representatives to attend any of three identical public meetings as follows:

September 13	September 14	September 15
6 – 9 pm	6 – 9 pm	6 – 9 pm
Crowne Plaza Hotel	Florida City's City Hall	Holiday Inn Key Largo
950 N.W. 42 Avenue	404 W. Palm Drive	99701 Overseas Hwy
Miami, FL 33126	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. Alternatively, we could schedule a face to face meeting at a time and location of your choosing.

We would appreciate receiving any comments you may have by October 25, the end of the public comment period. If you should have any questions, please contact me at (305) 230-1144 x024 or Charles Lawson, Biscayne National Park Cultural Resource Manager, at (786) 335-3676 or by email at Charles_Lawson@nps.gov.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

Enclosures

General Management Plan/Draft Environmental Impact Statement
Newsletter

cc: Mr. Fred Dayhoff, NAGPRA/Section 106 Representative, Miccosukee Tribe of Indians of Florida
HC61 S.R. 68
Ochopee, FL 34141

Gretchen Ward, CR Specialist, National Park Service, Denver Service Center

United States Department of the Interior
NATIONAL PARK SERVICE

Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33133

In Reply Refer to:
L7615

19 AUG 2011

David Bernhart
Protected Resources Division
NOAA National Marine Fisheries Service
263 13th Ave. South
St. Petersburg, FL 33701

Re: Section 7 Consultation
General Management Plan/Draft Environmental Impact Statement
Biscayne National Park
Miami-Dade County

Dear Mr. Bernhart:

We are writing to initiate section 7 consultation as described in the Endangered Species Act, as amended. Enclosed for your review and comment is the General Management Plan/Draft Environmental Impact Assessment at Biscayne National Park.

We are inviting your office to attend any of three identical public meetings as follows:

September 13	September 14	September 15
6 – 9 pm	6 – 9 pm	6 – 9 pm
Crowne Plaza Hotel	Florida City's City Hall	Holiday Inn Key Largo
950 N.W. 42 Avenue	404 W. Palm Drive	99701 Overseas Hwy
Miami, FL 33126	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. We would appreciate receiving your comments by October 31, the end of the public comment period.

Biscayne National Park is one of the largest marine parks in the National Park system and features a spectacular array of mangrove, coastal hammocks, seagrass, hardbottom, and coral reef habitats. The park is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling and SCUBA diving, picnicking, wildlife viewing, and birding. Much has changed since the last comprehensive management plan for the park was completed in 1983: the population near the park has greatly increased, visitor use patterns and types have changed, and people have brought new recreational activities into the park. Each of these

changes has implications for how visitors access and use the national park and the facilities needed to support those uses, how resources are managed and protected, and how the National Park Service manages its operations. This new plan addresses the need for an updated plan and examines five alternatives for managing Biscayne National Park for the next 15 to 20 years. The alternatives are as follows:

Alternative 1, the no-action alternative, consists of a continuation of existing management and trends at Biscayne National Park and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. The National Park Service would continue to manage the national park as it is currently being managed. Existing operations and visitor facilities would continue, and no new construction would be authorized other than what has already been approved and funded. Current law, policy, and plans, would continue to provide the framework of guidance. The important impacts of continuing existing management conditions and trends would include no new impacts on natural resources, no adverse effect on cultural resources, a continuation of adverse effects on visitor experience, a continuation of adverse effects on park operations, and no new impact on the socioeconomic environment. Alternative 1 is described in detail beginning on page 63 of the enclosed plan.

Alternative 2 would emphasize the recreational use of the park while providing for resource protection as governed by law, policy, or resource sensitivity. This concept would be accomplished by providing a high level of services, facilities, and access to specific areas of the park. Alternative 2 is described in detail beginning on page 69 of the enclosed plan.

Alternative 3 would allow all visitors a full range of visitor experiences throughout most of the park and would use a permit system to authorize a limited number of visitors to access some areas of the park. Management actions would provide strong natural and cultural resource protection and diverse visitor experiences. This alternative designates a no-take Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community. Alternative 3 is described in detail beginning on page 75 of the enclosed plan.

Alternative 4 is the National Park Service's **preferred alternative** and would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Some areas would be reserved for limited types of visitor use. The preferred alternative is described in detail beginning on page 81 of the enclosed plan. Some highlights of Alternative 4 include:

- Providing a moderate level of new or enhanced visitor services, facilities, and access
- Increasing opportunities to experience natural sounds
- Creating a combination of increased Non-combustion Engine Use and Slow Speed zones to provide higher levels of resource protection and diversity of visitor opportunities
- Designating a Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community.

Alternative 5 would promote the protection of natural resources, including taking actions to optimize conditions for protection and restoration. A permit system would be used in some

parts of the park. Other areas would have limited numbers of visitors, manner of access, and recreational activities to provide certain experiences. Alternative 5 is described in detail beginning on page 87 of the enclosed draft plan.

NATIONAL PARK SERVICE DETERMINATIONS ON THREATENED AND ENDANGERED SPECIES:

A detailed discussion of threatened and endangered species occurring in Biscayne National Park and the effect determinations of each alternative on these species can be found beginning on page 124 of Chapter 3 and page 250 of Chapter 4, respectively. Table 7 (page 115) of the plan also summarizes the Section 7 effect determinations for threatened and endangered species. The proposed NPS action is to implement Alternative 4, and NPS scientist determinations for federally listed species are shown below; however, please feel free to comment on any of the alternatives, including but not limited to the no-action alternative (Alternative 1) and the environmentally preferred alternative (Alternative 5). We request that NMFS concur with our effect determinations for the species listed below. The determinations are summarized in the table below, followed by more detailed explanation. Our agency is also completing consultation with U.S. Fish & Wildlife Service regarding impacts to those species which they oversee.

Species	Scientific Name	Effect Determination	Relevant pages in the plan
Sea turtles	*Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbriocota*, and *Dermochelys coriacea*	May affect, not likely to adversely affect	126, 250
Acroporid corals	*Acropora cervicornis, Acropora palmata*	May affect, not likely to adversely affect	129, 252
Smalltooth Sawfish	*Pristis pectinata*	May affect, not likely to adversely affect	128, 251

Sea Turtles: Green, loggerhead and hawksbill turtles are routinely observed in the waters of Biscayne National Park. Leatherback and Kemp's Ridley sea turtles are rarely, if ever, observed within the park. Collisions between boats and sea turtles would be expected to be minimized in the Slow Speed and the Non-combustion Engine Use zones. However, given the size of these zones compared to the size of the Multiuse Zone, the beneficial impacts of implementation of this alternative would be minor. The implementation of a Marine Reserve Zone would result in less derelict fishing gear (monofilament, traps) in this area. This would result in the reduction of threat of entanglement for sea turtles within this zone. This would be a minor, beneficial, long-term impact on sea turtles. This beneficial impact would be offset if fishing pressure increased outside the Marine Reserve Zone. The impacts on sea turtles under

the preferred alternative would be adverse but negligible and would equate to a "may affect, not likely to adversely affect" determination.

Acroporid corals: In Biscayne National Park, Acroporid corals are observed primarily on the reef tract (oceanside of the keys), particularly on the southernmost reefs of the park. all waters east of the chain of islands running from north to south in the park are included in an area that has been designated as 'critical habitat' for elkhorn and staghorn corals. Acroporid corals can be adversely affected by a variety of factors including fishing, pollution, vessel groundings, sedimentation, macroalgal overgrowth, disease, and increasing sea temperatures. Indirect impacts result from the harvest of targeted species from park waters, which in turn may affect reef community structure due to ecological cascades caused by removal by fishing of predators, prey, or competitors in the food web. The creation of a 10,522-acre Marine Reserve Zone under the Preferred Alternative would prohibit fishing and anchoring on many of the southern reefs in the park, which include areas known to have healthy populations of Acroporid corals. Because visitors who would otherwise use the area in the Marine Reserve Zone to fish would have to fish elsewhere, boat traffic and anchoring throughout this zone could be expected to decrease. Although unlikely, these decreases could be offset if people use the Marine Reserve Zone for non-extractive activities such as snorkeling and diving. Because the Marine Reserve Zone is expected to reduce fishing and improve ecological balance, reduce fishing debris, reduce vessel groundings, and reduce damage from inappropriate anchoring in Acroporid coral habitat, actions under alternative 4 are expected to have a moderate and beneficial effect. The Marine Reserve Zone is expected to have a beneficial, long-term, effect on Acroporid corals by protecting them from activities that could lead to physical and ecological damage. Thus, this alternative "may affect, but is not likely to adversely affect" Acroporid corals.

Smalltooth Sawfish: This species is only rarely observed in the park. No incidences of unintentional catch of smalltooth sawfish have ever been reported to resource managers or law enforcement officers during routine recreational creel surveys which are conducted at least once per week. The Florida Museum of Natural History's National Sawfish Encounter Database reports a total of nine encounters (sightings and/or captures) reported from within Biscayne's boundaries from 1998 through 2009. These encounters have occurred in diverse habitats of the park, including marked channels, along coastlines, and in deeper reef habitats. Smalltooth sawfish could be affected by any increase in hook-and-line fishing efforts, although any effects are unlikely given the rarity of smalltooth sawfish in the park. While the establishment of the Marine Reserve Zone in deeper reef habitat is not likely to have a substantial effect on this species that tends to prefer shallow water, it is possible that the implementation of the no-take marine reserve zone could have a small yet positive benefit on smalltooth sawfish by reducing bycatch since reports of this species in reef and deeper water habitats, although uncommon, do exist. No other actions that would occur under this alternative would be expected to affect sawfish in the park. Thus, this alternative "may affect, but is not likely to adversely affect" smalltooth sawfish.

Thank you for your attention to this important project. If you have any questions or concerns, please contact Elsa Alvear, chief of Resource Management, at (305) 230-1144 ext 002 or elsa_alvear@nps.gov.

Sincerely,

for Mark Lewis
Superintendent

Enclosures

General Management Plan/Draft Environmental Impact Statement
Newsletter

ML 9/30/11

FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Mark Lewis
U.S. Department of the Interior - National Park Service
Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33033-5634

September 14, 2011

RE: DHR Project File Number: 2011-3819
National Park Service– Biscayne National Park
L7615
General Management Plan and Draft Environmental Impact Statement for Biscayne National Park
Miami-Dade County

Dear Mr. Lewis:

This office reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, on the *National Register of Historic Places.* The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, *36 CFR Part 800: Protection of Historic Properties* and the *National Environmental Policy Act of 1969,* as amended.

It is the opinion of this office that the *General Management Plan and Draft Environmental Impact Statement* adequately addresses cultural resources located within the Biscayne National Park

If you have any questions concerning our comments, please contact Scott Edwards, Historic Preservationist, by electronic mail *scott.edwards@dos.myflorida.com*, or at 850.245.6333 or 800.847.7278.

Sincerely,

Laura A. Kammerer

Laura A. Kammerer
Deputy State Historic Preservation Officer
For Review and Compliance

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

☐ **Director's Office**
(850) 245.6300 • FAX: 245.6436

☐ **Archaeological Research**
(850) 245.6444 • FAX: 245.6452

☑ **Historic Preservation**
(850) 245.6333 • FAX: 245.6437

United States Department of the Interior
NATIONAL PARK SERVICE

Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33133

In Reply Refer to:
L7615

January 3, 2012

David M. Cupka, Chair
South Atlantic Fishery Management Council Office:
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405

Re: General Management Plan/Draft Environmental Impact Statement
Biscayne National Park
Miami-Dade County

Dear Chairperson Cupka:

We are writing to initiate consultation with the South Atlantic Fishery Management Council on a park plan. Enclosed for your review and comment is the General Management Plan/Draft Environmental Impact Assessment at Biscayne National Park ("plan").

Public meetings on this plan were held on September 13, 14, and 15 in Miami, Homestead, and Key Largo, respectively. These public meetings provided an opportunity for the public to learn about the draft plan and to submit verbal and/or written comments. Presentations, exhibits, and park staff were available to facilitate understanding of the plan. While the public comment period closed on October 31, 2011, we would still appreciate receiving your comments by January 31, 2012. The National Park Service expects to issue a Final Environmental Impact Statement for this plan in summer 2012.

Biscayne National Park is one of the largest marine parks in the National Park system and features a spectacular array of mangrove, coastal hammocks, seagrass, hardbottom, and coral reef habitats. The park is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling and SCUBA diving, picnicking, wildlife viewing, and birding. Much has changed since the last comprehensive management plan for the park was completed in 1983: the population near the park has greatly increased, visitor use patterns and types have changed, and people have brought new recreational activities into the park. Each of these changes has implications for how visitors access and use the national park and the facilities needed to support those uses, how resources are managed and protected, and how the National Park Service manages its operations. This new plan addresses the need for an updated plan and examines five alternatives for managing Biscayne National Park for the next 15 to 20 years. The alternatives are as follows:

Alternative 1, the no-action alternative, consists of a continuation of existing management and trends at Biscayne National Park and provides a baseline for comparison in evaluating the

changes and impacts of the other alternatives. The National Park Service would continue to manage the national park as it is currently being managed. Existing operations and visitor facilities would continue, and no new construction would be authorized other than what has already been approved and funded. Current law, policy, and plans, would continue to provide the framework of guidance. The important impacts of continuing existing management conditions and trends would include no new impacts on natural resources, no adverse effect on cultural resources, a continuation of adverse effects on visitor experience, a continuation of adverse effects on park operations, and no new impact on the socioeconomic environment. Alternative 1 is described in detail beginning on page 63 of the enclosed plan.

Alternative 2 would emphasize the recreational use of the park while providing for resource protection as governed by law, policy, or resource sensitivity. This concept would be accomplished by providing a high level of services, facilities, and access to specific areas of the park. Alternative 2 is described in detail beginning on page 69 of the enclosed plan.

Alternative 3 would allow all visitors a full range of visitor experiences throughout most of the park and would use a permit system to authorize a limited number of visitors to access some areas of the park. Management actions would provide strong natural and cultural resource protection and diverse visitor experiences. This alternative designates a no-take Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community. Alternative 3 is described in detail beginning on page 75 of the enclosed plan.

Alternative 4 is the National Park Service's **preferred alternative** and would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Some areas would be reserved for limited types of visitor use. The preferred alternative is described in detail beginning on page 81 of the enclosed plan. Some highlights of Alternative 4 include:

- Providing a moderate level of new or enhanced visitor services, facilities, and access
- Increasing opportunities to experience natural sounds
- Creating a combination of increased Non-combustion Engine Use and Slow Speed zones to provide higher levels of resource protection and diversity of visitor opportunities
- Designating a Marine Reserve Zone to provide visitors the opportunity to experience a healthy, natural, and ecologically intact reef community.

Alternative 5 would promote the protection of natural resources, including taking actions to optimize conditions for protection and restoration. A permit system would be used in some parts of the park. Other areas would have limited numbers of visitors, manner of access, and recreational activities to provide certain experiences. Alternative 5 is described in detail beginning on page 87 of the enclosed draft plan.

Although the National Park Service has a mission far beyond sustainable fisheries, some aspects of the proposed plan, such as the no-take marine reserve to improve visitor experience, are expected to impact the park's fisheries resources. A detailed discussion of the park's fishery resources and the effect determinations of each alternative on these species can

be found beginning on page 122 of Chapter 3 and page 196 of Chapter 4, respectively. The effect determination on the park's fishery resources from the preferred alternative begins on page 249. Table 6 (page 111) of the plan summarizes the effects of each alternative on the park's fishery resources.

If you or other members of the council are interested, we would be pleased to schedule a meeting to more fully explain and discuss the draft plan. Certainly one of the more controversial elements of the plan involves the proposed no-take marine reserve. You may remember that the park held public workshops concerning marine reserves in July, 2009. The park received over 100 comments, and more than 30 maps from the public showing proposed sizes and locations. At the public workshops, the 81 participants were divided into table groups. Of the ten table groups, all but one group recommended locations for one or more marine reserves with limited opposition within groups. The park believes the science clearly supports the need for a marine reserve in order to provide an opportunity for the public to experience a healthy, natural coral reef. While some anglers may oppose a marine reserve, case studies indicate that fishing improves adjacent to the area of marine reserves within a few years.

Thank you for your attention to this important project. If you have any questions or concerns, please contact me at (305) 230-1144 ext 024 or mark_lewis@nps.gov.

Sincerely,

Mark Lewis

Mark Lewis
Superintendent

Enclosure

General Management Plan/Draft Environmental Impact Statement

United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

March 7, 2012

Memorandum

To: Mark Lewis, Superintendent, Biscayne National Park

From: /s/ Larry Williams, Field Supervisor, South Florida Ecological Services Office

Subject: Biscayne National Park: Draft General Management Plan/Environmental Impact Statement; National Park Service No. L7615; Service Federal Activity No. 41420-2011-CPA-0291; Service Log Number: 41420-2011-I- 0318

The U.S. Fish and Wildlife Service (Service) has reviewed your letter dated August 19, 2011, requesting consultation on the Biscayne National Park (BNP) Draft General Management Plan/Environmental Impact Statement (DGMP/EIS) and its potential effects on threatened and or endangered species in BNP. This memorandum is submitted in accordance with section 7 of the Endangered Species Act of 1973, as amended (Act) (87 Stat. 884; 16 U.S.C. 1531 *et seq.*), and the Marine Mammal Protection Act of 1972, as amended (MMPA) (16 U.S.C. 1361 *et seq.*).

PROJECT DESCRIPTION

BNP is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling, SCUBA diving, picnicking, wildlife viewing, and birding. Since BNP's last comprehensive management plan was completed in 1983, the population near the park has increased, and visitor use has increased and changed. These changes have implications for how visitors access and use BNP. The DGMP/EIS outlines the facilities needed to support new uses, how resources are managed and protected and how the National Park Service (NPS) manages its operations. The new plan examines five alternatives for managing the park over the next 15 to 20 years.

The NPS proposes in its DGMP/EIS to implement the preferred alternative, Alternative 4, for areas within BNP. The highlights of Alternative 4 include:

- Providing a moderate level of new or enhanced visitor services, facilities and access;
- Increasing opportunities to experience natural sounds;
- Establishing a Marine Reserve Zone (a site-specific Non-combustion Engine Use zone within 500 feet of shorelines in conjunction with an existing 1,000-foot Slow Speed zone) to provide higher levels of resource protection;
- Establishing new partnerships with private entities, such as marinas and State and County parks, to expand the BNP's capacity; and
- Imposing restrictions on fishing, resource exploitation, mooring, anchoring and vessel usage to protect BNP resources.

TAKE PRIDE® IN AMERICA

BNP proposes to provide existing, new or enhanced visitor services, facilities and access by:

- Maintenance, improvement and possible expansion of a variety of existing structures and facilities;
- Maintenance dredging of existing channels;
- Exotic plant management;
- Acquisition of sites with important cultural and natural resources;
- Construction of a visitor center in Miami;
- Use of mooring buoys to preclude use of anchors that damage the marine environment;
- Restoration of prop scars and vessel grounding sites; and
- Construction of a learning center at an existing site.

BNP has determined implementing Alternative 4 will result in the following:

- Beneficial impacts on fisheries, and submerged aquatic communities;
- Beneficial, insignificant and/or discountable effects on federally listed species;
- Negligible adverse impacts on state listed species and wetlands;
- No adverse effect on archeological resources, historic structures, or cultural landscapes;
- Both beneficial and adverse effects on visitor use and experience;
- Minor adverse impacts on park operations; and
- Beneficial and adverse impacts on the socioeconomic environment.

THREATENED AND ENDANGERED SPECIES

The NPS requests the Service concur with their determinations that implementation of Alternative 4 of the DGMP/EIS "may affect, but is not likely to adversely affect" (MANLTAA) the following federally listed species:

Common Name	Scientific Name	Status	Determination
INVERTEBRATES			
Schaus Swallowtail butterfly	*Orthalicus reses reses*	Threatened	MANLTAA
MAMMALS			
West Indian manatee and its designated critical habitat	*Trichechus manatus*	Endangered	MANLTAA
REPTILES			
American crocodile and its designated critical habitat	*Crocodylus acutus*	Threatened	MANLTAA
Green sea turtle	*Chelonia mydas*	Threatened	MANLTAA
Hawksbill sea turtle	*Eretmochelys imbricata*	Endangered	MANLTAA
Kemp's Ridley sea turtle	*Lepidochelys kempii*	Endangered	MANLTAA
Leatherback sea turtle	*Dermochelys coriacea*	Endangered	MANLTAA
Loggerhead sea turtle	*Caretta caretta*	Threatened	MANLTAA

The Service has reviewed the plans, maps, and other information provided by BNP for the proposed project, including the conservation measures proposed to reduce adverse effects to federally listed threatened and endangered species. These species occur within the BNP boundaries in distinct habitats and areas and, for some species, even during distinct time periods. Therefore, depending on the time and location, all or none of these species may be present; details are presented below.

The largest numbers of the Schaus swallowtail butterfly are observed in the hardwood hammocks of Adams and Elliot Keys, during the May to June flight period. In Schaus swallowtail butterfly habitat, new development on Adams Key would include only the staging area for canoes and kayaks and possibly minimal facilities for the environmental education center. The level of development on the island would occur near the shore and would be unlikely to impact the butterfly population or habitat on the island. On Elliott Key, the potential disturbance of the butterfly population or habitat would be slight because only an existing loop trail would be made universally accessible. No new development is proposed in Schaus swallowtail butterfly habitat; therefore, none would be affected. Some slight disturbance may occur due to increased visitor use; however, the long-term adverse impact on the butterfly population and habitat would likely be negligible.

Manatees are routinely observed within BNP between October and May, and are occasionally observed in the park between June and September. All of Biscayne Bay, and all adjoining and connected lakes, rivers, canals and waterways, from the southern tip of Key Biscayne northward to and including Maule Lake (Miami-Dade County), is designated as manatee critical habitat. Currently, BNP has designated 1,000 feet out from its mainland shoreline a Slow Speed Zone to protect manatees. Under the preferred alternative, the manatee protection area in the park would be modified so that 500 feet out from the shoreline would also be designated a Marine Reserve Zone, or Non-combustion Engine Use Zone, and 500 to 1,000 feet would remain designated a Slow Speed Zone. Within the Non-combustion Engine Use Zone, management would focus on protecting water-based resources and minimizing visitor use impacts. This zone would provide additional protection to the manatee by reducing the potential for boat-related injuries and mortality in the areas where manatees are most likely to occur. These zones are designed to provide boat operators time to react when they observe manatees, reducing the potential of striking the animals. The establishment of a Marine Reserve Zone, as well other restrictions, will likely benefit the West Indian manatee by reducing the number of motorized boats. Little to no manatee critical habitat will be altered.

The American crocodile is a frequent inhabitant of BNP. Crocodile habitat is typically along the shoreline in the mangroves and in canals. The Service has designated crocodile critical habitat as all land and waters encompassed by a line beginning at Turkey Point, traveling southeast to the southernmost point of Elliott Key and southwest along the eastern shorelines of the Florida Keys to the park. Turkey Point Power Plant cooling canals, located just south of the park's southern mainland boundary, are a major nesting area for American crocodiles. Juvenile crocodiles do inhabit the park and are infrequently observed by park staff and visitors. Visitor services and infrastructure would remain near current levels with the designated paths, a possible viewing platform, boardwalk, and jetty in the vicinity of Convoy Point. This area is north of the

designated critical habitat area for the crocodiles where there are few crocodiles, so the preferred alternative is not expected to impact their activities in the park. The mangroves south of the visitor center would continue to be managed for conservation. The establishment of a Marine Reserve Zone, as well other restrictions, will also likely benefit the American crocodile. Little, if any, development within designated critical habitat is proposed.

Green and loggerhead sea turtles are routinely observed within Biscayne Bay and nesting has been documented from May through August, primarily on Elliott Key. Most nesting activity is presumed to be by loggerhead sea turtles. The other species of sea turtles have only rarely been observed in the park, and are not known to nest on park beaches. Nesting behavior of sea turtles may be affected by noise from combustion-powered boats, and the preferred alternative could result in a fewer motorized boats in the park. Although Alternative 4 includes primitive campsites on Elliott Key, overall development there would be minimal because only the Breezeway Loop trail would be improved. There would not be a substantial amount of light from the campsites. Mitigation measures such as education efforts regarding the importance of reducing artificial light, additional monitoring and patrols as visitation increases and possible limitations on visitor numbers would reduce the level of adverse impacts. No new development affecting sea turtle nesting habitat would occur. Sea turtle nesting behavior may be affected by noise from combustion-powered boats, and the Marine Reserve Zone could result in fewer motorized boats in the park. Therefore, the establishment of a Marine Reserve Zone, as well other restrictions, will likely benefit nesting sea turtles.

In addition, the following measures are used by BNP during any construction activities to reduce and avoid impacts to threatened and endangered species:

- Turbidity curtains are deployed and checked throughout the day to ensure no crocodiles or manatees have become entangled.
- Vessel operators are required to adhere to no-wake and minimum wake zones.
- The Standard Manatee Construction Conditions for In-water Work (FWC, 2011) are employed.
- The NPS adheres to the standard protection measures for sea turtles.

Under the preferred alternative, visitor services and infrastructure would remain near current levels. In almost all cases, existing structures and developed areas would be redeveloped to provide new or expanded services. Overall, the Service finds the actions proposed in the DGMP/EIS preferred Alternative 4 will benefit the listed species under consideration. Based on this information, the Service concurs with NPS's determinations of MANLTAA the Schaus swallowtail butterfly, the West Indian manatee and its critical habitat, the American crocodile and its critical habitat, the green sea turtle, the hawksbill sea turtle, the Kemp's Ridley sea turtle, the leatherback sea turtle and the loggerhead sea turtle. In addition, the Service finds that implementation of the DGMP/EIS will likely have beneficial effects on the fish and wildlife resources in the area.

If you have any questions regarding this memorandum, please contact Winston Hobgood at 772-469-4306.

cc: electronic only
BNP, Homestead, Florida (Elsa Alvear)
FWC, Tallahassee, Florida (FWC-CPS)

LITERATURE CITED

Florida Fish and Wildlife Conservation Commission. 2011. Standard Manatee Conditions for In-water Work. Tallahassee, Florida. http://myfwc.com/docs/WildlifeHabitats/Manatee_StdCondIn_waterWork.pdf

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701-5505
(727) 824-5312; FAX 824-5309
http://sero.nmfs.noaa.gov

F/SER31:KL

SEP 19 2012

Mr. Mark Lewis
Superintendent, Biscayne National Park
National Park Service
9700 SW 328th Street
Homestead, FL 33133

Re: Biscayne National Park General Management Plan

Dear Mr. Lewis:

Enclosed is the National Marine Fisheries Service's (NMFS) biological opinion (opinion) based on our review of impacts associated with the Biscayne National Park General Management Plan (GMP). This opinion is based on project-specific information provided in the draft environmental impact statement as well as NMFS' review of published literature. This opinion analyzed the project effects on sea turtles, smalltooth sawfish, elkhorn and staghorn corals, and designated critical habitat for elkhorn and staghorn corals. We believe that the implementation of the GMP is likely to adversely affect green, loggerhead, and hawksbill sea turtles but is not likely to jeopardize their continued existence.

We look forward to further cooperation with you on other National Park Service projects to ensure the conservation and recovery of our threatened and endangered marine species. If you have any questions regarding this consultation, please contact Kelly Logan, consultation biologist, by e-mail at Kel.Logan@noaa.gov or (954) 356-6790.

Sincerely,

Roy E. Crabtree, Ph.D.
Regional Administrator

Enclosure

File: 1514-22.P
Ref: P/SER/2011/03871

Below is the link to the Biological Opinion, which is 176 pages—too long for this document.

http://parkplanning.nps.gov/BISC_GMP

IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D18

November 15, 2013

Reid Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, #803
Washington, D.C. 20004

Reference: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement

Dear Mr. Nelson:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission (FWC) and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

The SDEIS is enclosed for your review. Because new alternatives are now proposed and the agency preferred alternative has changed, we would like to provide your office with an

opportunity to comment on the new SDEIS. The National Park Service continues to believe that planning and treatments proposed within the document follow best practices for the treatment of cultural resources within the park. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the National Historic Preservation Act (NHPA). To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami-Dade and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representative to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom

Brian Carlstrom
Superintendent

cc: Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

D18

November 15, 2013

Kathleen Kauffman, Chief
Office of Historic and Archeological Resources
Miami-Dade County Planning and Zoning
111 NW 1st Street, Suite 695
Miami, Florida 33128

Reference: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement

Dear Ms. Kauffman:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

The SDEIS is enclosed for your review. Because new alternatives are now proposed and the agency preferred alternative has changed, we would like to provide your office with an

opportunity to comment on the new SDEIS. The National Park Service continues to believe that planning and treatments proposed within the document follow best practices for the treatment of cultural resources within the park. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the National Historic Preservation Act (NHPA). To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami-Dade and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representatives to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom
Superintendent

cc: Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

D18

November 15, 2013

Mr. Robert Bendus
State Historic Preservation Officer and Director
Division of Historic Resources
Florida Department of State
R.A. Gray Building, Fourth Floor
500 South Bronough Street
Tallahassee, Florida 32399-0250

Reference: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement

Dear Mr. Bendus:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

In September of 2011, your office commented on the initial DEIS (Re: DHR Project File No. 2011-3819, National Park Service – Biscayne National Park L7615), and indicated that treatment of

cultural resources described in the plan was adequate. Because new alternatives are now proposed and the agency preferred alternative has changed, we are requesting revised consultation in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (16 U.S.C. 470f), and its implementing regulation, 36 CFR 800, and the 2008 Programmatic Agreement Among the ACHP, NPS, and the NCSHPO.

The SDEIS is enclosed for your review. The National Park Service continues to believe that planning and treatments proposed within the document follow best practices for the treatment of cultural resources within the park, and requests your opinion on that assertion. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the NHPA. To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representative to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom
Superintendent

cc: Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

H26

November 15, 2013

Mr. Colley Billie, Chairman
Miccosukee Tribe of Indians of Florida
Post Office Box 440021, Tamiami Station
Miami, Florida 33144

Re: Government to Government Consultations with American Indian Tribes

Subject: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement.

Dear Chairman Billie:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

The SDEIS is enclosed for your review. Because new alternatives are now proposed and the agency preferred alternative has changed, we would like to provide you with an opportunity to comment on the new SDEIS. The National Park Service continues to believe that planning and treatments proposed

within the document follow best practices for the treatment of cultural resources within the park. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the National Historic Preservation Act (NHPA). To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami-Dade and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representative to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom
Superintendent

Enclosure

cc: Mr. Fred Dayhoff
Miccosukee Tribe of Indians of Florida
NAGPRA and Section 106 Representative
HC61 S.R. 68
Ochopee, FL 34141

Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

IN REPLY REFER TO:

H26

November 15. 2013

Mr. Leonard M. Harjo, Principal Chief
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Re: Government to Government Consultations with American Indian Tribes

Subject: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement.

Dear Principal Chief Harjo:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

The SDEIS is enclosed for your review. Because new alternatives are now proposed and the agency preferred alternative has changed, we would like to provide you with an opportunity to comment on the new SDEIS. The National Park Service continues to believe that planning and treatments proposed

within the document follow best practices for the treatment of cultural resources within the park. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the National Historic Preservation Act (NHPA). To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami-Dade and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representative to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom
Superintendent

Enclosure

cc: Ms. Natalie Deere
Historic Preservation Officer
Seminole Nation of Oklahoma
Post Office Box 1498
Wewoka, Oklahoma 74884

Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

IN REPLY REFER TO:

United States Department of the Interior

National Park Service
Biscayne National Park
9700 S. W. 328th Street
Homestead, Florida 33033-5634

H26

November 15, 2013

Mr. James E. Billie, Chairman
Seminole Tribe of Florida
6300 Stirling Road
Hollywood, Florida 33024

Re: Government to Government Consultations with American Indian Tribes

Subject: Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement.

Dear Chairman Billie:

Biscayne National Park is one of the largest marine parks in the National Park Service (NPS) and is visited by an average of more than 500,000 people each year. We have been working for more than a decade to develop a General Management Plan to guide the park's operations for years to come. The goals of the plan are to provide opportunities for diverse visitor experiences, enable coral reef habitat restoration, and provide for the preservation of the park's natural and cultural resources.

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement (DEIS) released to the public and your office in August 2011 received more than 18,000 public comments. Based on the comments received, the NPS undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the park's natural and cultural resources. Two new alternatives (Alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration and are presented in a Supplemental Draft General Management Plan / Environmental Impact Statement (SDEIS).

The two new alternatives, including the new Agency Preferred Alternative 6, offer a unique and innovative approach to managing marine ecosystems – a Special Recreation Zone. This new concept aims to accomplish the same objectives as the original preferred alternative, while allowing limited fishing opportunities. Our partner agencies believe that providing some access, while prohibiting certain activities that are most damaging to the coral reef system, will enable us to simultaneously achieve our visitor experience and resource protection goals.

The SDEIS is enclosed for your review. Because new alternatives are now proposed and the agency preferred alternative has changed, we would like to provide you with an opportunity to comment on the new SDEIS. The National Park Service continues to believe that planning and treatments proposed

within the document follow best practices for the treatment of cultural resources within the park. It should be noted that the development of the SEDIS was based upon concern and comments associated with the park's management of natural resources (namely fisheries), and that little has changed concerning our treatment of cultural resources. However, one item of note is that the since the original publication of the DEIS the park has acquired ownership of the National Register of Historic Places-listed Fowey Rocks Lighthouse. Our maintenance of that structure to the Secretary of the Interior's standards is now common to all alternatives proposed in the plan.

The SDEIS includes analysis pursuant to the National Environmental Policy Act (NEPA) as well as Section 106 of the National Historic Preservation Act (NHPA). To that effect, the document is prepared primarily using language pursuant to compliance with NEPA. For your convenience we recommend your attention to pages 98 through 100 where a description of how the NEPA language applies to normal NHPA determinations is presented, and to the descriptions of impacts to cultural resources presented in Chapter 4 of the document on pages 110-115, 134-137, and 147.

Public meetings on the SDEIS are scheduled to take place in the Miami and Monroe County areas in December of 2013. In addition to welcoming your written comments, we invite you or your representative to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

If you require any additional information, please contact me at 786-335-3646; or Ms. Elsa Alvear, Chief of Resource Management at 786-335-3623 or Mr. Charles Lawson, Archeologist at 786-335-3676.

Sincerely,

Brian Carlstrom
Superintendent

Enclosure

cc: Dr. Paul Backhouse
Tribal Historic Preservation Officer
30290 Josie Billie Highway
PMB 1004
Clewiston, FL 33440

Morgan Elmer ATTN: BISC GMP, Project Manager, National Park Service, Denver Service Center

SEMINOLE TRIBE OF FLORIDA
TRIBAL HISTORIC PRESERVATION OFFICE

TRIBAL HISTORIC
PRESERVATION OFFICE

SEMINOLE TRIBE OF FLORIDA
AH-TAH-THI-KI MUSEUM

30290 JOSIE BILLIE HWY
PMB 1004
CLEWISTON, FL 33440

PHONE: (863) 983-6549
FAX: (863) 902-1117

TRIBAL OFFICERS

CHAIRMAN
JAMES E. BILLIE

VICE CHAIRMAN
TONY SANCHEZ, JR.

SECRETARY
PRISCILLA D. SAYEN

TREASURER
MICHAEL D. TIGER

December 3, 2013

Charles Lawson
United States Department of the Interior
National Park Service
Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33033

THPO#: 0013024

Re: General Management Plan and Supplemental Draft Environmental Impact Statement, Biscayne National Park, Florida

Dear Mr. Lawson,

The Seminole Tribe of Florida's Tribal Historic Preservation Office (STOF-THPO) received the United States Department of the Interior's correspondence on November 25, 2013. The STOF-THPO has no objection to the proposed project at this time. However, the STOF-THPO would like to be informed if cultural resources that are potentially ancestral or historically relevant to the Seminole Tribe of Florida are inadvertently discovered at any time.

Thank you for the opportunity to review the information that has been sent regarding this project. Please reference ***THPO-0013024*** for any related issues.

Sincerely,

Geoffrey Wasson
Compliance Analyst
Seminole Tribe of Florida
30290 Josie Billie Hwy, PMB 1004
Clewiston, Florida 33440

863-983-6549 Ext. 12216

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

February 20, 2014

Mr. Mark Lewis
Superintendent
Biscayne National Park
9700 SW 328'h Street
Homestead, FL 33033

RE: **Biscayne National Park Supplemental Draft General Management Plan / Environmental Impact Statement**

Dear Mr. Lewis:

Pursuant to National Environmental Policy Act (NEPA) Section 102(2)(C) and the Clean Air Act (CAA) Section 309, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced Biscayne National Park Supplemental Draft General Management Plan/ Environmental Impact Statement (SDEIS). General management plans are intended to be long-term documents that establish and articulate a management philosophy and framework for decision making and problem solving in units of the national park system. General management plans usually provide guidance during a 15- to 20-year period.

Background

The 2011 Draft GMP/EIS was released to the public in August 2011 and reflected agency and stakeholder engagement throughout the entire GMP process. The National Park Service conducted public scoping meetings and workshops (in 2001, 2003, and 2009) and held three public meetings on the Draft GMP/EIS in 2011. During the public comment period in 2011, more than 18,000 public comments were received and more than 300 people attended public meetings. A key component of the agency-preferred alternative in the 2011 Draft GMP/EIS was inclusion of a marine reserve zone. Most comments were related to fishing, and in particular, the marine reserve zone. The marine reserve zone was proposed as an area in the park where fishing of any kind would be prohibited to allow a portion of the coral reef system to recover and offer visitors a high-quality visitor experience associated with a healthy, intact coral reef system.

During the August 2011 public comment period, a number of substantive comments were received that identified both positive and negative impacts related to the establishment of the marine reserve zone. In particular, individuals who fish, fishing and marine industry organizations, and the Florida Fish and Wildlife Conservation Commission with whom the

Internet Address (URL) • http://www.epa.gov
Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

National Park Service consults regarding fishing management actions in the park, raised a number of significant issues about the NPS preferred alternative, including the marine reserve zone. The position of the State of Florida was that any consideration of a marine reserve zone could only occur after measurable management objectives have been clearly defined and less restrictive management measures have been appropriately implemented and evaluated in close coordination with agencies and stakeholders.

Based on the comments received, the National Park Service undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience, while protecting the park's natural and cultural resources. Thus, two new alternatives were developed in consultation with the Florida Fish and Wildlife Conservation Commission and presented in this Supplemental Draft Environmental Impact Statement for public consideration. Some other comments resulted in minor changes to the text of this SDEIS or will be reflected in the Final General Management Plan / Environmental Impact Statement.

In developing the two new alternatives, the National Park Service, in conjunction with the Florida Fish and Wildlife Conservation Commission, is attempting a novel approach to managing special marine ecosystems in a way that might accomplish the same goals as a marine reserve, without completely eliminating harvest. The partner agencies believe an approach that limits access and prohibits specific activities that are most damaging to the coral reef system, implemented within the framework of an adaptive management strategy, could successfully manage special marine areas that are important to a diverse set of user groups.

Alternatives

Based on the comments received, the National Park Service undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience, while protecting the park's natural and cultural resources. Two new alternatives (alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission and the National Oceanic and Atmospheric Administration Fisheries and presented in this Supplemental Draft General Management Plan / Environmental Impact Statement. These alternatives contain many of the same elements as the original agency preferred alternative (alternative 4), except that instead of including a marine reserve zone, the alternatives include a new concept referred to as a special recreation zone. The special recreation zone is larger than the marine reserve zone in alternative 4, but still covers only about 8% of the park.

ALTERNATIVE 1: NO-ACTION ALTERNATIVE

The no-action alternative consists of the continuation of existing management and trends at Biscayne National Park and provides a baseline for comparison in evaluating the changes and impacts of the other alternatives. The National Park Service would continue to manage the park as it is currently being managed. Existing operations and visitor facilities would continue, and no new construction would be authorized other than what has already been approved and funded.

Current law, policy, and plans would continue to provide the guidance framework. The important impacts of continuing existing management conditions and trends would include a continuation of existing adverse effects on natural resources, an adverse effect on cultural resources, a continuation of adverse effects on visitor experience, a continuation of adverse effects on park operations, and a continuation of existing effects on the socioeconomic environment.

ALTERNATIVE 6: NPS PREFERRED ALTERNATIVE

This alternative would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Other areas, such as the Legare Anchorage, would be reserved for limited types of visitor use.

As part of an adaptive management strategy, this alternative includes a special recreation zone that accommodates some recreational fishing by special permit while meeting the goal of providing a healthier coral reef ecosystem for a more enjoyable and diverse visitor experience.

Many of the existing adverse impacts to fisheries, coral reefs, submerged cultural resources, and identified listed species would persist in much of the park due to impacts associated with boating, fishing, and marine debris. However, some of these impacts would be reduced and there would be additional beneficial impacts in the special recreation zone and in other areas with protective zoning. There would also be adverse impacts to park operations and both beneficial and adverse impacts to visitor experience and socioeconomic environment. The Florida Fish and Wildlife Conservation Commission would actively participate in the implementation of alternative 6, including permitting, research, monitoring, or rule development.

ALTERNATIVE 7

Like alternative 6, this alternative would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Other areas, such as the Legare Anchorage, would be reserved for limited types of visitor use.

This alternative is similar to alternative 6 in that it incorporates an adaptive management approach to the special recreation zone. This alternative includes fishing limitations such as a seasonal fishing closure that accommodates some recreational fishing while meeting the goal of providing a healthy coral reef ecosystem for a more enjoyable and diverse visitor experience.

Many of the existing adverse impacts to fisheries, coral reefs, submerged cultural resources, and identified listed species would persist in much of the park due to impacts

associated with boating, fishing, and marine debris. However, some of these impacts would be reduced and there would be additional beneficial impacts in the special recreation zone and in other areas with protective zoning. Some of these benefits would be greater under alternative 7 when compared with alternative 6. There would also be adverse impacts to park operations and both beneficial and adverse impacts to visitor experience and socioeconomic environment.

In addition, the Florida Fish and Wildlife Conservation Commission would not participate in the research, monitoring, or rule development process associated with this alternative. All regulatory changes required under this alternative would be implemented via federal special regulation.

EPA Concerns and Recommendations

Although EPA generally supports Alternative 6: The NPS Preferred Alternative, we have concerns, as acknowledged in the SDEIS, that Park fishery resources are stressed from regional overfishing. One of the main indicators of such fishing pressure is that large specimens have been selectively extracted such that mature, large and fecund females are no longer providing their significant contribution to recruitment. Based on the current reduced population levels, fishery stocks must not only sustain the existing population but actually expand (restore) it back to sustainable levels. Consequently, the Final Management Plan (FMP) should contain fishery management measures than result in restoration to sustainable populations.

According to the SDEIS, implementation of any of the action alternatives (6,7) may improve the fishery resources of the Park above current levels. However, EPA recommends the Park restores fishery stocks to sustainable levels, at a minimum. Therefore, EPA's primary concern with the SDEIS is that the varying levels of recovery presented for the alternatives - including the preferred alternative – are not related back to sustainability.

Recommendation: To determine an appropriate metric to define a "sustainable" harvest, EPA recommends consultation with the National Marine Fishery Service (NMFS), FWS, NPS, their state counterparts such as the Florida Fish and Wildlife Conservation Commission (FWC), and the Park staff. If relevant for the commercial and/or recreational fisheries of the Park, such a metric of sustainability might be a traditional harvest level such as the Maximum Sustainable Yield (MSY) for each stressed fishery species within the Park. EPA would consider MSY as the minimum target for Park recovery. Ideally, the level of harvest could be further reduced beyond an MSY recovery to restore populations to above sustainable levels such as the Optimum Yield (OY) to increase the Park experience.

Recommendation: To the extent feasible, commitments should be made in the Record of Decision (ROD) - but preferably in the FEIS - for the implementation of fishery management measures that reach the recovery goals of each alternative presented, particularly for the preferred alternative in the FEIS. Moreover, the monitoring, performance measures and enforcement of the fishery management measures of the selected FMP should be further discussed in more detail in the FEIS and ROD.

Recommendation: The FEIS should explain using environmental information how the proposed recreational-user permit system will realize a positive impact on the size and abundance of targeted invertebrate species populations.

Recommendation: The FEIS should discuss whether a disproportionate burden is being placed on the recreational fisher by implementing a recreational-user permit and eliminating the recreational lobster sport season when the commercial fisher appears to have the greater fishery impacts. And if a disproportionate burdened is indeed being placed on the recreational fisher, the rational for this burden placement should be discussed.

Green Building

In the spirit of collaboration and technical assistance the EPA recommends some sustainability concepts which could be considered in the final management plan.

Green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from design to, construction, operation, maintenance, renovation and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high performance building.

Green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation

For example, green buildings may incorporate sustainable materials in their construction (e.g., reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimal pollutants (e.g., reduced product emissions); and/or feature landscaping that reduces water usage (e.g., by using native plants that survive without extra watering).

In the United States, buildings account for:

- 39 percent of total energy use
- 12 percent of the total water consumption
- 68 percent of total electricity consumption
- 38 percent of the carbon dioxide emissions

Potential benefits of green building can include:

Environmental benefits

Enhance and protect biodiversity and ecosystems

Improve air and water quality
Reduce waste streams
Conserve and restore natural resources

Economic benefits

Reduce operating costs
Create, expand, and shape markets for green product and services
Improve occupant productivity
Optimize life-cycle economic performance

Social benefits

Enhance occupant comfort and health
Heighten aesthetic qualities
Minimize strain on local infrastructure

Green Parking

Green parking refers to several techniques that when applied together reduce the contribution of parking lots to total impervious cover. From a storm water perspective, green parking techniques applied in the right combination can dramatically reduce impervious cover and, consequently, reduce the amount of storm water runoff. Green parking lot techniques include: setting minimums of permanent parking spaces; minimizing the dimensions of parking lot spaces; utilizing alternative pavers in overflow parking areas; using bioretention areas to treat storm water; encouraging shared parking.

Green parking lots can dramatically reduce the creation of new impervious cover. How much is reduced depends on the combination of techniques used to achieve the greenest parking. While the pollutant removal rates of bioretention areas have not been directly measured, their capability is considered comparable to a dry swale, which removes 91 percent of total suspended solids, 67 percent of total phosphorous, 92 percent of total nitrogen, and 80-90 percent of metals (Claytor and Schueler, 1996).

North Carolina's Fort Bragg vehicle maintenance facility parking lot is an excellent example of the benefits of rethinking parking lot design (NRDC, 1999). The redesign incorporated storm water management features, such as detention basins located within grassed islands, and an onsite drainage system that exploited existing sandy soils. The redesign reduced impervious cover by 40 percent, increased parking by 20 percent, and saved 20 percent or $1.6 million on construction costs over the original, conventional design.

Briefly three other sustainable activities which may applicable to the Park Service's general management plan are as follows:

- **Green Detention Ponds**
- **Rain Water Harvesting**
- **Rain Gardens**

Thank you for the opportunity to review this SDEIS. We rate this document LO (Lack of Objections). However, as noted above, additional information, data, analyses, or discussion should be included in the FEIS. We appreciate the opportunity to review the proposed action. Please contact Ken Clark of my staff at (404) 562- 8282 if you have any questions or want to discuss our comments further.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office

FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

Mr. Brian Carlstrom
United States Department of the Interior
National Park Service Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33033-5634

January 22, 2014

Re: DHR Project File Number: 2013-5379
Biscayne National Park, General Management Plan and Supplemental Draft Environmental Impact Statement

Dear Mr. Carlstrom:

This office reviewed the referenced project for possible impact to historic properties listed, or eligible for listing, on the *National Register of Historic Places.* The review was conducted in accordance with Section 106 of the *National Historic Preservation Act of 1966*, as amended, *36 CFR Part 800: Protection of Historic Properties* and the *National Environmental Policy Act of 1969,* as amended.

It is the opinion of this office that the *General Management Plan and Draft Environmental Impact Statement* adequately addresses cultural resources located within the Biscayne National Park

For any questions concerning our comments, please contact Deena Woodward, Community Assistance Consultant at 850.245.6333, or by electronic mail at deena.woodward@dos.myflorida.com. We appreciate your continued interest in protecting Florida's historic properties.

Sincerely

Robert F. Bendus, Director
Division of Historical Resources
and State Historic Preservation Officer

VIVA FLORIDA 500.

DIVISION OF HISTORICAL RESOURCES
R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6300 • www.flheritage.com
Commemorating 500 years of Florida history **www.fla500.com**

VIVA FLORIDA 500.

01-27-14
FLORIDA DEPARTMENT OF STATE
DIVISION OF HISTORICAL RESOURCES
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250
RETURN SERVICE REQUESTED
PRESORT FIRST CLASS
U.S POSTAGE PITNEY BOWES
ZIP 32301 $ 000.40⁵
02 1W
0001377069 JAN 24 2014
Brian Carlstrom
United States Department of the Interior
National Park Service Biscayne National Park
9700 S.W. 328th Street
Homestead, FL 33033-5634
11 LYO-1MB 33033

Alvear, Elsa <elsa_alvear@nps.gov>

RECEIVED
APR 09 2014
South Florida ES Office
Vero Beach, FL

Biscayne National Park sec 7 consultation for its GMP SDEIS?

Alvear, Elsa <elsa_alvear@nps.gov> Tue, Apr 8, 2014 at 10:27 AM
To: Shawn Christopherson <shawn_christopherson@fws.gov>
Cc: verobeach@fws.gov

Hello Mr. Christopherson,

As you saw in the emails from Tori, it appears your office never received the Supplemental Draft EIS for the General Management Plan for Biscayne National Park. I am FedExing you another copy of the Supplemental Draft EIS for our General Management Plan. Here is the signed ESA Sec 7 consultation letter we originally sent in November, as well as a Word version that will make it easy for you to cut and paste, if convenient, in your agency response to us. Please send the response back to Superintendent, Biscayne National Park, 9700 S.W. 328th Street, Homestead, FL 33033 and if you would please email me a Word and signed pdf version of the FWS response I would greatly appreciate it. I ask for the Word copy as well since we use a software program to manage our NEPA correspondence. Thank you very much. If you have any questions please do not hesitate to contact me either by email or my cell phone at 305-281-0500. Thank you!

On Tue, Apr 8, 2014 at 10:13 AM, Alvear, Elsa <elsa_alvear@nps.gov> wrote:
[Quoted text hidden]
[Quoted text hidden]

2 attachments

BISC GMP SDEIS Sec 7 letter to USFWS_Signed.pdf
11950K

BISC GMP SDEIS Sec 7 letter to USFWS.docx
148K

United States Department of the Interior
NATIONAL PARK SERVICE

Biscayne National
9700 S.W. 328th S
Homestead, Florida

In Reply Refer to:
L7615

RECEIVED
APR 03 2014
South Florida ES Office
Vero Beach, FL

November 15, 2013

Mr. Larry Williams
Field Supervisor
South Florida Ecological Service Field Office
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1339-20th Street
Vero Beach, Florida 32960

U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960
772-562-3909 Fax 772-562-4288

FWS Log No. 2011-CPA-0291

The proposed action is not likely to adversely affect resources protected by the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et. seq.).

This fulfills the requirements of section 7 of the Act and further action is not required. If modifications are made to the project, if additional information involving potential effects to listed species becomes available, or if a new species is listed, reinitiation of consultation may be necessary.

for Victoria A. Foster
Larry Williams, State Supervisor

05/02/14
Date

Re: Section 7 Consultation
Draft Supplemental General Management Plan/Environmental Impact Statement
Biscayne National Park
Miami-Dade County

Dear Mr. Williams:

The Biscayne National Park Draft General Management Plan/Environmental Impact Statement released to the public in August 2011 received more than 18,000 public comments, including consultation with your agency. Based on the comments received, the National Park Service (NPS) undertook an evaluative process to consider a number of management actions that could be deployed to achieve the goal of providing a diversified visitor use experience, while protecting the Park's natural and cultural resources. Two new alternatives (alternatives 6 and 7) were developed in consultation with the Florida Fish and Wildlife Conservation Commission (FWC) and the National Oceanic and Atmospheric Administration (NOAA) and are here presented in this enclosed Supplemental Draft General Management Plan / Environmental Impact Statement ("the plan").

In developing the two new alternatives – including the new Agency Preferred Alternative 6, the National Park Service (NPS), in conjunction with the FWC, is attempting a novel approach to managing special marine ecosystems in a way that might accomplish the same goals as a marine reserve zone, without completely eliminating harvest. The partner agencies believe that the proposed approach of limiting access while fully prohibiting specific activities which are most damaging to the coral reef system, implemented within the framework of an adaptive management strategy, could manage special marine areas that are important to a diverse set of user groups.

We therefore are requesting a revised Section 7 consultation as described in the Endangered Species Act, as amended. Enclosed for your review and comment is the Supplemental Draft General Management Plan/ Environmental Impact Assessment for Biscayne National Park.

Additionally, we invite you and your staff to attend any of three identical public meetings as follows:

December 9	December 10	December 11
6 – 9 pm	6 – 9 pm	6 – 9 pm
UM Newman Alumni Center	Florida City's City Hall	Holiday Inn Key Largo
6200 San Amaro Drive	404 W. Palm Drive	99701 Overseas Hwy
Coral Gables, FL 33146	Florida City, FL 33034	Key Largo, FL 33037

These public meetings will provide an opportunity for the public to learn about the supplemental draft plan and the new alternatives contained within it and to submit verbal and/or written comments. Presentations, exhibits, and park staff will be available to facilitate understanding of the plan. We would appreciate receiving your comments by February 20, 2014, the end of the public comment period.

PLAN BACKGROUND

Biscayne National Park is one of the largest marine parks in the National Park system and features a spectacular array of mangrove, coastal hammocks, seagrass, hardbottom, and coral reef habitats. The park is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling and SCUBA diving, picnicking, wildlife viewing, and birding. Much has changed since the last comprehensive management plan for the park was completed in 1983: the population near the park has greatly increased, visitor use patterns and types have changed, and people have brought new recreational activities into the park. Each of these changes has implications for how visitors access and use the national park and the facilities needed to support those uses, how resources are managed and protected, and how the National Park Service manages its operations. This supplemental draft plan provides two new alternatives that propose novels ways to manage diversified visitor use experiences within Biscayne National Park for the next 15 to 20 years. The new alternatives are as follows:

Alternative 6 is the National Park Service's new **preferred alternative** and would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Some areas would be reserved for limited types or amounts of visitor use. The preferred alternative is described in detail beginning on page 49 of the enclosed plan. The highlight of Alternative 6 is the "special recreation zone", which has the following features:

- recreational fishing permitted year-round with a special permit required
- hook and line fishing only, with exception of lampara nets for the ballyhoo fishery
- no grouper harvest allowed

2

- no lobster harvest (recreational or commercial)
- no spearfishing, with the exception of nonnative lionfish
- anchoring prohibited
- all other state and federal fishing regulations apply
- no commercial fishing, with exception of the ballyhoo lampara net fishery
- snorkeling and diving allowed
- active removal of marine debris
- initiation of a research and monitoring program to inform adaptive management of the zone
- adoption of an adaptive management strategy

Alternative 7 would emphasize strong natural and cultural resource protection while providing a diversity of visitor experiences. Visitor opportunities in this alternative would range from the challenges of exploring the natural environment alone to the convenience of built surroundings. A limited amount of moderate resource impacts would be tolerated in high-use areas of the park. Some visitor activities would be restricted in certain areas to protect sensitive resources and allow wildlife a respite from human contact. Other areas, such as the Legare Anchorage, would be reserved for limited types of visitor use. This alternative is described in detail beginning on page 57 of the enclosed plan. This alternative is similar to Alternative 6 in that it incorporates an adaptive management approach to the special recreation zone. The special recreation zone in this alternative features the following:

- angler access prohibited during summer season
- hook and line fishing only, with the exception of lampara nets for the ballyhoo fishery
- no grouper harvest allowed
- no lobster harvest (recreational or commercial)
- no spearfishing, with the exception of the nonnative lionfish
- anchoring prohibited
- all other state and federal fishing regulations apply
- no commercial fishing, with the exception of the ballyhoo lampara net fishery
- snorkeling and diving allowed
- active removal of marine debris
- initiation of a research and monitoring program to inform adaptive management of the zone
- adoption of an adaptive management strategy

NATIONAL PARK SERVICE DETERMINATIONS ON THREATENED AND ENDANGERED SPECIES:

A detailed discussion of threatened and endangered species occurring in Biscayne National Park and the effect determinations of each alternative on these species can be found beginning on page 86 of Chapter 3 and page 122 of Chapter 4, respectively. The proposed NPS action is

to implement Alternative 6, and NPS determinations for federally listed species are shown below; however, please feel free to comment on any of the alternatives, including but not limited to the no-action alternative (Alternative 1) and the environmentally preferred alternative (Alternative 5) (contained within the original Draft Environmental Impact Statement). We request that FWS concur with our effect determinations for the species listed below. The determinations are summarized in the table below, followed by more detailed explanation. Our agency is also completing consultation with the National Marine Fisheries Service regarding impacts to those species which they oversee.

Species	Scientific Name	Effect Determination	Relevant pages in the plan
Florida manatee	*Trichechus manatus latirostrus*	May affect, not likely to adversely affect	122
Sea turtles (nesting)	*Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbriocota*, and *Dermochelys coriacea*	May affect, not likely to adversely affect	122-123
American crocodile	*Crocodylus acutus*	May affect, not likely to adversely affect	123
Schaus Swallowtail Butterfly	*Heraclides aristodemus ponceanus*	May affect, not likely to adversely affect	125
Miami Blue Butterfly	*Cyclargus thomasi bethunebakeri*	May affect, not likely to adversely affect	125

Florida Manatees: Manatees are routinely observed within Biscayne National Park between October and May, and are occasionally observed in the park between June and September. The park, in cooperation with the state and Miami-Dade County, has implemented a Slow Speed Zone along the entire mainland coastline in the park. This zone extends out 1,000 feet from the mainland shoreline. The Slow Speed Zone in the park is consistent with areas so designated outside park boundaries. These zones are designed to provide boat operators time to react when they observe manatees, reducing the potential of striking the animals. The expanded Slow Speed Zone under the preferred alternative would provide boat operators a greater opportunity to respond to manatee sightings and thereby avoid collisions with manatees. The expanded Slow Speed zone would also result in fewer boat groundings in seagrass beds, an important habitat/food source for manatees. The modifications to the manatee protection area and zoning would have a long-term, beneficial impact on manatees in the park. Measurable beneficial outcomes on individual manatees and the manatee population because of the protective zones are likely. This would equate to a "may affect, not likely to adversely affect" determination.

Nesting Sea Turtles: Green and loggerhead turtles are routinely observed within Biscayne Bay and nesting has been documented primarily on Elliott Key. Most nesting activity is presumed to be from loggerhead turtles; only one green sea turtle nest has ever been documented in the park. Nesting behavior of sea turtles may be affected by noise from combustion-powered boats, and the preferred alternative could result in a reduced number of combustion-powered boats in the park. Overall development on Elliott Key would be minimal

4

because only the breezeway loop trail would be improved. There would not be a substantial amount of light from the campsites, and camping is not a popular activity during the summer months of the sea turtle nesting season. Mitigation measures such as education efforts regarding the importance of reducing artificial light, additional monitoring and patrols as visitation increases, and possible limitations on the number of visitors would reduce the level of adverse impacts. No new development would occur. Overall, the effects of actions under Alternative 6 are likely to slightly benefit sea turtle nesting activity compared to current management actions, and thus may affect, but are not likely to adversely affect sea turtle nesting activity.

American Crocodile: Crocodile habitat is typically along the shoreline in the mangroves and in the canals. The USFWS has designated all land and waters encompassed by a line beginning at Turkey Point traveling southeast to the southernmost point of Elliott Key and southwest along the eastern shorelines of the keys to the park boundaries as critical habitat. Turkey Point Power Plant cooling canals, located just south of the park's southern mainland boundary, are a major nesting area for American crocodiles. Juvenile crocodiles do inhabit the park and are infrequently observed by park staff and/or visitors. Under the preferred alternative, visitor services and infrastructure would remain near current levels with the designated paths, a possible viewing platform, boardwalk, and jetty in the vicinity of Convoy Point. This area is north of the designated critical habitat area for the crocodiles where few crocodiles are so this alternative would not be expected to impact their activities in the park. The mangroves south of the visitor center would continue to be managed primarily to protect the natural habitat characteristics of the area. No additional development within the designated critical habitat would be proposed under this alternative. The impacts of activities on crocodile habitat and activities along the mainland shore would be long-term, negligible and adverse. The non-combustion engine use zone would include the eastern shoreline of Old Rhodes Key and the waters around Totten Key, which would result in few visitors using this area. Crocodiles, if present in this area, could benefit from the reduce presence of people and the lack of combustion engines. If, because of human population pressure along the mainland, crocodiles begin to venture across the bay, there could be increased interaction between visitors and crocodiles around Old Rhodes and Totten keys. The developed area at Adams Key provides an excellent opportunity to orient visitors to this area of the park, including appropriate actions when traveling in crocodile habitat. With mitigation, the long-term adverse impact of this alternative on the crocodile population in this area of the park would be negligible. As a whole, the park protects habitat for the crocodile and serves to further its conservation through education and law enforcement, resulting in long-term beneficial impacts to this species.The long term impacts on the American crocodile under alternative 6 would be both beneficial due to habitat protection and education as well as negligible and adverse in localized areas. Mitigation measures would be put in place in the event of more human-crocodile interactions because of population pressures near the park. Overall, this would equate to a "may affect, not likely to adversely affect" determination for the American crocodile.

Schaus Swallowtail Butterfly and Miami Blue Butterfly: The largest numbers of Schaus swallowtail butterfly are observed within the boundaries of Biscayne National Park, particularly along trail edges within the hardwood hammocks of Elliott and Adams Keys.

5

Schaus swallowtails are monitored annually during the May-June flight period. Although several thousand captive-hatched Miami Blue caterpillars were reintroduced on Elliott Key in 2007 with the objective of establishing an experimental population, no adult Miami blue butterflies have since been observed within the park during any butterfly inventory surveys.
New development on Adams Key where butterfly habitat exists would be limited in scale to include only the staging area for canoes and kayaks and possibly minimal facilities for the environmental education center. The level of development on the island would occur near the shore where the habitat is less suitable for butterflies and would be unlikely to impact butterfly populations or habitat on the island. The impacts to listed butterflies would be lon-term, negligible, and adverse. On Elliott Key the potential disturbance of the butterfly population or habitat would be slight because only the loop trail would be made universally accessible, but this would not alter its footprint or measurably increase visitor use. The potential disturbance of the butterfly populations would be slight and impacts would be long-term, adverse and negligible. Old Rhodes and the other southern keys would be zoned for nature observation, and Swan Key would be zoned as a sensitive resource area. Impacts on the hardwood hammocks on these keys would not change under this alternative. There would be no short-term or long-term impacts on butterfly populations and habitat caused by this alternative. Continued protection of butterfly habitat on these keys would generally be a beneficial impact to these butterfly species. Thus, the impacts on the Schaus swallowtail and Miami blue butterflies would be both beneficial in some locations and negligible and adverse in some locations, but mitigation measures to protect the species' habitat and breeding season are likely to be successful. Overall, the preferred alternative "may affect, but is not likely to adversely affect" the Schaus swallowtail and Miami blue butterflies.

Thank you for your attention to this important project. If you have any questions or concerns, please contact Elsa Alvear, Chief of Resource Management, at (305) 230-1144 ext 002 or elsa_alvear@nps.gov.

Sincerely,

Brian Carlstrom
Superintendent

Enclosure

Draft Supplemental General Management Plan/Environmental Impact Statement

6

USFWS SFESO Concurrence Justification Form

Worksheet must be completed with Supervisor Approval Prior to sending concurrence.

Project Name: Biscayne NP General Management Plan EIS	**FWS Fed Activity #:** 2011-CPA-0291
Project Location: Biscayne National Park	**Lead Agency #:** L7615
File Location: L:\Project Planning\Activities\2014\Miami-Dade\Biscayne NP General Management Plan EIS\	**Biologist:** Christopherson

Was GIS Check performed: ✓ Yes **Date:** 04/14/2014 ☐ No **If No, Why?** (please give a brief explanation of why GIS was not needed below).

BNP is utilized for a variety of activities, including boating, recreational and commercial fishing, snorkeling, SCUBA diving, picnicking, wildlife viewing, and birding. Since BNP's last comprehensive management plan was completed in 1983, the population near the park has increased, and visitor use has increased and changed. These changes have implications for how visitors access and use BNP. The updated DGMP/EIS outlines the facilities needed to support new uses, how resources are managed and protected and how the National Park Service (NPS) manages its operations. The new November 2013 plan examines 2 additional alternatives along with the previous 5 alternatives reviewed by the Service in 2011 for managing the park over the next 15 to 20 years. The NPS proposes in its DGMP/EIS to implement the preferred alternative, Alternative 6, for areas within BNP.

Species Present in Project Area and Determination made by Action Agency

Species	Determination	Species	Determination
Manatee	MANLAA		
Sea Turtles	MANLAA		
American Crocodile	MANLAA		
Schaus Swallowtail	MANLAA		
Miami Blue	MANLAA		

Justification for Concurrence (sticker recommended)

Manatee: A Slow Speed Zone along the entire mainland coastline in the park and extending out 1,000 feet from the mainland shoreline has been implemented and would likely have a long-term, beneficial impact on manatees within the park.

Nesting Sea Turtles: Green and loggerhead sea turtles are routinely observed within Biscayne Bay and nesting has been documented from May through August, primarily on Elliott Key. Overall development is minimal on Elliot Key because only the Breezeway Loop trail would be improved. There would not be a substantial amount of light from the campsites. No new development affecting sea turtle nesting habitat would occur. Mitigation measures such as education efforts regarding the importance of reducing artificial light, additional monitoring and patrols as visitation increases and possible limitations on visitor numbers would reduce the level of adverse impacts.

American Crocodile: Under the preferred alternative, visitor services and infrastructure would remain near current levels with the designated paths, a possible viewing platform, boardwalk, and jetty in the vicinity of Convoy Point. This area is north of the designated critical habitat area for the crocodiles where few crocodiles are so this alternative would not be expected to impact their activities in the park. The mangroves south of the visitor center would continue to be managed primarily to protect the natural habitat characteristics of the area. No additional development within the designated critical habitat would be proposed under this alternative.

Schaus Swallowtail Butterfly and Miami Blue Butterfly: The largest numbers of the Schaus swallowtail butterfly are observed in the hardwood hammocks of Adams and Elliot Keys, during the May to June flight period. In Schaus swallowtail butterfly habitat, new development on Adams Key would include only the staging area for canoes and kayaks and possibly minimal facilities for the environmental education center. The level of development on the island would occur near the shore and would be unlikely to impact the butterfly population or habitat on the island. On Elliott Key, the potential disturbance of the butterfly population or habitat would be slight because only an existing loop trail would be made universally accessible. No new development is proposed in Schaus swallowtail butterfly habitat; therefore, none would be affected. Some slight disturbance may occur due to increased visitor use; however, the long-term adverse impact on the butterfly population and habitat would likely be negligible.

Under the preferred alternative, visitor services and infrastructure would remain near current levels. In almost all cases, existing structures and developed areas would be redeveloped to provide new or expanded services. Overall, the Service finds the actions proposed in the DGMP/EIS preferred Alternative 6 will benefit the listed species under consideration. Based on this information, the Service concurs with NPS's determinations of MANLAA the Schaus swallowtail butterfly, Miami Blue butterfly, the West Indian manatee and its critical habitat, the American crocodile and its critical habitat, the green sea turtle, the hawksbill sea turtle, the Kemp's Ridley sea turtle, the leatherback sea turtle and the loggerhead sea turtle. In addition, the Service finds that implementation of the DGMP/EIS will likely have beneficial effects on the fish and wildlife resources in the area.

Supervisor Questions/Notes

S. Christopherson	5/16/2014	Victoria A. Foster	05/22/14
Biologist Signature	**Date**	**Supervisor Signature**	**Date**

USFWS SFESO Concurrence Justification Form - 2013 October

Preserving America's Heritage

April 24, 2014

Mr. Brian Carlstrom
Superintendent
Biscayne National Park
9700 S.W. 328th Street
Homestead, Florida 33033-5634

REF: Comment on the Supplemental Draft General Management Plan/ Environmental Impact Statement for the Biscayne National Park

Dear Mr. Carlstrom:

The Advisory Council on Historic Preservation (ACHP) has reviewed the Supplemental Draft General Management Plan (GMP)/ Environmental Impact Statement (EIS) for the Biscayne National Park in Florida. In addition, we have reviewed our files, which indicate that the NPS notified the ACHP in 2009, that the NPS would be using the process and documentation for the EIS to comply with Section 106 of the National Historic Preservation Act in accordance with the our regulations at 36 CFR § 800.8(c). The ACHP acknowledged such notice in our letter to the NPS dated October 20, 2009.

In the Supplemental Draft GMP/EIS, the NPS states that one of the goals of the plan is to benefit the known historic and cultural resources in the National Park. The NPS also acknowledges in the plan that, because of its general scope, the details necessary to assess the potential effects of the individual undertakings which may stem from the plan are not available at this time. Accordingly, the NPS proposes to complete the Section 106 process for each subsequent undertaking.

The ACHP does not object to the NPS proposed approach to Section 106 compliance. However, we suggest that the NPS consider including a specific Section 106 finding in the Final EIS and Record of Decision (ROD) for the GMP. We suggest the following paragraph for your consideration in the preparation of these documents:

> *In accordance with the provisions at 36 CFR § 800.8(c), the NPS set out to use the process and documentation required for the preparation of this EIS to comply with Section 106 of the National Historic Preservation Act. Through these integrated processes, the NPS was able to consult with parties with an interest in historic preservation including the Florida State Historic Preservation Office and Indian tribes. In consultation with these parties, the NPS was able to identify historic properties listed in or eligible for inclusion in the National Register of Historic Places within the broadly defined area of potential effects for the General Management Plan. However, due to the general nature of the General Management Plan and the relative uncertainty of the nature of federal undertakings which may stem from it, the NPS cannot yet assess the potential effects of these undertakings on historic properties. The General Management*

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Plan is part of the "nondestructive project planning" for these prospective undertakings, and as such does not "restrict the subsequent consideration of alternatives to avoid, minimize or mitigate [a specific] undertaking's adverse effects on historic properties" in accordance with 36 CFR § 800.1(c). Accordingly, the NPS finds that no historic properties will be affected by the development of the General Management Plan in accordance with 36 CFR 800.4(d)(1). Further, the NPS commits in this decision to complete the Section 106 review for each undertaking that may stem from the General Management Plan in accordance with the Programmatic Agreement among the National Park Service, the ACHP, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National historic Preservation Act (2008) and the Section 106 implementing regulations, "Protection of Historic Properties" (36 CFR Part 800).

If you wish to discuss these comments and suggestions, please contact Katry Harris by telephone at (202) 606-8520 or by e-mail at kharris@achp.gov.

Sincerely,

Caroline D. Hall
Assistant Director
Federal Property Management Section
Office of Federal Agency Programs

APPENDIX D: PURPOSE AND AUTHORITY FOR MARINE RESERVE ZONE AND SPECIAL RECREATION ZONE

MARINE RESERVE ZONE

Purpose and Need

Despite the park and agency's missions, the coral reef ecosystems have been in decline in Biscayne National Park, due in large part to anthropogenic pressures including fishing pressure and vessel groundings as well as a number of factors outside the control of marine park managers such as climate change, nutrient loading, and disease (Elvear 2012). Urban areas adjacent to the park have a population of ~2.5 million people locally and ~6 million people regionally; over half a million people visit the park each year for a nearly 2.5 fold increase since park establishment (NPS 2011). The recreational vessel fleet in South Florida has grown 444% between 1964 and 1998 (Ault et al. 2001), and there are significantly increasing trends for both the number of people participating in fishing along the east coast of Florida and the number of fishing trips anglers take (NMFS 2001). Both recreational and commercial fishing occur within the park, and technological advances such as fish finders, depth indicators, global positioning systems, communications systems, improved vessel designs, increased engine horsepower, SCUBA, and spear guns, have facilitated both commercial and recreational fishers to reach, locate, and harvest fish. In the Florida Keys, 77% of the 35 reef stocks are overfished (Ault et al. 2001). Within the park, 64% of species were observed less frequently 2006-2007 than they were in 1977-1981, with mean species richness (including fishery-targeted species) also declining in a range from 9% to 27% (Kellison et al. 2012). It is widely accepted among marine scientists that reef health declines with declining fish populations (Mumby et al. 2007; Mumby and Harborne 2010). Live coral cover of all species monitored within the park has declined from 8%–28% in 1977–81 to 5%–8% (Dupont et al. 2008; NPS 2012). These declines in fish population, fish species diversity and live coral cover can be presumed to adversely affect the experience of visitors who snorkel and dive.

The purpose of the proposed marine reserve zone is to provide snorkelers and divers with the opportunity to experience a healthy, natural coral reef, with larger and more numerous tropical reef fish and an ecologically intact reef system, while not being so large as to completely eliminate the opportunities for fishing any park reef areas. Visitors to parks in the American West expect to see large healthy trees such as sequoias and redwoods, and large healthy diverse populations of big mammals such as bison and elk. Similarly, visitors to the largest marine park in the national park system expect to see healthy coral reefs teeming with diverse communities of large, healthy fish.

To accomplish this, the park has established objectives of larger, healthier, diverse corals and larger number and diversity of fish. Coral reef areas that are unfished would provide an opportunity for fish to obtain larger sizes and consequently have greater reproductive success and greater numbers overall; unfished areas would also benefit from intact ecological communities and a reduction of fishing gear impacts to organisms and benthic habitats. Any type of fishing still results in derelict fishing gear and fish mortality (Bartholomew and Bohnsack 2005). Marine reserves have been shown to increase fish populations (Nowlis 2000) and size (Bohnsack 2011; Lester et al. 2009; Halpern 2003). Therefore a no-take marine reserve zone would be expected to provide improved visitor experience for divers and snorkelers. The portion of the park's coral reef protected in this zone would contribute toward the Coral

Reef Task Force's goal of 20% of the reefs in Florida being included in marine reserves (U.S. Coral Reef Task Force 2000).

The marine reserve zones proposed in this plan are large enough to accommodate many dive sites with enough mooring buoys that would not only protect reefs from anchor damage, but also provide an uncrowded snorkel or dive experience. The park would have the ability to move mooring buoys to other equally suitable locations should reef monitoring indicate that specific sites are being impacted at an unacceptable level. As previously noted, 94% of the park's marine waters and 63% of hardbottom habitat would remain open to recreational fishing. Many locations for reef fishing opportunities would remain in the park outside of the marine reserve zones.

Authority

Recreational fishing is allowed in parks when not specifically prohibited by a federal law. Commercial fishing is allowed only when specifically authorized by federal law (36 CFR 23(d)4) or treaty right (NPS *Management Policies 2006*).

Section 3 of the law establishing Biscayne National Monument in 1968 (Public Law 90-606) states:

> The waters within Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary [of the Interior], after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the national monument is established.

Section 103(a) of Public Law 96-287 (June 28 1980), which established Biscayne National Park and added areas to the park north of Boca Chita Key, reiterated much the same language regarding fishing as in the legislation that established Biscayne as a national monument in 1968, but added the following:

> *Provided*, That with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law.

These passages allow the Secretary of the Interior (through his delegates) to prohibit or limit fishing in areas within the boundaries of the original national monument for reasons of conservation, visitor experience, or to achieve the purposes for which the park is established. Biscayne National Park's purpose is to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty. Fishing in areas of the park that were added later outside the original monument boundary is governed by the laws and regulations of the State of Florida.

The National Park Service can close areas or otherwise regulate specific uses through special regulations published in the *Code of Federal Regulations* (36 CFR) when necessary for safety or resource protection. Implementing the marine reserve zone would restrict uses of these areas and so would require special regulations under sections 1.5 and 7 of 36 CFR.

Design

There are no federal guidelines for criteria to establish a marine reserve for visitor experience. The National Park Service used the planning process established via the National Environmental Policy Act of 1969, as amended, to use both public input and science to plan the reserve. A reasoned and documented scientific approach that

incorporated public input was planned to determine the locations, sizes, and shapes for this proposed zone, as presented in the different alternatives of this Final GMP/EIS.

The proposed marine reserve and monitoring objectives were planned over a series of two meetings held in 2008. The planning team included NPS scientists, visitor service and law enforcement managers, and managers from Dry Tortugas National Park, which also has a marine reserve, albeit for different purposes.

The planning team put forward a list of potential criteria for the public to consider during a series of three zone-specific scoping workshops held July 21–23, 2009. At these meetings, the public was given park maps that indicated coral areas and landmarks and asked: "Based on the science, would you establish a marine reserve zone and if so, where would you put it?" To facilitate decision-making, a series of slides with GIS layers showing data pertinent to the criteria were shown; participants were largely separated from their companions and grouped into 10 tables each representing various stakeholder groups; and each table had two facilitators who guided the groups into what was hoped to be consensus maps with each group's proposed zoning configuration.

Criteria recommended by the planning team for the marine reserve design were presented at the public workshop, as described below in no particular order (Elvear 2012):

1. **Public input.** Stakeholder input is critical for marine reserve design success.
2. **Reefs at risk (decision of whether to aim to protect healthy or low risk vs. threatened reefs or reef components).** The planning committee recommended protecting healthy corals as it would be more difficult to attain the desired zone objective by protecting the less healthy, higher-risk corals. Data layers shared with the public included percent cover of live coral (S. Miller et al, unpublished data; D. Lirman unpublished data) that indicated a generally low (almost all <10%) live coral cover, with highest coral cover along a few mid-channel patch reefs in the southern half of park.
3. **Reef structures with vertical relief and high rugosity.** For criteria (1) and (2), the public was shown data layers of benthic cover in the reef areas of the park. This data layer showed continuous or patchy seagrass, sand, hardbottom, margin reef, patchy reef, and mid-channel patch reefs.
4. **Reef fish diversity and abundance.** The public was shown data layers for fish species richness (Ault et al. unpublished data) that showed the highest richness in the northern and southern ends of the park on the reef slope and in the southern half of park midshelf patch reefs, with no clear trends north-to-south.
5. **Targeted fish species densities.** The public was shown data layers (Ault et al. unpublished data) indicating very low densities for many targeted species, especially red grouper, black grouper, and mutton snapper. Densities for other targeted species were higher on mid-shelf patch reefs and reef slope with no clear north-to-south trends. Because the park's fish have been so heavily extracted, it was suggested that basing a reserve on current abundance might not be effective, and that a better way might be to protect fish habitat.
6. **Impacts on fishing community.** Almost all areas of the park are fished recreationally (even nonreef areas—for example, in shallow sandy flats and seagrass beds, bonefishing is popular). Most commercial fishing is for lobsters and crabs and shrimp. The public was shown overflight data (Ault et al. 2008) that indicated that based on density, park usage by boats is highest along islands, intracoastal

waterway, in/near marina channels, and along the reef slope. Highest densities were for recreational boats. There seemed to be an even distribution of boats, with no clear trend seasonally or geographically. This seems to suggest equal pressure everywhere, and closing any specific area would not be likely to impact all or even most boaters, with the possible exception that if the reserve is successful and spillover effects happen, visitors who fish may choose to congregate just outside the boundary of the marine reserve to experience an improved fishing experience. Slightly more boats seemed to be south of Pacific Reef Channel than north of the channel along the reef tract, with the implication that setting a marine reserve south of Pacific Reef Channel would protect the hardest hit areas for fishing but also impact the greatest number of anglers.

7. **Impacts on snorkelers, divers, and other nonconsumptive user groups.** The park's concession tours take snorkelers and divers throughout the park's reef tract, with special trips to shipwrecks such as the Mandalay and reefs near Caesar Creek.
8. **Enforcement issues.** The park's Law Enforcement staff indicated that it is easier for the public to understand zone boundaries with visual markers and line-of-sight considerations, and with "zero" lat/long lines that are clearly marked on maps and GPS; recommended large visual markers that are consistent with those used by other areas in Florida to demarcate no-take zones to increase visitor understanding, and stated that several small no-take areas would be much more difficult to enforce than one larger area. The public was shown maps with existing and proposed aids to navigation such as channel markers, buoys and other highly visible markers, in case they could be used as easily understood delineating features for a potential marine reserve zone.
9. **Potential for connectivity with other protected areas (existing or future).** The adjacent Florida Keys National Marine Sanctuary, managed jointly by a state/federal partnership, borders the park to the east and south and could potentially designate deep-water reserves adjacent to the park's proposed reserve in order to increase the size and population of deepwater species that could spend part of their life cycles on the park's shallower reefs and therefore increase visitor enjoyment.
10. **Qualitative and/or quantitative comparisons of locations on park map.** The U.S. Coral Reef Task Force recommends setting aside20% of the nation's coral reefs as no-take zones. Executive Order 13158 directs the Department of Interior, including the National Park Service and other federal agencies, to conduct a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment. Biscayne National Park was formally recognized as a charter member of the National System of Marine Protected Areas on April 22, 2009.
11. **Accessibility.** The planning team considered depths within the proposed reserve in order to allow not only divers, but also snorkelers (and novices) the opportunity to experience an unfished reef.
12. **Presence of cultural sites.** Visitors enjoy snorkeling shipwrecks, which can be found throughout the ocean areas of the park including the reef areas, but no matter where the marine reserve(s) was proposed, these submerged archeological sites would benefit from less fishing debris. Visitors to sites on the park's proposed Maritime Heritage Trail

would benefit from having these sites included within the marine reserve because they would see bigger fish at the shipwreck, thus adding a natural component to their snorkeling experience. However, these sites are throughout the reef tract. The six proposed areas for the trail are sufficiently scattered so that no matter where the proposed marine reserve was located, there would be some trail sites that were inside the proposed reserve, and some outside. One of the more popular shipwrecks for snorkeling is the *Mandalay* wreck. The public was shown the locations of the shipwrecks proposed as Maritime Heritage Trail sites.

13. **Political boundaries.** Within the original boundaries of Biscayne National Monument, the federal government has authority to regulate fishing after consulting with the State of Florida. In 1980, when the park was established and its boundaries expanded via land transfer from the State of Florida, the state retained authority within the expansion area to regulate fishing. The public was shown maps delineating the original monument area.
14. **Size.** The proposed marine reserve should be large enough to accommodate many dive sites, potentially with enough mooring buoys that would protect reefs from anchor damage. The marine reserve should also provide an uncrowded snorkel or dive experience. If mooring buoys are used, the park should have the ability to move mooring buoys to other equally suitable locations should reef monitoring indicate that sites are being impacted to an unacceptable level.
15. **Boater access.** Establishment of a marine reserve on both sides of a channel (ex. Caesar Creek) would result in fishers being forced to travel long distances in order to reach fishable waters.

Criteria considered but rejected for marine reserve design by the planning team included locations of historic fish spawning aggregations, as there was no documentation available to the planning team regarding historic fish spawning aggregations within the park. Presence of federally endangered stony corals was also not recommended as criteria, as they could be found in most reefs in the park as they are reef-building species. Presence of vessel grounding restoration sites was also not recommended, as these sites can be closed to the public on a case-by-case basis and this would likely continue whether or not the vessel grounding site was within or outside of a marine reserve. Groundings occur in almost all areas within the park, so vessel groundings would likely neither increase nor decrease by establishment of a marine reserve.

Submerged archeological sites with portable artifacts are easily looted, and therefore, the National Park Service carefully guards site location information and does not encourage visitation to these types of sites since they typically cannot be protected at all times. These sites are typically small within the park, and scattered throughout the park; therefore, inclusion or exclusion of these sites was rejected as criteria for the proposed marine reserve. Public education and outreach about the marine reserve zone were recognized as important components of implementation, as well as critical to the success of the zone once implemented, but not as planning criteria as they are applicable to any configuration.

Zone Locations

Locations of the proposed marine reserve zones were developed following mapping workshops held with the public in 2009 and a science review meeting held shortly thereafter. The size and location of the zone proposed in alternatives 3 and 4 are the same, while the proposed zone in alternative 5 is larger and extends to the eastern shore of Elliott Key (see alternative maps in chapter 2 of the General Management Plan). These areas were selected, in part, because they

include a variety of reef types for visitors to experience, existing markers that could serve as boundary markers, living coral cover, documented fish use by targeted fish species, and some of the Maritime Heritage Trail shipwrecks that visitors enjoy snorkeling and diving on. In all three alternatives, the proposed marine reserve zone is in the original national monument boundary.

SPECIAL RECREATION ZONE

Purpose and Need

The condition of the reef and reef fishery and the impacts described above for the marine reserve zone also apply to the special recreation zone.

The purpose of the proposed special recreation zone is to accommodate some recreational fishing while meeting the goal of providing a healthy coral reef ecosystem for a more enjoyable and diverse visitor experience. To accomplish this, some types of fishing would be prohibited and fishing pressure would be limited via permits in the special recreation zone. An adaptive management strategy (appendix F) would be used to evaluate the effectiveness of this approach at 3-, 5-, 8-, and 10-year intervals after implementation with the option of implementing management actions to affect fishing pressure as indicated by monitoring data. At the 10-year evaluation interval, the option to institute a marine reserve zone would be considered.

The special recreation zone proposed in this plan would be large enough to accommodate many dive and fishing sites with enough mooring buoys that would not only protect reefs from anchor damage but also provide an uncrowded snorkel, dive, or fishing experience. The park would have the ability to move mooring buoys to other equally suitable locations should reef monitoring indicate that specific sites are being impacted at an unacceptable level or to improve visitor experience .

Authority

Recreational fishing is allowed in parks when not specifically prohibited by a federal law. Commercial fishing is allowed only when specifically authorized by federal law, treaty right or special regulation (NPS *Management Policies 2006*).

Section 3 of the law establishing Biscayne National Monument in 1968 (Public Law 90-606) states:

> The waters within Biscayne National Monument shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary [of the Interior], after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the national monument is established.

Section 103(a) of Public Law 96-287 (June 28, 1980), which established Biscayne National Park and added areas to the park north of Boca Chita Key, reiterated the same language regarding fishing as in the legislation that established Biscayne as a national monument in 1968 but added the following:

> *Provided*, That with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law.

These laws allow the Secretary of the Interior (through his delegates) to prohibit or limit fishing in areas within the boundaries of the original national monument for reasons of conservation, visitor experience , or to achieve the purposes for which the park is established. Biscayne National Park's purpose is to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare

combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty. Fishing in areas of the park that were added later outside the original monument boundary is governed by the laws and regulations of the State of Florida.

The National Park Service can close areas or otherwise regulate specific uses through special regulations published in the *Code of Federal Regulations* (36 CFR) when necessary for safety or resource protection. Implementing the special recreation zone would restrict uses of these areas and so would require special regulations under section 1.5 of 36 CFR.

Design

There was no specific public workshop held to design the special recreation zone. Instead the National Park Service and FWC used the boundary of the marine reserve zone presented in alternative 5. This was the largest marine reserve zone considered and that large size was considered by fisheries biologist as necessary to recover the fishery while still accommodating some fish harvest. The concept of limiting fishing pressure by way of a special license (alternative 6) and imposing fishing closures during critical times of year (alternative 7) are well established fishery management practices.

Zone Locations

The location of the proposed special recreation zone was developed largely based on the areas proposed as marine reserve zones in the 2011 Draft Plan. The areas proposed as marine reserves in 2011 followed mapping workshops held with the public in 2009 and a science review meeting held shortly after in 2009. To develop the size, shape and location of the special recreation zone, the National Park Service convened a science review meeting in 2012 that included representatives from the FWC, Florida Department of Environmental Protection, and NOAA Fisheries. The special recreation zone area was selected, in part, because it includes a variety of reef types for visitors to experience, existing markers that could serve as boundary markers, living coral cover, documented fish use by targeted fish species, and some of the Maritime Heritage Trail shipwrecks on which visitors enjoy snorkeling and diving. In particular, the special recreation zone was sized larger than the original marine reserve zone in alternative 4, to include a greater expanse of patch reef habitat with the acknowledgement that the proposed management actions might need a larger area to realize the desired outcomes of a healthy coral reef ecosystem.

The proposed special recreation zone is the same size and location in both alternatives 6 and 7 (see alternative maps in chapter 2). The proposed special recreation zone is within the original national monument boundary as defined in the 1968 enabling legislation.

APPENDIX E: ADAPTIVE MANAGEMENT STRATEGIES FOR SPECIAL RECREATION ZONE ALTERNATIVES 6 AND 7

OVERVIEW OF THE PROCESS

For the purposes of the special recreation zone adaptive management strategies, we use the following working definition taken from the Department of the Interior Technical Guide (Williams et al. 2007):

> *Adaptive management is a decision process that promotes flexible decision making that can be adjusted in the face of uncertainties as outcomes from management actions and other events become better understood. Careful monitoring of these outcomes both advances scientific understanding and helps adjust policies or operations as part of an iterative learning process. Adaptive management also recognizes the importance of natural variability in contributing to ecological resilience and productivity. It is not a 'trial and error process,' but rather emphasizes learning while doing. Adaptive management does not represent an end in itself, but rather a means to more effective decision and enhanced benefits. Its true measure is in how well it helps meet environmental, social, and economic goals, increases scientific knowledge, and reduces tensions among stakeholders.*

Adaptive management allows decision makers to acknowledge the uncertainties surrounding the management of natural systems and helps natural resource managers respond to changing resource or system conditions over time through the collection and evaluation of additional social and ecological information. The knowledge that uncertainties exist gives managers the ability to consider them in their planning and to modify management actions accordingly to progress toward desired outcomes. Adaptive management has the potential to improve a manager's understanding of social and ecological systems to better achieve management objectives.

The adaptive management process contains six steps that are usually completed sequentially (figure E-1). "Assess the Situation" is the typical starting point in this process.

Each of the steps of the process is discussed below in relation to the proposed special recreation zone described in alternatives 6 and 7. The National Park Service recognizes a complex jurisdictional relationship exists among the National Park Service, Florida Fish and Wildlife Conservation Commission (FWC), and NOAA Fisheries as they work cooperatively and collaboratively regarding the legislative boundaries and resources of Biscayne National Park. Tables E-2 and E-3 summarize the actions needed to implement the adaptive management strategies for alternatives 6 and 7.

Full descriptions are previously described in chapter 1, "Special Mandates and Administrative Commitments" of the 2011 Draft Plan on pages 10 and 11.

Assess the situation: Over the last three decades, 64% of reef fish species exhibited a decline in their frequency of occurrence within the park (Kellison et al. 2012). Current monitoring data indicates that hogfish, mutton snapper, yellowtail snapper, black grouper, and red grouper populations are low enough that current fishing intensity coupled with legal bag limits has the potential to result in the harvest of the majority of legal-sized fish in the park in a single year. This concern is further supported by park creel surveys which have shown that about half of fishing

trips in the park return to dock with no fish. The low abundance of fish is an unfavorable condition for park resources and visitor experience.

Coral reefs are important global resources that have experienced dramatic declines worldwide in recent years. Biscayne National Park is important to the function and dynamics of the larger Florida reef tract. The reefs within the park are also popular visitor destinations for snorkeling and scuba diving as well as glass-bottom boat viewing. Due to the concentration of fish around coral reefs, the reefs are also popular fishing destinations. Today's live stony coral is estimated to be about 5%–7% (NPS 2013) compared to live coral cover estimates of 8%–28% from 1977–1981 (Dupont et al. 2008). These current values are comparable to coral cover at other long-term sites in the Florida Keys, which have documented declines (Porter and Meier 1992; Ruzicka et al 2009). There is a clear relationship between healthy fish populations and healthy reef ecosystems (Lirman 1999; Newman et al. 2006; Mumby et al. 2007; Paddock et al. 2009). In addition, reefs are damaged by fishing gear (traps, nets, line), anchoring, boat grounding, and abrasion by other debris as well as careless snorkelers and divers. Contaminants, nutrient enrichment and algal blooms are other local factors. Regional effects include stress caused by warm water and cold water events and their interaction with a variety of coral diseases. It is expected that reductions in fishing pressure, marine debris, anchor damage, and other local stressors may be enough to partially offset regional stressors and trends. Reductions in these local stressors should at a minimum improve the recreational experience.

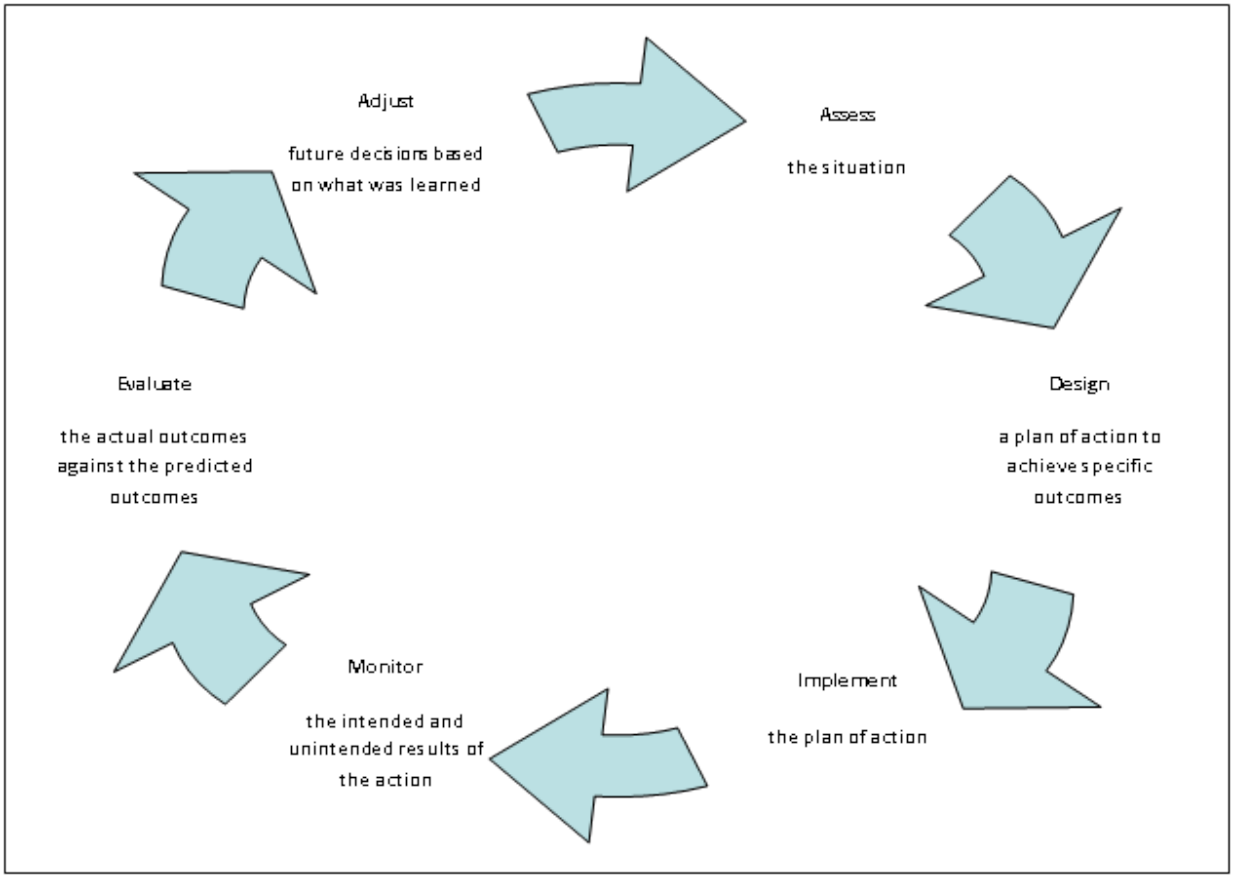


Figure E-1. Generic Adaptive Management Process

Design a plan of action to achieve specific outcomes: A special recreation zone is proposed in alternatives 6 and 7 that would adopt an alternative-specific, adaptive management strategy to achieve the goal of a healthier coral reef ecosystem within the zone to provide a more enjoyable and diverse visitor experience.

Within the special recreation zone the following activities and limitations would be put into effect:

- Fishing allowed year-round (alternative 6) or closed during months of June through September (alternative 7)
- For alternative 6 only, a dual permit, anticipated to be a FWC special activity license / NPS special use permit, would be required for fishing and harvest in the special recreation zone (other than for lionfish). A maximum number of permits would be issued annually; currently set at 430 angling permits and 70 fishing guide permits.
  - It is anticipated that Florida Fish and Wildlife Conservation Commission would issue these by lottery annually; however the specifics for issuing these licenses would be determined after the "Record of Decision" is signed.
  - An educational component could be required for permit holders.
  - Permit holders would be required to submit a monthly logbook with effort, catch, and harvest information.
- Hook and line fishing only, with the exception of lampara nets
- No grouper harvest allowed
- No lobster harvest (commercial or recreational)
- No spearfishing, with the exception of the nonnative lionfish using approved spearing devices (or hand-held nets)
- Anchoring allowed until adequate mooring installed
- All other state regulations apply
- No commercial fishing, with the exception of lampara net fishery to be managed under NPS-issued permit within this zone
- Snorkeling and diving allowed
- Active removal of marine debris
- Focused visitor education messaging
- Focused law enforcement effort
- Initiate Research and Monitoring Program to inform adaptive management of the special recreation zone
- Implementation of an adaptive management strategy (this appendix)

Implementation of an adaptive management strategy (this appendix).

In alternative 6, the number of permits (e.g., special activity licenses) proposed for the special recreation zone was determined based on current estimates of fish abundance within the proposed special recreation zone and an assumed annual fish harvest per fisherman, and estimated level of harvest that would allow goals to be achieved. Fish abundance was estimated from a multiagency reef visual census (Brandt et al. 2009). The park's long-term creel survey data set was used to estimate the number of people per fishing boat. Levels of harvest were estimated using daily bag limits and initial assumptions regarding the number of times special activity license holders will fish in the zone in a year. The level of total allowable fishing harvest was initially set at 50% of legal-sized snapper species (gray, mutton, yellowtail, lane snapper, and hogfish) present in the zone. Snapper were chosen as they are popular recreational species as well as the most abundant of the exploited fish species within the proposed zone. Zone-specific monitoring of fish abundance and harvest will inform adaptive management decisions to maintain or adjust the number of special activity licenses in the zone. Reviewing SAL logbooks

will help determine if harvest is greater than predicted. Fish abundance monitoring will help determine whether or not the reduced harvest caused by SAL limits is sufficient to allow progress toward the goals. While the initial number of permits to be issued has been established, that number could be reduced based on results of future monitoring of abundance and harvest extraction. By reducing the amount of fishing pressure in the special recreation zone through SAL limitations, it is anticipated that populations of snappers and other species would increase over time leading to greater numbers of fish and larger fish in the special recreation zone.

Implement the plan of action: After signing of the "Record of Decision" for the Final General Management Plan / Environmental Impact Statement for Biscayne National Park, the preferred alternative as identified in the Record of Decision would be implemented. The National Park Service and Florida Fish and Wildlife Conservation Commission would jointly implement the actions described above within their respective jurisdictional authorities and depending on the specific alternative. Where such actions require a change in existing regulations, the standard process for revising or establishing new regulations would be followed, including the opportunity for public involvement. The National Park Service would pursue a park special regulation to formally establish the special recreation zone and the visitor use limitations identified within this zone. For alternative 6, it is also anticipated that FWC would pursue a park-specific state regulation to formally establish the zone-based special activity license and the process for applying for a special activity license to fish the special recreation zone. Any activity limitations in the special recreation zone, as described above, would not be implemented until after the regulations are finalized. Specific roles and responsibilities for implementing the adaptive management strategy would be clearly defined in a new memorandum of agreement between National Park Service and the FWC, which would include joint development of a science and research plan to inform the adaptive management strategy.

A science and research strategy would be developed in the first years of implementation. For alternative 6, the science and research strategy would be developed in coordination with the FWC. For alternative 7, the National Park Service would develop the strategy with input of scientists, but the FWC would not be a partner in its development or implementation. The science plan will fully develop the needed research and monitoring required to detect change in the indicator metrics and evaluate the factors that are influencing that change. This plan will substantially recommend the scope and scale for essential monitoring, identify additional monitoring recommendations, and identify and recommend the priority research projects needed to successfully evaluate the efficacy of the special recreation zone in meeting its resource and visitor experience objectives.

Monitor the outcomes of the actions: Indicators and expected trends have been established (table E-1) to measure the effectiveness of the special recreation zone in achieving the goals of an increase in the abundance of fish and lobster and a healthier coral reef ecosystem within the zone in order to provide a more enjoyable visitor experience. Empirical data collected in the first three years of implementation would be used to establish baseline conditions within the zone for use in future comparisons. Comparable data collected outside of the zone, but within the park boundary and other appropriate areas in the park vicinity, would be used for comparisons. Catch and effort data would be derived from self-reporting by permittees in a monthly logbook as well as park-conducted creel surveys.

Table E-1. Indicators and Metrics for Monitoring Outcomes of Adaptive Management Strategy

Indicator Topic	Indicator Metric	Rationale for Selection	Reference Conditions	Expected Trends
Fish and Spiny Lobster	Abundance and size structure of fishery-targeted species (e.g., snappers, groupers, grunts, lobster); structure of the nontargeted fish community.	The reduction in fishing pressure should result in larger, more numerous fish and lobster as part of an ecologically balanced reef system and result in a better visitor experience.	Outside zone within park and other appropriate areas within the Florida Keys, and baseline within zone.	Increases in fish metrics, when compared to reference areas and baseline values of the special recreation zone. The time line for attaining a new equilibrium is unknown and highly variable by species due to external factors. Multiple analyses would be conducted on various metrics to ensure that detected changes are biologically meaningful.
Catch and Effort	Catch per unit effort, total catch, daily fishing intensity (number of trips, number of anglers, number of hours per trip) within the zone, number of angler permits issued and associated use patterns, average size of harvested fish (by species).	Catch per unit effort and average size indicate visitor satisfaction for those visitors who fish, and, indirectly fish abundance and size structure. Intensity and SAL metrics would assess fishing effort and extractive pressure (alternative 6 only). Number of angler permits issued is one of the adaptive management actions that can occur.	Outside zone within park and other similar habitat areas near park that are included in creel survey, and baseline within zone.	Species-specific catch per unit effort and average sizes should increase over reference zone and baseline. If harvest exceeds initial assumptions, a review of permit policies would occur (alternative 6 only). If total harvest prevents recovery of fish populations, then management actions should be aimed at reducing fishing pressure.
Benthic Habitat Community Structure	Live cover of taxa groups (e.g., stony corals, soft corals, sponges, crustose coralline algae), diversity of organisms, presence/absence of various taxa; disease; size class information.	Reductions in habitat damage from traps and fishing pressure are expected to result in healthier, more vibrant and more diverse benthic habitats.	Outside zone within park and other appropriate areas within FL Keys, and baseline within zone.	As benthic shifts are slow to be observed and are influenced by a wide variety of external factors, no specific threshold is defined and management actions would not be initiated by the status of this metric. However, it is important for interpreting changes in other metrics that would guide management.

Table E-1. Indicators and Metrics for Monitoring Outcomes of Adaptive Management Strategy

Indicator Topic	Indicator Metric	Rationale for Selection	Reference Conditions	Expected Trends
Fish Behavior	Flight initiation distance (FID).	In other areas where spearfishing is prohibited, it has been documented and anecdotally observed that visitors can more closely approach fish.	Outside zone within park and other appropriate areas within FL Keys (e.g., Pennekamp State Park, which has prohibited spearfishing for decades), and baseline within zone.	No threshold is defined. However, this metric is important for interpreting the effectiveness of eliminating spearfishing on fish behavior, which influences visitor experience. The expectation is that FID would decrease, but the time frame needed to observe this is unknown.
Fish Movement	Fish movement and home ranges, emigration rates and patterns.	This metric would examine spatial life history patterns and can be used to assess the extent of protection received by fish based on how much time is spent within the zone. This metric would allow for improved understanding of the zone's ecological connectivity and function within a broader regional context.	Not applicable, although data could be compared to published data from other areas of similar habitat and/or size.	No threshold is defined. However, this metric is important for interpreting changes in other metrics, particularly those related to fish and lobsters, which would guide management actions. We expect that the zone would support both resident and transient fish. Emigration rates would be one factor that influences changes in targeted fish abundances and size structures within the zone.
Marine Debris (e.g., traps, monofilament fishing line and other derelict fishing gear; trash)	Presence, location, types, quantity, accumulation rate.	Marine debris adversely affects not only visitor experience but also reef condition, reef restoration sites, and submerged archeological sites. Derelict fishing gear can entangle and otherwise kill marine life including sea turtles, fish, lobsters, sea birds, and marine mammals.	Outside zone within park, and baseline within zone.	Decrease in the amount of fishing-related marine debris in the zone.

Table E-1. Indicators and Metrics for Monitoring Outcomes of Adaptive Management Strategy

Indicator Topic	Indicator Metric	Rationale for Selection	Reference Conditions	Expected Trends
Social Science/ human dimension/ human activities	Visitor impressions, visitation patterns and rates, socioeconomic patterns, visitor satisfaction rates, visitor understanding of zone purpose and regulations.	Improvements in the conditions of the resources in the zone are expected to increase visitor satisfaction and visitation rates. Differences in visitor satisfaction and visitation rates may be detected for both extractive and nonextractive users.	Outside zone within park, and baseline.	Increased visitor satisfaction in this zone compared to baseline and in a reference zone.
Submerged archeological resources	Presence and accumulation of marine debris on submerged archeological resources, presence and extent of new damage to submerged archeological resources.	Marine debris causes irreparable damage to irreplaceable archeological sites. Submerged archeological sites are enjoyed by visitors and fully protected by the National Park Service.	Submerged archeological sites outside the zone within the park and baseline.	Decreased archeological site damage and debris accumulation in the zone compared to baseline and in a reference zone.

Monitoring would include indicators for targeted fish species, angler catch and effort, benthic habitat community structure, fish behavior and movement, marine debris, visitor satisfaction, and submerged archeological sites as summarized in table F-1. Appropriate special recreation zone-specific user capacity standards, as listed in chapter 2, would also apply.

Evaluate the observed trends against the expected trends (see table E-1): Some of the indicators do not have a numeric or qualitative change threshold. Instead, trends and external factors, as well as other data gathered from monitoring, would be considered.

Monitoring data would be used to inform adaptive management decisions to maintain or reduce the number of permits issued for the special recreation zone under alternative 6. Reviewing the logbooks would help determine if total take is greater than predicted and whether some species are preferentially targeted, and help the park determine the success of the zone in achieving desired outcomes. Specific to alternative 6, in years three, five, and eight, the agencies would evaluate catch and effort to determine if the original assumptions are being met. If these assumptions of effort and take are being exceeded, a multiagency team would evaluate potential reduction in number of permits to be issued for following years.

In years 5 and 10, the agencies would convene a panel of experts familiar with the marine ecology and fisheries of South Florida to review all data for all indicator topics and determine if the scientific effort (documented in the joint agency science plan) is adequate to detect change, if there has been any change in the performance metrics, and if performance metrics are trending toward performance expectations. The panel would provide an informal, impartial review of the monitoring results and make recommendations. The panel would consist of representatives from four groups: one representative for the National Park Service, one representative for the NOAA Fisheries, one representative for the FWC, two representatives for academics. To achieve temporal consistency, the park would strive to have the same people at the 5- and 10-year reviews.

Adaptive management evaluation points (tables E-2 and E-3) would include:

A. Whether the number of permits is sufficient to reduce the total level of take by recreational and guided fishing in the special recreation zone to no more than 50% of the legal-size snappers.
B. Whether setting the maximum take of no more than 50% of the legal-sized snappers are allowing fish metrics of snappers and other fish species to show progress toward goals.
C. Whether the level of monitoring effort is sufficient to answer questions A and B.
D. Whether the number and location of mooring buoys and zone boundary markers is sufficient.
E. Whether marine debris accumulation rates are within levels that can be maintained by removal efforts.
F. Whether the level of public outreach is effective.
G. Whether the level of law enforcement is effective.

Adjust future management actions based on what was learned: For alternatives 6 and 7, the following management actions may be adjusted at the 3, 5, 8, and 10 years:

- **Mooring Buoys.** Number and location of mooring buoys may be adjusted based on input from the public and from park law enforcement rangers and from social science survey results (Note: social science survey results only available three years after baseline and at 10 years). Relocation effort would aim to redistribute visitor use away from particularly sensitive areas, manage user conflicts, and minimize impacts to park resources.

- **Outreach.** Type, frequency, and messages communicated for outreach on this zone would be revisited and adjusted. Effort may include targeted messages for specific user groups and/or seasons or events as indicated by monitoring data as having a high frequency of noncompliance.
- **Law Enforcement Effort.** How frequently and thoroughly the zone is patrolled by law enforcement would be based on law enforcement statistics and public input (visitors reporting violations or commenting on their experience). Patrol effort and techniques may be targeted toward user groups or seasons of use as indicated by monitoring data as having a high frequency of noncompliance.
- **Marine Debris.** Increased efforts in removal would be undertaken if the monitored sites indicate debris accumulation exceeds removal rate. As extra efforts in removal are unfunded, there could be partnership opportunities.
- **Special Activity License (alternative 6 only).** Adjust number of special activity licenses issued for recreational fishing, not to exceed the maximum allowed.

Once it is determined that one or more of these future management actions is necessary or desirable to better achieve adaptive management objectives, an initial environmental screening process will be conducted to determine what, if any, additional environmental compliance may be required. Through this screening process, the National Park Service will document whether adaptive management adjustments, both individually and cumulatively, are (1) within the range of management actions described for the selected alternative, and (2) fully analyzed in the environmental effects section of the 2011 Draft Plan / 2013 Supplemental Plan or previous NEPA documents incorporated by reference.

For alternatives 6 and 7, the metrics identified in table E-1 would be evaluated in years 5 and 10. At years three, five, and eight, logbook/creel data would be analyzed to determine if the 50% harvest rate is accurate for use in potentially adjusting the number of licenses issued.

At years 5 and 10, the panel of experts would present their findings and recommend adjustments to the number of permits (alternative 6 only) and also provide recommendations to address nonfishing management (e.g., enforcement, education, marine debris removal, marking, etc.) based on observations from the partner agencies, permittee logs, etc. They may recommend changes to the scientific effort. These adjustments could be applied to either alternative 6 or alternative 7.

Stakeholder engagement is an important part of the adaptive management strategy. Following each evaluation period, the data analysis, recommendations of the science panel, and the NPS decisions regarding adjustments to the adaptive management strategy and management of the special recreation zone would be shared with the public prior to implementation.

Following the 10-year adaptive management period for the special recreation zone, the National Park Service would consider monitoring data, consult with the FWC, NOAA Fisheries, and an expert panel and decide whether to continue adaptive management strategies for a special recreation zone or implement a marine reserve zone.

If at the end of the 10-year evaluation period, the decision is made to implement a marine reserve zone (no take for fishing), it would be established by park regulation as described in chapter 2.

Table E-2. Summary of Adaptive Management Actions to be Taken in Support of the Special Recreation Zone – Alternative 6

Adaptive Mgmt Steps	Actions to be Taken
Design, Implement	Legal processes: Establish a memorandum of understanding between National Park Service and the FWC for implementation of the special recreation zone. Legally establish the special recreation zone and its various regulations and limitations through formal rule-making processes.
Design. Implement	Administrative Processes: The FWC special activity licenses or other special permit would be initiated by regulation for recreational fishing. Initiate NPS permits for guide services in the special recreation zone. Develop the science and research strategy to establish and refine monitoring protocols and identify research opportunities.
Implement Monitor	Determine ecological baselines: Conduct monitoring on performance metrics to determine baseline conditions upon implementation of the new special recreation zone for comparison at future monitoring intervals.
Implement Monitor	Establish starting point for marine debris removal: Remove marine debris from the special recreation zone, either in limited areas, or entire area as funding allows to determine effectiveness of new management actions in reducing marine debris.
Monitor, Evaluate, Adjust	Three-year check in: During year three of permit implementation, the agencies evaluate catch and effort to determine if the original assumptions are being met. If these assumptions are being exceeded, the agencies would evaluate potential reduction in number of permits and/or in the maximum percentage of fish considered allowable for harvest for following years. Evaluate adaptive management evaluation points A, C, D, E, F.
Evaluate	Five-year check in: During year five, the agencies would convene a panel of experts to review and determine if the scientific effort (documented in the joint agency science plan) is adequate to detect change, has there been any change in the performance metrics, and are performance metrics trending toward performance expectations. If not, the panel would provide suggestions to explain current findings and recommend adjustments to number of permits issued and/or in the maximum percentage of fish considered allowable for harvest. Other panel recommendations may address nonfishing management (e.g., enforcement, education, marine debris removal, marking, etc.) and changes to the scientific effort. Evaluate All adaptive management evaluation points.
Adjust	Following the five-year check, the FWC / National Park Service would consider expert panel recommendations and determine appropriate adaptive management adjustments to special activity license / special use permit numbers and/or in the maximum percentage of fish considered allowable for harvest, whether or not grouper numbers have recovered enough to allow some level or harvest, scientific effort, and nonfishing management following the panel report.
Monitor, Evaluate, Adjust	Eight-year check in: During year eight of SAL/ NPS permit implementation, the agencies evaluate catch and effort to determine if original assumptions are being met. If these assumptions are being exceeded, a multiagency team would evaluate potential reduction in number of special activity license / special use permit and/or in the maximum percentage of fish considered allowable for harvest for following years. Evaluate adaptive management evaluation points A, D, E, F.
Evaluate	Ten-year Evaluation: After 10 years of special recreation zone implementation, the agencies would reconvene the panel of experts to evaluate all of the results of management actions taken for the special recreation zone and report on the efficacy of the management approach to the agencies. The panel would provide recommendations for future adaptive management to be considered by the agencies. Evaluate all Adaptive Management Evaluation Points.
Adjust	Following the 10-year evaluation, the National Park Service, after consultation with the FWC and other relevant agencies, and consideration of the expert panel recommendations, would determine appropriate adaptive management adjustments in special recreation zone management immediately following the panel report. This NPS decision may include relaxing regulations such as allowing grouper harvest or further restricting regulations to include possible conversion to a no-take marine reserve.

Table E-3. Summary of Adaptive Management Action to be Taken in Support of the Special Recreation Zone – Alternative 7

Adaptive Mgmt Steps	Actions to be Taken
Design, Implement	Legal processes: Legally establish the special recreation zone and its various regulations and limitations through formal NPS rulemaking processes.
Design, Implement	Initiate NPS seasonal closure during low oxygen months of June through September. Develop the science and research strategy to establish and refine monitoring protocols and identify research opportunities.
Implement Monitor	Determine ecological baselines: Conduct monitoring on performance metrics to determine baseline conditions upon implementation of the new special recreation zone for comparison at future monitoring intervals.
Implement Monitor	Establish starting point for marine debris removal: Remove marine debris from the special recreation zone, either in limited areas, or entire area if possible in order to determine effectiveness of new management actions in reducing marine debris.
Monitor, Evaluate, Adjust	Three-year check in: National Park Service evaluates trend and threshold data to determine: (1) if depreciative visitor behaviors could be addressed by changes in level and types of education are required, (2) if changes in mooring buoy locations are needed to disperse use and impacts, or (3) if additional law enforcement is needed to prevent and/or detect or deter intentional impacts by park visitors.
Evaluate	Five-year check in: During year five, the National Park Service would convene a panel of experts review and determine if the scientific data are adequate to detect change, has there been any change in the performance metrics, and are performance metrics trending toward performance expectations. If not, the panel would provide suggestions to explain current findings and recommend adjustments to the seasonal closures. Other panel recommendations may address nonfishing management (e.g., enforcement, education, marine debris removal, marking, etc.) and changes to the scientific effort.
Adjust	Five-year check in: National Park Service would consider expert panel recommendations and determine appropriate adaptive management adjustments, may address nonfishing management (e.g., enforcement, education, marine debris removal, marking, etc.) and changes to the scientific effort, and nonfishing management following the panel report.
Monitor, Evaluate, Adjust	Eight-year check in: During year eight of seasonal closure, the National Park Service would evaluate fish population monitoring data to determine if assumptions are being met. If these assumptions are being exceeded National Park Service would evaluate potential reduction in the seasonal closure months for following years.
Evaluate	Ten-year Evaluation: After 10 years of special recreation zone implementation, the National Park Service would reconvene the panel of experts to evaluate all of the results of management actions taken for the special recreation zone and report on the efficacy of this management approach to the National Park Service. The panel would provide recommendations for future adaptive management to be considered by the National Park Service.
Adjust	Following the 10-year evaluation, the National Park Service, after consultation with relevant agencies and consideration of the expert panel recommendations, would determine appropriate adaptive management adjustments in special recreation zone management immediately following the panel report. This NPS decision may include relaxing regulations such as allowing grouper harvest or further restricting regulations to include possible conversion to a no-take marine reserve.

APPENDIX F: STATE COMMENTS TO NPS FOR THE 2011 DRAFT PLAN AND 2013 SUPPLEMENTAL PLAN

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

JAMES L. "JAMIE" ADAMS, JR. Bushnell
BARBARA C. BARSH Jacksonville
QUINTON L. HEDGEPETH, DDS Miami
H.A. "HERKY" HUFFMAN Deltona
DAVID K. MEEHAN St. Petersburg
JULIE K. MORRIS Sarasota
TONY MOSS Miami
EDWIN P. ROBERTS, DC Pensacola
JOHN D. ROOD Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
(850)488-6661 TDD (850)488-9542
FAX (850)922-5679

October 20, 2000

Patrick Kenney
National Park Service
12795 W. Alameda Parkway
P.O. Box 25287
Denver, Colorado 80225-0287

Dear Mr. Kenney:

This letter is in response to your request for information on listed species and critical habitats found within Biscayne National Park. Several species and their associated habitats were found within the park boundaries using various data sources. Potential habitat maps, Strategic Habitat Conservation Area (SHCA) maps, and point location data was examined for occurrences within the park.

Potential habitat for federally listed species (endangered and threatened) and state listed species (threatened and species of special concern) was found within the park. These species include: crocodile, alligator, indigo snake, brown pelican, and white-crowned pigeon. Priority wetlands for the species listed above, excluding the indigo snake, were also within the park. Occurrence records indicated the following state or federally listed species have been located within the park: little blue heron, tri-colored heron, snowy egret, white ibis, Florida tree snail, and Schaus swallowtail.

I hope this information is helpful. If you have any further questions, feel free to contact me at (850) 488-6661.

Sincerely,

Beth Stys

Beth Stys

BS
ENV 8-7/8

598 Scoping 2013 / Agency

Department of Environmental Protection

130

Jeb Bush
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

David B. Struhs
Secretary

February, 04 2004

Margaret Delaura, PSD
12795 West Alameda Parkway
P.O. Box 25287
Denver, Co 80225-9901

Dear Ms. Delaura:

Thank you for this opportunity to review the draft alternatives for the Biscayne National Park General Management Plan. .Division of Recreation and Parks staff from Bill Baggs Cape Florida State Park, John Pennekamp Coral Reef State Park and the Florida Park Service District 5 have attended a number of your Fisheries Management Plan and GMP workshops over the last few years. We are quite pleased and very impressed with the results of the both processes.

We have no objections to the recommendations contained in the draft alternatives for the GMP. We are satisfied that your planners have considered the resource protection and public recreation demands we experience in the two adjacent Florida state parks, and how your management affects the state park management. Please do not hesitate to contact our Park Managers or District 5 staff if we can assist you with any questions or discussions specific to our management responsibilities in those areas.

We believe that Alternative 4 offers the best balance between protection and restoration of natural and cultural resources in the park with the provision of a wide range of recreational opportunities for the public. We encourage the element in that alternative that enhances canoeing and kayaking recreation in the national park. We continue to see growth in the demand for those activities throughout Florida. I'm sure that the operation will be successful if it is included in the final plan. We also support the recommendation of boating speed restrictions west of Elliot Key and seagrass protection by limiting access to non-combustion engine uses surrounding the inner keys and the western shoreline of the national park. These appear to be judicious measures necessary for the protection of public safety and fragile an irreplaceable natural resources in the national park.

Again, thank you for your efforts to include our staff in the GMP process for Biscayne National Park. We look forward to our continued excellent working relationship in the future.

Sincerely,

Lew Scruggs

Lew Scruggs, Planning Manager
Office of Park Planning
Division of Recreation and Parks

cc: George Jones

H SQ1 Scoping 2003 / Agency

South Florida Regional Planning Council

132

February 3, 2004

Ms. Margaret Delaura, PD
National Park Service
Denver Service Center
12795 West Alameda Parkway
P.O. Box 25287
Denver, CO 80225-9901

Dear Ms. Delaura:

We have reviewed the November 2003 Draft Alternatives for the Biscayne National Park General Management Plan and have the following comments:

- Staff recognizes that this planning process is intended to update and improve the management framework for natural resource protection and appropriate recreational use within Biscayne National Park.

- The project should be consistent with the goals and policies of the Miami-Dade County comprehensive plan and corresponding land development regulations.

- Staff recognizes the location of the project as being within Biscayne National Park and Biscayne Bay, which are both Natural Resources of Regional Significance, designated in the *Strategic Regional Policy Plan for South Florida (SRPP)*.

- The goals and policies of the *SRPP* for South Florida, in particular those indicated below, should be considered when making decisions regarding this planning effort and subsequent implementation. The Preliminary Preferred Alternative (Alternative 4) is particularly compatible with the *SRPP* goals and policies listed below:

Strategic Regional Goal

3.5 Develop a plan for public access that delineates the Natural Resources of Regional Significance and high quality natural areas compatible with human recreation and promotes the ecologically sensitive use of suitable Natural Resources of Regional

Regional Policies

3.5.2 Provide resource protection, restoration and management plans to the public to encourage implementation and use of the necessary protection elements in the course of public site use.

3.5.3 Require the ecological sensitive use of natural areas as a condition to access and utilization. Promote environmental education through parks, nature centers and schools.

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, Sun Com FAX 473-4417
email: sfadmin@sfrpc.com, website: www.sfrpc.com

Strategic Regional Goal

3.8 Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including but not limited to, Florida Bay, Biscayne Bay and the coral reef tract.

Regional Policies

3.8.1 Enhance and preserve natural shoreline characteristics through requirements resulting from the review of proposed projects and in the implementation of ICE, including but not limited to, mangroves, beaches and dunes through prohibition of structural shoreline stabilization methods except to protect existing navigation channels, maintain reasonable riparian access, or allow an activity in the public interest as determined by applicable state and federal permitting criteria.

3.8.2 Enhance and preserve benthic communities, including but not limited to seagrass and shellfish beds, and coral habitats, by allowing only that dredge and fill activity, artificial shading of habitat areas, or destruction from boats that is the least amount practicable, and by encouraging permanent mooring facilities. Dredge and fill activities may occur on submerged lands in the Florida Keys only as permitted by the Monroe County Land Development Regulations. It must be demonstrated pursuant to the review of the proposed project features that the activities included in the proposed project do not cause permanent, adverse natural system impacts.

3.8.3 As a result of proposed project reviews, include conditions that result in a project that enhances and preserves marine and estuarine water quality by:

a) improving the timing and quality of freshwater inflows;
b) reducing turbidity, nutrient loading and bacterial loading from wastewater facilities, vessels;
c) reducing the number of improperly maintained stormwater systems; and
d) requiring port facilities and marinas to implement hazardous materials spill plans.

Strategic Regional Goal

3.9 Restore and protect the ecological values and functions of the Everglades System.

Thank you for the opportunity to comment. Please do not hesitate to call if you have any questions or comments.

Sincerely,

Allyn L. Childress, AICP
Senior Planner

ALC/th

cc: Susan Markley, Miami-Dade County DERM
Diane O'Quinn Williams, Miami-Dade County DP&Z

F 599 Scoping 2003 / Mgmt Plan

#159

Department of Environmental Protection

Jeb Bush
Governor

Biscayne Bay Aquatic Preserve
1275A NE 79th Street
Miami, Florida 33138

David B. Struhs
Secretary

February 6, 2004

Linda Canzanelli
Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033-5634

Subject: Biscayne National Park General Management Plan

Dear Ms. Canzanelli,

Thank you for requesting comments on the proposed management zones and alternatives in the draft General Management Plan for Biscayne National Park. Since the Biscayne Bay Aquatic Preserve (BBAP) shares borders and resources, both biological and physical, with Biscayne National Park, we have shared interests in the health and sustainable uses of Biscayne Bay.

Alternatives Two, Four, and Five contain a proposal for the creation of Non-combustion Engine Use Zones. This type of zoning is defined in the Biscayne National Park's management plans proposal as being created "to preserve natural sounds and to protect shallow water habitats (generally 3 feet or less in depth), and wildlife such as manatee and bonefish that use this area." These goals coincide with Florida Legislature's intent when they established Chapter 258.397 of the Florida Statutes stating that "Biscayne Bay be preserved in an essentially natural condition so that its biological and aesthetic values may endure for the enjoyment of future generations". Your proposal is also consistent with the rules of Chapter 18-18, Florida Administrative Code, which states that the Biscayne Bay Aquatic Preserve Rule is to "preserve and promote indigenous life forms and habitats including but not limited to . . .seagrasses, mangroves, mud flats, marine reptiles, game and non-game fish species, marine mammals, tropical marine invertebrates, birds and shellfish".

The Florida Marine Research Institute (FMRI) has documented seagrass scarring in Miami-Dade county. Sargent, et al. (1995) found that Miami-"Dade county had substantial scarring in the total and moderate plus severe categories, principally in southern Biscayne Bay" in the FMRI Technical Report TR-1 Scarring of Florida's Seagrasses: Assessment and Management Options. Their conclusions included that "ample justification now exists to reduce scarring of seagrasses" and recommends "modifications to management programs developed for specific areas" including education, channel marking, enforcement, and limited-motoring zones.

Sargent et al. (1995) give examples of limited-motoring zones designed "to protect sensitive resources while allowing public access compatible with environmental protection" and these include Weedon Island State Preserve in Pinellas County. In 1992, Folit and Morris reported "a 95 percent reduction in the number of scars since [Weedon Island] was closed to combustion engines- electric trolling motors are still allowed- in October 1990" (Sargent et al., 1995).

Therefore, the Non-combustion Engine Use Zones described in the Biscayne National Park's draft alternatives as requiring boaters "to use non-combustion propulsion within these areas, such as electric engines, oars, poles, or sails. . ." but still permitting boaters "to use combustion engines at idle speeds in depths greater than 3 feet" has precedence in the literature of seagrass management and recovery elsewhere in Florida.

In addition, the proposed Nature Observation Zones in Draft Alternatives Four and Five, "would be managed to provide visitors with opportunities to experience marine ecosystems in their natural self-sustaining states," including mangrove shorelines which serve as "crocodile habitat and fish nurseries." And the Sensitive Resource Zone of Draft Alternatives Two, Four, and Five "would protect habitat for reptiles, bird rookeries and nesting areas (for species such as herons, egrets, pelicans, and cormorants), . . . and locations where endangered species are known" by disallowing visitation and only permitting research if it couldn't be conducted elsewhere. These goals are also consistent with the Biscayne Bay Aquatic Preserve rules.

In summation, the Non-combustion Engine Use, Nature Observation, and Sensitive Resource Zones of the Biscayne National Park Draft General Management Plan are all consistent with the Biscayne Bay Aquatic Preserve rules. These would remain consistent at the maximum extent proposed, Alternative Five, or to an even greater extent.

Thank you again for the opportunity to comment on the draft alternatives for the Biscayne National Park's General Management Plan. If you have any additional questions, please contact Marsha Colbert at the letterhead address or (305) 795- 3485 by telephone or by email to Marsha.Colbert@dep.state.fl.us .

Sincerely,

Marsha Colbert
Biscayne Bay Aquatic Preserve Manager

Sargent, F.J., T. J. Leary, D.W. Crewz, and C.R. Kruer. 1995. Scarring of Florida's Seagrasses: Assessment and Management Options. Florida Marine Research Institute Technical Report TR-1.

cc: Danny Riley, FDEP Office of Coastal and Aquatic Managed Areas, Assistant Director

Printed on recycled paper

Florida Fish and Wildlife Conservation Commission

Commissioners
Kathy Barco
Chairman
Jacksonville

Kenneth W. Wright
Vice Chairman
Winter Park

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Charles W. Roberts III
Tallahassee

Dwight Stephenson
Delray Beach

Brian S. Yablonski
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Chief of Staff

Office of the Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

October 11, 2011

Ms. Sally Mann, Director
Office of Intergovernmental Programs
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000
Sally.mann@dep.state.fl.us

Re: SAI #FL201108225930C - National Park Service – Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park – Miami-Dade County, Florida

Dear Ms. Mann:

The Division of Marine Fisheries Management of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated the agency review of the Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park (BNP, Park). The FWC provides the following comments pursuant to the National Environmental Policy Act and the Coastal Zone Management Act/Florida Coastal Management Program.

I. Background

Biscayne National Park is currently operating under a General Management Plan (GMP) that was completed in 1983. The GMP is in need of revision to address increased usage of Park resources, while maintaining a level of resource protection and providing for opportunities to enjoy Park resources that is expected from a National Park. This Draft General Management Plan/Environmental Impact Statement proposes alternatives for management of BNP for the next 20 or more years.

II. Boating Restricted Areas and Uniform Waterway Markers

The FWC requests that National Park Service (NPS) apply for the Florida Uniform Waterway Marker (FUWM) Permit for all signs and buoys (markers) placed in the waterways of the Park, regardless of what Alternative is adopted by NPS. By voluntarily applying for the FUWM permit, which the Park has already done for existing waterway markers, NPS will ensure that their markers are consistent with state and federal regulations (United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities Maritime Buoyage System). The Uniform Waterway Marker system ensures that boaters see consistent messages and symbols while boating throughout the state. Consistent waterway markers symbols and messages ensure greater zone compliance and ultimately less impact on benthic resources. By applying for a FUWM permit, the Park's waterway markers will be more readily identifiable when they are damaged or destroyed, expediting the notification process. FWC's Marker On-Call Program is a statewide program that quickly identifies damaged or destroyed waterway markers and notifies the owner, regardless of the agency to which the marker belongs.

The Preferred Alternative (Alternative 4) in the Draft GMP/EIS suggests the installation of a number of additional waterway markers (both regulatory and informational) within the Park. In an effort to minimize risk associated with vessel collisions with markers, FWC suggests the Mooring Buoy and Marker Plan be developed to minimize the number of waterway markers while providing for appropriate levels of boater awareness and accomplishing other goals. FWC staff within the Division of Law Enforcement, Boating and Waterway Section, has considerable experience in this area and would be eager to participate in the development of the Mooring Buoy and Marker Plan.

Additionally, to reduce vessel operator confusion and compliment existing state zones within the park, FWC suggests that NPS consider adopting the state definitions of "no power-driven vessels", "no motor zone", or "manually propelled vessels only", and "slow speed minimum wake", to accomplish vessel operation objectives. NPS can accomplish the same objective of prohibiting combustion engines by using the appropriate state definitions (refer to 68D-23.103(3)(b), (d)-(f), Florida Administrative Code).

Since 1991, FWC has had regulatory zones located within the park boundary – particularly the 1000' buffer zone from Black Point to Turkey Point and Idle Speed No Wake zone within the North Canal located north of Turkey Point Power Plant and adjacent to the Park Administrative & Visitor Center. Should the NPS adopt any non-combustion engine use and slow speed zones along the western park boundary, the more restrictive NPS zone would be posted and the FWC markers posting the state zone would need to be removed or replaced to reflect the NPS regulation. In addition, FWC strongly recommends that NPS adopt the state definitions of Slow Speed Minimum Wake. The Draft GMP/EIS references the term slow (wakeless) speed within Table 2 (pages 49-58), "Visitor Experience" column. The use of the state term of "Slow Speed Minimum Wake" reduces vessel operator confusion and perhaps increases compliance as they enter/exit the park boundary and encounter other local or state regulatory zones. In addition FWC has been successful in the use of the state zones in establishing federal manatee sanctuaries with the United States Fish and Wildlife Service. The state definition of " 'Slow Speed Minimum Wake'… means that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow" (Ch. 68D-23.103(3)(b), F.A.C.).

The Draft GMP/EIS needs to further elaborate on the intended regulations for the "Marine Reserve Zone", should such a zone be included in subsequent versions of the GMP. Currently, it states that boat size, type and speed could be regulated to protect resources in the zone. With the exception of fishing as a prohibited activity, the plan does not state what activities are permitted or what vessel speed limits are being considered.

The Preferred Alternative (Alternative 4) in the Draft GMP/EIS indicates that the number of proposed moorings for many of the sites will be limited. In the interest of our continued support of safe and reasonable use of the waters and marine resources within

the Park, we encourage staff to evaluate current and historic use trends for the areas where moorings are intended to be installed and to ensure that appropriate numbers of moorings are installed and maintained to support those levels of use. In those instances where anchoring is not permitted when all the moorings are in use, public access to public resources may be restricted, even though the activities being conducted may have an extremely low-impact on such resources. If an appropriate number of moorings are installed to meet traditional and current use volume, many of the negative impacts to benthic resources would be eliminated while assuring public access to public resources.

III. Personal Watercraft Transit

The FWC very much supports responsible efforts to protect Florida's environment while ensuring a wide variety of safe and enjoyable opportunities for Florida's residents and visitors. However, we would like to emphasize that any efforts to amend the boating restrictions within the Park should include a provision which would allow for the operation of personal watercraft to transit south Miami-Dade County via the ICW, to assure safety to those wishing to transit the Park to destinations beyond Park boundaries.

IV. Marine Habitat Restoration

The FWC supports the restoration of damaged marine resources including coral reef, seagrass and mangrove communities. FWC staff within the Division of Habitat Species Conservation, Aquatic Habitat Conservation and Restoration Section, would be willing partners in any marine restoration efforts conducted by BNP staff.

V. Exotic Species Removal

The FWC encourages the removal of the Indo-pacific lionfish (*Pterois volitans*) from BNP. Lionfish are a significant predator on native reef fish populations, including many that serve important roles in the continue health of the reef community. Lionfish also compete for food resources used by native species such as grouper and snapper. Park staff should investigate the use of Park sponsored lionfish tournaments to assist in the control of lionfish populations. Removal of lionfish through public participation offers a recreational opportunity for the public while benefitting native fish communities.

VI. Satellite Visitor Education Center

The FWC supports the idea of a satellite visitor education center in Miami, as long as it is not within the boundaries of the Bill Sadowski Virginia Key Critical Wildlife Area (CWA). A specific location on Virginia Key is not mentioned in the Draft GMP/EIS, but recent City of Miami Master Plans for Virginia Key have placed such a visitor center within or adjacent to the CWA.

VII. Listed Species

Recent surveys for the federally endangered Schaus' swallow-tail butterfly (*Heraclides aristodemus ponceanus)* are finding very few individuals (Attachment 1). The vast majority are being found in BNP on the south end of Elliot Key near Petrel Point. The

NPS should consider designating the area around Petrel Point (about ½ mile north and south of Petrel Point) as a Sensitive Resource Zone or as a Nature Observation Zone.

VIII. Fisheries Management Coordination

In 2002 and subsequently in 2007, the FWC entered into a Memorandum of Understanding (MOU) with BNP to "facilitate the management, protection, and scientific study of fish and aquatic resources" within BNP, "by improving communication, cooperation and coordination" between the FWC and the Park (Attachment 2).

The MOU provides relevant background information, lists objectives to be achieved, outlines regulatory authorities, and details expectations of work on behalf of both the FWC and the Park for the mutual benefit of the aquatic resources within the Park. It is unfortunate that--despite the existing MOU wherein FWC and the Park agreed to make efforts to the maximum extent possible to cooperate fully and jointly to manage fishing within the Park--the FWC is forced to provide extensive comments with regards to fisheries management issues on a Draft GMP/EIS through the Florida State Clearinghouse.

One of the tasks identified in the MOU is the joint development of a comprehensive fisheries management plan. The purpose of the Fishery Management Plan (FMP) is to provide for the long-term management of fish and aquatic resources within the Park, separately yet complimentary to a General Management Plan.

The development of the Fishery Management Plan is ongoing, and the Draft GMP/EIS specifically states: "Due to this ongoing planning process, the GMP will not address fisheries management in its alternatives" (page 16). However, Alternatives 2-5 of the Draft GMP/EIS would utilize zones where fishing activities are purposefully reduced or eliminated, or are inadvertently restricted by gear type, vessel speed, access, etc. All 10 of the proposed zones in the Draft GMP/EIS propose to manage fishing activities in some manner, and "managing recreational [and commercial] fishing in the interest of sound conservation" is specifically identified as a management action in the majority of the zone descriptions (Attachment 3). For example, the management objective for the Marine Reserve Zone included within Alternatives 3, 4 and 5 (pages 76, 82 and 88 respectively) addresses specific fisheries management objectives (e.g., larger and more numerous tropical reef fish, reducing mortality of fish), and compares the proposed management strategy of eliminating all fishing to other fisheries management strategies (e.g., catch and release, slot limits). This is a fisheries management issue and as such belongs in a Fishery Management Plan, not a General Management Plan.

The proposed fisheries management regulatory actions within the Draft GMP/EIS that reduce or eliminate fishing activities are in direct conflict with the MOU which states in Article I – Background and Objectives:

> "WHEREAS, FWC and the Park agree that properly regulated commercial and recreational fishing will be continued within the boundaries of the Park. FWC and the Park recognize and acknowledge that commercial and recreational fishing constitutes activities of statewide importance that benefit the health and welfare of the people of the State of Florida."

and in Article III – Statement of Work:

> A. FWC and the Park agree to:
> 3. Provide for recreational and commercial fishing and opportunities for the angling public and other Park visitors to enjoy the natural aquatic environment.

In addition, the proposed fisheries management regulatory actions within the Draft GMP/EIS have not been jointly evaluated with the FWC, and the FWC was not consulted in advance of these actions being proposed and released to the public for comment. This is also in direct conflict with the MOU which states in Article III – Statement of Work:

> A. FWC and the Park agree to:
> 2. Acknowledge that the FWC will play a crucial role in implementing and promulgating new regulations as may be deemed appropriate, as well as take other management actions to achieve the mutual objectives for the management of fisheries within the boundaries of the Park for the term of this MOU. However, the agencies agree to consult with each other on any actions that they may propose to be taken to conserve or protect fish populations and other aquatic resources within Park boundaries or to further regulate the fisheries.
>
> 5. Consult with each other and jointly evaluate the commercial and recreational harvest of fishery resources within the Park. Such consultation and evaluation, as set forth in the enabling legislation establishing the Park, should include a full review of all commercial and recreational fishery practices, harvest data, permitting requirements, techniques and other pertinent information for the purposes of determining to what extent mutually agreed upon fishery management goals are being met within the Park and to determine what additional management actions, if any, are necessary to achieve stated management goals.

The proposed regulatory actions combined with the lack of agency coordination make it abundantly clear that the Park's regulatory strategy is to address fisheries management issues within the context of the General Management Plan and outside of the framework of the MOU and the Fishery Management Plan. Again, this violates the MOU.

IX. Consistency Statement

a. Conditions for Consistency

The following conditions are necessary in order for the FWC to determine the Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park consistent with FWC enforceable policies included within the federally approved Florida Coastal Management Program:

1) On pages 49-58 (Table 2: Biscayne National Park Management Zones, Alternatives 2 through 5), all language referring to fishing activities (e.g., recreational, sport, commercial), or limiting fishing activities in any fashion (e.g., vessel speed, hours allowed, engine use, gear type, location, etc.), under the "Visitor Experience" column be amended to read as follows:

"All fishing activities and fishing vessel operation will be conducted in the manner specified in the Fisheries Management Plan."

2) On pages 49-58 (Table 2: Biscayne National Park Management Zones, Alternatives 2 through 5), all language referring to fisheries management actions under the "Management Actions and Facilities" column be amended to read as follows:
"managing fishing activities in accordance with the Fishery Management Plan in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations."
3) Address fisheries management issues through the Fishery Management Plan process rather than the General Management Plan review and amend Draft GMP/EIS language, where appropriate, to reflect that all fishing activities will be conducted in the manner specified in the Fishery Management Plan.

Absent modification of the Draft GMP/EIS pursuant to the conditions above, this letter must be treated as an objection, as FWC has determined that the following items contained within the Biscayne National Park Draft GMP/EIS are inconsistent with FWC enforceable policies included within the Florida Coastal Management Program:

1) Marine Reserves Zones included in Alternatives 3, 4 and 5.
2) Dredged Navigation Channels Zones included in Alternatives 2-5.
3) Multiuse Zones included in Alternatives 2-5.
4) Slow Speed Zones included in Alternatives 2-5.
5) Noncombustion Engine Use Zones included in Alternatives 2-5.
6) Access by Permit Zones included in Alternatives 2, 3 and 5.
7) Nature Observation Zones included in Alternatives 2-5.
8) Visitor Service/Park Administration Zones included in Alternatives 2-5.
9) Sensitive Underwater Archeological Zones included in Alternatives 2-5.
10) Sensitive Resource Zones included in Alternatives 2-5.

All of the above-identified items (#1-10) shall be herein collectively referred to as "Zones".

b. Basis for Determination
The following enforceable policies within the federally approved Florida Coastal Management Program provide the basis for FWC's objection.

379.2401 Marine fisheries; policy and standards.—
(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

The BNP Draft GMP/EIS does not provide "best available information" that supports the need to reduce or eliminate fishing in the proposed Zones for the "management and preservation" of the state's renewable marine fishery resources. In addition, establishment of these Zones would not provide for "use to all the people of this state for

present and future generations", by limiting and/or excluding use of persons wanting to recreationally and/or commercially fish in the proposed Zones.

379.2401 Marine fisheries; policy and standards.—
(3) All rules relating to saltwater fisheries adopted by the commission shall be consistent with the following standards:
(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

The proposed Zones would be inconsistent with how marine fisheries rules are developed and promulgated by the FWC by reducing or eliminating "reasonable means and quantities of annual harvest". The GMP does not present any data that show the "maximum practicable stock abundance" of the marine fisheries resources will be impacted if fishing were not reduced or eliminated in these Zones.

The enabling acts establishing BNP and the MOU executed in good faith with FWC clearly call for consultation and coordination with the State of Florida/FWC regarding fisheries management. The Fishery Management Plan is the most appropriate tool for this consultation and coordination. Any significant restrictions on fishing opportunities within the BNP are clearly fishery management issues falling under the purview of these requirements and mutual agreements for consultation and coordination. There is no doubt the draft GMP proposes significant restrictions on fishing opportunities that should be addressed through the provisions of the MOU and the Fishery Management Plan. FWC respectfully calls for the NPS to honor these requirements and commitments by withdrawing these fishery- and fishing-related provisions from the GMP and working closely with FWC and stakeholders to develop proposals that reflect a better balance between resource protection and the public interest.

X. Closing Comments

It is evident by the extensive fisheries management content of the Draft GMP/EIS that there are fisheries management issues that need to be addressed through the Fishery Management Plan. Moreover, the MOU between the FWC and BNP, which was signed by both parties to facilitate fishery management planning, states that both parties recognize the FWC's belief that marine reserves (no-take areas) are overly restrictive and that less restrictive management measures should be implemented during the duration of the MOU. The MOU also indicates that both parties recognize that the Park intends to consider the establishment of one or more marine reserves in the Park for purposes other than sound fisheries management. It is FWC's position, however, that the reduction or elimination of fishing activities currently proposed in the GMP/EIS violates the conditions of the MOU and should be coordinated with the FWC pursuant to the MOU and executed within the framework of the Fishery Management Plan as opposed to the General Management Plan. FWC is willing to explore fisheries management issues within the context of the Fishery Management Plan development, however, per our discussions over the past ten years, we certainly cannot support a marine reserve that closes large areas for fishing within BNP until less restrictive fisheries management measures have been considered and tried.

The FWC appreciates the opportunity to provide input on the Draft GMP/EIS for BNP. We remain willing to work with BNP so the GMP can be finalized in a manner consistent with FWC's authorities within the Florida Coastal Management Program. If you have any questions or would like to discuss our comments, please contact Lisa Gregg in the Division of Marine Fisheries Management at (850) 487-0554 or lisa.gregg@myfwc.com.

Sincerely,

Nick Wiley
Executive Director

nw/lg
BNP General Management Plan-EIS_2273_101111
Enclosures
cc: Mark Lewis, Superintendent, Biscayne National Park

ATTACHMENT 2A

Schaus' Swallowtail Butterfly Survey at Biscayne National Park
and North Key Largo, 2011

This report is omitted due to sensitive natural resources material.

ATTACHMENT 2

Memorandum of Understanding

between

the State of Florida, Fish and Wildlife Conservation Commission

and

the National Park Service, Biscayne National Park

NPS Agreement Number G5250H0083

ARTICLE I – BACKGROUND AND OBJECTIVES

WHEREAS, The purpose of this Memorandum of Agreement (MOU) is to facilitate the management, protection and scientific study of fish and aquatic resources within the National Park Service, Biscayne National Park (hereinafter referred to as the Park) by improving communication, cooperation and coordination between the Florida Fish and Wildlife Conservation Commission, (hereinafter referred to as the FWC) and the Park; and

WHEREAS, Biscayne National Monument was established by Congress in 1968 "in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty" (PL 90-606). The Monument was later expanded in 1974 (PL 93-477), and again in 1980 (PL 96-287), to its current size of 173,000 acres (270 square miles), when it was also redesignated as the Park, where excellent opportunities are provided for fishing, snorkeling, scuba diving, boating, canoeing, kayaking, windsurfing and swimming; and

WHEREAS, the State of Florida conveyed sovereign submerged lands to the United States in 1970 to become part of Biscayne National Monument; and

WHEREAS, the Park is made up predominantly of submerged lands (95 percent), and may be divided generally into three major environments: coral reef, estuarine and terrestrial. The boundaries of the Park begin at the west mangrove shoreline, extend east to Biscayne Bay (including seagrass communities and shoals), the keys (including hardwood hammocks, mangrove wetlands, sandy beaches and rocky inter-tidal areas), the reef, and continue to their easternmost extent at a contiguous 60-foot depth contour. The northern boundary of the Park is near the southern extent of Key Biscayne, while the southern boundary is near the northern extent of Key Largo, adjacent to the Barnes Sound and Card Sound areas; and

WHEREAS, Biscayne Bay has also been designated by the State of Florida as an Aquatic Preserve, Outstanding Florida Water, Outstanding National Resource Water (pending ratification of State water quality standards) and lobster sanctuary under Florida Law, and by Dade County as an aquatic park and conservation area; and

WHEREAS, both FWC and the Park have responsibilities under Federal and State laws and regulations that affect fish and other aquatic resources within the Park; and

WHEREAS, FWC and the Park agree that "when possible and practicable, stocks of fish shall be managed as a biological unit" (Chapter 370.025(d) Florida Statutes). This statement is intended to recognize that measures to end overfishing and rebuild stocks are most effective when implemented over the range of the biological stock; however, it is not intended to preclude implementation of additional or more restrictive management measures within the Park than in adjacent State waters as a means of achieving mutual objectives; and

WHEREAS, FWC and the Park agree that properly regulated commercial and recreational fishing will be continued within the boundaries of the Park. FWC and the Park recognize and acknowledge that commercial and recreational fishing constitutes activities of statewide importance that benefit the health and welfare of the people of the State of Florida. The parties also recognize and acknowledge that preserving the nationally significant resources of the Park to a high conservation and protection standard to be agreed upon by both parties in the fishery management plan for all citizens to enjoy is of statewide as well as national importance, and as such, will also benefit the health and welfare of the people of the State of Florida; and

WHEREAS, FWC and the Park agree to seek the least restrictive management actions necessary to fully achieve mutual management goals for the fishery resources of the Park and adjoining areas. Furthermore, both parties recognize the FWC's belief that marine reserves (no-take areas) are overly restrictive and that less-restrictive management measures should be implemented during the duration of this MOU. Consequently, the FWC does not intend to implement a marine reserve (no-take area) in the waters of the Park during the duration of this MOU, unless both parties agree it is absolutely necessary. Furthermore, the FWC and the Park recognize that the Park intends to consider the establishment of one or more marine reserves (no-take areas) under its General Management Planning process for purposes other than sound fisheries management in accordance with Federal authorities, management policies, directives and executive orders; and

WHEREAS, both parties wish this MOU to reflect their common goals and intended cooperation and coordination to achieve those goals.

ARTICLE II – AUTHORITY

In the Organic Act of 1916, U.S.C. § 1, Congress created the National Park Service (NPS) to promote and regulate the National Park System for "the purpose of conserving the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as would leave them unimpaired for the enjoyment of future generations." Congress further determined, in 16 U.S.C. § 1a-1, that the authorization of activities within units of the National Park System be construed, and the protection, management and administration of national parks be conducted, in the light of high public value and integrity of the National Park System.

The legislation establishing the Park states that the "Secretary shall preserve and administer the park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the park is established: Provided, that with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law." PL 96-287, § 103(a), codified at 16 U.S.C. § 410gg-2(a).

As a unit of the National Park System, the Park is authorized under 16 U.S.C. §§ 1-6 to participate in memoranda of understanding that document mutually agreed upon policies, procedures and relationships that do not involve funding.

The FWC was created by Article IV, § 9 of the Florida Constitution and is vested with the state's executive and regulatory authority with respect to freshwater aquatic life, wild animal life and marine life. This authority, directly derived from the Constitution, provides the FWC with autonomy to regulate and manage wild animal life, freshwater aquatic life and marine life within the State of Florida, which includes the areas encompassed by the Park.

The FWC is authorized under Chapter 370.103, Florida Statutes, to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any abuse whatsoever. Such authority includes authority to enter into cooperative agreements whereby officers of the FWC are empowered to enforce federal statutes and rules pertaining to fisheries management.

The regulatory responsibility of the State of Florida with respect to fishing on the original Park lands is set forth in section 103(a) of PL 96-287 (see above). The regulatory responsibility of the State of Florida with respect to fishing on additional lands conveyed to the Park after the effective date of PL 96-287 is set forth in a Board of

Trustees of the Internal Improvement Trust Fund Dedication dated December 13, 1985, which contains the following special reservation: "All rights to fish on the waters shall be retained and not transferred to the United States and fishing on the waters shall be subject to the laws of the State of Florida."

NOW, THEREFORE, both parties agree as follows:

ARTICLE III – STATEMENT OF WORK

A. FWC and the Park agree to:

1. Seek concurrence in meeting their management goals and strive to identify means, measures and other interagency actions for the mutual benefit of the aquatic resources within Biscayne Bay and the Park.

2. Acknowledge that the FWC will play a crucial role in implementing and promulgating new regulations as may be deemed appropriate, as well as take other management actions to achieve the mutual objectives for the management of fisheries within the boundaries of the Park for the term of this MOU. However, the agencies agree to consult with each other on any actions that they may propose to be taken to conserve or protect fish populations and other aquatic resources within Park boundaries or to further regulate the fisheries.

3. Provide for recreational and commercial fishing and opportunities for the angling public and other Park visitors to enjoy the natural aquatic environment.

4. Manage fisheries within the Park and Biscayne Bay according to applicable Federal and State laws, and in a manner that promotes healthy, self-sustaining fish populations and recognizes the biological characteristics and reproductive potential of individual species. Desired future conditions for fisheries and visitor experiences within the Park will be established cooperatively to further guide fisheries management.

5. Consult with each other and jointly evaluate the commercial and recreational harvest of fishery resources within the Park. Such consultation and evaluation, as set forth in the enabling legislation establishing the Park, should include a full review of all commercial and recreational fishery practices, harvest data, permitting requirements, techniques and other pertinent information for the purposes of determining to what extent mutually agreed upon fishery management goals are being met within the Park and to determine what additional management actions, if any, are necessary to achieve stated management goals.

6. Collaborate on the review and approval of proposals for fisheries stock assessment, site characterization, maintenance or restoration, including scientifically based harvest management, species reestablishment, stocking, habitat protection, and habitat restoration or rehabilitation.

7. Notify each other, as early as possible, of the release of information pertaining to the development of agency policies, management plans, statutes, rules and regulations that may affect fisheries and aquatic resource management within the Park boundary.

8. Share scientific information, field data and observations on Park fishery resources and activities affecting those resources, except in situations where the exchange of such data would violate State or Federal laws or regulations (e.g. law enforcement investigations and confidential landings statistics). The parties will provide each other with copies of reports that include results of work conducted within the Park or Biscayne Bay.

9. Jointly consider proposals for the management and control of exotic (non-indigenous) species, if found to occur within the Park or in adjacent areas, that may pose a threat to the integrity of Park resources. Exotic species are those that occur in a given place as a result of direct or indirect, deliberate or accidental actions by humans.

10. Review and coordinate, on an annual basis, proposals for fisheries and aquatic resources management, research, inventory and monitoring within the Park and Biscayne Bay. Each party will provide prospective researchers with legal notice of agency-specific permitting requirements. Additionally, as a courtesy, and to encourage information sharing, the FWC and the Park will provide each other with annual summaries of marine and terrestrial research, inventory and monitoring activities conducted within and in close proximity to the Park.

11. Meet at least once annually and otherwise as needed to coordinate management and research activities and exchange information on fish and aquatic resources within the Park and Biscayne Bay.

12. Recognize that there may be times when the missions of the FWC and the Park may differ, and that while efforts will be made to the maximum extent possible to cooperate fully and jointly manage fishing within the Park as intended by Congress when the Park was established, there may be occasion when the two agencies choose to disagree. Such occasions will not be construed, as impasses and every attempt will made to avoid communication barriers and to not jeopardize future working relationships.

13. Develop a comprehensive fisheries management plan (hereinafter referred to as the Plan) for the long-term management of fish and aquatic resources within the Park. The Plan will summarize existing information and ongoing activities, clarify agency jurisdiction, roles and responsibilities, identify additional opportunities for cooperative management, list key issues, establish management goals and objectives, describe desired future conditions, indicators, performance measures and management triggers, and develop a list of prioritized project statements. Specifically, with respect to developing the Plan, the two agencies agree as follows:

B. The FWC agrees to:

1. Assist the Park, and play a collaborative role in coordinating with the Park and its cooperators, in the development and ongoing review of the Plan.

2. Provide representation to a technical committee formed to guide interagency fisheries management within Biscayne Bay, including the Park, and participate in monthly teleconference calls and meetings as may be scheduled for purposes of steering fisheries management planning project.

3. Assign staff, including those from the Florida Marine Research Institute, as deemed appropriate to assist the Park and its cooperators in developing credible project statements or preliminary research proposals. The emphasis of such proposals will be to design and prioritize projects intended to meet known fisheries data gaps or resource knowledge deficiencies to facilitate scientifically based and informed fisheries management decision- and rule-making.

4. Provide representation to and support for forming the Scientific Advisory Panel for the purposes described in C.4 below.

5. Provide access to and support for requests by the Park to existing data and information as may be applicable to Biscayne Bay fisheries and aquatic resources, jurisdictions and other pertinent aspects to developing the Plan.

6. Review and comment upon drafts of the Plan and participate in joint meetings that will be arranged to solicit public opinion and comment concerning proposed

fisheries management actions and/or alternatives as may be described within the draft Plan; and to review and comment upon any fisheries and aquatic resources issues and alternatives as may be identified within the Park's General Management Plan, also being developed in 2001–2002.

7. Facilitate information exchange and otherwise provide briefings to FWC Commissioners as necessary and deemed appropriate by the FWC.

8. Facilitate information exchange and otherwise provide briefings as may be deemed appropriate to the South Atlantic Fishery Management Council, of which FWC's Director of the Division of Marine Fisheries is a member.

9. Work with the Park to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.

10. As may be provided under State law and FWC policies, and upon full review, comment, revision and concurrence by the FWC, co-sign and endorse the Plan.

C. The Park agrees to:

1. Subject to the availability of funds, provide project funding support to cooperators, under contractual requirements separate from this MOU and described within an approved study plan prepared by NPS, to complete the Plan.

2. Secure contractors and cooperation from other fisheries experts to develop and/or assist the Park in developing the Plan. These cooperators may include, but are not limited to, research fishery biologists, aquatic ecologists and fisheries program managers from the FWC, Tennessee Valley Authority, Everglades National Park, National Marine Fisheries Service, Southeast Fisheries Science Center, and the University of Miami--Rosenstiel School of Marine and Atmospheric Science.

3. Form a technical steering committee comprised of Park personnel as well as those cited in C.2 above, and arrange and coordinate monthly teleconference calls and periodic other meetings of this committee as necessary to develop the Plan.

4. Arrange and coordinate a Scientific Advisory Panel to review the findings and recommendations contained in the 2001 report entitled "Site Characterization for Biscayne National Park: Assessment of Fisheries Resources and Habitats," prepared under contract for the Park by Dr. Jerald S. Ault, et al.

5. Work with the FWC to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.

6. Pursuant to the National Environmental Policy Act, arrange and coordinate public meetings, Federal Register Notices, and other requirements associated with preparing an Environmental Impact Statement in conjunction with the Plan.

7. Under contractual arrangements separate from this MOU, finance, print, and distribute a reasonable and sufficient number of draft and final copies of the Plan to all cooperators and other entities with an expressed or vested interest.

8. As requested by the FWC, help conduct or simply attend briefings, presentations or other forums concerning fisheries/wildlife management within Biscayne Bay, including the Park.

9. Facilitate and encourage the joint publication of press releases and the interchange between parties of all pertinent agency policies and objectives, statutes, rules and regulations, and other information required for the wise use and perpetuation of the fisheries resources of the Park.

10. Facilitate research permitting to state entities for activities needed to accomplish goals identified in the Plan.

ARTICLE IV – TERMS OF AGREEMENT

This MOU shall become effective upon signature by all parties hereto, and is executed as of the date of the last of those signatures and shall remain in effect for a term of five (5) years unless rescinded as provided in Article IX. It may be reaffirmed and extended for an additional five years.

This MOU in no way restricts the FWC or the Park from participating in similar activities with other public or private agencies, organizations, and individuals.

This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Park and the FWC will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors will be set forth in separate written agreements executed by the parties and shall be independently authorized by appropriate statutory authority.

ARTICLE V – KEY OFFICIALS

A. For Biscayne National Park:

Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033

B. For the Florida Fish and Wildlife Conservation Commission:

Executive Director
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

ARTICLE VI – PRIOR APPROVAL

Not applicable

ARTICLE VII – REPORTS AND/OR OTHER DELIVERABLES

Upon request and to the full extent permitted by applicable law, the parties shall share with each other final reports of actions involving both parties.

ARTICLE VIII – PROPERTY UTILIZATION

Unless otherwise agreed to in writing by the parties, any property furnished by one party to the other shall remain the property of the furnishing party. Any property furnished by the Park to the FWC during the performance of this MOU shall be used and disposed of as set forth in Federal property management regulations found at 41 C.F.R. Part 102.

ARTICLE IX – MODIFICATION AND TERMINATION

Either party may terminate this MOU by providing 60 days advance written notice to the other party. However, following such notice and before termination becomes effective, the parties will attempt to address and resolve the issues that led to the issuance of the notice.

Any disputes that may arise as a result of this MOU shall be subject to negotiation upon written request of either party, and each of the parties agrees to negotiate in good faith. The parties shall use their best efforts to conduct such negotiations at the lowest organizational level before seeking to elevate a dispute. If the parties cannot resolve the dispute through negotiation, they may agree to mediation using a neutral acceptable to both parties. Subject to the availability of funds, each party will pay an equal share of any costs for mediation services as such costs are incurred. If the dispute cannot be resolved through mediation, it will be elevated to a third party acceptable to both the Park and FWC for a final decision.

This MOU may be reviewed and/or modified at any time upon written agreement of the FWC and the Park.

ARTICLE X – STANDARD CLAUSES

A. Compliance With Laws

This MOU is subject to the laws of the United States and the State of Florida, and all lawful rules and regulations promulgated thereunder, and shall be interpreted accordingly.

B. Civil Rights

During the performance of this MOU, the parties agree to abide by the terms of the U.S. Department of the Interior (hereinafter referred to as the Department)– Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age or sex.

C. Promotions

The FWC will not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts, or other publications), which states or implies Governmental, Departmental, bureau or Government employee endorsement of a product, service or position, which the Department represents. No release of information relating to this MOU may state or imply that the Government approves of the FWC's work product, or considers the Department's work product to be superior to other products or services.

D. Public Information Release

The FWC will obtain prior approval from the Park for any public information releases, which refers, to the Department, any bureau, park unit, or employee (by name or title), or to this MOU. The specific text, layout, photographs, etc. of the proposed release must be submitted with the request for approval.

E. Liability Provision

Each party to this agreement will indemnify, save and hold harmless, and defend each other against all fines, claims, damages, losses,

judgments, and expenses arising out of, or from, any omission or activity of such person organization, its representatives, or employees. During the term of the MOU, the Park will be liable for property damage, injury or death caused by the wrongful or negligent act or omission of an employee, agent, or assign of the Park acting within the scope of his or her employment under circumstances in which the Park, if a private person, would be liable to a claimant in accordance with the law of the place where the act or omission occurred, only to the extent allowable under the Federal Tort Claims Act, 28 U.S.C. Sec. 2671 et seq.

ARTICLE XI – SIGNATURES

IN WITNESS HEREOF, the parties hereto have executed this agreement on the dates set forth below.

FOR BISCAYNE NATIONAL PARK:

Signature: Mark Lewis

Mark Lewis
Superintendent
Biscayne National Park

Date: 9/14/07

FOR THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION:

Signature: Ken Haddad

Ken Haddad
Executive Director
Florida Fish and Wildlife Conservation Commission

Date: 9/14/07

ATTACHMENT 3

TABLE 2: BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 5

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Visitor Services/Park Administration Zone (Concentrated use)	This zone would provide for a high level of visitor activity and administrative operations. The zone would be modified for visitor access and park operations in a way that aesthetically blends with the natural and cultural environment. 1. Elements of the natural and cultural environment would remain. 2. Sights and sounds of human activity would frequently supplant the sights and sounds of nature. 3. There would be tolerance for moderate resource impacts to accommodate visitor services and park operations. 4. New development of park administrative facilities would occur only on previously disturbed sites. Some development for visitor access and activities might occur. The zone would not be near sensitive natural or cultural resources if such resources could not be adequately protected. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. Cultural resources might be stabilized and hardened (protecting archeological values from unauthorized artifact removal or other destructive activities) to permit visitor access or considered for adaptive reuse.	Visitors would have opportunities to receive orientation and information, interact with park staff, and experience and learn about park resources. 1. Appropriate visitor activities could include sightseeing, walking, swimming, recreational fishing, boating, camping, participating in educational activities, and interacting with resources. 2. Visitors would see native flora and fauna and might see cultural resources. 3. Interpretive and educational opportunities would be greatest in this zone. Visitor activities might be self-directed and/or visitors might use interpretive services to plan their activities. Visitor education could be self-directed or structured. 4. Interpretive services would be offered in multiple languages. 5. Special events could be allowed in this zone with appropriate permits. 6. The probability of encountering others would be high. Visitors would experience a modified environment that accommodates high levels of use and minimizes further resource impacts. 7. Facilities and services would enhance opportunities to experience and understand park resources and provide an orientation to the park. 8. Visitor activities might be highly regulated to preserve elements of the natural and cultural environment, allow access to cultural resources, prevent visitor conflicts, and enhance public safety. 9. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 10. Commercial visitor services and facilities would be appropriate in this zone.	Management actions would focus on managing the higher levels of visitor use within the zone and providing administrative services. Management actions could include 1. administering daily parkwide operations 2. providing maintenance activities 3. providing interpretive and enforcement services 4. providing emergency services 5. implementing resource stewardship 6. prioritizing, overseeing, and managing research projects 7. defining additional compatible uses 8. limiting public access to certain parts of this zone (housing, maintenance, and administration) 9. regulating visitor activities and vessel type, size, and speed 10. authorizing commercial services 11. managing recreational fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities would be appropriate in size and scale, blending with the natural and cultural landscape. Extent, size, and layout would be the minimum needed to accommodate the intended purposes. Existing and new visitor facilities or improvements would be analyzed for ongoing need, usefulness, and impacts on resources. New administrative facilities could be located outside park boundaries. 1. Appropriate visitor facilities could include visitor centers, kiosks, wayside exhibits, educational spaces, observation boardwalks, include roads, parking areas, docks, restrooms, picnic areas, campgrounds, navigational aids, mooring buoys and trails improved and maintained as necessary for handicapped accessibility. 2. Appropriate park administrative facilities could include maintenance, storage, offices, and staff housing.

Allows for recreational fishing, but not commercial fishing.

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Dredged Navigation Channels Zone (Boat transit in dredged channels)	The purpose of this zone is to allow transportation routes for vessels in existing channels including the Intracoastal Waterway and the Black Point, Homestead Bayfront, and Turkey Point channels. 1. Natural conditions and processes could be impacted by transportation use of the zone. 2. Unnatural sounds might be prevalent. 3. Resources within the dredged navigation channels would continue to be impacted by activities that maintain existing channels. Within the channels, moderate impacts on natural conditions would be tolerated. Impacts on resources outside the channels would be kept to an absolute minimum. 4. There could be a high level of human use and activity. 5. The existing depth, configuration, and alignment of navigational channels would not be expanded, and no new channels would be created. Channels would not exceed the following existing depths within the park: Intracoastal Waterway: 7 feet Black Point Channel: 4.5 feet Homestead Bayfront Channel: 4.5 feet Turkey Point Channel: 7.5 feet 6. Channels would be marked with signs and navigational aids to protect resources and enhance public safety. 7. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	The visitor experience would involve moving along a marked navigational channel by water vessel and would be perceived as linear or sequential in nature. 1. Appropriate activities would be the use of channels for traveling through the park and/or gaining access into other park areas. 2. Visitor activity would be self-directed travel through or within the park at varying speeds, Recreational and commercial fishing that does not impede vessel traffic could be allowed. 3. Opportunities for discovery, challenge, and adventure could be low. Visitors would need to be self-reliant and possess navigational skills. 4. Visitors would benefit from learning about this zone and how to navigate safely within it. 5. Special events would not generally be allowed in this zone. 6. There could be a high probability of encountering other people in the zone. Visitors could expect to hear unnatural sounds. 7. Because of congested vessel traffic at times, conditions in the navigational channels could be dangerous. Visitors might encounter commercial ships and would need to exercise caution. Visitors would navigate through a well-marked channel of a specified depth. Use could be intensively managed and regulated to ensure safe passage and resource protection. 8. Vessel size would generally not be regulated except by conditions of the channel. Speed of vessels in the Intracoastal Waterway would be at a pace that is appropriate to conditions and skill levels. 9. Commercial traffic could be allowed in this zone without the requirement of a permit.	Management activities would focus on resource protection and navigational aids to facilitate safe travel through and within the park. Appropriate management actions could include 1. regulating visitor activities 2. providing law enforcement services 3. monitoring resource impacts 4. managing these zones for transportation and public safety (there might be overlapping jurisdiction with other agencies; coordination and cooperation with other agencies would occur) 5. taking measures to prevent human-caused impacts 6. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations 7. dredging (proposed dredging would need a site-specific environmental study and NPS approval) Facilities appropriate in these zones would include navigational aids and signs for resource protection and enhancing visitor safety.

The key phrase in this sentence is "could be allowed", and does not commit to "will be allowed", so fishing activities could be restricted.

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Multiuse Zone (land and water) (Full range of recreational opportunities)	This zone would provide opportunities for visitors to recreate in natural or cultural settings. Natural and cultural scenes would remain largely intact. 1. Natural conditions and processes would predominate. The environment might be adapted for human use. 2. Sounds and sights of human activity might be apparent. 3. There would be tolerance for minimal resource impacts. 4. Additions to the landscape, including signs, buoys, and markers, might be used to enhance visitor experience and public safety and to protect resources. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. To permit visitor access, cultural resources might be stabilized and hardened (protecting archeological values from unauthorized artifact removal or other destructive activities).	Visitors would experience a natural or cultural setting, whether they are on the water, under the water, or on land. Providing opportunities for people to interact with the resources in this zone would be important. Visitor use of this zone would be resource-based recreation and education that is consistent with park purpose and significance. 1. Appropriate visitor activities could include sightseeing, boating, scuba diving, snorkeling, swimming, sport fishing, nature-watching, hiking, picnicking, camping, and visiting cultural resources. Commercial fishing could be allowed. 2. There would be opportunities for challenge, adventure, and discovery. Visitors might need to use outdoor skills and be self-reliant. 3. Visitor activities might be self-directed, or visitors might use interpretive services to plan their activities. 4. Special events could be allowed in this zone with the appropriate permit. 5. The probability of seeing or encountering others would range from low to moderate most of the time. 6. Occasional special events might result in high levels of visitor encounters for short periods. 7. Visitor activities might be limited to protect resources and enhance public safety. Limitations might be short or long term. 8. Vessel type, size, and speed could be regulated to enhance resource protection and public safety and preserve the desired visitor experience. 9. Commercial fishing would follow the permitting procedures as outlined in the Fishery Management Plan.	Management actions would focus on enhancing visitor experience and safety, protecting resources, minimizing impacts from visitor and commercial use, and restoring disturbed areas. Appropriate management actions could include 1. determining types and levels of use by considering the desired visitor experience and resource vulnerability to impact 2. managing access based on the determined user capacity 3. inventorying and monitoring resources 4. providing interpretation and enforcement services 5. conducting research and restoring and stabilizing resources 6. minimizing and mitigating impacts from visitor and commercial use 7. defining additional compatible uses 8. managing fishing in consultation with the state 9. developing permit systems for various activities 10. regulating vessel type, size, and speed 11. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities in this zone would be small, unobtrusive, and dispersed. Facilities would provide basic visitor services, enhance visitor safety, and be compatible with resource protection goals. Facilities could include 1. primitive trails 2. signs, mooring buoys, and navigation markers 3. interpretive exhibits 4. Restrooms, primitive camping and picnicking sites 5. research equipment

Allows for sport (recreational) fishing, but commercial fishing "could be allowed", and does not commit to "will be allowed", so commercial fishing activities could be restricted.

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Slow Speed Zone (Shallow Water Habitat Protection and Visitor Experience)	The preservation of shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the resource goals in this zone. 1. Protection and continuation of natural processes . 2. Minor impact to Panoramic viewsheds. 3. There would be tolerance for minor resource impacts, including noise levels. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would have opportunities to experience nature. 1. Appropriate visitor activities would include boating (motorized or non-motorized), sightseeing, recreational fishing, swimming, snorkeling, and nature observation. Commercial fishing would be allowed with hours, engine use, trap type, tackle and location as specified in the *Fishery Management Plan* or other document. 2. Boats with motors could be used when propelled at slow (wakeless) speeds to reduce user conflicts and ensure visitor safety. 3. Visitor activities would be mostly self-directed and have minor resource impacts. 4. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience	Management actions would focus on protecting visitors and water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and reducing conflicts between different types of users. Appropriate management actions could include 1. determining types of use (user capacity) considering the desired visitor experience and the vulnerability of the resources to impacts 2. inventorying and monitoring resources 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research and monitoring apparatus that is minimal and unobtrusive 3. mooring buoys and informational markers such as hazard markers

Need speed to commercially fish - trawl deployment and retrieval for bait shrimp fishing, lampara net deployment and retrieval for ballyhoo fishing, use of trap puller for trap deployment and retrieval for stone crab and blue crab fishing. Specifications for commercial fishing should only be in the Fishery Management Plan and not in any "other document".

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Noncombustion Engine Use Zone (Shallow water habitat and natural sounds protection)	The preservation of natural sounds, near-shore nursery areas and shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the dominant resource goals in this zone. 1. Natural processes would predominate. 2. Natural sounds, sights, and vistas would prevail. Panoramic viewsheds would remain unaltered. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, and closeness to nature. 1. Appropriate visitor activities could include noncombustion engine boating (paddling, poling, or trolling), sightseeing, recreational fishing, swimming, snorkeling, and nature observation. Commercial fishing could be allowed with hours, engine use, trap type, tackle and location as specified in the *Fishery Management Plan* or other document. 2. Boats equipped with combustion engines could be used when propelled by push-pole or electric trolling motor, with outboard engine tilted up. 3. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 4. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have minor resource impacts. 5. There would be some opportunities for interpretive activities. 6. Special events would not be allowed. 7. Visitor activities in these zones could be limited in the interest of protecting resources and enhancing public safety. Limitations might be short or long term. 8. Use of combustion engines would generally not be allowed. However, in designated areas between 3 feet to 5 feet in depth, the use of combustion engines would be allowed at slow speeds in channels. 9. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include 1. inventorying and monitoring resources 2. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses 7. developing a permit system for various activities 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in this zone. 3. mooring buoys.

Need use of motors to commercially fish - trawl deployment and retrieval for bait shrimp fishing, lampara net deployment and retrieval for ballyhoo fishing, use of trap puller for trap deployment and retrieval for stone crab and blue crab fishing. Specifications for commercial fishing should only be in the Fishery Management Plan and not in any "other document".

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Access-by-Permit Zone (Full range of recreational opportunities; uncrowded, permit system)	The access-by-permit zone would provide opportunities for visitors to recreate in natural or cultural settings where natural processes occur with minor evidence of disturbance from human use. The zone would provide protection for resources such as fish nursery areas and coral reefs. 1. Natural processes would predominate. This management zones would perpetuate a full complement of native species. 2. Natural sounds, sights, and vistas would prevail. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature. Visitor activities and access to these zones would be managed through a permit system to provide visitors with opportunities to experience natural sounds, tranquility, closeness to nature and a sense of relative remoteness. Limited numbers of visitors would enjoy a full range of resource-based recreational opportunities. 1. Appropriate activities could include sightseeing, boating, swimming, snorkeling, scuba diving, and participating in recreational and commercial fishing. 2. Visitor activities would usually be self-directed, which would require self-reliance and provide maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Visitors would receive orientation and information, interact with park staff and experience and learn about park resources before and after entering the park. Interpretive and educational opportunities would enable visitors to plan their trip into the park in advance through the permitting system. 4. Special events would not be allowed. 5. The probability of encountering others would be low. There would be only occasional encounters with others outside of one's social group. 6. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 7. Visitor activities could be structured through the use of commercial services with groups of limited size.	Management actions would focus on protecting resources, ensuring visitors have an uncrowded experience, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. managing and limiting access through a permit system 3. providing interpretation and enforcement services 4. taking measures to prevent human-caused impacts 5. regulating visitor activities and vessel type, size, and speed 6. authorizing commercial services 7. conducting research and monitoring resource conditions; restoring and stabilizing resources 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. limited mooring buoys 3. primitive trails 4. research equipment—if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the access-by-permit zone.

Phrased as "could include" and does not commit to "will include" recreational and commercial fishing, so fishing activities could be restricted.

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Nature Observation Zone (Intact ecosystem preservation)	The preservation of natural and cultural resources, restoration of degraded and impacted resources, and continuation of natural processes would be the dominant goals in this zone. The nature observation zone would provide a sustainable ecosystem, including fully functioning communities, with natural complexity structure, and diversity of organisms. 1. Natural processes would predominate. Nature observation areas would preserve and/or restore a full complement of native species. 2. Natural sounds, sights, and vistas would prevail. Panoramic viewsheds would remain unaltered. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, solitude, and closeness to nature. Visitors would have opportunities to experience and gain in-depth knowledge about sustainable ecosystems with fully functioning interdependent communities of organisms. 1. Appropriate visitor activities could include sightseeing, nature observation, and recreational fishing from the land. 2. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Interaction with nature would predominate, with only occasional encounters with others. There would be a sense of relative remoteness. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have minor resource impacts. 4. There would be opportunities for interpretive activities emphasizing sustainable ecosystems. 5. Special events would not be allowed. 6. Visitor activities in these zones could be limited in the interest of protecting resources and enhancing public safety. Limitations might be short or long term. 7. Limited commercial services that provide appropriate visitor recreational activities might be appropriate if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting resources, restoring disturbed areas, minimizing impacts from visitor use, and providing visitors with opportunities that encourage understanding of the natural functioning of resources within a sustainable ecosystem. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. intense inventorying and monitoring of resources 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses 7. developing permit systems for various activities Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. primitive trails 3. research equipment —if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the nature observation zone.

Does not allow commercial fishing from land, only recreational fishing.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Marine Reserve Zone (ecosystem preservation; non-extractive; visitor experience)	The Marine Reserve Zone would provide a high level of protection from direct human-caused impacts for water-based ecosystems, habitats, and processes while allowing visitors to experience the zone. Natural processes occur with negligible disturbance from human use. This zone would protect natural resources such as marine nursery areas and coral reefs. The Marine Reserve Zone would provide the opportunity to compare the resource status of an area with no extractive uses to other areas allowing removal of resources. 1. Natural processes would predominate. 2. Resource impacts would be reduced. 3. Most lasting signs of human use would not be apparent. Evidence of human impact would be restricted to cultural resources such as historic shipwrecks. 4. Intervention and restoration could occur to mitigate and stabilize human-caused disruption or for resource management purposes. Otherwise alterations to natural resources would not occur. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, solitude, and closeness to nature. Visitors would have opportunities to observe and learn about the differences and benefits to resources of a non-extractive use area compared to areas allowing removal of resources. Research activities might be allowed under a permit. 1. Appropriate visitor activities could include boating, sightseeing, nature-watching, mooring, swimming, snorkeling, or diving. Commercial and recreational fishing would not be appropriate activities. Anchoring would not be allowed. 2. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Interaction with nature would predominate, with only occasional encounters with others. There would be a sense of relative remoteness. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have negligible resource impacts. 4. Special events, with the exception of cleanup events or citizen science, would generally not be allowed. 5. Visitors would benefit from the research by learning about protected resources. 6. Limited commercial services that provide appropriate visitor recreational activities might be allowed if compatible with resource protection goals and desired visitor experiences.	Management actions would focus on the preservation and protection of water-based ecosystems, habitats, and processes. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. intervening and restoring natural resources to mitigate and stabilize human-caused disruption 3. conducting research aimed at monitoring resource conditions and understanding natural processes 4. prioritizing, overseeing, and managing research projects 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs, mooring buoys, and navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the marine reserve zone.

Eliminates all fishing.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Sensitive Underwater Archeological Zone (Visitors not allowed in water)	The Sensitive Underwater Archeological Zone would provide protection for significant and vulnerable underwater cultural sites. Research activities could occur. 1. Natural sea and soundscapes would be maintained as much as possible. 2. Human-caused cultural resource degradation would not be tolerated. Intervention to natural processes would be allowed if necessary to protect cultural site integrity. 3. Preservation and stabilization actions might occur.	Visitors would view protected resources from within vessels on the surface of the water. Research activities might be allowed under permit. 1. Appropriate visitor activities could include sightseeing, nature-watching, recreational hook and line fishing, and transit through the zone. Apparatus other than hook and line fishing gear would not be allowed in the water below the lowest point of the vessel. Commercial fishing and trapping would not be appropriate. Anchoring would not be allowed. 2. Visitors must remain in their boats, and access to the water for activities including swimming, snorkeling or diving would not be allowed. 3. Researchers and other cooperating personnel could enter the zone for authorized purposes. Any impacts on cultural resources would be negligible. 4. Visitors would benefit from the research by learning about significant and vulnerable resources as well as how they are studied and preserved. 5. Commercial services would only transit through the zone. 6. Underwater viewing devices including but not limited to face masks, glass-bottom vessels, glass-bottom buckets, and/or underwater cameras of any kind would not be allowed.	Management actions would focus on preservation and protection of underwater cultural sites. Appropriate management actions could include 1. mitigating, stabilizing, and restoring resources and collecting artifacts in imminent danger of destruction or loss 2. conducting research aimed at monitoring resource conditions and understanding the cultural context 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. managing recreational fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. 7. entering into agreements aimed at resource protection Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Underwater Archeological Zone.

Restricts fishing activities to recreational hook and line fishing only. Eliminates recreational fishing with other gears, and all commercial fishing.

This is Fisheries Management.

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Sensitive Resource Zone (Complete protection of exceptional & critical resources)	Natural Resources: The Sensitive Resource Zone would provide complete protection for exceptional and critical ecosystems, habitats, and processes and for sensitive nesting and nursery areas. Natural processes occur with negligible disturbance from human use. This zone would be closed to visitor access to permit natural processes to proceed. Research or actions aimed at monitoring natural conditions could occur. 1. Natural processes would predominate. 2. Natural land, sea, and soundscapes would predominate within the zone. 3. There would be no tolerance for resource impacts. 4. Lasting signs of human use would not be apparent. 5. Intervention and restoration could occur to mitigate and stabilize human-caused destruction. Otherwise, alterations to natural resources would not occur. 6. The significance and vulnerability of natural resources would be evaluated, and appropriate management actions would be determined. Cultural Resources: The Sensitive Resource Zone would provide complete protection for exceptional and sensitive cultural sites and landscapes. This zone would be closed to visitor access to protect site integrity. Research activities could occur. 1. Natural land, sea, and soundscapes would be maintained as much as possible. 2. Cultural resource degradation would not be tolerated. Intervention of natural processes might occur to protect cultural site integrity. 3. Evidence of historic human use that contributes to the site's cultural value would be apparent. 4. Preservation and stabilization actions might occur.	Natural Resources: Sensitive Resource Zones would not be managed for visitor access, and use would be highly restricted. 1. Visitors would not be allowed into the zone. Research activities might be allowed under a permit. 2. Researchers and other cooperating personnel might enter the zone for authorized purposes. Any impacts on natural processes would not be tolerated. 3. Visitors would benefit by learning about sensitive and vulnerable resources as well as how they are studied and preserved. 4. Vessels and vehicles would be restricted from the zone except for administrative, emergency, or research purposes. 5. Commercial activity would not be allowed. Cultural Resources: This zone would not be managed for visitor access, and use would be highly restricted. 1. Visitors would not be allowed into the zone. Research activities might be allowed under a permit. 2. Researchers and other cooperating personnel could enter the zone for authorized purposes. Any impacts on cultural resources would not be tolerated. 3. Visitors would benefit by learning about sensitive and vulnerable resources as well as how they are studied and preserved. 4. Vessels and vehicles would be restricted from the zone except for administrative, emergency, or research purposes. 5. Commercial activity would not be allowed.	Natural Resources: Management actions would focus on the preservation and protection of ecosystems, habitats, and processes unique to this zone. Appropriate management actions could include 1. intervening and restoring resources to mitigate and stabilize human-caused destruction 2. conducting research aimed at monitoring resource conditions and understanding natural processes 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. providing interpretive and enforcement services. Facilities would not be allowed. If installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Resource Zone. Cultural Resources: Management actions would focus on preservation and protection of cultural sites and landscapes. Appropriate management actions could include 1. mitigating, stabilizing, and restoring resources and collecting artifacts in imminent danger of destruction or loss 2. conducting research aimed at monitoring resource conditions and understanding the cultural context 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. providing interpretive and enforcement services. Facilities would not be allowed in this zone. If installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Resource Zone.

Eliminates all fishing.

Florida Department of Environmental Protection
Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

January 10, 2012

Mr. Mark Lewis, Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033-5634

RE: National Park Service – Draft General Management Plan/Environmental Impact Statement for Biscayne National Park – Miami-Dade County, Florida
SAI # FL201108225930C

Dear Superintendent Lewis:

The Florida State Clearinghouse has coordinated the state's review of the August 2011 Draft General Management Plan/Environmental Impact Statement (GMP/EIS) for Biscayne National Park under the following authorities: Presidential Executive Order 12372; § 403.061(42), *Florida Statutes* (*F.S.*); the Coastal Zone Management Act, 16 U.S.C. §§ 1451 et seq., as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended.

The Florida Department of Environmental Protection (Department), designated by the Florida Coastal Management Program (FCMP) as the state's lead coastal management agency pursuant to § 306(c) of the Coastal Zone Management Act, 16 U.S.C. § 1456(c) and § 380.22, *F.S.*, has reviewed the Draft GMP/EIS under the provisions of 15 C.F.R. 930, subpart C and hereby notifies the National Park Service (NPS) that the GMP/EIS will be consistent with the FCMP only upon NPS' full compliance with the conditions stated in this letter. The bases for this conditional concurrence are set forth in Section III below, and a summary of comments received from other state and regional agencies is reflected in Section I. The comment letters from those agencies are attached and incorporated in this letter by reference.

I. Summary of State Agency Comments

The **Department's Office of Coastal and Aquatic Managed Areas** (CAMA) supports the NPS' update of Biscayne National Park's GMP and notes that the Department is also preparing a new management plan for the adjacent 70,000-acre Biscayne Bay Aquatic Preserve. The national park and aquatic preserve comprise an important contiguous

Florida State Clearinghouse

ecosystem, and updated management plans and continued cooperation between the two programs are critical to manage important resources in Biscayne Bay. CAMA offers the following specific comments:

- The Biscayne Bay Aquatic Preserve (AP) often works with the NPS in training and outreach programs, as well as on water quality and restoration issues. Given the proximity of the two marine protected areas, the GMP/EIS should therefore recognize and support coordination between the programs. Staff looks forward to continuing this productive partnership with the park.

- CAMA supports the concept of a satellite visitor center closer to the Miami population center, if constructed in an appropriate location. It is likely that the facility would be adjacent to the AP, and staff reiterates the value of cooperation between AP staff and the NPS on outreach programs that foster stewardship and awareness of the park and preserve resources through the proposed facility.

- Preferred Alternative 4 would establish a 10,000-acre Marine Reserve Zone, in which recreational and commercial fishing would be prohibited. The area encompasses more than 2,600 acres of coral patch reef community. CAMA defers to the FWC on the necessity and effectiveness of prohibiting fishing in the zone for fisheries management purposes. Staff does recognize, however, that the use of marine protected areas in other areas has been an effective tool for the protection of reef resources. Expanding the network of coral reef protected areas for the improved management of coral reef resources is a goal of the United States Coral Reef Task Force, of which the U.S. Department of Interior and the State of Florida are members.

For additional information regarding CAMA's comments, please contact Ms. Carla Gaskin Mautz at (850) 245-2094.

The **South Florida Water Management District** (SFWMD) has reviewed the alternatives developed in the Draft GMP/EIS and advises that construction activities conducted in, on or over the water or within wetlands will require an Environmental Resource Permit (ERP) under Rule 40E-4, 40 or 400, *Florida Administrative Code.* Prior to issuance of an ERP, the state requires a demonstration that impacts to wetlands or other surface waters have been eliminated or reduced. For further information on the state's permitting and stormwater management requirements, please contact Mr. Ron Peekstok of the SFWMD's Natural Resources Management Section at (561) 682-6956.

Florida State Clearinghouse

The **Florida Fish and Wildlife Conservation Commission** (FWC) has provided detailed comments, recommendations and technical information in its letter of December 30, 2011, and Attachments 1, 2, 2A and 2B appended to the letter, copies of which are attached. The letter provides a detailed background of the efforts between the FWC and NPS to address the agency's concerns regarding management activities proposed in the Draft GMP/EIS. Because several major issues could not be resolved, however, the FWC finds it necessary to condition its concurrence regarding the consistency of the document with the federally approved FCMP.

II. STATE CONSISTENCY FINDING – CONDITIONAL CONCURRENCE

The FWC and the Department hereby notify the NPS that Alternatives 2 through 5 (including Preferred Alternative 4), as presented in the Draft GMP/EIS, will be consistent with the enforceable policies of the FCMP **if and only if** the following conditions are satisfied. Should the NPS fail to implement the following measures, **or some alternative measures identified and mutually agreed upon between the Department, FWC and NPS to ensure the GMP/EIS' consistency with the enforceable policies of the FCMP**, this conditional concurrence shall be treated as a finding that the Draft GMP/EIS is inconsistent with the FWC's enforceable policies in Chapter 379, *F.S.*, under 15 C.F.R. 930.4(b).

1. Modify TABLE 2 (BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 5) as specified in Attachment 1 to the FWC's December 30th letter, to reflect the manner in which marine fisheries management issues will be addressed in the park.
2. Amend the Draft GMP/EIS, where appropriate, to reflect that fishing activities and fishing vessel operations will be conducted in the manner specified in the Fishery Management Plan currently being jointly developed by the FWC and NPS pursuant to the five-year Memorandum of Understanding executed by the FWC and NPS in 2007, in which the agencies agreed to fully cooperate and jointly manage fisheries within the park.
3. Include the following commitment in the Draft GMP/EIS where appropriate:

   The Park commits to continued coordination with the FWC and stakeholders prior to implementation of the proposed management zones to determine if the size and locations of the proposed zones could be modified, or transit corridors developed, to provide maximum access for fishing activities, while still achieving park management goals. This additional zoning coordination will be conducted as part of the Fishery Management Plan process.

Florida State Clearinghouse

The FWC emphasizes that the NPS' compliance with the foregoing conditions need not delay finalizing the Draft GMP/EIS. The management zones could remain as proposed, as long as the final GMP/EIS provides that the management of fishing activities and fishing vessel operations within the zones will be governed by the Fishery Management Plan and that the Park commits to continued coordination with the FWC and stakeholders on the delineation and implementation of the management zones. The FWC recognizes that the GMP provides the framework for NPS' management of park resources – it does not implement the management actions reflected in the plan.

The FWC also recognizes that the management zones and actions listed below cannot be implemented through the Superintendent's Compendium process, and must instead be undertaken as rulemaking, because they would result in a significant alteration in the public use pattern of the park and are of a highly controversial nature (*see* 36 C.F.R. § 1.5(b)). Again, finalizing the Draft GMP/EIS need not be delayed to achieve consistency with the FWC's enforceable policies in the FCMP, as subsequent regulatory processes (*e.g.,* Fishery Management Plan development, implementation of management actions/management zones through rulemaking) could provide for further coordination and resolution of the issues of concern to the FWC and stakeholders.

Absent modification of the Draft GMP/EIS to address the three conditions listed above, this conditional concurrence shall be treated as an objection, because the FWC has determined that the following management actions contained in the Draft GMP/EIS that reduce or eliminate fishing activities, either directly or indirectly, are inconsistent with the FWC's enforceable policies contained in the FCMP:

1. Direct or indirect prohibition of recreational or commercial fishing activities;
2. Area closures;
3. Access limitations;
4. Limitations or prohibitions on the use of internal combustion motors;
5. Limitations or prohibitions on vessel type, size, and speed;
6. Limitations on harvesting gear; and
7. Permit requirements specific to fishing activities.

Florida State Clearinghouse

The FWC has further indentified one or more of the foregoing management actions that the NPS could implement in any of the following zones described in the Draft GMP/EIS, to achieve desired conditions. Therefore, the following zones are also inconsistent with the FWC's enforceable policies in the FCMP:

1. Marine Reserve Zone included in Alternatives 3, 4 and 5;
2. Multiuse Zones included in Alternatives 2-5;
3. Slow Speed Zones included in Alternatives 2-5;
4. Noncombustion Engine Use Zones included in Alternatives 2-5;
5. Access by Permit Zones included in Alternatives 2, 3 and 5;
6. Nature Observation Zones included in Alternatives 2-5;
7. Visitor Service/Park Administration Zones included in Alternatives 2-5;
8. Sensitive Underwater Archeological Zones included in Alternatives 2-5; and
9. Sensitive Resource Zones included in Alternatives 2-5.

III. BASIS FOR FINDING OF CONDITIONAL CONCURRENCE

The following state laws are enforceable policies of the federally approved FCMP and therefore provide the bases for the FWC's objection:

379.23 Federal conservation of fish and wildlife; limited jurisdiction. –

(2) The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection or the Fish and Wildlife Conservation Commission shall prevail relating to any area under their supervision.

The seven management actions listed above are inconsistent with this enforceable policy of the FCMP, because they will reduce or eliminate fishing activities through the enforcement and implementation of federal law rather than state law.

379.244 Crustacea, marine animals, fish; regulations; general provisions. –

(1) OWNERSHIP OF FISH, SPONGES, ETC. – All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and other bodies of water within the jurisdiction of the state, and within the

Florida State Clearinghouse

Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its citizens and persons not citizens, subject to the reservations and restrictions imposed by these statutes. No water bottoms owned by the state shall ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

The seven management actions listed above are inconsistent with this enforceable policy of the FCMP, because they will restrict the public's right to fish in a manner not provided by Florida law.

379.2401 Marine fisheries; policy and standards. –

(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

The FWC adheres to the foregoing policy when managing the state's marine fishery resources for fishing activities, and because the statute is included in the federally approved FCMP, it applies equally to the NPS in its management of marine fishery resources located within park boundaries for desired resource conditions and visitor experiences.

The seven management actions described above are inconsistent with this enforceable policy, because they are not based on "best available information" and, by reducing or eliminating fishing activities, they do not provide for "optimum sustained benefits and use" to the people of this state.

379.2401 Marine fisheries; policy and standards. –

(3) All rules relating to saltwater fisheries adopted by the commission shall be consistent with the following standards:

(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

Florida State Clearinghouse

The seven management actions listed above are inconsistent with this enforceable policy, because they conflict with the marine fisheries rules developed and promulgated by the FWC for saltwater fisheries, by reducing or eliminating "reasonable means and quantities of annual harvest." The Draft GMP/EIS does not provide any data showing that the "maximum practicable stock abundance" of the park's marine fisheries resources will be impacted if fishing (harvesting) is not reduced or eliminated.

Please see the FWC's December 30th letter (attached) for additional comments and recommendations regarding commitments made by the NPS in the Memorandum of Understanding previously noted, which were designed to facilitate fishery management planning by improving communication, cooperation and coordination between the FWC and the BNP. Of particular concern to the FWC is the joint pledge to seek the "least restrictive management action as necessary to fully achieve mutual management goals for the fishery resources of the Park and adjoining areas."

CONCLUSION

In accordance with 15 C.F.R. 930.43(c), a copy of this letter has been sent to the Director of the NOAA Office of Ocean and Coastal Resource Management. Mediation by the Secretary of the U.S. Department of Commerce may be sought pursuant to 15 C.F.R. 930, subpart G, for serious disagreements between a state and federal agency with regard to direct federal action as contemplated by 15 C.F.R. 930, subpart C.

Should you have any questions regarding the FWC's comments and recommendations, please contact Ms. Lisa Gregg at (850) 487-0554 or Lisa.Gregg@MyFWC.com.

Thank you for the opportunity to review the Draft GMP/EIS. For additional information or assistance regarding the state's review, please contact Ms. Lauren P. Milligan, Coordinator of the Florida State Clearinghouse, or Mr. Danny Clayton, Administrator of the Florida Coastal Management Program, at (850) 245-2163.

Sincerely,

Jennifer L Fitzwater

Jennifer L. Fitzwater
Chief of Staff

JLF/sm/lm

Florida State Clearinghouse

Enclosures

cc: Ms. Donna Wieting, NOAA OCRM Acting Director
Ms. Morgan Elmer, NPS Denver Service Center-Planning
Mr. Nick Wiley, FWC Executive Director
Mr. Scott Sanders, FWC Conservation Planning Services
Ms. Jessica McCawley, Director, FWC Marine Fisheries Management
Ms. Lisa Gregg, FWC Marine Fisheries Management
Ms. Erma Slager, DEP Acting Deputy Secretary
Ms. Carla Gaskin Mautz, DEP Coastal & Aquatic Managed Areas
Ms. Sally Mann, DEP Office of Intergovernmental Programs

Florida State Clearinghouse

Project Information	
Project:	FL201108225930C
Comments Due:	10/03/2011
Letter Due:	01/10/2012
Description:	NATIONAL PARK SERVICE - DRAFT GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT FOR BISCAYNE NATIONAL PARK - MIAMI-DADE COUNTY, FLORIDA.
Keywords:	NPS - DRAFT GMP/EIS FOR BISCAYNE NATIONAL PARK - MIAMI-DADE CO.
CFDA #:	15.916

Agency Comments:

SOUTH FL RPC - SOUTH FLORIDA REGIONAL PLANNING COUNCIL

The SFRPC notes that the project should be consistent with the NEPA and ESA, and recommends that the NPS continue to coordinate with all governments of jurisdiction, particularly Miami-Dade County and its Comprehensive Development Master Plan, environmental groups and concerned local citizens. The goals and policies of the "Strategic Regional Policy Plan for South Florida" should also be observed when making decisions regarding this general management plan.

FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

FWC requests that the NPS honor the commitments made in the Memorandum of Understanding (MOU) between the FWC and BNP. The MOU was specifically designed to facilitate fishery management planning by improving communication, cooperation, and coordination between the FWC and BNP, and a significant amount of effort and detail went into MOU development to clearly reflect objectives, expectations, management approaches, and responsibilities for both parties. Staff has expressed significant concerns that the Draft GMP/EIS states, "Due to this ongoing planning process, the GMP will not address fisheries management in its alternatives." GMP Alternatives 2-5 would, however, utilize zones where fishing activities are purposefully reduced or eliminated, or are inadvertently restricted by gear type, vessel speed, access, etc. The FWC indicates that the proposed fisheries management regulatory actions within the Draft GMP that reduce or eliminate fishing activities are in direct conflict with the existing MOU. Therfore, the FWC can only support implementation of the proposed activities if certain conditions are met.

STATE - FLORIDA DEPARTMENT OF STATE

No Comment/Consistent

ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DEP's CAMA supports this update of Biscayne National Park's GMP and notes that it is also preparing a new management plan for the adjacent 70,000-acre Biscayne Bay Aquatic Preserve. The national park and aquatic preserve comprise an important contiguous ecosystem and updated management plans and continued cooperation between the two programs are critical to manage important resources in Biscayne Bay. CAMA offers the following specific comments: -- The Biscayne Bay Aquatic Preserve often cooperates with the Biscayne National Park - assisting with training, water quality issues, restoration issues and outreach programs. Given the proximity of these two marine protected areas, the plan should recognize and support coordination between the programs. Staff looks forward to continuing this productive partnership with the park. -- CAMA supports the concept of a satellite visitor center closer to the Miami population center, if constructed in an appropriate location. It is likely that this facility would be adjacent to the Biscayne Bay Aquatic Preserve and staff reiterates the value of cooperation between the aquatic preserve and national park on outreach programs that could foster stewardship and awareness of these resources through the proposed facility. -- Preferred Alternative 4 establishes a 10,000-acre Marine Reserve Zone, which would not allow recreational or commercial fishing. The area encompasses more than 2,600 acres of coral patch reef community. CAMA defers to the FWC concerning the necessity and effectiveness of the area for fisheries management purposes. Staff does recognize, however, that use of marine protected areas, such as this, is well established as an effective tool for the protection of reef resources. Expanding the network of coral reef marine protected areas for improved management of coral reef resources is a goal of the U.S. Coral Reef Task Force.

SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT

The South Florida Water Management District (District) has reviewed the various Alternatives developed in the Draft Biscayne National Park General Management Plan and pursuant to Rule 40E-4, 40 or 400, Florida Administrative Code (F.A.C.), activities conducted in, on or over the water, or within wetlands, as defined by Rule 62-340, F.A.C., will require an Environmental Resource Permit. Prior to issuance of an Environmental Resource Permit, the state would require a demonstration that impacts to wetlands or other surface waters were eliminated or reduced. For further information on District permitting requirements, please contact Mr. Ron Peekstok of the Natural Resources Management Section at (561) 682-6956. If you have any comments or questions, please contact Ms. Deborah Oblaczynski at (561) 682-2544 or doblaczy@sfwmd.gov.

Florida Fish and Wildlife Conservation Commission

Commissioners
Kathy Barco
Chairman
Jacksonville

Kenneth W. Wright
Vice Chairman
Winter Park

Ronald M. Bergeron
Fort Lauderdale

Richard A. Corbett
Tampa

Charles W. Roberts III
Tallahassee

Dwight Stephenson
Delray Beach

Brian S. Yablonski
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Greg Holder
Assistant Executive Director

Karen Ventimiglia
Chief of Staff

Office of the Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

December 30, 2011

Ms. Sally Mann, Director
Office of Intergovernmental Programs
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000
Sally.mann@dep.state.fl.us

Re: SAI #FL201108225930C - National Park Service – Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park – Miami-Dade County, Florida

Dear Ms. Mann:

The Florida Fish and Wildlife Conservation Commission (FWC) has completed a second agency review of the Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park (BNP, Park). The FWC provides the following comments pursuant to the National Environmental Policy Act and the Coastal Zone Management Act/Florida Coastal Management Program.

Background

Biscayne National Park is currently operating under a General Management Plan (GMP) that was completed in 1983. The GMP is in need of revision to address increased usage of Park resources, while maintaining a level of resource protection and providing for opportunities to enjoy Park resources that is expected from a National Park. This Draft GMP/EIS proposes alternatives for management of BNP for the next 20 or more years.

The FWC conducted a review of the Draft GMP/EIS and on October 11, 2011, submitted a determination of conditional consistency with the Coastal Zone Management Act/Florida Coastal Management Program to the Florida State Clearinghouse. Subsequently, the Park extended the date for completion of the State Coastal Zone Management Act federal consistency review until January 10, 2012, to allow for additional coordination efforts to attempt to resolve the consistency issues identified by the FWC. Additional coordination efforts have included the following:

- Teleconference on November 30, 2011, between FWC and BNP staff during which time staff identified specific issues and a schedule to address them.
- An onsite visit on December 7, 2011, by FWC South Florida Regional Director Chuck Collins with BNP Superintendent Mark Lewis to review the proposed management zones.
- Teleconference on December 20, 2011, between FWC and BNP staff to discuss scientific data issues.

Consistency Statement

These additional coordination efforts were helpful with regard to mutual understanding of concerns about about the GMP. Several of the major concerns, however, could not be addressed at this point, and therefore FWC still finds it necessary to condition its concurrence that the GMP is consistent with the Florida Coastal Management Program pursuant to the Coastal Zone Management Act.

a. Conditions for Consistency

The following conditions are necessary in order for the FWC to determine the Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Biscayne National Park will be consistent with FWC enforceable policies included within the federally approved Florida Coastal Management Program:

1) On pages 49-58 (Table 2: Biscayne National Park Management Zones, Alternatives 2 through 5), modify Table 2 as specified in Attachment 1 to reflect how marine fisheries management issues will be addressed.
2) Address fisheries management issues through the Fishery Management Plan process rather than the General Management Plan process, and amend Draft GMP/EIS language, where appropriate, to reflect that all fishing activities and fishing vessel operation will be conducted in the manner specified in the Fishery Management Plan.
3) Include the following commitment in the Draft GMP/EIS where appropriate: "The Park commits to continued coordination with the FWC and stakeholders prior to implementation of the proposed management zones to determine if the size and locations of the proposed zones can be modified, or transit corridors developed, to provide maximum access for fishing activities, while still achieving Park management goals. This additional zoning coordination will be conducted as part of the Fishery Management Plan process."

FWC wishes to emphasize that complying with the above requested conditions need not delay finalizing the Draft GMP/EIS. The management zones could remain as proposed, as long as specific management of fishing activities and fishing vessel operation within the zones is shifted to the Fishery Management Plan as opposed to being addressed in the Draft GMP/EIS (conditions 1 and 2 above), and the Park commits to further zoning coordination (condition 3 above). The FWC recognizes that a GMP by itself does not implement the management actions that are proposed, and only provides a framework for National Park Service managers to manage Park resources. The FWC also recognizes that the proposed management actions identified below (or proposed management zones identified below that contain such management actions) could not be implemented through the Superintendent's Compendium process, and must be published as rulemaking in the Federal Register because they would result in a significant alteration in the public use pattern of the Park area and are of a highly controversial nature (36 CFR § 1.5(b)). Again, finalizing this Draft GMP/EIS does not need to be delayed in order to achieve consistency with FWC enforceable policies included within the federally approved

Florida Coastal Management Program, as subsequent regulatory processes (e.g., Fishery Management Plan development, implementation of management actions/management zones through rulemaking in the Federal Register), could provide for further coordination and resolution of the issues of concern to the FWC and stakeholders.

Absent modification of the Draft GMP/EIS pursuant to the conditions above, this letter must be treated as an objection, as FWC has determined that proposed management actions contained within the Biscayne National Park Draft GMP/EIS that reduce or eliminate fishing activities, either directly or indirectly, are inconsistent with FWC enforceable policies included within the Florida Coastal Management Program. These management actions are identified as follows:

1) fishing activities are directly prohibited (either recreational or commercial fishing activities, or both);
2) area closures;
3) access limitations;
4) limitations or prohibitions on the use of internal combustion motors;
5) limitations or prohibitions on vessel type, size, and speed;
6) limitations on harvesting gear; and
7) permit requirements specific to fishing activities.

In each of the following Zones included in the Draft GMP/EIS, FWC has indentified one or more of the above management actions that the Park may potentially use to achieve desired conditions; therefore, the following zones are also inconsistent with FWC enforceable policies included within the Florida Coastal Management Program:

1) Marine Reserve Zone included in Alternatives 3, 4 and 5.
2) Multiuse Zones included in Alternatives 2-5.
3) Slow Speed Zones included in Alternatives 2-5.
4) Noncombustion Engine Use Zones included in Alternatives 2-5.
5) Access by Permit Zones included in Alternatives 2, 3 and 5.
6) Nature Observation Zones included in Alternatives 2-5.
7) Visitor Service/Park Administration Zones included in Alternatives 2-5.
8) Sensitive Underwater Archeological Zones included in Alternatives 2-5.
9) Sensitive Resource Zones included in Alternatives 2-5.

b. Basis for Determination

The following enforceable policies within the federally approved Florida Coastal Management Program provide the basis for FWC's objection.

379.23 Federal conservation of fish and wildlife; limited jurisdiction.—
(2) The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection or the Fish and Wildlife Conservation Commission shall prevail relating to any area under their supervision.

The seven management actions previously identified are inconsistent with this enforceable policy because they will reduce or eliminate fishing activities pursuant to National Park Service laws, without considering the laws of the Fish and Wildlife Conservation Commission.

379.244 Crustacea, marine animals, fish; regulations; general provisions.—
(1) OWNERSHIP OF FISH, SPONGES, ETC.—All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds, inlets, and other bodies of water within the jurisdiction of the state, and within the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its citizens and persons not citizens, subject to the reservations and restrictions imposed by these statutes. No water bottoms owned by the state shall ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

The seven management actions previously identified are inconsistent with this enforceable policy because they will restrict the public's right to fish in a manner not provided by Florida Statute.

379.2401 Marine fisheries; policy and standards.—
(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

This enforceable policy declares the policy of the State to be management and preservation of the state's renewable marine fishery resources, and is interpreted as follows:

1) Actions must be taken to manage and preserve the State's renewable marine fishery resources.
2) Actions taken must be based on the best available information.
3) Actions taken must emphasize protection and enhancement of the marine and estuarine environment.
4) Actions taken must accomplish management and preservation of the State's marine fishery resources in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

The FWC adheres to this policy when managing the State's marine fishery resources for fishing activities, and because of the statute's inclusion in the federally-approved Florida Coastal Management Program, this policy equally applies to the Park when managing

State marine fishery resources located within Park boundaries for desired resource conditions and visitor experiences.

The seven management actions previously identified are inconsistent with this enforceable policy because they are not based on the best available information and they will not provide for optimum sustained benefits and use to all the people of this state for present and future generations by reducing or eliminating fishing activities.

379.2401 Marine fisheries; policy and standards.—
(3) All rules relating to saltwater fisheries adopted by the commission shall be consistent with the following standards:
(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

The seven management actions previously identified are inconsistent with this enforceable policy because they are inconsistent with how marine fisheries rules are developed and promulgated by the FWC for saltwater fisheries, by reducing or eliminating "reasonable means and quantities of annual harvest". The Draft GMP/EIS does not provide any data that show the "maximum practicable stock abundance" of the marine fisheries resources will be impacted if fishing (harvest) were not reduced or eliminated.

Other Comments and Recommendations

This conditional consistency determination could have been avoided if the Park had honored commitments they made in the Memorandum of Understanding (MOU) between the FWC and BNP. The MOU was specifically designed to facilitate fishery management planning by improving communication, cooperation, and coordination between the FWC and BNP, and a significant amount of effort and detail went into MOU development to clearly reflect objectives, expectations, management approaches, and responsibilities for both parties.

While there are numerous MOU commitments the Park did not honor during the development of the Draft GMP/EIS (further addressed in Attachment 2), the FWC wishes to draw specific attention to one commitment that was not honored, and is most concerning to the FWC. The MOU specifically states as follows:

> "WHEREAS, FWC and the Park agree to seek the least restrictive management actions necessary to fully achieve mutual management goals for the fishery resources of the Park and adjoining areas. Furthermore, both parties recognize the FWC's belief that marine reserves (no-take areas) are overly restrictive and that less-restrictive management measures should be implemented during the duration of this MOU. Consequently, the FWC does not intend to implement a marine reserve (no-take area) in the waters of the Park during the duration of this MOU,

> unless both parties agree it is absolutely necessary. Furthermore, the FWC and the Park recognize that the Park intends to consider the establishment of one or more marine reserves (no-take areas) under its General Management Planning process for purposes other than sound fisheries management in accordance with Federal authorities, management policies, directives and executive orders…"

The Park did not seek the least restrictive management actions to accomplish management goals, and did not propose a Marine Reserve Zone in the Draft GMP/EIS "for purposes other than sound fisheries management." This, in addition to the disregard for the coordination commitments made and joint management approaches agreed upon, have put both the FWC and the Park in a difficult situation that could have been avoided.

The FWC has a vast amount of expertise encompassing decades of statewide resource management, research, enforcement, and institutional knowledge to assist the Park with development of appropriate management strategies that will meet the goals of the State of Florida, the FWC, and BNP, and maintain consistency with FWC enforceable policies included within the federally approved Florida Coastal Management Program. We are taking this opportunity to provide such assistance with additional comments, recommendations, and supporting technical information on the Draft GMP/EIS, included as Attachment 2. Specific attention should be paid to the two action items requested in section VII. Fisheries Management Coordination, Management Actions/Management Zones.

Closing Remarks

The extensive fisheries management content within the Draft GMP/EIS indicates fisheries management issues need to be further considered and addressed through the Fishery Management Plan process, including but not limited to additional zoning coordination and data analyses. While last-minute efforts were made to address zoning issues through an onsite visit by the FWC, and data issues through a teleconference between FWC and BNP, these coordination efforts did not provide sufficient resolution of these issues.

To restate the FWC's position, management actions proposed in the Draft GMP/EIS that reduce or eliminate fishing activities and the data used to support these actions are inconsistent with FWC enforceable policies included within the federally approved Florida Coastal Management Program, and furthermore violate mutually agreed upon conditions of the MOU. These management actions should be coordinated with the FWC pursuant to the MOU, and executed within the framework of the Fishery Management Plan. These management actions should not be executed within the framework of the General Management Plan. The FWC is willing to explore fisheries management issues within the context of further Fishery Management Plan development; however, consistent with discussions over the past ten years, FWC will not support a Marine Reserve Zone

which includes a management action that closes large areas for fishing within BNP, until measureable management objectives have been clearly defined and less restrictive management measures have been appropriately evaluated in close coordination with FWC and stakeholders.

The FWC appreciates the opportunity to provide input on the Draft GMP/EIS for BNP. We remain willing to work with BNP so the GMP can be finalized in a manner consistent with FWC's authorities within the Florida Coastal Management Program. If you have any questions or would like to discuss our comments, please contact Jessica McCawley in the Division of Marine Fisheries Management at (850) 487-0554 or jessica.mccawley@myfwc.com.

Sincerely,

Nick Wiley
Executive Director

nw/jm/lg
BNP General Management Plan-EIS_2273_123011
Attachments
cc: Mark Lewis, Superintendent, Biscayne National Park

ATTACHMENT 1

TABLE 2: BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 5

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Visitor Services/Park Administration Zone (Concentrated use)	This zone would provide for a high level of visitor activity and administrative operations. The zone would be modified for visitor access and park operations in a way that aesthetically blends with the natural and cultural environment. 1. Elements of the natural and cultural environment would remain. 2. Sights and sounds of human activity would frequently supplant the sights and sounds of nature. 3. There would be tolerance for moderate resource impacts to accommodate visitor services and park operations. 4. New development of park administrative facilities would occur only on previously disturbed sites. Some development for visitor access and activities might occur. The zone would not be near sensitive natural or cultural resources if such resources could not be adequately protected. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. Cultural resources might be stabilized and hardened (protecting archeological values from unauthorized artifact removal or other destructive activities) to permit visitor access or considered for adaptive reuse.	Visitors would have opportunities to receive orientation and information, interact with park staff, and experience and learn about park resources. 1. Appropriate visitor activities could include sightseeing, walking, swimming, ~~recreational~~ fishing, boating, camping, participating in educational activities, and interacting with resources. 2. Visitors would see native flora and fauna and might see cultural resources. 3. Interpretive and educational opportunities would be greatest in this zone. Visitor activities might be self-directed and/or visitors might use interpretive services to plan their activities. Visitor education could be self-directed or structured. 4. Interpretive services would be offered in multiple languages. 5. Special events could be allowed in this zone with appropriate permits. 6. The probability of encountering others would be high. Visitors would experience a modified environment that accommodates high levels of use and minimizes further resource impacts. 7. Facilities and services would enhance opportunities to experience and understand park resources and provide an orientation to the park. 8. Visitor activities might be highly regulated to preserve elements of the natural and cultural environment, allow access to cultural resources, prevent visitor conflicts, and enhance public safety. 9. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 10. Commercial visitor services and facilities would be appropriate in this zone.	Management actions would focus on managing the higher levels of visitor use within the zone and providing administrative services. Management actions could include 1. administering daily parkwide operations 2. providing maintenance activities 3. providing interpretive and enforcement services 4. providing emergency services 5. implementing resource stewardship 6. prioritizing, overseeing, and managing research projects 7. defining additional compatible uses 8. limiting public access to certain parts of this zone (housing, maintenance, and administration) 9. regulating visitor activities and vessel type, size, and speed 10. authorizing commercial services 11. managing recreational fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities would be appropriate in size and scale, blending with the natural and cultural landscape. Extent, size, and layout would be the minimum needed to accommodate the intended purposes. Existing and new visitor facilities or improvements would be analyzed for ongoing need, usefulness, and impacts on resources. New administrative facilities could be located outside park boundaries. 1. Appropriate visitor facilities could include visitor centers, kiosks, wayside exhibits, educational spaces, observation boardwalks, include roads, parking areas, docks, restrooms, picnic areas, campgrounds, navigational aids, mooring buoys and trails improved and maintained as necessary for handicapped accessibility. 2. Appropriate park administrative facilities could include maintenance, storage, offices, and staff housing.

Delete stricken language

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Dredged Navigation Channels Zone (Boat transit in dredged channels)	The purpose of this zone is to allow transportation routes for vessels in existing channels including the Intracoastal Waterway and the Black Point, Homestead Bayfront, and Turkey Point channels. 1. Natural conditions and processes could be impacted by transportation use of the zone. 2. Unnatural sounds might be prevalent. 3. Resources within the dredged navigation channels would continue to be impacted by activities that maintain existing channels. Within the channels, moderate impacts on natural conditions would be tolerated. Impacts on resources outside the channels would be kept to an absolute minimum. 4. There could be a high level of human use and activity. 5. The existing depth, configuration, and alignment of navigational channels would not be expanded, and no new channels would be created. Channels would not exceed the following existing depths within the park: Intracoastal Waterway: 7 feet Black Point Channel: 4.5 feet Homestead Bayfront Channel: 4.5 feet Turkey Point Channel: 7.5 feet 6. Channels would be marked with signs and navigational aids to protect resources and enhance public safety. 7. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	The visitor experience would involve moving along a marked navigational channel by water vessel and would be perceived as linear or sequential in nature. 1. Appropriate activities would be the use of channels for traveling through the park and/or gaining access into other park areas. 2. Visitor activity would be self-directed travel through or within the park at varying speeds, ~~Recreational and commercial fishing that does not impede vessel traffic could be allowed.~~ 3. Opportunities for discovery, challenge, and adventure could be low. Visitors would need to be self-reliant and possess navigational skills. 4. Visitors would benefit from learning about this zone and how to navigate safely within it. 5. Special events would not generally be allowed in this zone. 6. There could be a high probability of encountering other people in the zone. Visitors could expect to hear unnatural sounds. 7. Because of congested vessel traffic at times, conditions in the navigational channels could be dangerous. Visitors might encounter commercial ships and would need to exercise caution. Visitors would navigate through a well-marked channel of a specified depth. Use could be intensively managed and regulated to ensure safe passage and resource protection. 8. Vessel size would generally not be regulated except by conditions of the channel. Speed of vessels in the Intracoastal Waterway would be at a pace that is appropriate to conditions and skill levels. 9. Commercial traffic could be allowed in this zone without the requirement of a permit.	Management activities would focus on resource protection and navigational aids to facilitate safe travel through and within the park. Appropriate management actions could include 1. regulating visitor activities 2. providing law enforcement services 3. monitoring resource impacts 4. managing these zones for transportation and public safety (there might be overlapping jurisdiction with other agencies; coordination and cooperation with other agencies would occur) 5. taking measures to prevent human-caused impacts 6. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations 7. dredging (proposed dredging would need a site-specific environmental study and NPS approval) Facilities appropriate in these zones would include navigational aids and signs for resource protection and enhancing visitor safety.

Delete stricken language, and insert language to read, "Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Multiuse Zone (land and water) (Full range of recreational opportunities)	This zone would provide opportunities for visitors to recreate in natural or cultural settings. Natural and cultural scenes would remain largely intact. 1. Natural conditions and processes would predominate. The environment might be adapted for human use. 2. Sounds and sights of human activity might be apparent. 3. There would be tolerance for minimal resource impacts. 4. Additions to the landscape, including signs, buoys, and markers, might be used to enhance visitor experience and public safety and to protect resources. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. To permit visitor access, cultural resources might be stabilized and hardened (protecting archeological values from unauthorized artifact removal or other destructive activities).	Visitors would experience a natural or cultural setting, whether they are on the water, under the water, or on land. Providing opportunities for people to interact with the resources in this zone would be important. Visitor use of this zone would be resource-based recreation and education that is consistent with park purpose and significance. 1. Appropriate visitor activities could include sightseeing, boating, scuba diving, snorkeling, swimming, ~~sport~~ fishing, nature-watching, hiking, picnicking, camping, and visiting cultural resources. ~~Commercial fishing could be allowed~~. 2. There would be opportunities for challenge, adventure, and discovery. Visitors might need to use outdoor skills and be self-reliant. 3. Visitor activities might be self-directed, or visitors might use interpretive services to plan their activities. 4. Special events could be allowed in this zone with the appropriate permit. 5. The probability of seeing or encountering others would range from low to moderate most of the time. 6. Occasional special events might result in high levels of visitor encounters for short periods. 7. Visitor activities might be limited to protect resources and enhance public safety. Limitations might be short or long term. 8. Vessel type, size, and speed could be regulated to enhance resource protection and public safety and preserve the desired visitor experience. 9. Commercial fishing would follow the permitting procedures as outlined in the Fishery Management Plan.	Management actions would focus on enhancing visitor experience and safety, protecting resources, minimizing impacts from visitor and commercial use, and restoring disturbed areas. Appropriate management actions could include 1. determining types and levels of use by considering the desired visitor experience and resource vulnerability to impact 2. managing access based on the determined user capacity 3. inventorying and monitoring resources 4. providing interpretation and enforcement services 5. conducting research and restoring and stabilizing resources 6. minimizing and mitigating impacts from visitor and commercial use 7. defining additional compatible uses 8. managing fishing in consultation with the state 9. developing permit systems for various activities 10. regulating vessel type, size, and speed 11. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities in this zone would be small, unobtrusive, and dispersed. Facilities would provide basic visitor services, enhance visitor safety, and be compatible with resource protection goals. Facilities could include 1. primitive trails 2. signs, mooring buoys, and navigation markers 3. interpretive exhibits 4. Restrooms, primitive camping and picnicking sites 5. research equipment

Delete stricken language, and insert language to read, "Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Slow Speed Zone (Shallow Water Habitat Protection and Visitor Experience)	The preservation of shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the resource goals in this zone. 1. Protection and continuation of natural processes . 2. Minor impact to Panoramic viewsheds. 3. There would be tolerance for minor resource impacts, including noise levels. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would have opportunities to experience nature. 1. Appropriate visitor activities would include boating (motorized or non-motorized), sightseeing, ~~recreational fishing~~, swimming, snorkeling, and nature observation. ~~Commercial fishing would be allowed with hours, engine use, trap type, tackle and location as specified in the *Fishery Management Plan* or other document.~~ 2. Boats with motors could be used when propelled at slow (wakeless) speeds to reduce user conflicts and ensure visitor safety. 3. Visitor activities would be mostly self-directed and have minor resource impacts. 4. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience	Management actions would focus on protecting visitors and water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and reducing conflicts between different types of users. Appropriate management actions could include 1. determining types of use (user capacity) considering the desired visitor experience and the vulnerability of the resources to impacts 2. inventorying and monitoring resources 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research and monitoring apparatus that is minimal and unobtrusive 3. mooring buoys and informational markers such as hazard markers

Delete stricken language, and insert language to read, "Appropriate fishing activities, fishing vessels and fishing vessel operation for this zone will be specified in the Fishery Management Plan."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Noncombustion Engine Use Zone (Shallow water habitat and natural sounds protection)	The preservation of natural sounds, near-shore nursery areas and shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the dominant resource goals in this zone. 1. Natural processes would predominate. 2. Natural sounds, sights, and vistas would prevail. Panoramic viewsheds would remain unaltered. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of the cultural resources would be evaluated and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, and closeness to nature. 1. Appropriate visitor activities could include noncombustion engine boating (paddling, poling, or trolling), sightseeing, ~~recreational~~ fishing, swimming, snorkeling, and nature observation. ~~Commercial fishing could be allowed with hours, engine use, trap type, tackle and location as specified in the *Fishery Management Plan* or other document.~~ 2. Boats equipped with combustion engines could be used when propelled by push-pole or electric trolling motor, with outboard engine tilted up. 3. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 4. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have minor resource impacts. 5. There would be some opportunities for interpretive activities. 6. Special events would not be allowed. 7. Visitor activities in these zones could be limited in the interest of protecting resources and enhancing public safety. Limitations might be short or long term. 8. Use of combustion engines would generally not be allowed. However, in designated areas between 3 feet to 5 feet in depth, the use of combustion engines would be allowed at slow speeds in channels. 9. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include 1. inventorying and monitoring resources 2. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses 7. developing a permit system for various activities 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in this zone. 3. mooring buoys.

Delete stricken language, and insert language to read, "Appropriate fishing activities, fishing vessels and fishing vessel operation for this zone will be specified in the Fishery Management Plan."

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Access-by-Permit Zone (Full range of recreational opportunities; uncrowded, permit system)	The access-by-permit zone would provide opportunities for visitors to recreate in natural or cultural settings where natural processes occur with minor evidence of disturbance from human use. The zone would provide protection for resources such as fish nursery areas and coral reefs. 1. Natural processes would predominate. This management zones would perpetuate a full complement of native species. 2. Natural sounds, sights, and vistas would prevail. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature. Visitor activities and access to these zones would be managed through a permit system to provide visitors with opportunities to experience natural sounds, tranquility, closeness to nature and a sense of relative remoteness. Limited numbers of visitors would enjoy a full range of resource-based recreational opportunities. 1. Appropriate activities could include sightseeing, boating, swimming, snorkeling, scuba diving, and ~~participating in recreational and commercial~~ fishing. 2. Visitor activities would usually be self-directed, which would require self-reliance and provide maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Visitors would receive orientation and information, interact with park staff and experience and learn about park resources before and after entering the park. Interpretive and educational opportunities would enable visitors to plan their trip into the park in advance through the permitting system. 4. Special events would not be allowed. 5. The probability of encountering others would be low. There would be only occasional encounters with others outside of one's social group. 6. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 7. Visitor activities could be structured through the use of commercial services with groups of limited size.	Management actions would focus on protecting resources, ensuring visitors have an uncrowded experience, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. managing and limiting access through a permit system 3. providing interpretation and enforcement services 4. taking measures to prevent human-caused impacts 5. regulating visitor activities and vessel type, size, and speed 6. authorizing commercial services 7. conducting research and monitoring resource conditions; restoring and stabilizing resources 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. limited mooring buoys 3. primitive trails 4. research equipment—if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the access-by-permit zone.

Delete stricken language.

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Nature Observation Zone (Intact ecosystem preservation)	The preservation of natural and cultural resources, restoration of degraded and impacted resources, and continuation of natural processes would be the dominant goals in this zone. The nature observation zone would provide a sustainable ecosystem, including fully functioning communities, with natural complexity structure, and diversity of organisms. 1. Natural processes would predominate. Nature observation areas would preserve and/or restore a full complement of native species. 2. Natural sounds, sights, and vistas would prevail. Panoramic viewsheds would remain unaltered. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, solitude, and closeness to nature. Visitors would have opportunities to experience and gain in-depth knowledge about sustainable ecosystems with fully functioning interdependent communities of organisms. 1. Appropriate visitor activities could include sightseeing, nature observation, ~~and recreational fishing from the land.~~ 2. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Interaction with nature would predominate, with only occasional encounters with others. There would be a sense of relative remoteness. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have minor resource impacts. 4. There would be opportunities for interpretive activities emphasizing sustainable ecosystems. 5. Special events would not be allowed. 6. Visitor activities in these zones could be limited in the interest of protecting resources and enhancing public safety. Limitations might be short or long term. 7. Limited commercial services that provide appropriate visitor recreational activities might be appropriate if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting resources, restoring disturbed areas, minimizing impacts from visitor use, and providing visitors with opportunities that encourage understanding of the natural functioning of resources within a sustainable ecosystem. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. intense inventorying and monitoring of resources 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses 7. developing permit systems for various activities Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. primitive trails 3. research equipment —if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the nature observation zone.

Delete stricken language, and insert language to read, "Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Marine Reserve Zone (ecosystem preservation; non-extractive; visitor experience)	The Marine Reserve Zone would provide a high level of protection from direct human-caused impacts for water-based ecosystems, habitats, and processes while allowing visitors to experience the zone. Natural processes occur with negligible disturbance from human use. This zone would protect natural resources such as marine nursery areas and coral reefs. The Marine Reserve Zone would provide the opportunity to compare the resource status of an area with no extractive uses to other areas allowing removal of resources. 1. Natural processes would predominate. 2. Resource impacts would be reduced. 3. Most lasting signs of human use would not be apparent. Evidence of human impact would be restricted to cultural resources such as historic shipwrecks. 4. Intervention and restoration could occur to mitigate and stabilize human-caused disruption or for resource management purposes. Otherwise alterations to natural resources would not occur. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, solitude, and closeness to nature. Visitors would have opportunities to observe and learn about the differences and benefits to resources of a non-extractive use area compared to areas allowing removal of resources. Research activities might be allowed under a permit. 1. Appropriate visitor activities could include boating, sightseeing, nature-watching, mooring, swimming, snorkeling, or diving. ~~Commercial and recreational fishing would not be appropriate activities.~~ Anchoring would not be allowed. 2. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Interaction with nature would predominate, with only occasional encounters with others. There would be a sense of relative remoteness. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have negligible resource impacts. 4. Special events, with the exception of cleanup events or citizen science, would generally not be allowed. 5. Visitors would benefit from the research by learning about protected resources. 6. Limited commercial services that provide appropriate visitor recreational activities might be allowed if compatible with resource protection goals and desired visitor experiences.	Management actions would focus on the preservation and protection of water-based ecosystems, habitats, and processes. Appropriate management actions could include 1. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 2. intervening and restoring natural resources to mitigate and stabilize human-caused disruption 3. conducting research aimed at monitoring resource conditions and understanding natural processes 4. prioritizing, overseeing, and managing research projects 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs, mooring buoys, and navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the marine reserve zone.

Delete stricken language, and insert language to read, "Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Sensitive Underwater Archeological Zone (Visitors not allowed in water)	The Sensitive Underwater Archeological Zone would provide protection for significant and vulnerable underwater cultural sites. Research activities could occur. 1. Natural sea and soundscapes would be maintained as much as possible. 2. Human-caused cultural resource degradation would not be tolerated. Intervention to natural processes would be allowed if necessary to protect cultural site integrity. 3. Preservation and stabilization actions might occur.	Visitors would view protected resources from within vessels on the surface of the water. Research activities might be allowed under permit. 1. Appropriate visitor activities could include sightseeing, nature-watching, ~~recreational hook and line fishing, and transit through the zone. Apparatus other than hook and line fishing gear would not be allowed in the water below the lowest point of the vessel. Commercial fishing and trapping would not be appropriate.~~ Anchoring would not be allowed. 2. Visitors must remain in their boats, and access to the water for activities including swimming, snorkeling or diving would not be allowed. 3. Researchers and other cooperating personnel could enter the zone for authorized purposes. Any impacts on cultural resources would be negligible. 4. Visitors would benefit from the research by learning about significant and vulnerable resources as well as how they are studied and preserved. 5. Commercial services would only transit through the zone. 6. Underwater viewing devices including but not limited to face masks, glass-bottom vessels, glass-bottom buckets, and/or underwater cameras of any kind would not be allowed.	Management actions would focus on preservation and protection of underwater cultural sites. Appropriate management actions could include 1. mitigating, stabilizing, and restoring resources and collecting artifacts in imminent danger of destruction or loss 2. conducting research aimed at monitoring resource conditions and understanding the cultural context 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. managing recreational fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations. 7. entering into agreements aimed at resource protection Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research equipment — if installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Underwater Archeological Zone.

Delete stricken language, and insert language to read, "Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

Amend highlighted language to read, "managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with the Fishery Management Plan, in the interest of sound conservation....."

	RESOURCE CONDITION	VISITOR EXPERIENCE	MANAGEMENT ACTIONS AND FACILITIES
Sensitive Resource Zone (Complete protection of exceptional & critical resources)	Natural Resources: The Sensitive Resource Zone would provide complete protection for exceptional and critical ecosystems, habitats, and processes and for sensitive nesting and nursery areas. Natural processes occur with negligible disturbance from human use. This zone would be closed to visitor access to permit natural processes to proceed. Research or actions aimed at monitoring natural conditions could occur. 1. Natural processes would predominate. 2. Natural land, sea, and soundscapes would predominate within the zone. 3. There would be no tolerance for resource impacts. 4. Lasting signs of human use would not be apparent. 5. Intervention and restoration could occur to mitigate and stabilize human-caused destruction. Otherwise, alterations to natural resources would not occur. 6. The significance and vulnerability of natural resources would be evaluated, and appropriate management actions would be determined. Cultural Resources: The Sensitive Resource Zone would provide complete protection for exceptional and sensitive cultural sites and landscapes. This zone would be closed to visitor access to protect site integrity. Research activities could occur. 1. Natural land, sea, and soundscapes would be maintained as much as possible. 2. Cultural resource degradation would not be tolerated. Intervention of natural processes might occur to protect cultural site integrity. 3. Evidence of historic human use that contributes to the site's cultural value would be apparent. 4. Preservation and stabilization actions might occur.	Natural Resources: Sensitive Resource Zones would not be managed for visitor access, and use would be highly restricted. 1. Visitors would not be allowed into the zone. Research activities might be allowed under a permit. 2. Researchers and other cooperating personnel might enter the zone for authorized purposes. Any impacts on natural processes would not be tolerated. 3. Visitors would benefit by learning about sensitive and vulnerable resources as well as how they are studied and preserved. 4. Vessels and vehicles would be restricted from the zone except for administrative, emergency, or research purposes. 5. Commercial activity would not be allowed. Cultural Resources: This zone would not be managed for visitor access, and use would be highly restricted. 1. Visitors would not be allowed into the zone. Research activities might be allowed under a permit. 2. Researchers and other cooperating personnel could enter the zone for authorized purposes. Any impacts on cultural resources would not be tolerated. 3. Visitors would benefit by learning about sensitive and vulnerable resources as well as how they are studied and preserved. 4. Vessels and vehicles would be restricted from the zone except for administrative, emergency, or research purposes. 5. Commercial activity would not be allowed.	Natural Resources: Management actions would focus on the preservation and protection of ecosystems, habitats, and processes unique to this zone. Appropriate management actions could include 1. intervening and restoring resources to mitigate and stabilize human-caused destruction 2. conducting research aimed at monitoring resource conditions and understanding natural processes 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. providing interpretive and enforcement services. Facilities would not be allowed. If installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Resource Zone. Cultural Resources: Management actions would focus on preservation and protection of cultural sites and landscapes. Appropriate management actions could include 1. mitigating, stabilizing, and restoring resources and collecting artifacts in imminent danger of destruction or loss 2. conducting research aimed at monitoring resource conditions and understanding the cultural context 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. providing interpretive and enforcement services. Facilities would not be allowed in this zone. If installed, research apparatus would be minimal and unobtrusive. If research could be accomplished in another management zone, it would not occur in the Sensitive Resource Zone.

1) Insert at the end of the highlighted sentence, "...unless fishing activities were allowed pursuant to the Fishery Management Plan."
2) Insert "6. Appropriate fishing activities for this zone will be specified in the Fishery Management Plan."

Attachment 2. Comments and Recommendations and Supporting Technical Information

I. Boating Restricted Areas and Uniform Waterway Markers

The FWC requests that National Park Service (NPS) apply for the Florida Uniform Waterway Marker (FUWM) Permit for all signs and buoys (markers) placed in the waterways of the Park, regardless of which Alternative is adopted by NPS. By voluntarily applying for the FUWM permit, which the Park has already done for existing waterway markers, NPS will ensure that their markers are consistent with state and federal regulations (United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities Maritime Buoyage System). The Uniform Waterway Marker system ensures that boaters see consistent messages and symbols while boating throughout the state. Consistent waterway markers symbols and messages ensure greater zone compliance and ultimately less impact on benthic resources. By applying for a FUWM permit, the Park's waterway markers will be more readily identifiable when they are damaged or destroyed, expediting the notification process. FWC's Marker On-Call Program is a statewide program that quickly identifies damaged or destroyed waterway markers and notifies the owner, regardless of the agency to which the marker belongs.

The Preferred Alternative (Alternative 4) in the Draft GMP/EIS suggests the installation of a number of additional waterway markers (both regulatory and informational) within the Park. In an effort to minimize risk associated with vessel collisions with markers, the FWC suggests the Mooring Buoy and Marker Plan be developed to minimize the number of waterway markers while providing for appropriate levels of boater awareness and accomplishing other goals. FWC staff within the Division of Law Enforcement, Boating and Waterway Section, has considerable experience in this area and would be eager to participate in the development of the Mooring Buoy and Marker Plan.

Additionally, to reduce vessel operator confusion and complement existing state zones within the park, the FWC suggests that NPS consider adopting the state definitions of "no power-driven vessels," "no motor zone," or "manually propelled vessels only," and "slow speed minimum wake", to accomplish vessel operation objectives. The NPS can accomplish the same objective of prohibiting combustion engines by using the appropriate state definitions (refer to 68D-23.103(3)(b), (d)-(f), Florida Administrative Code).

Since 1991, the FWC has had regulatory zones located within the park boundary – particularly the 1000' buffer zone from Black Point to Turkey Point and Idle Speed No Wake zone within the North Canal located north of Turkey Point Power Plant and adjacent to the Park Administrative & Visitor Center. Should the NPS adopt any non-combustion engine use and slow speed zones along the western park boundary, the more restrictive NPS zone would be posted and the FWC markers posting the state zone would need to be removed or replaced to reflect the NPS regulation. In addition, the FWC strongly recommends that NPS adopt the State definitions of Slow Speed Minimum Wake. The Draft GMP/EIS references the term slow (wakeless) speed within Table 2 (pages 49-58), "Visitor Experience" column. The use of the State term of "Slow Speed Minimum Wake" reduces vessel operator confusion and perhaps increases compliance as

they enter/exit the park boundary and encounter other local or State regulatory zones. In addition the FWC has been successful in the use of the State zones in establishing federal manatee sanctuaries with the United States Fish and Wildlife Service. The State definition of "'Slow Speed Minimum Wake'… means that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow" (Ch. 68D-23.103(3)(b), Florida Administrative Code.).

The Draft GMP/EIS needs to further elaborate on the intended regulations for the "Marine Reserve Zone," should such a zone be included in subsequent versions of the GMP. Currently, it states that boat size, type, and speed could be regulated to protect resources in the zone. With the exception of fishing as a prohibited activity, the plan does not state what activities are permitted or what vessel speed limits are being considered.

The Preferred Alternative (Alternative 4) in the Draft GMP/EIS indicates that the number of proposed moorings for many of the sites will be limited. In the interest of our continued support of safe and reasonable use of the waters and marine resources within the Park, we encourage staff to evaluate current and historic use trends for the areas where moorings are intended to be installed and to ensure that appropriate numbers of moorings are installed and maintained to support those levels of use. In those instances where anchoring is not permitted when all the moorings are in use, public access to public resources may be restricted, even though the activities being conducted may have an extremely low impact on such resources. If an appropriate number of moorings are installed to meet traditional and current use volume, many of the negative impacts to benthic resources would be eliminated while ensuring public access to public resources.

II. Personal Watercraft Transit

The FWC very much supports responsible efforts to protect Florida's environment while ensuring a wide variety of safe and enjoyable opportunities for Florida's residents and visitors. However, we would like to emphasize that any efforts to amend the boating restrictions within the Park should include a provision which would allow for the operation of personal watercraft to transit south Miami-Dade County via the Atlantic Intracoastal Waterway, to ensure safety to those wishing to transit the Park to destinations beyond Park boundaries.

III. Marine Habitat Restoration

The FWC supports the restoration of damaged marine resources including coral reef, seagrass and mangrove communities. FWC staff within the Division of Habitat Species Conservation, Aquatic Habitat Conservation and Restoration Section, would be willing partners in any marine restoration efforts conducted by BNP staff.

IV. Exotic Species Removal

The FWC encourages the removal of the Indo-pacific lionfish (*Pterois volitans*) from BNP. Lionfish are a significant predator on native reef fish populations, including many that serve important roles in the continue health of the reef community. Lionfish also compete for food resources used by native species such as grouper and snapper. Park staff should investigate the use of Park-sponsored lionfish tournaments to assist in the control of lionfish populations. Removal of lionfish through public participation offers a recreational opportunity for the public while benefitting native fish communities.

V. Satellite Visitor Education Center

The FWC supports the idea of a satellite visitor education center in Miami, as long as it is not within the boundaries of the Bill Sadowski Virginia Key Critical Wildlife Area (CWA). A specific location on Virginia Key is not mentioned in the Draft GMP/EIS, but recent City of Miami Master Plans for Virginia Key have placed such a visitor center within or adjacent to the CWA.

VI. Listed Species

Recent surveys for the federally endangered Schaus' swallow-tail butterfly (*Heraclides aristodemus ponceanus)* are finding very few individuals (Attachment 2A). The vast majority are being found in BNP on the south end of Elliot Key near Petrel Point. The NPS should consider designating the area around Petrel Point (about ½ mile north and south of Petrel Point) as a Sensitive Resource Zone or as a Nature Observation Zone.

VII. Fisheries Management Coordination

Memorandum of Understanding

In 2002 and subsequently in 2007, the FWC entered into a Memorandum of Understanding (MOU) with BNP to "facilitate the management, protection, and scientific study of fish and aquatic resources" within BNP, "by improving communication, cooperation and coordination" between the FWC and the Park (Attachment 2B).

The MOU provides relevant background information, lists objectives to be achieved, outlines regulatory authorities, and details expectations of work on behalf of both the FWC and the Park for the mutual benefit of the aquatic resources within the Park. It is unfortunate--that despite the existing MOU wherein FWC and the Park agreed to make efforts to the maximum extent possible to cooperate fully and jointly to manage fisheries within the Park--the FWC is forced to provide extensive comments with regards to fisheries management issues on a Draft GMP/EIS through the Florida State Clearinghouse.

One of the tasks identified in the MOU is the joint development of a comprehensive fisheries management plan. The purpose of the Fishery Management Plan is to provide for the long-term management of fish and aquatic resources within the Park, separately yet complementary to a General Management Plan.

The development of the Fishery Management Plan is ongoing, and the Draft GMP/EIS specifically states: "Due to this ongoing planning process, the GMP will not address fisheries management in its alternatives" (page 16). However, Alternatives 2-5 of the Draft GMP/EIS would utilize zones where fishing activities are directly or indirectly reduced or eliminated through prohibitions on fishing activities, area closures, access limitations, limitations or prohibitions on the use of internal combustion motors, limitations or prohibitions on vessel type, size and speed, limitations on harvesting gear, and permit requirements. All 10 of the proposed zones in the Draft GMP/EIS propose to manage fishing activities in some manner, and "managing recreational [and commercial] fishing in the interest of sound conservation" is specifically identified as a management action in the majority of the zone descriptions. For example, the management objective for the Marine Reserve Zone included within Alternatives 3, 4 and 5 (pages 76, 82 and 88 respectively) addresses specific fisheries management objectives (e.g., larger and more numerous tropical reef fish, reducing mortality of fish), and compares the proposed management strategy of eliminating all fishing to other fisheries management strategies (e.g., catch and release, slot limits). This is clearly a fisheries management issue and as such belongs in a Fishery Management Plan, not a General Management Plan.

The proposed management actions within the Draft GMP/EIS that reduce or eliminate fishing activities are in direct conflict with the MOU which states:

Article I – Background and Objectives:

> "WHEREAS, FWC and the Park agree that properly regulated commercial and recreational fishing will be continued within the boundaries of the Park. FWC and the Park recognize and acknowledge that commercial and recreational fishing constitutes activities of statewide importance that benefit the health and welfare of the people of the State of Florida."

Article III – Statement of Work:

> A. FWC and the Park agree to:
> 3. Provide for recreational and commercial fishing and opportunities for the angling public and other Park visitors to enjoy the natural aquatic environment.

In addition, the proposed management actions within the Draft GMP/EIS have not been jointly evaluated with the FWC, and the FWC was not consulted in advance of these recent actions being proposed and released to the public for comment. This is also in direct conflict with the MOU which states:

Article III – Statement of Work:

> A. FWC and the Park agree to:
> 2. Acknowledge that the FWC will play a crucial role in implementing and promulgating new regulations as may be deemed appropriate, as well as take other management actions to achieve the mutual objectives for the management of fisheries within the boundaries of the Park for the term of this MOU. However, the agencies agree to consult with each

other on any actions that they may propose to be taken to conserve or protect fish populations and other aquatic resources within Park boundaries or to further regulate the fisheries.

5. Consult with each other and jointly evaluate the commercial and recreational harvest of fishery resources within the Park. Such consultation and evaluation, as set forth in the enabling legislation establishing the Park, should include a full review of all commercial and recreational fishery practices, harvest data, permitting requirements, techniques and other pertinent information for the purposes of determining to what extent mutually agreed upon fishery management goals are being met within the Park and to determine what additional management actions, if any, are necessary to achieve stated management goals.

The proposed regulatory actions combined with the lack of advanced agency coordination make it abundantly clear that the Park's regulatory strategy is to address fisheries management issues within the context of the General Management Plan and outside of the framework of the MOU and the Fishery Management Plan. The enabling acts establishing BNP and the MOU executed in good faith clearly call for consultation and coordination with the State of Florida/FWC regarding fisheries management, and the Fishery Management Plan is the most appropriate tool to support this consultation and coordination. Any significant restrictions on fishing opportunities within the BNP are clearly fishery management issues falling under the purview of these requirements and mutual agreements for consultation and coordination. There is no doubt the Draft GMP/EIS proposes significant restrictions on fishing opportunities that should be addressed through the framework of the MOU and the Fishery Management Plan. The FWC respectfully calls for NPS to honor these requirements and commitments by withdrawing these fishery- and fishing-related provisions from the GMP and working closely with FWC and stakeholders to develop proposals that reflect a better balance between resource protection and the public interest.

Management Actions/Management Zones

The FWC recognizes and supports that BNP has different but complementary goals for managing Florida's fish and wildlife resources located within Park boundaries, to provide for a level of resource conditions and visitor experiences that is expected of a National Park. The FWC also recognizes the significant value of the habitat resources within the Park to recreational and commercial fisheries, and the need to protect them. While the FWC can provide conceptual support for many of the management actions and management zones contained within the Draft GMP/EIS because of the benefits to fishery resources, the FWC cannot support how these actions and zones have been developed and are being proposed because of the significant impacts to fishing activities. Management strategies yet to be developed could provide maximum access for fishing activities while still achieving Park management goals, and development of these strategies will require additional coordination with the FWC and fishing stakeholders through the Fishery Management Plan process.

To begin coordination efforts, we would formally request BNP re-initiate coordination with the FWC and stakeholders on the Fishery Management Plan/Environmental Impact Statement in order to appropriately address the items identified by this consistency review.

In addition, we would request that the Park make modifications to the zones as discussed during the onsite visit on December 7, 2011, by FWC South Florida Regional Director Chuck Collins with BNP Superintendent Mark Lewis. We request these modifications be incorporated into the Final GMP/EIS. The modifications are as follows:

1) Modify the proposed zones in Preferred Alternative 4 around the Arsenickers from a 500' Noncombustible Engine Use Zone plus a 500' Slow Speed Zone, to only a 500' Slow Speed Zone. This area is currently managed by a 250' No-Wake Zone.
2) Modify the proposed zones in Preferred Alternative 4 for the creeks south of Jones Lagoon from a Noncombustible Engine Use Zone to a Slow Speed Zone.

Marine Reserve Zone

The FWC does not support establishment of a Marine Reserve Zone that prohibits fishing activities within BNP until measureable management goals have been clearly defined and less-restrictive fisheries management actions have been appropriately evaluated. During the December 20, 2011, teleconference call, the FWC proposed that the Park develop a management strategy evaluation of alternative management strategies, ranging from less restrictive fishery restrictions to no-take marine reserves. This type of simulation modeling is used to assess the potential outcomes for different management strategies, and can be used in situations such as Biscayne National Park where there is minimal data available and time limitations that will not facilitate additional data collection. The Park was not receptive to the FWC proposal, citing delays in the General Management Plan approval process as one reason for their objection. In response to this objection, FWC would refer the Park to the "Conditions for Consistency" section of the attached letter, which stated finalization of the GMP could be accomplished without delay even with compliance with FWC conditions. In that case, the Marine Reserve Zone could be still be included in the GMP, but specific management of fishing activities within the Marine Reserve Zone would be shifted from the Draft GMP/EIS to the Fishery Management Plan. The management strategy evaluation would then be part of the Fishery Management Plan process, and not the GMP process.

ATTACHMENT 2B

Memorandum of Understanding

between

the State of Florida, Fish and Wildlife Conservation Commission

and

the National Park Service, Biscayne National Park

NPS Agreement Number G5250H0083

ARTICLE I – BACKGROUND AND OBJECTIVES

WHEREAS, The purpose of this Memorandum of Agreement (MOU) is to facilitate the management, protection and scientific study of fish and aquatic resources within the National Park Service, Biscayne National Park (hereinafter referred to as the Park) by improving communication, cooperation and coordination between the Florida Fish and Wildlife Conservation Commission, (hereinafter referred to as the FWC) and the Park; and

WHEREAS, Biscayne National Monument was established by Congress in 1968 "in order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty" (PL 90-606). The Monument was later expanded in 1974 (PL 93-477), and again in 1980 (PL 96-287), to its current size of 173,000 acres (270 square miles), when it was also redesignated as the Park, where excellent opportunities are provided for fishing, snorkeling, scuba diving, boating, canoeing, kayaking, windsurfing and swimming; and

WHEREAS, the State of Florida conveyed sovereign submerged lands to the United States in 1970 to become part of Biscayne National Monument; and

WHEREAS, the Park is made up predominantly of submerged lands (95 percent), and may be divided generally into three major environments: coral reef, estuarine and terrestrial. The boundaries of the Park begin at the west mangrove shoreline, extend east to Biscayne Bay (including seagrass communities and shoals), the keys (including hardwood hammocks, mangrove wetlands, sandy beaches and rocky inter-tidal areas), the reef, and continue to their easternmost extent at a contiguous 60-foot depth contour. The northern boundary of the Park is near the southern extent of Key Biscayne, while the southern boundary is near the northern extent of Key Largo, adjacent to the Barnes Sound and Card Sound areas; and

WHEREAS, Biscayne Bay has also been designated by the State of Florida as an Aquatic Preserve, Outstanding Florida Water, Outstanding National Resource Water (pending ratification of State water quality standards) and lobster sanctuary under Florida Law, and by Dade County as an aquatic park and conservation area; and

WHEREAS, both FWC and the Park have responsibilities under Federal and State laws and regulations that affect fish and other aquatic resources within the Park; and

WHEREAS, FWC and the Park agree that "when possible and practicable, stocks of fish shall be managed as a biological unit" (Chapter 370.025(d) Florida Statutes). This statement is intended to recognize that measures to end overfishing and rebuild stocks are most effective when implemented over the range of the biological stock; however, it is not intended to preclude implementation of additional or more restrictive management measures within the Park than in adjacent State waters as a means of achieving mutual objectives; and

WHEREAS, FWC and the Park agree that properly regulated commercial and recreational fishing will be continued within the boundaries of the Park. FWC and the Park recognize and acknowledge that commercial and recreational fishing constitutes activities of statewide importance that benefit the health and welfare of the people of the State of Florida. The parties also recognize and acknowledge that preserving the nationally significant resources of the Park to a high conservation and protection standard to be agreed upon by both parties in the fishery management plan for all citizens to enjoy is of statewide as well as national importance, and as such, will also benefit the health and welfare of the people of the State of Florida; and

WHEREAS, FWC and the Park agree to seek the least restrictive management actions necessary to fully achieve mutual management goals for the fishery resources of the Park and adjoining areas. Furthermore, both parties recognize the FWC's belief that marine reserves (no-take areas) are overly restrictive and that less-restrictive management measures should be implemented during the duration of this MOU. Consequently, the FWC does not intend to implement a marine reserve (no-take area) in the waters of the Park during the duration of this MOU, unless both parties agree it is absolutely necessary. Furthermore, the FWC and the Park recognize that the Park intends to consider the establishment of one or more marine reserves (no-take areas) under its General Management Planning process for purposes other than sound fisheries management in accordance with Federal authorities, management policies, directives and executive orders; and

WHEREAS, both parties wish this MOU to reflect their common goals and intended cooperation and coordination to achieve those goals.

ARTICLE II – AUTHORITY

In the Organic Act of 1916, U.S.C. § 1, Congress created the National Park Service (NPS) to promote and regulate the National Park System for "the purpose of conserving the scenery and the natural and historic objects and wildlife therein and to provide for the enjoyment of the same in such manner and by such means as would leave them unimpaired for the enjoyment of future generations." Congress further determined, in 16 U.S.C. § 1a-1, that the authorization of activities within units of the National Park System be construed, and the protection, management and administration of national parks be conducted, in the light of high public value and integrity of the National Park System.

The legislation establishing the Park states that the "Secretary shall preserve and administer the park in accordance with the provisions of sections 1 and 2 to 4 of this title, as amended and supplemented. The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, limited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the park is established: Provided, that with respect to lands donated by the State after the effective date of this Act, fishing shall be in conformance with State law." PL 96-287, § 103(a), codified at 16 U.S.C. § 410gg-2(a).

As a unit of the National Park System, the Park is authorized under 16 U.S.C. §§ 1-6 to participate in memoranda of understanding that document mutually agreed upon policies, procedures and relationships that do not involve funding.

The FWC was created by Article IV, § 9 of the Florida Constitution and is vested with the state's executive and regulatory authority with respect to freshwater aquatic life, wild animal life and marine life. This authority, directly derived from the Constitution, provides the FWC with autonomy to regulate and manage wild animal life, freshwater aquatic life and marine life within the State of Florida, which includes the areas encompassed by the Park.

The FWC is authorized under Chapter 370.103, Florida Statutes, to enter into cooperative agreements with the Federal Government or agencies thereof for the purpose of preserving saltwater fisheries within and without state waters and for the purpose of protecting against overfishing, waste, depletion, or any abuse whatsoever. Such authority includes authority to enter into cooperative agreements whereby officers of the FWC are empowered to enforce federal statutes and rules pertaining to fisheries management.

The regulatory responsibility of the State of Florida with respect to fishing on the original Park lands is set forth in section 103(a) of PL 96-287 (see above). The regulatory responsibility of the State of Florida with respect to fishing on additional lands conveyed to the Park after the effective date of PL 96-287 is set forth in a Board of

Trustees of the Internal Improvement Trust Fund Dedication dated December 13, 1985, which contains the following special reservation: "All rights to fish on the waters shall be retained and not transferred to the United States and fishing on the waters shall be subject to the laws of the State of Florida."

NOW, THEREFORE, both parties agree as follows:

ARTICLE III – STATEMENT OF WORK

A. FWC and the Park agree to:

1. Seek concurrence in meeting their management goals and strive to identify means, measures and other interagency actions for the mutual benefit of the aquatic resources within Biscayne Bay and the Park.

2. Acknowledge that the FWC will play a crucial role in implementing and promulgating new regulations as may be deemed appropriate, as well as take other management actions to achieve the mutual objectives for the management of fisheries within the boundaries of the Park for the term of this MOU. However, the agencies agree to consult with each other on any actions that they may propose to be taken to conserve or protect fish populations and other aquatic resources within Park boundaries or to further regulate the fisheries.

3. Provide for recreational and commercial fishing and opportunities for the angling public and other Park visitors to enjoy the natural aquatic environment.

4. Manage fisheries within the Park and Biscayne Bay according to applicable Federal and State laws, and in a manner that promotes healthy, self-sustaining fish populations and recognizes the biological characteristics and reproductive potential of individual species. Desired future conditions for fisheries and visitor experiences within the Park will be established cooperatively to further guide fisheries management.

5. Consult with each other and jointly evaluate the commercial and recreational harvest of fishery resources within the Park. Such consultation and evaluation, as set forth in the enabling legislation establishing the Park, should include a full review of all commercial and recreational fishery practices, harvest data, permitting requirements, techniques and other pertinent information for the purposes of determining to what extent mutually agreed upon fishery management goals are being met within the Park and to determine what additional management actions, if any, are necessary to achieve stated management goals.

6. Collaborate on the review and approval of proposals for fisheries stock assessment, site characterization, maintenance or restoration, including scientifically based harvest management, species reestablishment, stocking, habitat protection, and habitat restoration or rehabilitation.

7. Notify each other, as early as possible, of the release of information pertaining to the development of agency policies, management plans, statutes, rules and regulations that may affect fisheries and aquatic resource management within the Park boundary.

8. Share scientific information, field data and observations on Park fishery resources and activities affecting those resources, except in situations where the exchange of such data would violate State or Federal laws or regulations (e.g. law enforcement investigations and confidential landings statistics). The parties will provide each other with copies of reports that include results of work conducted within the Park or Biscayne Bay.

9. Jointly consider proposals for the management and control of exotic (non-indigenous) species, if found to occur within the Park or in adjacent areas, that may pose a threat to the integrity of Park resources. Exotic species are those that occur in a given place as a result of direct or indirect, deliberate or accidental actions by humans.

10. Review and coordinate, on an annual basis, proposals for fisheries and aquatic resources management, research, inventory and monitoring within the Park and Biscayne Bay. Each party will provide prospective researchers with legal notice of agency-specific permitting requirements. Additionally, as a courtesy, and to encourage information sharing, the FWC and the Park will provide each other with annual summaries of marine and terrestrial research, inventory and monitoring activities conducted within and in close proximity to the Park.

11. Meet at least once annually and otherwise as needed to coordinate management and research activities and exchange information on fish and aquatic resources within the Park and Biscayne Bay.

12. Recognize that there may be times when the missions of the FWC and the Park may differ, and that while efforts will be made to the maximum extent possible to cooperate fully and jointly manage fishing within the Park as intended by Congress when the Park was established, there may be occasion when the two agencies choose to disagree. Such occasions will not be construed, as impasses and every attempt will made to avoid communication barriers and to not jeopardize future working relationships.

13. Develop a comprehensive fisheries management plan (hereinafter referred to as the Plan) for the long-term management of fish and aquatic resources within the Park. The Plan will summarize existing information and ongoing activities, clarify agency jurisdiction, roles and responsibilities, identify additional opportunities for cooperative management, list key issues, establish management goals and objectives, describe desired future conditions, indicators, performance measures and management triggers, and develop a list of prioritized project statements. Specifically, with respect to developing the Plan, the two agencies agree as follows:

B. The FWC agrees to:

1. Assist the Park, and play a collaborative role in coordinating with the Park and its cooperators, in the development and ongoing review of the Plan.

2. Provide representation to a technical committee formed to guide interagency fisheries management within Biscayne Bay, including the Park, and participate in monthly teleconference calls and meetings as may be scheduled for purposes of steering fisheries management planning project.

3. Assign staff, including those from the Florida Marine Research Institute, as deemed appropriate to assist the Park and its cooperators in developing credible project statements or preliminary research proposals. The emphasis of such proposals will be to design and prioritize projects intended to meet known fisheries data gaps or resource knowledge deficiencies to facilitate scientifically based and informed fisheries management decision- and rule-making.

4. Provide representation to and support for forming the Scientific Advisory Panel for the purposes described in C.4 below.

5. Provide access to and support for requests by the Park to existing data and information as may be applicable to Biscayne Bay fisheries and aquatic resources, jurisdictions and other pertinent aspects to developing the Plan.

6. Review and comment upon drafts of the Plan and participate in joint meetings that will be arranged to solicit public opinion and comment concerning proposed

fisheries management actions and/or alternatives as may be described within the draft Plan; and to review and comment upon any fisheries and aquatic resources issues and alternatives as may be identified within the Park's General Management Plan, also being developed in 2001–2002.

7. Facilitate information exchange and otherwise provide briefings to FWC Commissioners as necessary and deemed appropriate by the FWC.

8. Facilitate information exchange and otherwise provide briefings as may be deemed appropriate to the South Atlantic Fishery Management Council, of which FWC's Director of the Division of Marine Fisheries is a member.

9. Work with the Park to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.

10. As may be provided under State law and FWC policies, and upon full review, comment, revision and concurrence by the FWC, co-sign and endorse the Plan.

C. The Park agrees to:

1. Subject to the availability of funds, provide project funding support to cooperators, under contractual requirements separate from this MOU and described within an approved study plan prepared by NPS, to complete the Plan.

2. Secure contractors and cooperation from other fisheries experts to develop and/or assist the Park in developing the Plan. These cooperators may include, but are not limited to, research fishery biologists, aquatic ecologists and fisheries program managers from the FWC, Tennessee Valley Authority, Everglades National Park, National Marine Fisheries Service, Southeast Fisheries Science Center, and the University of Miami--Rosenstiel School of Marine and Atmospheric Science.

3. Form a technical steering committee comprised of Park personnel as well as those cited in C.2 above, and arrange and coordinate monthly teleconference calls and periodic other meetings of this committee as necessary to develop the Plan.

4. Arrange and coordinate a Scientific Advisory Panel to review the findings and recommendations contained in the 2001 report entitled "Site Characterization for Biscayne National Park: Assessment of Fisheries Resources and Habitats," prepared under contract for the Park by Dr. Jerald S. Ault, et al.

5. Work with the FWC to promulgate or revise existing State and Federal rules/regulations as may be jointly identified and recommended within the Plan.

6. Pursuant to the National Environmental Policy Act, arrange and coordinate public meetings, Federal Register Notices, and other requirements associated with preparing an Environmental Impact Statement in conjunction with the Plan.

7. Under contractual arrangements separate from this MOU, finance, print, and distribute a reasonable and sufficient number of draft and final copies of the Plan to all cooperators and other entities with an expressed or vested interest.

8. As requested by the FWC, help conduct or simply attend briefings, presentations or other forums concerning fisheries/wildlife management within Biscayne Bay, including the Park.

9. Facilitate and encourage the joint publication of press releases and the interchange between parties of all pertinent agency policies and objectives, statutes, rules and regulations, and other information required for the wise use and perpetuation of the fisheries resources of the Park.

10. Facilitate research permitting to state entities for activities needed to accomplish goals identified in the Plan.

ARTICLE IV – TERMS OF AGREEMENT

This MOU shall become effective upon signature by all parties hereto, and is executed as of the date of the last of those signatures and shall remain in effect for a term of five (5) years unless rescinded as provided in Article IX. It may be reaffirmed and extended for an additional five years.

This MOU in no way restricts the FWC or the Park from participating in similar activities with other public or private agencies, organizations, and individuals.

This MOU is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds between the Park and the FWC will be handled in accordance with applicable laws, regulations, and procedures. Such endeavors will be set forth in separate written agreements executed by the parties and shall be independently authorized by appropriate statutory authority.

ARTICLE V – KEY OFFICIALS

A. For Biscayne National Park:

Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033

B. For the Florida Fish and Wildlife Conservation Commission:

Executive Director
Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

ARTICLE VI – PRIOR APPROVAL

Not applicable

ARTICLE VII – REPORTS AND/OR OTHER DELIVERABLES

Upon request and to the full extent permitted by applicable law, the parties shall share with each other final reports of actions involving both parties.

ARTICLE VIII – PROPERTY UTILIZATION

Unless otherwise agreed to in writing by the parties, any property furnished by one party to the other shall remain the property of the furnishing party. Any property furnished by the Park to the FWC during the performance of this MOU shall be used and disposed of as set forth in Federal property management regulations found at 41 C.F.R. Part 102.

ARTICLE IX – MODIFICATION AND TERMINATION

Either party may terminate this MOU by providing 60 days advance written notice to the other party. However, following such notice and before termination becomes effective, the parties will attempt to address and resolve the issues that led to the issuance of the notice.

Any disputes that may arise as a result of this MOU shall be subject to negotiation upon written request of either party, and each of the parties agrees to negotiate in good faith. The parties shall use their best efforts to conduct such negotiations at the lowest organizational level before seeking to elevate a dispute. If the parties cannot resolve the dispute through negotiation, they may agree to mediation using a neutral acceptable to both parties. Subject to the availability of funds, each party will pay an equal share of any costs for mediation services as such costs are incurred. If the dispute cannot be resolved through mediation, it will be elevated to a third party acceptable to both the Park and FWC for a final decision.

This MOU may be reviewed and/or modified at any time upon written agreement of the FWC and the Park.

ARTICLE X – STANDARD CLAUSES

A. Compliance With Laws

This MOU is subject to the laws of the United States and the State of Florida, and all lawful rules and regulations promulgated thereunder, and shall be interpreted accordingly.

B. Civil Rights

During the performance of this MOU, the parties agree to abide by the terms of the U.S. Department of the Interior (hereinafter referred to as the Department)– Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person because of race, color, religion, sex, or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age or sex.

C. Promotions

The FWC will not publicize or otherwise circulate promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts, or other publications), which states or implies Governmental, Departmental, bureau or Government employee endorsement of a product, service or position, which the Department represents. No release of information relating to this MOU may state or imply that the Government approves of the FWC's work product, or considers the Department's work product to be superior to other products or services.

D. Public Information Release

The FWC will obtain prior approval from the Park for any public information releases, which refers, to the Department, any bureau, park unit, or employee (by name or title), or to this MOU. The specific text, layout, photographs, etc. of the proposed release must be submitted with the request for approval.

E. Liability Provision

Each party to this agreement will indemnify, save and hold harmless, and defend each other against all fines, claims, damages, losses,

judgments, and expenses arising out of, or from, any omission or activity of such person organization, its representatives, or employees. During the term of the MOU, the Park will be liable for property damage, injury or death caused by the wrongful or negligent act or omission of an employee, agent, or assign of the Park acting within the scope of his or her employment under circumstances in which the Park, if a private person, would be liable to a claimant in accordance with the law of the place where the act or omission occurred, only to the extent allowable under the Federal Tort Claims Act, 28 U.S.C. Sec. 2671 et seq.

ARTICLE XI – SIGNATURES

IN WITNESS HEREOF, the parties hereto have executed this agreement on the dates set forth below.

FOR BISCAYNE NATIONAL PARK:

Signature: Mark Lewis

Mark Lewis
Superintendent
Biscayne National Park

Date: 9/14/07

FOR THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION:

Signature: Ken Haddad

Ken Haddad
Executive Director
Florida Fish and Wildlife Conservation Commission

Date: 9/14/07

South Florida Regional Planning Council

October 31, 2011

Mr. Mark Lewis
Superintendent
Biscayne Bay National Park
U.S. Department of the Interior
9700 S.W. 328th Street
Homestead, FL 33033

RE: SFRPC#11-0817, Clearinghouse review of the General Management Plan (GMP)/Environmental Impact Statement (EIS) for the Biscayne Bay National Park located off of Miami-Dade County.

Dear Mr. Lewis:

We have reviewed the above-referenced General Management Plan (GMP) for the Biscayne Bay National Park for consistency with the Council's regional policy document, the *Strategic Regional Policy Plan (SRPP)* and have the following comments:

- The project should be consistent with the goals and policies of the National Environmental Policy Act (NEPA), the Endangered Species Act and its corresponding regulations. It is important for the applicant to coordinate involvement with all governments of jurisdiction, particularly that of the Miami-Dade County and its Comprehensive Development Master Plan (CDMP), environmental groups, as well as concerned public citizens.
- The last comprehensive planning effort (general management plan) for Biscayne Bay National Park was completed in 1983. Much has occurred since 1983; the population near the park has greatly increased, visitor use patterns and types have changed, and people want to bring new recreational activities into the Park. Each of these changes has major implications for how visitors access and use the National Park and the facilities needed to support those uses, how resources are managed, and how the National Park Service (NPS) manages its operations.
- The GMP provides five (5) alternatives suggesting comprehensive management options for the Biscayne National Park for the next 15 to 20 years. Based on the five alternatives presented in the Marine Reserve Study Summary, with supporting criteria and science data for the selection of appropriate marine preservations, Alternatives 2 - 5 would benefit natural and cultural resource protection while providing a diversity of visitor experiences and educational opportunities and are more consistent with the *SRPP* rather than Alternative 1 (no-action).
- The *SRPP* identifies the Biscayne Bay National Park as a regional priority. The Goals and Policies of the *Strategic Regional Policy Plan for South Florida (SRPP)*, in particular those indicated below, should be observed when making decisions regarding this general management plan:

GOAL 14 **Preserve, protect and restore Natural Resources of Regional Significance.**

Policy 14.2 Improve the quality and connectedness of Natural Resources of Regional Significance by eliminating inappropriate uses of land, improving land use designations, and utilizing land acquisition where necessary.

3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021
Broward (954) 985-4416, State (800) 985-4416
SunCom 473-4416, FAX (954) 985-4417, Sun Com FAX 473-4417
email: sfadmin@sfrpc.com, website: www.sfrpc.com

Policy 14.7 Restore, preserve, and protect the habitats of rare and state and federally listed species. For those rare and threatened species that have been scientifically demonstrated by past or site specific studies to be relocated successfully, without resulting in harm to the relocated or receiving populations, and where *in-situ* preservation is neither possible nor desirable from an ecological perspective, identify suitable receptor sites, guaranteed to be preserved and managed in perpetuity for the protection of the relocated species that will be utilized for the relocation of such rare or listed plants and animals made necessary by unavoidable project impacts. Consistent on-site shall be preserved on-site.

Policy 14.14 Increase public awareness and continue to support programs regarding the importance of maintaining and enhancing the tree canopy and other native vegetative cover in improving air quality and natural habitat.

Policy 14.15 Require the ecologically sensitive use of natural areas as a condition to access and utilization. Promote environmental education through parks, nature centers, and schools.

Policy 14.16 Coordinate funding from various groups to produce common documents to be distributed to the public regarding natural resource protection, appropriate recreational opportunities, and access.

Goal 16 **Enhance and preserve natural system values of South Florida's shorelines, estuaries, benthic communities, fisheries, and associated habitats, including, but not limited to, Florida Bay, Biscayne Bay, tropical hardwood hammocks, and the coral reef tract.**

Policy 16.2 Protect the Biscayne Bay Aquatic Preserve (BBAP) through such measures as:
a. discontinuing all untreated stormwater discharges to the Bay;
b. requiring stormwater treatment systems to meet the required non-degradation water quality standards for this Class III, Outstanding Florida Water body;
c. discouraging development that proposes to fill within the Bay or discharge contaminants to its waters; and
d. connecting developments that are served by septic tanks within the watershed of the BBAP to central sanitary waste treatment facilities to treat pathogens and remove nutrients from the wastewater effluent.

Policy 16.3 Enhance and preserve coastal, estuarine, and marine resources, including but not limited to, tropical hardwood hammocks, mangroves, sea grass and shellfish beds and coral habitats.

Thank you for the opportunity to comment. If you require further information, please contact me at 954-985-4416.

Sincerely,

Eric Swanson
Policy Analyst

ES/kal

cc: Ms. Lauren P. Milligan, Florida State Clearinghouse

2011-03835

COUNTY: MIAMI-DADE
SCH-100-NPS-BNP
DADE

DATE: 8/22/2011
COMMENTS DUE DATE: 10/3/2011
CLEARANCE DUE DATE: 10/21/2011
SAI#: FL201108225930C

RECEIVED BUREAU OF HISTORIC PRESERVATION 2011 SEP 16 P 1:41

MESSAGE:

STATE AGENCIES	WATER MNGMNT. DISTRICTS	OPB POLICY UNIT	RPCS & LOC GOVS
ENVIRONMENTAL PROTECTION	SOUTH FLORIDA WMD		
FISH and WILDLIFE COMMISSION			
X STATE			

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- _ **Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.**
- X **Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.**
- _ **Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.**
- _ **Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.**

Project Description:

NATIONAL PARK SERVICE - DRAFT GENERAL MANAGEMENT PLAN/ENVIRONMENTAL IMPACT STATEMENT FOR BISCAYNE NATIONAL PARK - MIAMI-DADE COUNTY, FLORIDA.

To: Florida State Clearinghouse

AGENCY CONTACT AND COORDINATOR (SCH)
3900 COMMONWEALTH BOULEVARD MS-47
TALLAHASSEE, FLORIDA 32399-3000
TELEPHONE: (850) 245-2161
FAX: (850) 245-2190

EO. 12372/NEPA

- ☑ No Comment
- ☐ Comment Attached
- ☐ Not Applicable

Federal Consistency

- ☑ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division/Bureau: Division of Historical Resources
Bureau of Historic Preservation

Reviewer: S. Edwards BEHE for State 9/15/11

Date: 9-13-2011

RECEIVED
SEP 16 2011
DEP Office of
Intergovt'l Programs

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

February 28, 2014

Mr. Brian Carlstrom, Park Superintendent
Biscayne National Park
9700 SW 328th Street
Homestead, FL 33033-5634

RE: National Park Service – Supplemental Draft General Management Plan/ Environmental Impact Statement (GMP/EIS) for Biscayne National Park – Miami-Dade County, Florida.
SAI # FL201311186774C (Reference Prior SAI # FL201108225930C)

Dear Superintendent Carlstrom:

The Florida State Clearinghouse has coordinated the state's review of the National Park Service's (NPS) November 2013 Supplemental Draft GMP/EIS under the following authorities: Presidential Executive Order 12372; § 403.061(42), Florida Statutes (F.S.); the Coastal Zone Management Act (16 U.S.C. §§ 1451 *et seq.*, as amended); and the National Environmental Policy Act (42 U.S.C. §§ 4321-4347, as amended).

The Florida Fish and Wildlife Conservation Commission (FWC) submitted comments, concerns and recommendations regarding the Supplemental Draft GMP/EIS in the attached letter, which is incorporated herein by this reference and made an integral part of this letter.

Based on the comments and findings of the FWC's Division of Marine Fisheries Management and the provisions of 15 C.F.R. 930, Subpart C, the Florida Department of Environmental Protection (Department), designated by the Florida Coastal Management Program (FCMP) as the state's lead coastal management agency pursuant to § 306(c) of the Coastal Zone Management Act, 16 U.S.C. § 1456(c) and § 380.22, F.S., hereby notifies the NPS that the proposed federal action will be consistent with the enforceable policies of the FCMP **if and only if** the following conditions are satisfied. Should the NPS fail to implement the following measures, **or some alternative measure(s) identified and mutually agreed-upon between the FWC and NPS to ensure the project's consistency with the enforceable policies of the FCMP**, this conditional concurrence shall be treated as a finding that the proposed federal action is inconsistent with the enforceable policies of the FCMP, specifically §§ 379.23(2), 379.244(1), 379.2401(1) and 379.2401(3)(c), F.S., under the provisions of 15 C.F.R. § 930.4(b).

The subject Supplemental Draft GMP/EIS is a follow-up to the NPS' August 2011 Draft GMP/EIS. The State of Florida responded to the earlier document with a conditional concurrence finding on January 10, 2012, based on the FWC's concerns regarding the effects of

proposed park management zones and actions on public access and fishing activities. Although extensive on-going coordination between the NPS and FWC has resulted in two new alternative park management strategies and an amended Fishery Management Plan, additional issues were identified during agency and public reviews of the proposed Special Recreation Zone created for new Alternatives 6 and 7. Additionally, FWC staff advises that the Supplemental Draft GMP/EIS does not address the management of activities that affect fishing within all other zones through the Fishery Management Plan, as was previously conditioned by the state.

For the reasons articulated in the attached letter and associated Enclosures 1 and 2, the state's concurrence with the determinations of consistency in both the August 2011 Draft GMP/EIS and November 2013 Supplemental Draft GMP/EIS for Biscayne National Park is conditioned on the NPS meeting the following requirements:

1) The following proposed management strategies specific to the Special Recreation Zone (SRZ) in Preferred Alternative 6 and Alternative 7 of the Supplemental Draft GMP/EIS must be modified to minimize the extent to which they affect fishing activities occurring in the SRZ: Number and Nature of Permits (Preferred Alternative 6 only), Permit Issuance (Preferred Alternative 6 only), Gear Limitations, and Anchoring in the SRZ. In addition, the following issues require further clarification or resolution in Preferred Alternative 6 and Alternative 7: SRZ Transit, Adaptive Management, and Closed Season (Alternative 7 only). The NPS must either implement FWC recommendations as specified in Enclosure 1, section I, Special Recreation Zone, as they relate to these identified strategies, or continue to work with the FWC and stakeholders to identify alternatives which are mutually agreed upon by the NPS and the FWC.
2) The NPS must identify the process by which management of activities that affect fishing in all zones other than the SRZ and the Marine Reserve Zone will occur, and execute the process in coordination with the FWC and stakeholders.
3) On pages 21-30 of the Supplemental Draft GMP/EIS (TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7), modify Table 2 as specified in Enclosure 2. The requested modifications should reflect how management of activities that affect fishing in all zones other than the SRZ and the Marine Reserve Zone will occur pursuant to condition # 2 above. In addition, the appropriate Draft GMP/EIS and Supplemental Draft GMP/EIS language that addresses the requested modifications should also be modified accordingly.

The basis for the finding of conditional concurrence are incorporated into the attached letter from FWC and represent state laws that are enforceable policies of the federally-approved FCMP. The Department looks forward to continued coordination between FWC and NPS staffs to resolve the foregoing issues of concern and offers its assistance in amending the proposal to ensure consistency with Chapter 379, F.S.

In accordance with 15 C.F.R. § 930.4, if the federal action is not altered in accordance with the conditions stated above, this conditional concurrence shall be treated by all parties as an objection. The NPS shall not proceed with the objectionable portion of the proposed project unless: it has concluded that consistency with the enforceable policies of the FCMP is prohibited by existing federal law applicable to the NPS, in which case, the NPS must clearly describe, in writing to the Department, the legal impediments to full consistency; or the NPS concludes its proposal is fully consistent with the enforceable policies of the FCMP despite this objection.

Pursuant to 15 C.F.R. § 930.43, a federal agency deciding to proceed with an activity over a state's objection or to follow an alternative suggested by the state must notify the state of its decision prior to commencement. In accordance with 15 C.F.R. § 930.43(c), a copy of this letter has been sent to the Director of the NOAA Office of Ocean and Coastal Resource Management. Mediation by the Secretary of the U.S. Department of Commerce may be sought pursuant to 15 C.F.R. 930, Subpart G, for serious disagreements between a state and federal agency with regard to direct federal action as contemplated by 15 C.F.R. 930, Subpart C.

Thank you for the opportunity to review the Supplemental Draft GMP/EIS. For additional information or assistance regarding the state's concerns, please contact Ms. Lauren Milligan, Coordinator of the Florida State Clearinghouse, at Lauren.Milligan@dep.state.fl.us or (850) 245-2170 or Ms. Kelly Samek, Administrator of the Florida Coastal Management Program, at Kelly.Samek@dep.state.fl.us or (850) 245-2163.

Sincerely,

Carla Gaskin Mautz
Deputy Chief of Staff

Enclosures

cc: Ms. Margaret Davidson, NOAA OCRM Acting Director
Mr. Ben West, NPS Southeast Regional Office
Ms. Morgan Elmer, NPS Denver Service Center-Planning
Mr. Nick Wiley, Executive Director, FWC
Mr. Scott Sanders, Director, FWC Conservation Planning Services
Ms. Jessica McCawley, Director, FWC Marine Fisheries Management
Ms. Kelly Samek, DEP Florida Coastal Office

Florida Fish and Wildlife Conservation Commission

Commissioners
Richard A. Corbett
Chairman
Tampa

Brian S. Yablonski
Vice Chairman
Tallahassee

Ronald M. Bergeron
Fort Lauderdale

Aliese P. "Liesa" Priddy
Immokalee

Bo Rivard
Panama City

Charles W. Roberts III
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Karen Ventimiglia
Chief of Staff

Office of the Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

February 17, 2014

Ms. Lauren Milligan
Office of Intergovernmental Programs
Department of Environmental Protection
3900 Commonwealth Boulevard, Mail Station 47
Tallahassee, FL 32399-3000
Lauren.Milligan@dep.state.fl.us

Re: SAI #FL201311186774C - National Park Service – Supplemental Draft General Management Plan/Environmental Impact Statement (SDGMP/EIS) for Biscayne National Park – Miami-Dade County, Florida

Dear Ms. Milligan:

The Florida Fish and Wildlife Conservation Commission (FWC) has completed agency review of the Supplemental Draft General Management Plan/Environmental Impact Statement (SDGMP/EIS) for Biscayne National Park (BNP, Park). The FWC provides the following comments pursuant to the National Environmental Policy Act and the Coastal Zone Management Act/Florida Coastal Management Program.

Introduction

For over a decade, the FWC has been engaged in discussions with the National Park Service (NPS) regarding future management of BNP. Throughout these discussions, the FWC has consistently advocated for the least restrictive management measures necessary to achieve NPS management goals and to maximize public access for the full range of acceptable visitor uses within the Park. The FWC is committed to maintaining a collaborative long-term relationship with BNP for the benefit of the public and fish and wildlife resources. The FWC will continue to work with the Park and stakeholders to help develop the least restrictive management actions necessary to fully achieve management goals without limiting the public's access to the waters, lands and natural resources of the Park unnecessarily.

Background

Biscayne National Park is currently operating under a General Management Plan (GMP) that was completed in 1983. The NPS has noted that the GMP is in need of revision to address increased usage of Park resources, while maintaining resource protection and providing for opportunities to enjoy Park resources at a level that is expected from a National Park. As part of the revision process, a Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) was developed, which proposed alternatives for management of BNP for the next 20 or more years.

The FWC reviewed the Draft GMP/EIS and on October 11, 2011, and submitted a determination of conditional consistency with the Coastal Zone Management Act/Florida Coastal Management Program to the Florida Department of Environmental Protection, Florida State Clearinghouse (FDEP Clearinghouse). Subsequently, the Park extended the date for completion of the State Coastal Zone Management Act federal consistency review until January 10, 2012, to provide for additional coordination efforts in an attempt to resolve the consistency issues identified by the FWC. Upon conclusion of these coordination efforts, the issues identified by the FWC were not fully addressed by the NPS, and the FWC again submitted a determination of conditional consistency with the Coastal Zone Management

Act/Florida Coastal Management Program to the FDEP Clearinghouse on December 30, 2011. The FDEP Clearinghouse issued the State of Florida determination of conditional consistency on January 10, 2012.

The NPS then initiated a process by which two new alternatives (Alternatives 6 and 7) were developed in coordination with the FWC and the National Marine Fisheries Service, and incorporated into the new SDGMP/EIS. Alternative 6 is the new NPS Preferred Alternative, replacing Preferred Alternative 4 from the DGMP/EIS. Preferred Alternative 6 creates a Special Recreation Zone (SRZ) where recreational fishing would be allowed year-round with a special permit. Preferred Alternative 6 includes additional zone-specific restrictions (e.g., no grouper or lobster take), but generally all other FWC regulations would apply. Preferred Alternative 6 would not allow commercial fishing with the exception of the ballyhoo lampara net fishery, and anchoring would be prohibited, although mooring buoys would be installed to accommodate visitor use. Snorkeling and diving would be allowed, and marine debris would be removed. Alternative 7 creates an SRZ with fishing regulations similar to Preferred Alternative 6; however, no permit would be required to fish in the SRZ and fishing would be prohibited June through September. Preferred Alternative 6 and Alternative 7 modified other zoning actions that were proposed in Alternatives 1 – 5 in the Draft GMP/EIS, such as the modification or inclusion of Sensitive Resource Zones around Arsenicker, West Arsenicker, and in Jones Lagoon.

The SDGMP/EIS appropriately noted that the FWC would actively participate in implementation of Preferred Alternative 6, but not Alternative 7.

Consistency Statement

The previous conditions for consistency regarding the Draft GMP/EIS identified in the FDEP Clearinghouse letter dated January 10, 2012, were as follows:

1) On pages 49-58 (Table 2: Biscayne National Park Management Zones, Alternatives 2 through 5), modify Table 2 as specified in Attachment 1 to reflect how marine fisheries management issues will be addressed.
2) Address fisheries management issues through the Fishery Management Plan process rather than the General Management Plan process, and amend Draft GMP/EIS language, where appropriate, to reflect that all fishing activities and fishing vessel operation will be conducted in the manner specified in the Fishery Management Plan.
3) Include the following commitment in the Draft GMP/EIS where appropriate: "The Park commits to continued coordination with the FWC and stakeholders prior to implementation of the proposed management zones to determine if the size and locations of the proposed zones can be modified, or transit corridors developed, to provide maximum access for fishing activities, while still achieving Park management goals. This additional zoning coordination will be conducted as part of the Fishery Management Plan process."

Subsequent to the letter of conditional consistency, NPS agreed to work with FWC to discuss possible solutions. During this process, a key area of discussion involved the Marine Reserve Zone proposed in the original preferred alternative which would have prohibited fishing and other activities in a large portion of the coral reef ecosystem. FWC maintained opposition to this Marine Reserve Zone while advocating for less restrictive measures for managing the harvest of marine resources and restoring this portion of the Park's coral reef ecosystem. Ultimately, NPS and FWC agreed to develop new alternatives utilizing less restrictive management strategies than a Marine Reserve Zone. These new strategies would be implemented and monitored over an adequate period of time to determine if such strategies would sufficiently achieve measurable restoration objectives. Further NPS and FWC agreed that it may be necessary to establish these less restrictive management

strategies over a larger portion of the reef system to have a higher likelihood of achieving coral reef restoration objectives. This agreement was reached in acknowledgement of the FWC's position that fishers and other visitors participating in acceptable uses of Park resources be provided continued access to Park resources, and that sufficient opportunities to participate in activities important to Florida's citizens and visitors that have historically been available will remain available within the Park. It was further agreed that Park and FWC staff would work together to develop a new proposal to allow for fishing activities to occur within the area proposed as the Marine Reserve Zone.

These additional coordination efforts have been extensive and have resulted in an amended FMP approved by the FWC, and an SDGMP/EIS that provides two new Alternatives specific to a Special Recreation Zone instead of a Marine Reserve Zone. However, public release of the SDGMP/EIS and associated public workshops resulted in the identification of additional issues that still need to be addressed for the Special Recreation Zone. The SDGMP/EIS also did not address the management of activities that affect fishing within all other zones through the Fishery Management Plan, as was previously conditioned by the State of Florida.

While the FWC still finds it necessary to condition its concurrence for the Draft GMP/EIS and the SDGMP/EIS with the Florida Coastal Management Program pursuant to the Coastal Zone Management Act, we are confident that ongoing coordination efforts between the NPS, the FWC, and stakeholders will result in a Final General Management Plan document that will not require a conditional concurrence.

Conditions for Consistency

The following conditions must be met in order for the FWC to determine that the Draft GMP/EIS and the SDGMP/EIS for BNP is consistent with FWC enforceable policies included within the federally approved Florida Coastal Management Program:

1) The following proposed management strategies specific to the Special Recreation Zone (SRZ) in Preferred Alternative 6 and Alternative 7 of the SDGMP/EIS must be modified to minimize the extent to which they affect fishing activities occurring in the SRZ: Number and Nature of Permits (Preferred Alternative 6 only), Permit Issuance (Preferred Alternative 6 only), Gear Limitations, and Anchoring in the SRZ. In addition, the following issues require further clarification or resolution in Preferred Alternative 6 and Alternative 7: SRZ Transit, Adaptive Management, and Closed Season (Alternative 7 only). The NPS must either implement FWC recommendations as specified in Enclosure 1, section I, Special Recreation Zone, as they relate to these identified strategies, or continue to work with the FWC and stakeholders to identify alternatives which are mutually agreed upon by the NPS and the FWC.
2) The NPS must identify the process by which management of activities that affect fishing in all zones other than the Special Recreation Zone and the Marine Reserve Zone will occur, and execute the process in coordination with the FWC and stakeholders.
3) On pages 21-30 (Table 2: Biscayne National Park Management Zones, Alternatives 2 through 7), modify Table 2 as specified in Enclosure 2. The requested modifications should reflect how management of activities that affect fishing in all zones other than the Special Recreation Zone and the Marine Reserve Zone will occur pursuant to condition #2 above. In addition, the appropriate Draft GMP/EIS and SDGMP/EIS language that addresses the requested modifications should also be modified accordingly.

Absent modification of the Draft GMP/EIS and the SDGMP/EIS pursuant to the conditions above, this letter must be treated as an objection, as the FWC has again determined that proposed management actions contained within the Biscayne National Park Draft GMP/EIS and SDGMP/EIS which would affect marine fishing activities, either directly or indirectly, are inconsistent with FWC enforceable policies included within the Florida Coastal Management

Program. The proposed management actions that would affect marine fishing activities are identified as follows:

1) Direct prohibition of fishing activities;
2) Closure of areas to fishing;
3) Access limitations that limit or prohibit fishing activities;
4) Limitations or prohibitions on the use of internal combustion motors;
5) Limitations or prohibitions on vessel type, size, and speed;
6) Limitations on harvesting gear; or
7) Permit requirements specific to fishing activities.

In each of the following zones included in the Draft GMP/EIS and the SDGMP/EIS, the FWC has identified one or more of the above management actions that the NPS may potentially use to achieve desired conditions; therefore, the following zones are also inconsistent with FWC enforceable policies included within the Florida Coastal Management Program:

1) Special Recreation Zone included in Alternatives 6 and 7.
2) Marine Reserve Zone included in Alternatives 3, 4 and 5.
3) Visitor Service/Park Administration Zone included in all Alternatives.
4) Dredged Navigation Channels Zone included in all Alternatives.
5) Multiuse Zone included in Alternatives 2-7.
6) Slow Speed Zone included in all Alternatives.
7) Non-combustion Engine Use Zone included in all Alternatives.
8) Access-by-Permit Zone included in Alternatives 2, 3 and 5.
9) Nature Observation Zone included in Alternatives 2-7.
10) Sensitive Underwater Archeological Zone included in Alternatives 2-7.*
11) Sensitive Resource Zone included in Alternatives 2-7.*

**Note – Table 2 of the SDGMP/EIS identified the Sensitive Resource Zone but contained the description of the Sensitive Underwater Archeological Zone, and the Sensitive Underwater Archeological Zone was omitted altogether. For purposes of this determination, the FWC used the Table 2 SDGMP/EIS description of the Sensitive Resource Zone for commenting on the Sensitive Underwater Archeological Zone, and used the Table 2 Draft GMP/EIS description of the Sensitive Resource Zone for commenting on the Sensitive Resource Zone.*

Basis for Determination

The following enforceable policies within the federally approved Florida Coastal Management Program provide the basis for FWC's objection. All of the following enforceable policies apply to each of the seven management actions identified above, and at least one or more of the management actions are proposed for each of the eleven zones also identified above.

379.23 Federal conservation of fish and wildlife; limited jurisdiction.—
(2) The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection or the Fish and Wildlife Conservation Commission shall prevail relating to any area under their supervision.

The seven management actions previously identified are inconsistent with this enforceable policy because they will reduce or eliminate fishing activities pursuant to NPS laws, without consideration of existing laws of the FWC.

379.244 Crustacea, marine animals, fish; regulations; general provisions.—
(1) OWNERSHIP OF FISH, SPONGES, ETC.—All fish, shellfish, sponges, oysters, clams, and crustacea found within the rivers, creeks, canals, lakes, bayous, lagoons, bays, sounds,

inlets, and other bodies of water within the jurisdiction of the state, and within the Gulf of Mexico and the Atlantic Ocean within the jurisdiction of the state, excluding all privately owned enclosed fish ponds not exceeding 150 acres, are the property of the state and may be taken and used by its citizens and persons not citizens, subject to the reservations and restrictions imposed by these statutes. No water bottoms owned by the state shall ever be sold, transferred, dedicated, or otherwise conveyed without reserving in the people the absolute right to fish thereon, except as otherwise provided in these statutes.

The seven management actions previously identified are inconsistent with this enforceable policy because they will reduce or eliminate the public's absolute right to fish in a manner not provided in Florida Statute.

379.2401 Marine fisheries; policy and standards.—
(1) The Legislature hereby declares the policy of the state to be management and preservation of its renewable marine fishery resources, based upon the best available information, emphasizing protection and enhancement of the marine and estuarine environment in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

This enforceable policy declares the policy of the State to be management and preservation of the state's renewable marine fishery resources, and is interpreted as follows:

1) Actions must be taken to manage and preserve the State's renewable marine fishery resources.
2) Actions taken must be based on the best available information.
3) Actions taken must emphasize protection and enhancement of the marine and estuarine environment.
4) Actions taken must accomplish management and preservation of the State's marine fishery resources in such a manner as to provide for optimum sustained benefits and use to all the people of this state for present and future generations.

The FWC adheres to this policy when managing the State's marine fishery resources for fishing activities, and because of the statute's inclusion in the federally approved Florida Coastal Management Program, this policy equally applies to the NPS when managing State marine fishery resources located within the Park's boundaries for desired resource conditions and visitor experiences.

The seven management actions previously identified are inconsistent with this enforceable policy because such actions will not provide for optimum sustained benefits and use to all the people of this state for present and future generations, by reducing or eliminating fishing activities.

379.2401 Marine fisheries; policy and standards.—
(3) All rules relating to saltwater fisheries adopted by the commission shall be consistent with the following standards:
(c) Conservation and management measures shall permit reasonable means and quantities of annual harvest, consistent with maximum practicable sustainable stock abundance on a continuing basis.

The seven management actions previously identified are inconsistent with this enforceable policy because they are inconsistent with how marine fisheries rules are developed and promulgated by the FWC for saltwater fisheries, by reducing or eliminating "reasonable means and quantities of annual harvest." Neither the Draft GMP/EIS nor the SDGMP provide any data that show the "maximum practicable stock abundance" of the marine fisheries resources will be impacted if fishing (harvest) were not reduced or eliminated.

Other Comments and Recommendations

Additional comments and recommendations and supporting technical information are included in Enclosure 1.

Closing Remarks

The FWC appreciates this opportunity to provide input on the Draft GMP/EIS and the SDGMP/EIS for Biscayne National Park. We look forward to working with the NPS to finalize the Draft GMP/EIS and the SDGMP/EIS in a manner consistent with FWC's authorities included within the Florida Coastal Management Program. If you need any further assistance, please contact Jessica McCawley, Director of the Division of Marine Fisheries Management, at Jessica.McCawley@myfwc.com or (850) 487-0554.

Sincerely,

Nick Wiley
Executive Director

nw/jm/mr/lg
BNP Supplemental General Management Plan-EIS_18354_021714
Enclosures

cc: Jessica McCawley, FWC
Brian Carlstrom, BNP

Enclosure 1. Additional Comments and Recommendations and Supporting Technical Information

I. Special Recreation Zone

The FWC recognizes that the allowable activities and adaptive management measures detailed in the SDGMP/EIS (Preferred Alternative 6 and Alternative 7) for the Special Recreation Zone (SRZ) were developed through close coordination with the FWC staff. However, during the course of our review of the document and public comment received by both the FWC and the NPS, we have identified a suite of recommendations for modifications to the SRZ as proposed in Preferred Alternative 6 of the SDGMP/EIS. These recommendations are based on the FWC core value of implementing the least restrictive management actions necessary to fully achieve management goals while prioritizing access, which has been reiterated throughout the duration of the partnership between FWC and BNP. The recommended changes below will create significant improvements to the quality of the visitor experience for the fishing public and reduce the regulatory burden caused by the permitting approach while still ensuring that the Park's goals for the zone remain intact.

Number and Nature of Permits – Preferred Alternative 6 only

The calculations used to determine how many annual permits to be issued for the SRZ in Preferred Alternative 6 of the SDGMP/EIS were based on the numbers of legal-sized targeted snappers estimated to be available to fishers in the SRZ. During the initial development of the list of snapper species to be considered for permit calculations, the FWC and BNP failed to include schoolmaster snapper on that list. Schoolmaster snapper are a common and abundant snapper on reefs that are a regular component of recreational landings. The FWC recommends adding schoolmaster snapper to the list of snapper species used to base the number of annual permits to be issued. Because of the addition of schoolmaster, the total estimate of the snapper population within the SRZ is commensurately increased, which would result in an increase to the number of annual permits to be issued. This increase in the number of annual permits to be issued should be considered when the substantive changes to the permitting approach listed in the Conditions for Consistency item #1 are addressed. Based on the number of schoolmasters estimated to be available to fishers in the SRZ and the annual permit system as described in the SDGMP/EIS, the FWC recommends increasing the number of annual permits by 100 as a technical correction to the SDGMP/EIS. However, the FWC recognizes this number will change when changes to the permitting approach listed below and in the Conditions for Consistency item #1 are considered.

The two agencies need to substantially reconsider the permitting approach. In particular, the Park, in collaboration with FWC, needs to explore the possibility of issuing shorter-term permits in addition to or instead of annual permits. These permits could be as short as one day. At this time, the FWC has not finalized an exact number or approach for the issuance of short-term permits and is choosing to remain flexible in determining the ultimate outcome for the numbers of permits to issue. The FWC recognizes that this change in approach will affect the process and agency responsibilities for issuing permits. Depending upon the outcome, the FWC is willing to consider a first-come first-serve approach for very short-term permits. The FWC is recommending the two agencies work together to substantively revise the permitting approach with the goal of maximizing access and minimizing the burden to the public, while still being cognizant of the agency administrative challenges.

As part of the FWC evaluation of the burden to the public, we have concluded that dual permits are an unnecessary action. Permitted individuals should only be required to obtain permits from one or the other agency. Additionally, this permit should be issued at no-cost to the recipient. We recommend that these goals be part of the substantive revision of the permitting approach.

Permit Issuance – Preferred Alternative 6 only

The SDGMP/EIS document states that permits issued under Preferred Alternative 6 will be assigned to a single vessel. This provision is unnecessarily restrictive. The FWC recommends that permits be issued to an individual and be portable from vessel to vessel. The FWC continues to concur that the permit holder must be on board. Issuing permits to a specific vessel would be particularly problematic if a permit holder's vessel is out of commission for mechanical reasons or if the permit holder has multiple vessels or acquires a different vessel during the time that the permit is valid. Also, it is important to reiterate that the permit does not restrict fishing activity to that individual only. The people on board the vessel with the permit holder will still be allowed to fish.

Gear Limitations – Preferred Alternative 6 and Alternative 7

Prohibiting spearfishing is also an unnecessary restriction. One SRZ objective is to have an area where a high-quality fishing experience is more likely and the FWC cannot conclude that a fish removed by spearfishing is any different than that removed by hook and line angling, as long as the log books are completed and the total removals do not exceed the criteria. Hence, spearfishing should be an allowed activity inside the SRZ, in addition to harvest by hook and line and lampara nets. Permits issued to an individual should authorize the use of spearing gear by the permit holder as well as his or her fellow vessel-mates.

Anchoring within the SRZ - Preferred Alternative 6 and Alternative 7

The SDGMP/EIS Preferred Alternative 6 and Alternative 7 prohibit anchoring within the SRZ. Considering the short-term and long-term challenges regarding implementing a mooring buoy plan (e.g., securing the necessary financial resources for implementation and maintenance) and the significant safety concerns associated with unmoored vessels in the SRZ due to an insufficient number of mooring buoys, this prohibition should be removed from the SRZ in Preferred Alternative 6 and Alternative 7.

Allowing anchoring will increase access by allowing users to explore the full extent of the zone and reduce costs that would be incurred by the Park associated with deploying and maintaining an adequate number of mooring buoys. Doing so will also increase the likelihood of meeting visitor expectations for this zone, including reducing the likelihood of visitors to the zone encountering others and increasing opportunities for visitors to be immersed in nature and experience natural sounds, tranquility and closeness to nature. Nevertheless, the standard provision of only anchoring in sand should still be maintained.

SRZ Transit - Preferred Alternative 6 and Alternative 7

The SDGMP/EIS does not include any explicit reference regarding a provision that would allow fishers to transit through the SRZ with grouper harvested outside the zone. The FWC feels that was the collective intent of the discussions and recognizes that it is critical that fishers be able to transit through the zone with these non-SRZ grouper on board, as long as their fishing gear is stowed and that they do not stop in the SRZ with grouper on board. Doing so will minimize inconvenience and avoid a severe reduction in the quality of the visitor experience for fishers who are fishing outside the SRZ, either in other portions of the Park or in federal waters beyond the Park. The FWC recommendation is to explicitly include this provision in the plan.

Adaptive Management - Preferred Alternative 6 and Alternative 7

At present the adaptive management strategy broadly outlines approaches and options that could be taken at the 3-, 5-, 8-, and 10-year intervals after implementation. The FWC has evaluated this section and is concerned that the language is insufficient to demonstrate that the approach moving forward is to provide maximal access while still meeting the zone objectives, while simultaneously reserving the explicit option to potentially revert to a no take marine reserve at the end of the ten-year time period. Consequently, the FWC recommends that the Adaptive Management section should explicitly state that options for adjusting SRZ management actions can include actions that would be less restrictive than initially set, if warranted. Specifically, the section should clearly state that potential adaptive management measures that will be evaluated and considered for implementation at the 3-year, 5-year and 10-year marks following SRZ implementation include increasing the number of fishing permits and allowing grouper harvest in the zone. The primary premise of Preferred Alternative 6 is that an adaptive management strategy will be used to evaluate the effectiveness of restricting fishing pressure in the zone, with the management measures being modified as needed to achieve the desired result. The survey data being collected to evaluate whether the number of permits issued is appropriate could also readily be used to determine if grouper numbers in the zone have rebounded to a level that can sustain harvest and still meet the Park's goals for the zone. The FWC remains committed to working with the Park to objectively make adaptive management decisions using the logbook, monitoring, and research results as long as it is explicit that adjustments can be made in either a less restrictive or more restrictive direction.

Seasonal Closure – Alternative 7 only

Alternative 7 replaces the permit system for recreational fishing proposed under Preferred Alternative 6 with a complete summer fishing closure for the months of June – September. A complete prohibition of all fishing activities during four months of each year is overly restrictive and eliminates the opportunity for fishers to participate in this culturally and economically important recreational activity during the time of year when many tourists and families are most likely to participate in the activity. If Alternative 7 is adopted, the FWC recommends eliminating this seasonal closure in addition to the above applicable items.

In summary, the FWC suite of recommendations regarding the SRZ have been evaluated against the key criteria of the SRZ especially as they pertain to providing a high-quality fishing experience, while keeping

the full range of SRZ visitor experiences in mind and ensuring the removal targets remain intact. The FWC is confident that these recommendations will enhance SRZ management and remains committed to working with the Park to revise the management plan and implement the SRZ. In addition, if the Park adopts Preferred Alternative 6, the FWC looks forward to continuing discussions on the SRZ science plan that will monitor the zone for adaptive management purposes.

II. Management Actions/Management Zones

The FWC very much appreciates BNP making modifications to the zones around Arsenicker, West Arsenicker and Jones Lagoon as discussed during the onsite visit on December 7, 2011, by FWC South Florida Regional Director Chuck Collins with former BNP Superintendent Mark Lewis.

The FWC also recognizes and appreciates the significant amount of effort that BNP has put into developing management strategies to address the protection of shallow water habitats (primarily seagrasses), yet still allow for fishing activities to occur. Unfortunately, these efforts fall significantly short with regards to providing reasonable access.

The majority of the proposed alternatives in the Draft GMP/EIS and SDGMP/EIS propose to use Slow Speed or Non-Combustion Engine Use zones to address the amount of seagrass propeller scarring occurring within the Park and for protection of other shallow water habitats. The FWC recognizes these zones utilize pole and troll management strategies, and these strategies designed to protect shallow water habitats can be important conservation tools. On the other hand, pole and troll management strategies have the potential to negatively affect Park resources if not designed and implemented in a manner that will provide reasonable access.

It is a commonly held misconception that the public continues to have access to areas for fishing after zones that use pole and troll strategies are implemented because in theory, one can still pole and troll in order to fish. In reality, fishers do not continue to have reasonable access when zones that use pole and toll strategies are implemented without full consideration of the many factors that contribute to accessibility, such as the size of the zone relative to the distance fishers would need to pole/troll. This is the primary concern with regard to the majority of the Slow Speed or Non-Combustion Engine Use zones in the Draft GMP/EIS and the SDGMP/EIS. The polling/trolling distance combined with environmental conditions such as currents, tides, and prevailing winds will ultimately result in concentrating recreational activities in areas that are not designated as Slow Speed or Non-Combustion Engine Use zones, or in Slow Speed or Non-Combustion Engine Use zones that provide more reasonable access. Concentrating use in these more accessible areas will also result in localized impacts on fish populations, seagrass prop scarring, and will create user conflicts, all of which will negatively affect Park resources and detract from the overall positive park experience.

The FWC requests that BNP re-engage fishing stakeholders with the goals of achieving shallow water habitat protection and addressing the factors that contribute to accessibility. The following are FWC recommended general guidelines that could be used for re-engaging in this process:

- Identify general areas that are used for fishing within the Park.
- Identify barriers that fishers may encounter when attempting to access any part of the identified general fishing areas, taking into consideration:
    - the size of the zone relative to the distance fishers would need to pole/troll;
    - existing and proposed management strategies surrounding a pole and troll zone (e.g., vessel speed restrictions, other pole and troll zones); and
    - environmental conditions such as currents, tides, and prevailing winds that can be significant access barriers when use of internal combustion motors is prohibited, and recognize these conditions have the potential to change during different times of the year.
- Identify the likely causes of propeller scarring in areas identified for seagrass protection. Sargent et al. (1995) noted several common reasons for propeller scarring, including:
    - boaters misjudging water depth and accidentally scarring seagrass beds;
    - boaters intentionally leaving marked channels to take shortcuts through shallow seagrass beds;
    - inexperienced boaters engaging in fishing over shallow seagrass flats, believing that their boat's designed draft is not deep enough to scar seagrasses;
    - boaters overloading their vessels, resulting deeper drafts than the boaters realize; and
    - boaters anchoring over shallow seagrass beds, where their boats swing at anchor and scar seagrasses.
- Develop alternatives to address both access barriers and the likely causes of propeller scarring. Alternatives for BNP should consider the development of or use of transit corridors identified by stakeholders to facilitate access to and from fishing areas inside zones that use poll and troll management strategies, and to facilitate entry and exit from these zones as expediently as possible in the event of inclement weather. The following are general guidelines for developing transit corridors:
    - Identify the direction a fisher would need to approach a fishing area, considering factors that influence the approach. These factors include but are not limited to public and private boat launch locations and environmental conditions, such as currents, tides, prevailing winds, and orientation of the sun during tides.
    - The presence of resources in the zone should not be the only factor that dictates limitations on use of internal combustion motors or vessel speed. Identify areas within the management zone that have sufficient water depth to allow for vessels to run on plane or high idle, as well as areas that lack sufficient water depth and necessitate restrictions on usage in order to provide for resource protection. These areas can be utilized in conjunction with the information regarding approach directions to develop corridors (i.e., being able to transit to a fishing area that contains seagrass resources under reasonable power so there is enough time to fish a tide, then pole or troll into the fishing area without the sun directly in one's face while sight fishing).
    - Historically used channels should also be considered in this process.
- Develop both a navigational marking plan and educational plan to aid compliance with pole and troll zones and corridors.

III. Boating Restricted Areas and Uniform Waterway Markers

With the exception of removing the "Marine Reserve Zone" from the SDGMP/EIS Preferred Alternative 6 and eliminating the no motor zone on the western shoreline, the Park has not yet addressed the boating and waterway marker-related comments previously provided by the FWC. The FWC again provides or reiterates the following comments:

The FWC requests that National Park Service (NPS) apply for the Florida Uniform Waterway Marker (FUWM) Permit for all signs and buoys (markers) placed in the waterways of the Park, regardless of what Alternative is adopted by the NPS. By voluntarily applying for the FUWM permit, which the Park has already done for existing waterway markers, the NPS will ensure that their markers are consistent with state and federal regulations (United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities Maritime Buoyage System). The Uniform Waterway Marker system ensures that boaters see consistent messages and symbols while boating throughout the state. Consistent waterway markers, symbols, and messages ensure greater zone compliance and ultimately less impact on benthic resources. By applying for a FUWM permit, the Park's waterway markers will be more readily identifiable when they are damaged or destroyed, expediting the notification process. FWC's Marker On-Call Program is a statewide program that quickly identifies damaged or destroyed waterway markers and notifies the owner, regardless of which agency the marker belongs to.

The Draft GMP/EIS suggests the installation of a number of additional waterway markers (both regulatory and informational) within the Park. In an effort to minimize risk associated with vessel collisions with markers, FWC suggests the Mooring Buoy and Marker Plan continue to be developed to minimize the number of waterway markers while providing for appropriate levels of boater awareness and accomplishing other goals. FWC staff within the Division of Law Enforcement, Boating and Waterway Section, has considerable experience in this area and would be eager to participate in continued development of the Mooring Buoy and Marker Plan.

Additionally, to reduce vessel operator confusion and compliment existing state zones within the park, FWC suggests that NPS consider adopting the state definitions of "no power-driven vessels", "no motor zone", or "manually propelled vessels only", and "slow speed minimum wake", to accomplish vessel operation objectives. NPS can accomplish the same objective of prohibiting combustion engines by using the appropriate state definitions (refer to Rule 68D-23.103(3)(b), (d)-(f), Florida Administrative Code).

Since 1991, FWC has had regulatory zones located within the park boundary – particularly the 1,000' buffer zone from Black Point to Turkey Point and Idle Speed No Wake zone within the North Canal located north of Turkey Point Power Plant and adjacent to the Park Administrative & Visitor Center. In the SDGMP/EIS the Park modified their plans in the Preferred Alternative to eliminate the previously proposed no motor zone. Should the NPS adopt any slow speed zones along the western park boundary, coordination with the FWC would be necessary to ensure that the appropriate federal regulations are cited on the waterway markers. In addition, FWC strongly recommends that NPS adopt the state definitions of Slow Speed Minimum Wake. The Draft GMP/EIS references the term slow (wakeless) speed within Table 2 (pages 49-58), "Visitor Experience" column. The use of the state term of "Slow Speed Minimum Wake" reduces vessel operator confusion and perhaps increases compliance as they enter/exit the park

boundary and encounter other local or state regulatory zones. In addition FWC has been successful in the use of the state zones in establishing federal manatee sanctuaries with the United States Fish and Wildlife Service. The state definition of "Slow Speed Minimum Wake means that a vessel must be fully off plane and completely settled into the water. The vessel must then proceed at a speed which is reasonable and prudent under the prevailing circumstances so as to avoid the creation of an excessive wake or other hazardous condition which endangers or is likely to endanger other vessels or other persons using the waterway. At no time is any vessel required to proceed so slowly that the operator is unable to maintain control over the vessel or any other vessel or object that it has under tow." (Rule 68D-23.103(3)(b), F.A.C.).

The Draft GMP/EIS indicates that the number of proposed moorings for many sites will be limited. In the interest of our continued support of safe and reasonable use of the waters and marine resources within the Park, we encourage staff to evaluate current and historic use trends for the areas where moorings are intended to be installed and to ensure that appropriate numbers of moorings are installed and maintained to support those levels of use. In those instances where anchoring is not permitted when all the moorings are in use, public access to public resources may be restricted, even though the activities being conducted may have an extremely low impact on such resources. If an appropriate number of moorings are installed to meet traditional and current use volume, many of the negative impacts to benthic resources would be eliminated while assuring public access to public resources.

IV. Personal Watercraft Transit

The FWC very much supports responsible efforts to protect Florida's environment while ensuring a wide variety of safe and enjoyable opportunities for Florida's residents and visitors. However, we would like to emphasize that any efforts to amend the boating restrictions within the Park should include a provision which would allow for the operation of personal watercraft to transit south Miami-Dade County via the Intracoastal Waterway, to assure safety to those wishing to transit the Park to destinations beyond Park boundaries.

V. Satellite Visitor Education Center

The FWC supports the idea of a satellite visitor education center in Miami, as long as it is not within the boundaries of the Bill Sadowski Virginia Key Critical Wildlife Area (CWA). A specific location on Virginia Key was not identified in the Draft GMP/EIS or the SDGMP/EIS, and the FWC requests the NPS provide a commitment in the Final General Management Plan that the satellite visitor education center will not be located within or adjacent to the CWA.

Delete stricken language and after the word "fishing", insert "(potentially with limitations on commercial fishing)".

ENCLOSURE 2

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Visitor Services / Park Administration Zone (All Alternatives)	This zone would provide for a high level of visitor activity and administrative operations. The zone would be modified for visitor access and park operations in a way that aesthetically blends with the natural and cultural environment. 1. Elements of the natural and cultural environment would remain. 2. Sights and sounds of human activity would frequently supplant the sights and sounds of nature. 3. There would be tolerance for some resource impacts to accommodate visitor services and park operations. 4. New development of park administrative facilities would occur only on previously disturbed sites. Some development for visitor access and activities might occur. The zone would not be near sensitive natural or cultural resources if such resources could not be adequately protected. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. Cultural resources might be stabilized and hardened (protecting archeological values from illegal artifact removal or other destructive activities) to permit visitor access or considered for adaptive reuse.	Visitors would have opportunities to receive orientation and information, interact with park staff, and experience and learn about park resources. 1. Appropriate visitor activities could include sightseeing, walking, swimming, ~~recreational~~ fishing, boating, camping, participating in educational activities, and interacting with resources. 2. Visitors would see native flora and fauna and might see cultural resources. 3. Interpretive and educational opportunities would be greatest in this zone. Visitor activities might be self-directed and/or visitors might use interpretive services to plan their activities. Visitor education could be self-directed or structured. 4. Interpretive services would be offered in multiple languages. 5. Special events could be allowed in this zone with appropriate permits. 6. The probability of encountering others would be high. Visitors would experience a modified environment that accommodates high levels of use and minimizes further resource impacts. 7. Facilities and services would enhance opportunities to experience and understand park resources and provide an orientation to the park. 8. Visitor activities might be highly regulated to preserve elements of the natural and cultural environment, allow access to cultural resources, prevent visitor conflicts, and enhance public safety. 9. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 10. Commercial visitor services and facilities would be appropriate in this zone.	Management actions would focus on managing the higher levels of visitor use within the zone and providing administrative services. Management actions could include: 1. administering daily parkwide operations 2. providing maintenance activities 3. providing interpretive and enforcement services 4. providing emergency services 5. implementing resource stewardship 6. prioritizing, overseeing, and managing research projects 7. defining additional compatible uses 8. limiting public access to certain parts of this zone (housing, maintenance, and administration) 9. regulating visitor activities and vessel type, size, and speed 10. authorizing commercial services 11. managing fishing activities, including fishing vessels and fishing vessel operation, in accordance with ~~the Fishery Management Plan~~, pending approval Facilities would be appropriate in size and scale, blending with the natural and cultural landscape. Extent, size, and layout would be the minimum needed to accommodate the intended purposes. Existing and new visitor facilities or improvements would be analyzed for ongoing need, usefulness, and impacts on resources. New administrative facilities could be located outside park boundaries. 1. Appropriate visitor facilities could include visitor centers, kiosks, wayside exhibits, educational spaces, observation boardwalks, roads, parking areas, docks, restrooms, picnic areas, campgrounds, navigational aids, mooring buoys and trails improved and maintained as necessary for universal accessibility. 2. Appropriate park administrative facilities could include maintenance, storage, offices, and staff housing.

Delete stricken language and replace with process identified by Condition #2.

ENCLOSURE 2

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Dredged Navigation Channels Zone (All Alternatives)	The purpose of this zone is to allow transportation routes for vessels in existing channels including the Intracoastal Waterway and the Black Point, Homestead Bayfront, and Turkey Point channels. 1. Natural conditions and processes could be impacted by transportation use of the zone. 2. Unnatural sounds might be prevalent. 3. Resources within the dredged navigation channels would continue to be impacted by activities that maintain existing channels. Within the channels, some impacts on natural conditions would be tolerated. Impacts on resources outside the channels would be kept to an absolute minimum. 4. There could be a high level of human use and activity. 5. The existing depth, configuration, and alignment of navigational channels would not be expanded, and no new channels would be created. Channels would not exceed the following existing depths within the park: Intracoastal Waterway: 7 feet Black Point Channel: 4.5 feet Homestead Bayfront Channel: 4.5 feet Turkey Point Channel: 7.5 feet 6. Channels would be marked with signs and navigational aids to protect resources and enhance public safety. 7. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	The visitor experience would involve moving along a marked navigational channel by water vessel and would be perceived as linear or sequential in nature. 1. Appropriate activities would be the use of channels for traveling through the park and/or gaining access to other park areas. 2. Visitor activity would be self-directed travel through or within the park at varying speeds. 3. Opportunities for discovery, challenge, and adventure could be low. Visitors would need to be self-reliant and possess navigational skills. 4. Visitors would benefit from learning about this zone and how to navigate safely within it. 5. Special events would not generally be allowed in this zone. 6. There could be a high probability of encountering other people in this zone. Visitors could expect to hear human-caused sounds. 7. Because of congested vessel traffic at times, conditions in the navigational channels could be dangerous. Visitors might encounter commercial ships and would need to exercise caution. Visitors would navigate through a well-marked channel of a specified depth. Use could be intensively managed and regulated to ensure safe passage and resource protection. 8. Vessel size would ~~generally~~ not be regulated, except by conditions of the channel. Speed of vessels in the Intracoastal Waterway would be at a pace that is appropriate to conditions and skill levels. 9. Commercial traffic could be allowed in this zone without the requirement of a permit.	Management activities would focus on resource protection and navigational aids to facilitate safe travel through and within the park. Appropriate management actions could include: 1. regulating visitor activities 2. providing law enforcement services 3. monitoring resource impacts 4. managing these zones for transportation and public safety (there might be overlapping jurisdiction with other agencies; coordination and cooperation with other agencies would occur) 5. taking measures to prevent human-caused impacts 6. In most cases, other agencies are responsible for the dredging of these channels through existing agreements or commitments; therefore, implementation of this GMP would not affect those agreements (proposed dredging would need a site-specific environmental study and NPS approval) Facilities appropriate in these zones would include navigational aids and signs for resource protection and enhancing visitor safety.

Delete stricken language.

ENCLOSURE 2

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Multiuse Zone (land and water) (Alternatives 2, 3, 4, 5, 6, and 7)	This zone would provide opportunities for visitors to recreate in natural or cultural settings. Natural and cultural scenes would remain largely intact. 1. Natural conditions and processes would predominate. The environment might be adapted for human use. 2. Sounds and sights of human activity might be apparent. 3. There would be tolerance for minimal resource impacts. 4. Additions to the landscape, including signs, buoys, and markers, might be used to enhance visitor experience and public safety and to protect resources. 5. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined. To permit visitor access, cultural resources might be stabilized and hardened (protecting archeological values from unauthorized artifact removal or other destructive activities).	Visitors would experience a natural or cultural setting, whether they are on the water, under the water, or on land. Providing opportunities for people to interact with the resources in this zone would be important. Visitor use of this zone would be resource-based recreation and education that is consistent with park purpose and significance. 1. Appropriate visitor activities could include sightseeing, boating, scuba diving, snorkeling, swimming, ~~sport~~ fishing, nature-watching, hiking, picnicking, camping, and visiting cultural resources. ~~Commercial fishing would be managed as described in the Fishery Management Plan, pending approval.~~ 2. There would be opportunities for challenge, adventure, and discovery. Visitors might need to use outdoor skills and be self-reliant. 3. Visitor activities might be self-directed, or visitors might use interpretive services to plan their activities. 4. Special events could be allowed in this zone with the appropriate permit. 5. The probability of seeing or encountering others would range from low to moderate most of the time. 6. Occasional special events might result in high levels of visitor encounters for short periods. 7. Visitor activities might be limited to protect resources and enhance public safety. Limitations might be short or long term. 8. Vessel type, size, and speed could be regulated to enhance resource protection and public safety and preserve the desired visitor experience.	Management actions would focus on enhancing visitor experience and safety, protecting resources, minimizing impacts from visitor and commercial use, and restoring disturbed areas. Appropriate management actions could include: 1. determining types and levels of use by considering the desired visitor experience and resource vulnerability to impact 2. managing access based on the determined user capacity 3. inventorying and monitoring resources 4. providing interpretation and enforcement services 5. conducting research and restoring and stabilizing resources 6. minimizing and mitigating impacts from visitor and commercial use 7. defining additional compatible uses 8. managing fishing in consultation with the state and in accordance with the Fishery Management Plan, pending approval 9. developing permit systems for various activities 10. regulating vessel type, size, and speed 11. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations and in accordance with ~~the Fishery Management Plan~~, pending approval Facilities in this zone would be small, unobtrusive, and dispersed. Facilities would provide basic visitor services, enhance visitor safety, and be compatible with resource protection goals. Facilities could include: 1. primitive trails 2. signs, mooring buoys, and navigation markers 3. interpretive exhibits 4. restrooms, primitive camping, and picnicking sites 5. research equipment

Delete stricken language and after the word "fishing", insert "(potentially with limitations on commercial fishing)".

Delete stricken language and replace with process identified by Condition #2.

Insert the word "diving," after the word "snorkeling".

ENCLOSURE 2

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Slow Speed Zone (All Alternatives)	The preservation of shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the resource goals in this zone. 1. Protection and continuation of natural processes. 2. Minor impact to panoramic viewsheds. 3. There would be tolerance for minor resource impacts, including noise levels. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. The significance and vulnerability of the cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would have opportunities to experience nature. 1. Appropriate visitor activities would include boating (motorized or nonmotorized), sightseeing, ~~,~~ fishing, swimming, snorkeling, and nature observation. ~~Commercial fishing would be managed as described in the Fishery Management Plan, pending approval.~~ 2. Boats with motors could be used when propelled at slow (wakeless) speeds to reduce user conflicts and ensure visitor safety. 3. Visitor activities would be mostly self-directed and have minor resource impacts. 4. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting visitors and water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and reducing conflicts between different types of users. Appropriate management actions could include: 1. determining types of use (user capacity) considering the desired visitor experience and the vulnerability of the resources to impacts 2. inventorying and monitoring resources 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses Facilities generally would not be appropriate, except when determined they would enhance resource protection or public safety. Facilities could include: 1. signs and other navigational aids 2. research and monitoring apparatus that is minimal and unobtrusive 3. mooring buoys and informational markers such as hazard markers

Delete stricken language and after the word "fishing", insert "(potentially with limitations on commercial fishing)".

ENCLOSURE 2

Insert the word "diving," after the word "snorkeling".

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Noncombustion (Light+ Use Zone (All Alternatives)	The preservation of natural sounds, near-shore nursery areas and shallow water habitats, restoration of degraded and impacted resources, and continuation of natural processes would be the dominant resource goals in this zone. 1. Natural processes would predominate. 2. Natural sounds, sights, and vistas would prevail. Panoramic viewsheds would remain unaltered. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature with opportunities to experience natural sounds, tranquility, and closeness to nature. 1. Appropriate visitor activities could include noncombustion engine boating (paddling, poling, or trolling), sightseeing, fishing, swimming, snorkeling, and nature observation. ~~Commercial fishing would be managed as described in the Fishery Management Plan, pending approval.~~ 2. Boats equipped with combustion engines could be used when propelled by push-pole or electric trolling motor, with outboard engine tilted up. 3. Visitors would be self-reliant and have maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 4. The sights and sounds of nature would be more prevalent than those of human activities. Visitor activities would be mostly self-directed and have minor resource impacts. 5. There would be some opportunities for interpretive activities. 6. Special events would not be allowed. 7. Visitor activities in these zones could be limited in the interest of protecting resources and enhancing public safety. Limitations might be short or long term. 8. Use of combustion engines would generally not be allowed. However, in designated areas (between 3 feet to 5 feet in depth), the use of combustion engines would be allowed at slow speeds in channels. 9. Limited commercial services might provide appropriate visitor recreational activities if compatible with resource protection goals and desired visitor experience.	Management actions would focus on protecting water-based resources, restoring disturbed areas, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include: 1. inventorying and monitoring resources 2. determining types and levels of use considering the desired visitor experience and the vulnerability of the resources to impacts 3. providing interpretation and enforcement services 4. conducting research and restoring and stabilizing resources 5. taking measures to prevent human-caused impacts 6. defining additional compatible uses 7. developing a permit system for various activities 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations and in accordance with ~~the Fishery Management Plan,~~ pending approval Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include: 1. signs and other navigational aids 2. research equipment—if installed, research apparatus would be minimal and unobtrusive; if research could be accomplished in another management zone, it would not occur in this zone 3. mooring buoys

Delete stricken language and after the word "fishing", insert "(potentially with limitations on commercial fishing)".

Delete stricken language and replace with process identified by Condition #2.

ENCLOSURE 2

Delete stricken language.

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Access-by-Permit Zone (Alternatives 3 and 5)	The access-by-permit zone would provide opportunities for visitors to recreate in natural or cultural settings where natural processes occur with minor evidence of disturbance from human use. The zone would provide protection for resources such as fish nursery areas and coral reefs. 1. Natural processes would predominate. This management zone would perpetuate a full complement of native species. 2. Natural sounds, sights, and vistas would prevail. 3. There would be tolerance for minor resource impacts. 4. Evidence of human impact would be minimal or part of a cultural scene. 5. Human-caused intrusions, including visual obstructions, would be kept to an absolute minimum, except for resource protection and visitor safety purposes. 6. The significance and vulnerability of cultural resources would be evaluated, and appropriate management actions would be determined.	Visitors would be immersed in nature. Visitor activities and access to these zones would be managed through a permit system to provide visitors with opportunities to experience natural sounds, tranquility, closeness to nature, and a sense of relative remoteness. Limited numbers of visitors would enjoy a full range of resource-based recreational opportunities. 1. Appropriate activities could include sightseeing, boating, swimming, snorkeling, scuba diving, and ~~participating in recreational and commercial~~ fishing. 2. Visitor activities would usually be self-directed, which would require self-reliance and provide maximum opportunities to experience a sense of discovery and adventure. Application of outdoor skills would be essential. 3. Visitors would receive orientation and information, interact with park staff and experience and learn about park resources before and after entering the park. Interpretive and educational opportunities would enable visitors to plan their trip into the park in advance through the permitting system. 4. Special events would not be allowed. 5. The probability of encountering others would be low. There would be only occasional encounters with others outside of one's social group. 6. Vessel type, size, and speed might be regulated to enhance resource protection and preserve the desired visitor experience. 7. Visitor activities could be structured through the use of commercial services with groups of limited size.	Management actions would focus on protecting resources, ensuring visitors have an uncrowded experience, minimizing impacts from visitor use, and providing visitors with educational opportunities that encourage resource protection. Appropriate management actions could include: 1. determining types and levels of use considering the desired visitor experience and the vulnerability of resources to impacts 2. managing and limiting access through a permit system 3. providing interpretation and enforcement services 4. taking measures to prevent human-caused impacts 5. regulating visitor activities and vessel type, size, and speed 6. authorizing commercial services 7. conducting research and monitoring resource conditions; restoring and stabilizing resources 8. managing recreational and commercial fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations and in accordance with ~~the Fishery Management Plan~~, pending approval Facilities generally would not be appropriate, except when determined they would enhance resource protection or public safety. Facilities could include: 1. signs and other navigational aids 2. limited mooring buoys 3. primitive trails 4. research equipment—If installed, research apparatus would be minimal and unobtrusive; if research could be accomplished in another management zone, it would not occur in the access-by-permit zone

Delete stricken language and replace with process identified by Condition #2.

ENCLOSURE 2

Delete stricken language and after the word "fishing", insert "(with limitations)".

Delete stricken language.

TABLE 2. BISCAYNE NATIONAL PARK MANAGEMENT ZONES, ALTERNATIVES 2 THROUGH 7

	Resource Condition	Visitor Experience	Management Actions and Facilities
Sensitive Resource Zone (Alternatives 2, 3, 4, 5, 6, and 7)	The sensitive underwater archeological zone would provide protection for significant and vulnerable underwater cultural sites. Research activities could occur. 1. Natural sea and soundscapes would be maintained as much as possible. 2. Human-caused cultural resource degradation would not be tolerated. Intervention to natural processes would be allowed if necessary to protect cultural site integrity. 3. Preservation and stabilization actions might occur.	Visitors would view protected resources from within vessels on the surface of the water. Research activities might be allowed under permit. 1. Appropriate visitor activities would include sightseeing, nature-watching, ~~hook-and-line~~ fishing, and transit through the zone. ~~Apparatus other than hook-and-line fishing gear would not be allowed in the water below the lowest point of the vessel. Trapping would not be allowed.~~ Anchoring and mooring would not be allowed. 2. Visitors must remain in their boats, and access to the water for activities including swimming, snorkeling, or diving would not be allowed. 3. Researchers and other cooperating personnel could enter the zone for authorized purposes. Any impacts on cultural resources would be negligible. 4. Visitors would benefit from the research by learning about significant and vulnerable resources as well as how they are studied and preserved. 5. Commercial services would only transit through the zone. 6. Underwater viewing devices, including but not limited to, face masks, glass-bottom vessels, glass-bottom buckets, and/or underwater cameras of any kind would not be allowed.	Management actions would focus on preservation and protection of underwater cultural sites. Appropriate management actions could include 1. mitigating, stabilizing, and restoring resources and collecting artifacts in imminent danger of ~~destruction~~ or loss 2. conducting research aimed at monitoring resource conditions and understanding the cultural context 3. prioritizing, overseeing, and managing research projects 4. taking measures to prevent human-caused impacts 5. defining additional compatible uses 6. managing ~~recreational~~ fishing in the interest of sound conservation to protect and preserve marine resources for the education, inspiration, recreation, and enjoyment of present and future generations and in accordance with ~~the Fishery Management Plan~~, pending approval 7. entering into agreements aimed at resource protection Facilities generally would not be appropriate, except when determined that they would enhance resource protection or public safety. Facilities could include 1. signs and other navigational aids 2. research equipment—if installed, research apparatus would be minimal and unobtrusive; if research could be accomplished in another management zone, it would not occur in the sensitive underwater archeological zone

Box color should be bright yellow, and zone identified as the Sensitive Underwater Archeological Zone.

Delete stricken language and replace with process identified by Condition #2.

Florida Fish and Wildlife Conservation Commission

Commissioners
Richard A. Corbett
Chairman
Tampa

Brian Yablonski
Vice Chairman
Tallahassee

Ronald M. Bergeron
Fort Lauderdale

Richard Hanas
Oviedo

Aliese P. "Liesa" Priddy
Immokalee

Bo Rivard
Panama City

Charles W. Roberts III
Tallahassee

Executive Staff
Nick Wiley
Executive Director

Eric Sutton
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

Office of the Executive Director
Nick Wiley
Executive Director

(850) 487-3796
(850) 921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: (850) 488-4676

Hearing/speech-impaired:
(800) 955-8771 (T)
(800) 955-8770 (V)

MyFWC.com

October 10, 2014

(Sent via Electronic Mail)

Brian Carlstrom, Superintendent
Biscayne National Park
9700 SW 328 Street
Homestead, Florida 33033

RE: General Management Plan/Environmental Impact Statement (ID: 11168)
BISC GMP Newsletter #5 Fall 2014 (ID: 61253)

Dear Superintendent Carlstrom:

The Florida Fish and Wildlife Conservation Commission (FWC) appreciates the efforts of Biscayne National Park (BNP or Park) to provide stakeholders with additional opportunity to submit comments and discuss in a public forum the two new alternatives (6 and 7) as proposed in the 2013 Supplemental Draft General Management Plan (SDGMP), and Alternative 4 as proposed in the 2011 Draft General Management Plan (DGMP). FWC staff attended the public workshops and felt the comments received by the Park appropriately reflected the potential impacts of the proposed management alternatives on public use of Park areas and resources.

The FWC has previously provided BNP with a substantial amount of input on both the 2011 DGMP and the 2013 SDGMP, but would like to reiterate that we remain opposed to Alternative 4 as proposed in the 2011 DGMP. It also appears that the concept of the Special Activity License proposed in Alternative 6 of the 2013 SDGMP was not as well-received by stakeholders as the FWC had anticipated, so the FWC withdraws support for Alternative 6 as the Preferred Alternative. In place of Alternative 6, the FWC would be more supportive of a Preferred Alternative that contains a Special Recreation Zone/Seasonal Fishing Closure as proposed in Alternative 7 of the 2013 SDGMP, but of the zone shape, size and placement of the Marine Reserve Zone as depicted in Alternative 4 of the 2011 DGMP. In addition, the FWC would like to identify that whichever alternative the Park chooses to propose as the Preferred Alternative in the Final General Management Plan, the slow speed zone that runs parallel to the Park shoreline, the zones around West Arsenicker and Arsenicker Key, and the zones around Reid Key/Totten Key/Jones Lagoon/Old Rhode Key, should again be proposed as they are currently depicted in both Alternatives 6 and 7 of the 2013 SDGMP.

The FWC is aware that BNP has received public input on the establishment of new zones that were not previously proposed in either the 2011 DGMP or the 2013 SDGMP, or considered by the public (e.g., Soldier Key). We encourage BNP to coordinate with us should any of these zones be considered for inclusion in the Final General Management Plan.

The FWC looks forward to working coorperatively with the Park to finalize the General Management Plan.

Sincerely,

Nick Wiley
Executive Director

nw/jm/lg
cc: NPS, Morgan_Elmer@nps.gov
NPS, Ben_West@nps.gov

APPENDIX G: NPS RESPONSE TO PUBLIC COMMENTS ON 2011 DRAFT PLAN, 2013 SUPPLEMENTAL PLAN, AND 2014 WORKSHOP

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
Access	Some commenters expressed opposition to all or some of the action alternatives presented in the General Management Plan stating their concern that zoning would reduce their access in general or to specific favored locations. The most cited concern was reduced boater access due to the zoning proposed for the marine reserve zone (MRZ) and special recreation zone (SRZ). Some commenters expressed concern that the proposed SRZ restrictions could negatively impact the ability of future generations to fish or disrupt family traditions. A few commenters voiced concern that restricted access to the safer inshore waters within the park would encourage less experienced or less prepared mariners to venture into off-shore waters where they might compromise their safety. Several commenters indicated that they thought the park's most important goal should be to provide for public access.	The National Park Service states in chapter 1 that the purpose and need for this plan goes well beyond providing for visitor access. The National Park Service has an affirmative responsibility for stewardship of the resources in Biscayne National Park and, as described in chapter 3, some resources are currently being impacted by visitor activities. It is a policy of the National Park Service to side with conservation when resource conservation and visitor use are in conflict. One of the required elements of a general management plan is defining how resources would be protected, and the zoning proposed is how the National Park Service intends to accomplish this requirement at Biscayne National Park. While exact numbers of acres in each zone vary by alternative, in all action alternatives the majority of park lands and waters would be zoned as multi-use zone thus existing uses would continue. Where resource protection needs were determined to exist or other types of visitor experiences were appropriate to highlight, other zones were applied. The purpose of the sensitive resource zones is to protect sensitive natural resources and cultural resources. The proposed marine reserve zone and special recreation zone comprise a small percentage of the park and only affect one of the many types of visitor uses within the park, namely fishing. The shoreline slow speed zone proposed in the General Management Plan would not eliminate fishing. This zone includes the manatee protection area already in effect. Other shallows that could become damaged by propellers are also included in the noncombustion engine use zone for purposes of resource protection. Some modifications through zoning, such as those at Legare Anchorage, would increase boater anchoring access compared to the no action alternative.
Adaptive Management	Some commenters suggested incorporating adaptive management in all alternatives considered or at least as a part of the marine reserve zone. Some commenters recommended a monitoring plan to help understand the ecological and visitor experience effects of implementing a marine reserve zone. There was a suggestion to have well defined deadlines and/or management targets for reopening protected zones. There was also a concern that the adaptive management strategies	The park recognizes the need for enhanced monitoring. Existing monitoring of coral cover, marine debris, and park fishery resources will continue in park waters, including the area identified for the marine reserve zone, which will inform management decisions. Fish species abundance, diversity, and estimated size is monitored, as well as benthic habitat community structure (e.g., percent cover of live hard coral, soft coral, algae, etc.) with several monitoring points both inside and outside the boundaries of the proposed marine reserve zone. In 2015 the National Park Service also

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	proposed for the special recreation zone were unclear due to lack of clear, measurable management objectives.	began monitoring marine debris at two of these points, one inside and one outside the proposed zone. The National Park Service also performs yearly monitoring of submerged archeological resources both inside and outside the proposed zone. The National Park Service intends to make the results of these monitoring efforts available at regular intervals following the establishment of the MRZ. Other types of monitoring such as social science, fish behavior in and out of the proposed zone, and fish movement in and out of the proposed zone (to document spillover) could be performed either via research permittees or by the National Park Service as funding allows. Additional monitoring efforts will be added as resources allow. The literature that supports the conservation value of marine reserves highlights the importance of long-term protection to enhance coral reef ecosystems, and it is easier to enforce and more efficient to implement when compared to other management options. Therefore there is no specific intent to remove this protection during the life of this plan.
Anchoring	Both support and opposition were expressed regarding the provision to prohibit anchoring in some zones and install additional mooring buoys as recommended by some alternatives. Those in opposition voiced concern that it would: make fishing less effective by separating the vessel from the chum if fishing was prohibited in an anchored location; increase conflicts between anglers and divers/snorkelers using the same buoy; affect diver safety due to long swim distances between buoys and destinations; decrease access to all areas of the reef due to location of mooring buoys; and be difficult to implement due to cost of installation and maintenance of mooring buoys. Many commenters suggested that the prohibition of anchoring should be phased in only as the mooring buoys were installed. A few suggested specifically that the park complete its Mooring Buoy and Marker Plan with stakeholder engagement to define where and how many buoys to install, while other commenters simply asked that the General Management Plan include additional details and/or commitment from the National Park Service regarding the total number of buoys and locations to be installed.	In response to boater concerns the final preferred alternative was adjusted; anchoring in the marine reserve zone would be gradually phased out as additional mooring buoys are installed based on site-specific environmental analysis. Requiring the use of mooring buoys would help protect the reef coral but the expense of purchasing, installing, and maintaining the buoys would be prohibitive to undertake in one action. The National Park Service would continue to allow anchoring in sand in the marine reserve zone for the immediate future as mooring buoys are phased in over time. Such changes would be clearly communicated to park visitors. Mooring buoys are designed for only one vessel at a time with the exception of allowing for a dinghy to be tied up alongside a larger boat (as reflected in the Superintendent's Compendium). Rafting multiple vessels together on a single mooring buoy increases safety hazards and opportunities for property damage and is therefore not allowed. Sands Cut has a continuum of natural resource, recreation, and safety issue concerns that will be specifically addressed in future planning efforts with full public engagement.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	Several commenters expressed concern that the prohibition on anchoring in the special recreation zone and marine reserve zone would increase safety hazards to park visitors. Specific concerns were raised regarding the distance divers and snorkelers are likely to swim to access their destination from mooring buoys and hazards posed to swimmers by circling boats. Concerns were also expressed regarding anchoring around Sands Cut.	
Artificial Reef	Some commenters suggested that the National Park Service build artificial reefs to reduce fishing pressure on the natural reef system and reduce or minimize the need to restrict fishing access in the marine reserve zone and special recreation zone. There was also a suggestion to replant coral reef further north of the proposed MRZ/SRZ.	NPS policies (chapter 4) direct the protection of natural habitats where natural processes dominate rather than development of artificial habitats. The National Park Service opposes the sinking of wrecks as habitat near the park boundary and prohibits such practices within park waters. Thus the creation of artificial reefs is contrary to both NPS policy and practice. The National Park Service actively restores coral reef habitat as damage occurs.
Ballyhoo	Some commenters expressed concern that allowing commercial ballyhoo lampara fishing works against restoration goals and therefore should be prohibited in order to recover the prey fish on which the indicator fish feed. Additionally, commenters expressed concern about perceived preferential treatment of this fishery.	The accommodation of ballyhoo fishing with lampara nets in the special recreation zone was developed in consultation with the Florida Fish and Wildlife Conservation Commission (FWC) because the near surface behavior of the fish and the lampara netting technique were not expected to physically impact the reef. The final preferred alternative does not include any fishing, including ballyhoo fishing, within the marine reserve zone in order to protect the reef and barrier island ecosystems.
Commercial Fishing	Some commenters expressed concern that the special recreation zone and marine reserve zone restrictions on commercial fishing would put additional pressure on surrounding waters. There was concern that restricting commercial fishing would displace commercial fishermen into the territories of other fishermen and result in conflict between commercial fishing interests. Some commenters advocated for lobster harvest by both commercial and recreational users. Other comments said commercial fishing should be completely banned throughout the park due to higher harvest than recreational fishers, impacts on habitat, and NPS policy. There was a suggestion for the National Park Service and conservation groups to buy the existing fishing rights of current commercial shrimp, lobster, and crab	The National Park Service has no legal authority to buy out commercial fishing licenses issued by the State of Florida. The authority to manage fisheries within the original monument boundary is established by the park's enabling legislation in 1968 (P.L. 90-606). Potential impacts on commercial operators, fishery resources, and cumulative impacts caused by displaced commercial fishing pressure are discussed in chapter 4 of the Final GMP/EIS. Phase out of commercial fishing parkwide is addressed in the park's *Fishery Management Plan* (2014).

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	operations if the intent is to stop their operation within the park.	
Education	Several commenters expressed concern about damage to park resources caused by visitors. Some commenters suggested increasing visitor education to address these impacts. There was a suggestion that the park develop a navigational marking plan and educational plan to aid in compliance with zoning and transit corridors. Additionally, some commenters suggested the park partner with software developers to develop a smartphone app and GPS maps with the different zones and applicable restrictions. Specific suggestions included educating divers, requiring boater ID/license, increasing local education programming, implementing boat checkout procedures, and passing out informational pamphlets at marinas.	The National Park Service currently offers a free Boater Awareness Class to better inform the boating community of how to safely operate within the park and a free Fishery Awareness Class to inform fisherman of fishing regulations and sustainable fishing practices. Marine navigation markers are installed and maintained in accordance with state and federal regulations and routinely updated on navigation maps for use by mariners. Such activities are expected to continue uninterrupted for the foreseeable future. Site specific locational decisions to identify new zones will be part of the plan implementation. This General Management Plan includes a request for additional resources to increase NPS educational programming (see chapter 2). The National Park Service appreciates the suggestions for educational programming and future development of specific education programs and products will be part of plan implementation.
Environmentally Preferable Alternative	Some commenters supported alternative 5, the environmentally preferable alternative, but felt that it didn't go far enough to address the many issues that threaten park resources, such as water quality and quantity.	General management plans are broad, long-term plans and do not preclude the park from developing other plans that would more specifically address these resource topics and actively engage other agencies. Day-to-day park operations also address the details of activities such as resource management, education, outreach, maintenance, and law enforcement. The National Park Service is not a water regulatory agency. The park continuously and actively engages with county, state, and federal agencies to address water quality and quantity concerns, share data, and protect park resources. Specific interagency efforts the park is involved in are listed in chapter 1 under "Other Related Planning Efforts".
Exotic and Invasive Species	Some commenters asked for additional information regarding exotic and invasive species at Biscayne National Park. There was a suggestion to use special permits/tags as a management tool for the invasive lionfish.	Exotic and invasive species are discussed in chapter 1 under "Relationship to Other Planning Efforts" and in chapter 2 under "Mitigation Measures." The park has a Lionfish Management Plan and an Exotic Plant Management Plan.
Fowey Rocks Lighthouse	Several commenters expressed support for NPS acquisition of the Fowey Rocks Lighthouse. One commenter stated that the National Park Service should take into account that Fowey Rocks Lighthouse is a preferred roosting site for many seabirds, including some not commonly found elsewhere in south Florida, and that any change in management of the light could	Fowey Rocks Lighthouse was acquired by the National Park Service in October 2012 from the U.S. Coast Guard via the General Services Administration and will be managed as a cultural resource as described in the actions common to all alternatives section of chapter 2 of the Final GMP/EIS. This historical structure will remain available for seabirds to roost. Information on the roosting birds was added to

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	impact the birds.	chapter 3 and potential impacts on birds is included in chapter 4.
Impact Analysis - Additional Studies	Several commenters made note of additional studies or references that they felt should be considered. Many commenters provided anecdotal evidence to the contrary of the data used to inform the plan, particularly as it related to abundance of certain species of fish. A few commenters suggested that the outcomes of the analysis should have included options such as size limits, bag limits, and spawning season restrictions to recover indicator species.	The status of park fisheries and other marine resources are described in chapter 3. Fishery management details (e.g., size limits, bag limits, seasons, etc.) are provided in the *Fishery Management Plan*. The scope of the General Management Plan defers to the *Fishery Management Plan* for fishery-related concerns.
Impact Analysis - Diving	A few commenters stated opposition to diving on park reefs due to the impacts caused by divers. Other commenters asked for additional information regarding diving impacts on coral reefs.	The park will increase educational opportunities for divers to reduce diving impacts on the reefs. Additional analysis regarding detrimental impacts of diving has been included in chapter 4.
Jurisdiction	Some commenters questioned NPS authority to manage fisheries and/or fishing access in the park specifically citing Florida Statute § 379.23(2): "The United States may exercise concurrent jurisdiction over lands so acquired and carry out the intent and purpose of the authority except that the existing laws of Florida relating to the Department of Environmental Protection or the Fish and Wildlife Conservation Commission shall prevail relating to any area under their supervision." Commenters indicated the National Park Service should not manage its fishery resource, but should leave it solely to the FWC and the National Oceanic and Atmospheric Administration (NOAA) Fisheries as the experts and appropriate agencies with authority to manage. It was suggested that a Florida committee under the South Atlantic Fishery Management Council be established to consider fishery management options, such as the marine reserve zone, in federal waters along the entire shoreline of Florida in order to manage overfishing and recover depleted fish stocks.	Florida Statute § 379.23(2) is not an "enforceable policy" for the National Park Service because the policy is expressly preempted by the legislation creating Biscayne National Park. Specifically, 16 U.S.C. § 410gg-2(a) states: "The waters within the park shall continue to be open to fishing in conformity with the laws of the State of Florida except as the Secretary, after consultation with the appropriate officials of said State, designates species for which, areas and times within which, and methods by which fishing is prohibited, or otherwise regulated in the interest of sound conservation to achieve the purposes for which the park is established." Further, the legislation stated that the monument was not to be declared "until the State has transferred or agreed to transfer to the United States its right, title and interest in and to its lands within the boundaries of said national monument." That land was transferred by Judgment on Stipulation and Order Vesting Title, dated November 25, 1975, in which the state agreed to transfer all right, title, and interest with the creation of the monument. The lands/waters of the marine reserve zone and special recreation zone, as drawn in any alternative, are completely within the original monument boundaries, deeded to the National Park Service prior to the state making a determination "reserving in the people the absolute right to fish." This absolute right does not apply to Biscayne National Park (pre-1980 property) because the state gave all rights to the National Park Service when the state

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
		deeded the land to the National Park Service. As provided in section 3 of PL 90-606, the park's enabling legislation, the National Park Service has the authority to manage wildlife within the park boundaries. These responsibilities are carried out in consultation with other agencies, including FWC and NOAA Fisheries, by virtue of their management authorities and/or other federal laws. The administration of the South Atlantic Fishery Management Council and its committees is outside the jurisdiction of the National Park Service. Biscayne National Park will continue to consult with the council and cooperate with NOAA Fisheries, who has oversight of the program under the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006.
Law Enforcement	Commenters expressed concern with the current level of law enforcement and number of violations taking place at the park. Commenters questioned the ability of implementing a new alternative with new regulations when it is the perception that the current regulations are not enforced. Some expressed concern that more complex regulations and/or zones would increase noncompliant visitor behavior. Commenters supported increasing enforcement of current rules and increasing penalties for violations. Some commenters expressed willingness to pay more to improve law enforcement. Commenters suggested implementing a better system to report observed violations, improving law enforcement response time, increasing law enforcement at boat ramps and marinas, providing law enforcement consistent with the Florida Fish and Wildlife Conservation Commission, collaborating with other agencies on law enforcement, and in general hiring more law enforcement personnel.	This General Management Plan includes a request for additional resources to increase NPS law enforcement presence (see chapter 2) as a part of each alternative. Routine cooperation with other marine enforcement agencies is carried out through mutual aid agreements, and efforts to improve communication and coordination across jurisdictions is ongoing. Some alternatives include special rulemaking provisions to enact specific regulations to implement the alternative, and the rulemaking process specifically includes additional opportunities for public involvement and coordination with other law enforcement organizations. Penalties for violations are prescribed by the court system in consultation with the park and are beyond the scope of this plan. Additional regulations related to fishing activities are being jointly developed with the Florida Fish and Wildlife Conservation Commission as part of the implementation of the *Fishery Management Plan*. The park offers a range of educational opportunities that promote education and seek to reduce the number of boating and fishing violations and the need for future enforcement.
Laws	Some commenters expressed confusion over the jurisdictional authority of the National Park Service to manage fisheries within the original monument boundary (established in 1968) versus the expanded park boundary (established in 1980).	The authority for the National Park Service to manage fisheries within the original monument boundary is established in the park's enabling legislation in 1968 (P.L. 90-606). Section 103(a) of P.L. 96-287, enacted in 1980 to establish Biscayne National Park and add areas to the park north of Boca Chita Key, included a provision that within the expansion lands fishing would be in conformance with state law. Thus the there are two different

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
		management scenarios regarding fisheries management within Biscayne National Park. The proposed marine reserve zone (alternatives 3, 4, 5, and 8) as well as the proposed special recreation zone (alternatives 6 and 7) are located within the original monument boundary.
Laws – Commercial Fishing	A few commenters voiced concern that prohibiting commercial fishing in the marine reserve zone and the special recreation zone was an illegal "regulatory take and redistribution." Specific concerns mostly focused on economic impacts on specific families and/or communities who derive a large proportion of their revenue from commercial fishing in park waters.	Although commercial fishing occurs in Biscayne National Park, it has been prohibited for more than 30 years (see 48 F.R. 30282, June 30, 1983) because it was not specifically authorized by Congress. The phase-out of commercial fishing throughout park waters is addressed in detail in the *Fishery Management Plan* and would be implemented by way of special regulations. Socioeconomic impacts of commercial fishing prohibition are discussed in chapter 4 of the Final GMP/EIS.
Legare Anchorage	Some commenters asked if the fishing restrictions already in place in the Legare Anchorage could be used to inform the management of the fishery resources in other parts of the park, such as the proposed marine reserve zone and/or special recreation zone. Other commenters questioned the need for a marine reserve zone or special recreation zone citing that the Legare Anchorage already serves that purpose.	Legare Anchorage is focused on the protection of submerged cultural resources. Anchoring and in-water activities (diving, snorkeling, spearfishing, swimming, etc.) are prohibited within the Legare Anchorage. Fishing is allowed while underway or drifting. The Legare Anchorage represents an area with reduced, but not eliminated, fishing pressure. The majority of the area within the Legare Anchorage is not coral reef. It consists of unconsolidated sediments, primarily seagrass meadows, thus the purposes of, and habitat provided by, the marine reserve zone and/or the special recreation zone are not comparable with the Legare Anchorage.
Marker Buoy Plan	A few commenters suggested specifically that the park complete its Mooring Buoy and Marker Plan with stakeholder engagement to define where and how many buoys to install to aid in compliance with zoning and transit corridors. Other commenters asked that the General Management Plan include additional details and/or commitment from the National Park Service regarding the total number of buoys and locations to be installed.	Marine navigation markers are installed and maintained in accordance with state and federal regulations and periodically updated on navigation maps for use by mariners. All zoning changes would be supported by a proactive public outreach effort to help park visitors understand where specific zones are and how visitor activities may be affected in each zone. Marking would be accomplished and additional buoys would be installed as appropriate to the location and zone. The future completion of the park's Buoy and Marker Plan is discussed in chapter 1 of the Final GMP/EIS.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
Memorandum of Understanding with Florida Fish and Wildlife Commission	A few commenters expressed concern that the management zones, such as the marine reserve zone, presented in the General Management Plan were contrary to, or an attempt to circumvent, the existing Memorandum of Understanding between the Florida Fish and Wildlife Commission and the National Park Service as it relates to the *Fishery Management Plan*.	The Memorandum of Understanding referenced by commenters was developed collaboratively by the National Park Service and the Florida Fish and Wildlife Conservation Commission to develop a *Fishery Management Plan* for the park. The plan was completed in July 2014. In the development of the General Management Plan, the National Park Service worked within the framework of the Memorandum of Understanding which states: "The Florida Fish and Wildlife Conservation Commission and the park recognize that the park intends to consider the establishment of one or more marine reserves (no-take areas) under its GMP process for purposes other than sound fisheries management . . ." Because the marine reserve zone is proposed to provide swimmers, snorkelers, scuba divers, and those who ride a glass-bottom boat the opportunity to experience a healthy, natural coral reef with larger and more numerous tropical reef fish and an ecologically intact reef system, the GMP is consistent with the MOU. The park continues to work with the Florida Fish and Wildlife Conservation Commission on following through with the recommendations of the *Fishery Management Plan* and, where appropriate, the General Management Plan.
Miami Circle Site	A few commenters suggested that the park should include the historic Miami Circle Site.	A study of the Miami Circle Site was completed by the National Park Service in 2008 and found that the site was not suitable to become a part of Biscayne National Park. It is now managed by the Miami Museum.
National Environmental Policy Act (NEPA)	One commenter suggested that the 2013 Supplemental Draft GMP/EIS fails to adequately analyze the connected actions, cumulative actions, and cumulative impacts that arise from the relationship between the specific management actions of the special recreation zone and the Fisheries Management Plan.	The *Fishery Management Plan* and the General Management Plan are cumulative actions and their cumulative effects are addressed in chapter 4. *The Fishery Management Plan* and the General Management Plan are not connected actions as either can exist independently.
No-Action Alternative / Need for Action	Some commenters questioned the need for a new General Management Plan and/or asked for more information regarding the relationship of the new General Management Plan to the 1983 plan. Some commenters voiced support for the no-action alternative, stating that they perceive the existing condition of park resources to be fine considering the large population surrounding it, and they feel this shows the state regulations to have worked, and that many visitors	A lot has changed in the last 30-plus years since the previous General Management Plan was written. New laws, policies, and regulations have taken effect that require adjustments in park management. Updated resource condition data and recent visitation trends have made it necessary to refine the park's goals and future management direction. The relationship to the previous plan and the current goals are reflected in the purpose and need section of the Final GMP/EIS, chapter 1. Alternative 1 is the baseline/no-action alternative and is required by

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	enjoy the freedom to enjoy the park without restrictive zoning. Some commenters stated a need for the National Park Service to preserve health of the reef for healthy fisheries. These commenters citied concerns with the state of the fishery, population increase around the park and resulting pressures on the fishery, damage of inshore fishing grounds, inappropriate human activities taking place in some parts of the park, and the impact of these activities on resources. Some commenters acknowledge the importance of having protected areas given the current state of fisheries, and the need for some control that helps conserve resources.	NEPA. This alternative serves as the baseline for determining potential effects of the other alternatives. The National Park Service determined that this alternative would not improve the long-term health of park resources and would not support sustainable visitor experiences in the future.
Other Agency Roles in the Park	A few commenters expressed concern regarding the activities of other agencies working in the park and questioned whether those agencies had acknowledged the role assigned to them in the plan.	Other agencies operate in Biscayne National Park subject to written agreements, which would be modified to reflect any new or revised responsibilities or requirements resulting from the Final GMP/EIS.
Other Issues	Some commenters expressed concern that there are more pressing issues not being addressed in the plan including water quality, coral bleaching, too many natural predators, illegal activities, pollution, and impacts to resources related to Turkey Point power plant operations. Commenters expressed concern that if water quality issues are not addressed the proposed actions would not improve the condition of fish and habitat. There was also a concern about too much trash around the Keys.	Not all issues are addressed in this planning effort as some are better addressed in regional plans or other interagency management efforts that the park is currently involved in. The National Park Service continues to collaborate on regional planning issues such as the ongoing Environmental Impact Statement for Florida Power & Light's proposed Turkey Point Nuclear Plant Units 6 and 7 project, Comprehensive Everglades Restoration Plan, Biscayne Bay Surface Water Improvement and Management Plan, and Southeast Florida Coral Reef Initiative among other planning efforts identified in chapter 1. The National Park Service lacks regulatory authority to manage many of the most concerning issues, including water quality and marine debris that washes into the park. The National Park Service is actively addressing control of the invasive predatory lionfish within park waters. The National Park Service law enforcement division actively pursues the detection of resource violations and enforcement of applicable regulations within park waters. The National Park Service is a cooperating agency with the Nuclear Regulatory Commission in the Environmental review of the proposed Turkey Point Nuclear Plant expansion.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
Public Engagement – Communication	Comments regarding public involvement included concerns that the public was not heard throughout the planning process, that the public did have access to the most recent information, and that the plan was not representing the local community. There was a suggestion for more information to be put out in local news outlets.	In response to public input and congressional requests, the National Park Service added additional public workshops and continues to talk with angler clubs and other local groups focused on SRZ and MRZ issues. A listing of these outreach efforts is included in chapter 5. Concerns raised by the public and stakeholder groups were carefully analyzed and considered in relation to the park's purpose, federal laws, and agency policies to inform the selection of the agency's final preferred alternative as presented in the Final GMP/EIS.
Public Involvement – Adaptive Management	Some commenters suggested a more formal mechanism for stakeholder engagement should have been used to develop alternatives 6 and 7, or should be used in the future to develop the Science and Research Plan. Various opinions were expressed regarding the format of the engagement (e.g., panel, working group, advisory team, task force, etc.). and the composition of such a group. Some commenters leaned heavily toward engagement of commercial interests (e.g., commercial fishermen and lobstermen, dive shops, guides, etc.); some toward scientific interests (e.g., universities); some toward conservation interests (e.g., nongovernmental organizations); and some suggested that a broader range of stakeholder interests groups should be included. Some commenters suggested that additional stakeholder involvement is needed to clearly define the goals of the special recreation zone. Commenters supported collaborative efforts with the Florida Fish and Wildlife Commission to implement the adaptive management strategy. There were concerns regarding expansion of protected areas without additional public input.	The National Park Service engaged a number of subject matter experts from the Florida Fish and Wildlife Conservation Commission and NOAA Fisheries in the development of alternatives 6 and 7 including the adaptive management approach. These alternatives were included in the 2013 Supplemental Draft GMP/EIS and circulated for public comment and discussed in public meetings. The park will continue to engage the public and consult with appropriate agencies in future planning and monitoring efforts. No formal adaptive management process is part of the final preferred alternative and therefore, there is no need for an advisory group as mentioned in the comments.
Recreation – Land-Based	Several commenters suggested additional management actions for the plan to include creation of bicycle and pedestrian routes within the park as well as connecting to regional trail systems that are in development or proposed for development in the near future. Related to this concept, a few commenters proposed NPS acquisition of private parcels along the L-31E levee to facilitate completion of the bicycle route connecting the Black Creek Park and Marina to Biscayne National Park. One	The National Park Service supports the concept of bicycle trails and connections to the regional network of bike and pedestrian trails, but current capacity to provide additional infrastructure at Biscayne National Park is greatly limited. If and when such opportunities arise in the future, the National Park Service would undertake subsequent planning to identify locations and services to support bicycle use in the park. The park will post reduced speed signs on the park entrance road.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	commenter suggested adding "Share the Road" signs to the visitor center parking lot, and one commenter suggested adding restrooms and water fountain to locations that access the regional trail system through the park.	
Recreation – Water-Based	Several commenters expressed concerns regarding specialized recreational equipment, namely personal watercraft and kite boards. Some commenters opposed the existing ban on personal watercraft, citing the improvements in technology and enabling access for persons who cannot manage nonmotorized watercraft. Others support the continued ban on personal watercraft citing noise pollution, unsafe operation, and disturbance of birds and wildlife. A few commenters specifically mentioned the need to regulate, restrict, or prohibit kiteboarding in the flats areas due to the impact kite boards have on fish. It was suggested that the slow speed zones and/or noncombustion engine use zone should apply to wind-powered craft as well. A few commenters suggested that the National Park Service allow the use of seaplanes in the park.	Biscayne is one of many national parks that are prohibited from allowing personal watercraft. This prohibition is not a specific park rule but is a federal regulation (36 CFR 1 §3.9), and is beyond the scope of this plan. The prohibition applies to all park waters, including the intercostal waterway. Kiteboarding is not currently prohibited servicewide in the national park system, and instead is regulated by each park. At Biscayne, surfboards, kite boards, or any other wind propelled hard rigid devices (not including sailboats) are allowed in the park except in marked navigational channels. Regulations (36 CFR) prohibit seaplanes unless approved by a special regulation. The issue could be re-evaluated in future plans but is outside the scope of this plan.
Regulations	Some commenters questioned the relationship between the zoning proposed in Biscayne National Park and the proposed NOAA Fisheries regulations to implement amendment 11 to the *Fishery Management Plan* for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic.	The proposed amendment 11 regulations to the NOAA Fisheries' *Fishery Management Plan* for the Spiny Lobster Fishery is beyond the scope of this General Management Plan, which is internal to the National Park Service; however, the National Park Service would continue to fully cooperate in large-scale, interagency efforts to manage marine resources in the South Atlantic including abiding by the provisions of amendment 11 and applicable future amendments.
Regulations – *Fishery Management Plan*	Some commenters offered suggested revisions to the management actions related to fishing and boating, such as developing coral protection zones, buoying off no-take zones, establishing additional no-anchor zones, weekend-only fishing closures, adjusting bag limits or slot limits on specific fish species, allowing catch and release only, allowing fly fishing only, aggregating fishing boat limits, closing lobster mini-season, prohibiting shrimp and/or sponge harvest, limiting or prohibiting commercial fishing, restricting some areas to shallow draft vessels only, and	In general, fishery regulations are addressed in the park's *Fishery Management Plan*. The General Management Plan focuses on zoning for a broad range of visitor experience and resource protection goals, and fishing is one of the recreational opportunities considered. Various configurations of the zoning options were considered, including additional no-take zones, smaller protected areas, as well as additional or different access routes. The zone descriptions and zoning configurations presented in the Final GMP/EIS for each action alternative in chapter 2 are the outcome of these deliberations and represent the agency's best effort to protect park resources, provide

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	establishing an access route for transit.	for an appropriate range of visitor experiences, and to efficiently manage park operations.
Socioeconomic Impacts – Marine Reserve Zone	Commenters generally voiced concern that the visitor use restriction proposed for the marine reserve zone would result in socioeconomic impacts on related industries (namely fishing, boating, and diving businesses). These impacts could have local, regional, and statewide consequences on tourism, tax base, property values, job loss, school funding, and other economic indicators. There was also concern that prohibiting commercial fishing would have significant impacts on local fishing families and related small businesses that would increase pressure and impacts on the resources and communities located south of the park and north of Florida Keys National Marine Sanctuary. There was concern that the socioeconomic impacts would be cumulative to the impacts already caused by the economic downturn. A few commenters specifically called for a detailed socioeconomic analysis to identify economic impacts on different industries. There was one concern regarding the changes in ingress/egress in shallow water environments and the resulting economic impacts to commercial guides who routinely transit Biscayne Bay. There was a suggestion to balance short-term and long-term economic impacts and support for economic growth with increased dive operations as proposed in alternative 4.	The proposed no-take marine reserve zone comprises about 6% of park waters, which would prohibit fishing while allowing for other recreational activities. Visitors would continue to enjoy access to 94% of park to participate in a wide range of recreational opportunities including fishing, motorboating, sailing, canoeing, swimming, scuba diving, snorkeling, and nature study. The contribution to the local economy derived from the continuation of these recreational activities would continue after the establishment of the marine reserve zone. A marine reserve zone would result in short-term adverse impact on commercial fishing due to the fishing prohibition within this zone, however a healthier and more ecologically intact reef system is expected to support the long-term viability of the fisheries, biodiversity, and unique marine-based resources on which the local visitor service related sectors depend. It is also anticipated that commercial fishing would be phased out parkwide as provided for in the *Fishery Management Plan* and a socioeconomic study analyzing the impacts of the phase-out was completed. Socioeconomic information was updated in chapter 3 and impacts on multiple economic sectors are analyzed in chapter 4 for each alternative. More analysis of socioeconomic impacts on the benefits and detriments to the tourism-related economy from marine reserve zones and special recreation zones has been included in chapter 4 of the Final GMP/EIS.
Socioeconomic Impacts – Special Recreation Zone	Some commenters expressed concern that the impact of the restriction on fishing in the special recreation zone would be felt most acutely in the local communities of Key Largo and Ocean Reef, having a negative impact on families that depend on fishing for income. Commenters felt that the visitor use restriction proposed for the special recreation zone would result in socioeconomic impacts on related industries (namely fishing, boating, and diving businesses) which could have local, regional, and statewide impacts on tax base, property values, job loss, school funding, and other economic indicators. Of particular concern was the impact on tourism with specific concern voiced by the Ocean Reef community, many of	The National Park Service heard concerns about the size, location, equity, potential socioeconomic impacts, and effectiveness of the special recreation zone and this zone is not included in the final preferred alternative. Potential socioeconomic impacts are discussed in chapter 4.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	whom suggested that the zone should not extend to the southern park boundary but rather terminate at Pacific Reef Channel.	
Spearfishing and Cast Netting	Some commenters specifically support spearfishing prohibitions citing destructive practices of spearfishing on targeted species and the reef ecosystem. Other commenters specifically support the continuation of spearfishing as a legitimate and highly selective harvest method and an effective method for removing invasive lionfish. Some specific commenters noted that combining spearfishing prohibition with other restrictions will result in insufficient harvest opportunities to justify the cost of the special permit and that the prohibition of spearfishing in the special recreation zone will increase spearfishing pressure on other reefs in the region and that lionfish may take over in the protected zone. There were also comments that the specific location of the special recreation zone eliminates spearfishing opportunities in a premier spearfishing destination and an easily accessible shallow reef system that provides a good place to teach spearfishing to novices. Additionally, there was a concern that spear fishermen safety would be compromised if closures were enforced as spear fishermen would be pushed toward deeper waters. There was a suggestion to have lionfish derbies and/or issue special permits to increase lionfish harvest and to allow spearfishing and cast netting anywhere fishing is allowed.	In general, parkwide fishing gear regulations, including spearfishing and cast netting, will be addressed through the *Fishery Management Plan.* However, the park recognizes that spearfishing is an effective form of lionfish control. Therefore, special regulations related to spearfishing for lionfish and other exotic invasive fish may be developed in the future if such action is determined to be an effective method of control. The special recreation zone is not proposed in the final alternative.
Stiltsville	Several commenters expressed concern that Stiltsville is inappropriately considered as "historic."	In October 1999 it was determined that Stiltsville is not eligible for listing in the National Register of Historic Places. The General Management Plan does not refer to the Stiltsville structures as historic other than as part of an ethnographic resource. A management plan for the Stiltsville structures was completed in 2004.
Transit	A few commenters suggested that some sort of system needs to be considered to allow vessels to transit the special recreation zone and marine reserve zone with fish which were caught outside of the zone onboard. A similar concern was expressed for traversing park waters	The special recreation zone is not part of the final preferred alternative. Based on public concerns regarding transit through the marine reserve zone or the special recreation zone, transit of fish harvested outside of the marine reserve zone would be allowed through the zone with all fishing gear and equipment

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	while in possession of fish harvested outside of the park.	securely stowed.
Visitor Center	Some commenters expressed support for a Miami Area Visitor Center and offered suggestions for locations and partners while others opposed specific locations for various reasons. Other commenters opposed the general concept, mainly citing the costs incurred to build and operate the facility as the reason for their opposition. They suggested funds could be better allocated to increase law enforcement in the park. The need for a new visitor center was questioned stating that the park serves local residents who do not use visitor facilities. Some commenters raised various concerns regarding potential impacts of a visitor center, some of which varied depending on the location considered.	The Miami area hosts millions of tourists annually. The National Park Service would like to provide outreach to engage these potential visitors. However, the current NPS capital investment strategy does not support construction of new visitor center facilities. The National Park Service is consulting with the City of Miami to provide visitor contact opportunities in the Dinner Key area. The National Park Service is pursuing concession opportunities, including in the Dinner Key area, to expand on those previously offered in Convoy Point. No new NPS facilities would be built to support concession services.
Wilderness Study	Some commenters questioned why additional wilderness considerations are not included in the plan for the roadless islands in the park.	A wilderness review was called for in PL 96-287 of 1980 and a Wilderness Eligibility Assessment was completed in 1983. Additional wilderness study was not identified as part of the General Management Plan's purpose and need. Some clarifying text regarding this issue has been added to the Final GMP/EIS and additional wilderness planning needs will be identified in the future park foundation effort.
Zones – Access by Permit Zone Concerns	Some commenters questioned the purpose of the access by permit only zones described in alternative 3 and 5.	The purpose of the access by permit zone in alternatives 3 and 5 was to provide quieter, less crowded experiences for all visitors to that zone. It was not intended to exclude anglers. The Final Preferred Alternative does not include an access by permit zone.
Zones – General Concerns	Some commenters opposed the zone descriptions and/or names used in alternatives 2-7 and described in chapter 2. Specific concerns were voiced regarding consistency with adjacent waters outside of park boundaries and/or consistency with definitions used elsewhere in Florida.	Early in the planning process the National Park Service attempted to align zone names and descriptions for consistency with other management agencies. Zoning names used by other agencies in the vicinity of the park were also considered for use in this general management plan. Management zones were initially developed in an interdisciplinary workshop and were presented to the public in Biscayne National Park General Management Plan Newsletter 3. As a result of public comments and consultation with partner agencies, the park adopted in the final preferred alternative the naming convention and definition of slow speed and idle speed zones used by the state of Florida and Miami-Dade County. The slow speed zone was developed in consultation with the Florida Fish and Wildlife Conservation Commission and

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
		would be consistent with the Florida Manatee Recovery Plan (USFWS 1996), and the Dade County Manatee Protection Plan (DERM 1995). Zoning names and descriptions not used by state and partner agencies but ultimately included in this Final GMP/EIS are needed to address the policies and purposes of different management prescriptions.
Zones – Marine Reserve Zone Concept	Some commenters stated that additional information was needed to understand the purpose and benefits of marine reserve zones in general, and how that applies to Biscayne National Park specifically. Other commenters voiced confusion regarding the purpose of the marine reserve zone, its relationship to the special recreation zone, and how it differs from marine protected areas.	Marine reserves are areas that are closed to fishing. In contrast, a marine protected area is an area managed by any agency that offers some protective measures or use restrictions beyond statewide regulations such as marine sanctuaries, national parks, and state parks. Thus the entire park is a marine protected area. The marine reserve zone was originally proposed in alternatives 3, 4, and 5 primarily to provide the visitor experience of visiting a healthy, natural coral reef. The proposed marine reserve zone was developed with significant public engagement, reviewed and recommended by scientists, and is based on substantial scientific evidence that no-take areas can help restore coral reef systems and enhance visitor opportunities to see large fish. Additional information regarding marine reserve zones has been added to the description of the marine reserve zone in chapter 2 and appendix E of the Final GMP/EIS. In response to the concerns of the Florida Fish and Wildlife Conservation Commission, in 2013 the park released alternatives proposing a special recreation zone which was intended to have the same purpose as the marine reserve zone while still providing opportunities for recreational fishing. Public response and additional scientific information and opposition to a fee to support the permits, all contributed to the final preferred alternative.
Zones – Marine Reserve Zone Science	Commenters were both supportive and against a no-take marine reserve zone. Supporters cited scientific success of reef restoration in no-take zones in other parts of the world. Some commenters stated a need for a larger marine reserve zone to meet park restoration goals. Some commenters are concerned that the special recreation zone concept with continued fishing by permit is untested and noted that marine reserves are scientifically trusted, efficient, and provide a cost-effective method for protecting and enhancing coral reef ecosystems. Other commenters expressed opposition to the marine reserve zone as being overly restrictive before trying other	The National Park Service concurs that the effectiveness of marine reserves is well proven. Due to some agency and public comments received during the 2011 Draft Plan public comment period regarding the proposed marine reserve zone, the National Park Service worked with the Florida Fish and Wildlife Conservation Commission to develop two alternatives with a special recreation zone, which provided some protection for a larger coral reef area while still allowing regulated fishing, whether via special access licenses or seasonal closures. The National Park Service acknowledges that the special recreation zone is a novel approach and if it had been implemented, the NPS would have tested the effectiveness using known fisheries

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	less restrictive options, and unfair to commercial and recreational fishing interests, and also cited its socioeconomic impacts.	management practices to reduce fishing pressure and improve fisheries habitat through adaptive management. The SRZ concept was released for public review in the 2013 Supplemental Plan and there were still substantial concerns about implementation, cost, effectiveness, and equity of the SRZ. Further analysis served to highlight its deficiencies in reef recovery. The National Park Service now proposes to adopt in the final preferred alternative the originally proposed MRZ, as it has scientific precedent in published literature. More recently, for example, both the Dry Tortugas and the Tortugas Ecological Reserve in the Florida Keys National Marine Sanctuary have shown marked ecological improvements to the coral reef ecosystem and improved fishing in adjacent areas. Recreational fishing interests will maintain access to the majority of park waters and over time their fishing success is likely to improve due to the beneficial effects of the marine reserve zone. Socioeconomic impacts are discussed in chapter 4 and while they exist, they are likely to be short-term and in many cases may be offset by socioeconomic benefits due to increased diving and snorkeling interest. Parkwide commercial and recreational fishing is further addressed in the *Fishery Management Plan*.
Zones – Marine Reserve Zone Location	Some commenters suggested expanding the marine reserve zone beyond the original monument boundary or zoning additional areas of the park as marine reserve zones. There were suggestions to move the marine reserve zone boundaries, including a move north to enclose Legare and open Ajax Reef, and another suggestion to expand the boundary south to protect the entire reef tract, including all federally-designated critical habitat for elkhorn and staghorn coral. Another suggested change included adding adaptive management to this alternative so that the prohibition on fishing could be reconsidered in the future.	Input regarding the design of the proposed marine reserve zone was provided by the public and stakeholders during a series of workshops in 2009 and analyzed in detail by a science team. A variety of sizes, shapes, and locations were considered for the marine reserve zone. The final configuration was determined to best meet the objectives of the marine reserve zone as described in appendix E. As part of the *Fishery Management Plan*, the establishment of Coral Reef Protection Areas outside of the marine reserve zone would be determined cooperatively with the FWC. The final plan is not proposing adaptive management in order to reconsider fishing in the future. This one, like other zones, could be considered in future planning efforts.
Zones – Noncombustion Zone / Slow Speed Zone / Idle Speed Zone Concerns	There was opposition to all or specific non-combustion and slow speed zones citing the expectation that they will reduce access for fishing and concentrate boating and fishing impacts in other parts of the park. The National Park Service was encouraged to consider the causes of seagrass scarring and develop	Variations of the zoning presented in the plan were considered. Two of the originally proposed slow speed (no wake) zones near the western mainland shoreline and Caesar Creek were renamed to make them consistent with the state's slow speed definition and Dade County Manatee Protection Plan manatee recovery plan to slow speed (minimal wake).

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	management actions to mitigate those causes other than zoning, including establishment of marked transit corridors to aid boaters in getting to and from fishing grounds within and across shallow waters. Commenters were concerned with the alternative 4 proposal of a combination of a noncombustion engine use zone and a slow speed zone due to the effects it would have on visitor access and the feasibility of marking the areas. Commenters expressed concerns that this proposed dual zone along the mainland shoreline in alternatives 6 and 7 was too wide. Some commenters suggested slower speed limits to be applied parkwide. Commenters suggested that the noncombustion engine use zone should allow idle speeds with the engine trimmed up. Similarly, it was suggested that additional public comments and cooperation with the FWC should be considered in establishing noncombustion engine use and slow speed zones. It was also suggested that depth and tides be considered in determining location of slow speed and noncombustion engine use zones in order to maximize access for motorized boats. Some commenters supported the slow speed and noncombustion engine use zone and suggested additional shallow water habitats that should be zoned as such for the protection of sensitive marine resources. Some commenters suggested idle speed zones with engines trimmed as an alternative to slow speed or noncombustion engine use zones. There was a suggestion that all zoning should be part of an adaptive management strategy where zoning is only as restrictive as the data supports the needs for restriction and emphasizing public access for fishing and motorized boat use. There was a suggestion that the park develop a navigational marking plan and educational plan to aid in compliance with zoning and transit corridors.	The slow speed zone on the western side of Elliott Key near Sands Cut was retained for visitor safety concerns. The slow speed (no wake) zones were renamed to idle speed (no wake) zone to make it consistent with the naming convention used outside park boundaries by other agencies including the State of Florida. Although some zoning names and descriptions used in this plan are not used by state and partner agencies, they were ultimately included in this Final GMP/EIS because they are needed to address the policies and purposes of different management prescriptions. Other zones names and description were retained because changing them would undermine visitor compliance, reduce visitor enjoyment, or increase the potential for visitors to encounter unsafe conditions. For example, the noncombustion engine use zone (which allows electric trolling motors) is prescribed in specific areas for resource and visitor protection, although consideration was given regarding potential impacts on recreational activities and visitor enjoyment. The noncombustion engine use zones proposed in the GMP would not eliminate fishing. Other zones the park reconfigured due to comments were presented in alternatives 6 and 7 as a result of public comments and consultation with partner agencies. These modifications were presented in the 2013 Supplemental Plan and are in chapter 2 of the 2011 Draft Plan and retained for the preferred alternative 8. The vast majority of park waters under any of the action alternatives are designated multiuse to accommodate easy access and a wide range of recreational pursuits. Areas with more restrictive zoning are zoned that way for specific goals and such restrictions are consistent with federal law as well as NPS policy and practice. In addition, the superintendent can set speed limits through the Superintendent's Compendium as necessary for public safety and/or resource protection as provided for in 36 CFR.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
Zones – Special Recreation Zone Education	A few commenters suggested that the National Park Service have mandatory training for certain types of uses in the park. One specific suggestion was to use the special activity license boater education program to educate anglers/boaters about proper anchoring rather than prohibiting anchoring in the special recreation zone. Another suggestion was to tie boat insurance and/or boat registration and boat rental agreements to a required boater education class. One commenter suggested a train the trainer program to be implemented in conjunction with other protected areas in south Florida.	The State of Florida has an existing boater education program. The park does not have the staff to administer a mandatory education program except where needed to meet the condition of a permit; for example, the fishing by permit or access by permit areas included in the various alternatives. Proper anchoring and use of mooring buoys would be one of the topics considered in developing the permittee education program for alternative 6. The park would periodically evaluate effectiveness of existing programs to meet park goals. Some ideas, such as tying boat insurance and/or boat registration and boat rental agreements to a required boater education class, is outside NPS authority.
Zones – Special Recreation Zone General Concerns and Suggestions	A wide range of comments were received regarding the specific prohibitions within the special recreation zone, with some advocating for lobster harvest by both commercial and recreational users, others advocating for a ban on commercial lobster harvest and a special permit for recreational lobster harvest, and some supporting the lobster harvest prohibition. Some commenters expressed concern that the fishing and lobstering prohibitions would shift pressure and cause overcrowding in other areas of the park. Some commenters expressed concern that the commercial ballyhoo lampara fishing should be prohibited in order to recover the prey fish on which the indicator fish feed. Other commenters expressed concerned that once the area is closed it would never be reopened to the public and that additional areas would be closed in the future. Some commenters suggested revisions to the management actions related to fishing and boating in the special recreation zone, such as developing coral protection zones, buoying off no-take zones, establishing additional no anchor zones, and adjusting bag limits on specific fish species. Some commenters stated that they would support the special recreation zone proposed in alternative 6 with increased law enforcement and would be willing to pay the permit fee if it resulted in more enforcement. Other commenters stated support for an educational component for special activity licenses. A number of commenters requested the	The *Fishery Management Plan*, a separate planning process, addresses fishing on a parkwide basis and includes coral protection areas, changes to bag limits and seasons, and changes to lobster harvest. The *Fishery Management Plan* also provides for phased termination of commercial fishing in park waters. Increased law enforcement and/or education are identified as part of each action alternative (see chapter 2 of the Final GMP/EIS). The National Park Service and the FWC set special activity license limits (i.e., fishing permits for this zone) issued under the 2013 Supplemental Plan by using the estimated density of snapper and hogfish in hardbottom habitat and the estimated amount of hardbottom within the SRZ to calculate the total number of snappers and hogfish within the SRZ; then used estimates of the daily harvest rate per person within the park to calculate the number of special activity licenses it would take to remove 50% of the legal-sized snapper and hogfish from the SRZ each year. Since 2013, the National Park Service adjusted these estimates, which resulted in the reduction of the initial number of permits recommended. Snappers and hogfish were chosen as focal species as they are popular recreational species and the most abundant of the recreationally caught fish species within the proposed zone. The number of snappers was estimated by multiplying the density of observed fish on reef habitat by the amount of suitable reef habitat. The NPS determined that the amount of suitable reef habitat is less than originally estimated, which resulted in a final downward adjustment in snapper numbers by approximately 40%. Even with an adjustment in the assumption of the average number of fish

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	number of special activity licenses to fish in the special recreation zone be raised above the 400 licenses proposed in alternative 6. Alternative 6, as proposed in the 2013 Supplemental Plan, used special activity licenses to restrict recreational fishing pressure in the SRZ.	caught per fisherman per day, the number of permits would need to be lowered from 430 to approximately 340 recreational permits and 70 to 50 charter boat permits to maintain the 50% level of take originally proposed for this zone, according to the NPS adjustments to the original 2013 estimates. Alternative 6 is no longer the agency preferred alternative. The final preferred alternative does not include a special recreation zone or special activity licenses.
Zones – Special Recreation Zone Impacts	Some commenters expressed concern that the public interest in protecting the reef and marine resources of Biscayne Bay were not being served because alternatives 6 and 7 in general do not do enough to protect resources and allow for continued degradation of park resources. Some commenters added that the National Park Service is deferring resource protection to satisfy the demands of fishing interests. There was a concern that continued degradation of park resources could lead to impairment. Some commenters expressed concern that restricting fishing in the special recreation zone would put increased pressure on adjacent waters, namely the five-mile stretch of water south of the park and north of the Florida Keys National Marine Sanctuary and the area of park waters between Fowey and Government Cut. Some expressed concern that restricting commercial fishing would push the displaced commercial fishermen into the territories of other fishermen and result in conflict between commercial fishing interests.	Park management direction is established in the park's enabling legislation (Public Law 90-606) and described as management intent in chapter 1 of this plan. All action alternatives are intended to improve resource protection and provide for enhanced visitor enjoyment. The determination of impairment for the final preferred alternative will be addressed in an appendix to the Record of Decision. Some resources, particularly those associated with marine ecosystems, have been impacted and thus the General Management Plan seeks to address those impacts. Of particular concern are impacts to coral reefs and two options were considered as possible management actions to reduce those impacts and aid in reef recovery: a more restrictive no-take marine reserve zone and a less restrictive special recreation zone. Both zones have potential benefits and negative impacts, including the potential to displace fishing pressure to other areas, which are described in chapter 4 of the Final GMP/EIS. Based on published scientific studies and expert opinion, reducing fishing pressure and harvest by implementing a marine reserve zone is expected to achieve reef recovery and visitor experience goals including a beneficial spillover effect for fishing. Prohibitions on trapping, anchoring, and spearfishing serve to reduce impacts to invertebrate species and important reef fish within the zone. A positive ecosystem response is expected, including improvements among targeted invertebrates such as coral, lobsters, and crabs. Parkwide commercial and recreational fishing is further addressed in the *Fishery Management Plan*. The National Park Service listened to concerns and the final preferred alternative includes a marine reserve zone.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
Zones – Special Recreation Zone Location and Configuration	Many different geographic variations to the special recreation zone were submitted by commenters. Many commenters suggested moving the southern boundary of the special recreation zone to Caesar's Creek and there were mixed comments regarding whether the smaller protected area should be managed as a special recreation zone or as a marine reserve, or as a similarly restricted use area. Some commenters expressed concern about the location of the special recreation zone and potential implications on primary transit routes for off-shore fishing activities. There was a suggestion to divide the special recreation zone or marine reserve zone into smaller segments with varying degrees of restriction on visitor activities and fish harvest. Another suggestion included establishing a closed area on a small section of the reef and then establishing the special recreation zone in the waters surrounding the closed area with provisions to seasonally restrict fishing during spawning periods. Other commenters suggested rotating the location of the special recreation zone and/or marine reserve zone.	Smaller protected areas were considered but were determined to be unlikely to meet the resource protection goals stated in the General Management Plan. As described in appendix E, the best available science, expert opinion, and public comments are reflected in the size, shape, and location of the marine reserve to achieve resource protection goals and provide for non-extractive visitor uses while still accommodating a wide range of water-based recreational pursuits in the park's multiuse zone. The final preferred alternative includes a marine reserve zone and does not include a special recreation zone. The location of the marine reserve zone provides for continued use of Pacific Reef Channel for offshore transit. A split marine reserve zone/special recreation zone combination was considered but ultimately dismissed because of difficulties in marking and enforcement. Research has shown that the approach of rotating marine protected area boundaries is ineffective in recovering fish populations from overfishing; thus, static zone boundaries are proposed for use at Biscayne National Park. Other boundary adjustment suggestions were taken into consideration in delineating the zone boundaries of the park's final preferred alternative as presented in the Final GMP/EIS.
Zones – Special Recreation Zone Science	Many commenters questioned the scientific basis of the special recreation zone, the actual science and methods used in analysis, and/or the accuracy of such data. Several commenters expressed concern that the specific metrics and thresholds were not clearly defined and linked to specific management actions for the special recreation zone, such as changes to number of permits issued, bag limits, or species harvested. Several commenters were concerned that the goals were either not defined or not defined well enough to adequately measure success. A few commenters expressed concern that the level of detail in the impact analysis is insufficient given the specificity of the proposed actions. Several commenters made note of additional studies or references that they felt should be considered and many commenters provided anecdotal evidence contrary to the data used to inform the General Management Plan, particularly as	The National Park Service, in cooperation with the FWC, identified the special recreation zone as a novel approach using known fisheries management practices to reduce fishing pressure and improve fisheries habitat through adaptive management (see appendix F for details). There were multiple concerns with science, equity, and effectiveness of the special recreation zone and the final preferred alternative does not include the special recreation zone.

RESPONSE TO COMMENTS

Topic	Concern Statement	Response
	it related to abundance of specific species, boating pressure, fishing pressure and other fishery dependent data, sources of fishery and/or reef habitat declines, and the anticipated effectiveness of various zoning schemes to reduce ecological impacts. Some commenters asked that the General Management Plan include additional information regarding how the proposed special permit license system described in alternative 6 would realize a positive impact on the size and abundance of targeted invertebrate species populations. Other commenters generally questioned the efficacy of the fishing restrictions in the special recreation zone and their ability to achieve reef recovery.	

SELECTED REFERENCES

Adams, C. and S. Blair
2014 Imperiled water quality of Biscayne Bay: the economics of what's at stake. Florida Sea Grant, University of Florida. https://www.flseagrant.org/wp-ontent/uploads/Imperiled-Water-Quality-in-Biscayne-Bay.pdf.

Alleman, R., S. Bellmund, D. W. Black, S. E. Formati, L. K. Gulick and J. A. VanArman
1995 "Biscayne Bay Surface Water Improvement and Management Plan." Two volumes: Planning Document and Technical Supporting Document. Planning Department, South Florida Water Management District, West Palm Beach, FL

Alvear, E. M. R.
2012 Science and Public Input: Biscayne National Park's Proposed Marine Reserve. Proceedings of the 12th International Coral Reef Symposium, Cairns, Australia, 9-13 July 2012 18D Strengthening science-management partnerships.

Ault, J. S., S. G. Smith, G. A. Meester, J. Luo, and J. A. Bohnsack
2001 "Site Characterization for Biscayne National Park: Assessment of Fisheries and Essential Habitats." Final Report to the National Park Service. On file at Biscayne National Park, Homestead, Florida.
2002 Ault, J. and S. Smith. Unpublished data. University of Miami.

Ault, J. S., S. G. Smith, D. McClellan, N Zurcher, E. C. Franklin, and J. A. Bohnsack
2008 "An aerial survey method for estimation of boater use in Biscayne National Park during 2003–2004." University of Miami, Rosenstiel School of Marine & Atmospheric Science.

Ault, J. S., S. G. Smith, J. A. Bohnsack, J. Luo, N. Zurcher, D. McClellan, T. Ziegler, D. Hallac, M. Patterson, M. Feeley, B. Ruttenberg, J. Hunt, D. Kimball, and B. Causey
2013 Assessing coral reef fish population and community changes in response to marine reserves in the Dry Tortugas, Florida, USA. Fisheries Research, 144, pp. 28-37.

Ballantine, B.
2014 Fifty years on: Lessons from marine reserves in New Zealand and principles for a worldwide network. Biological Conservation 176 (2014) 297-307.

Barker, N. L. and C. M. Roberts
2004 Scuba diver behavior and the management of diving impacts on coral reefs. *Biological Conservation* 120:4. pp 481–89.

Bartholomew, A., and J. A. Bohnsack
2005 "A review of catch-and-release angling mortality with implications for no-take reserves." Reviews in Fish Biology and Fisheries 15.1-2 (2005): 129–154.

Beditz, L. C. M.
1980 "Offshore Reefs Archeological District, Biscayne National Park [Florida]." National Register of Historic Places nomination form. Southeast Regional Office, National Park Service, Atlanta, Georgia, March 21, 1980. Listed in the National Register of Historic Places on August 24, 1984.

Bhat, M. G.
2003 "Application of nonmarket valuation to the Florida Keys marine reserve management." *Journal of Environmental Management*, Vol. 67 pages 315–325.

Biscayne Bay Partnership Initiative (BBPI)
2001 "Science Survey Team Report," pp. 65–230. In: Biscayne Bay Partnership Initiative. Survey Team Final Reports. Florida Atlantic University, Joint Center for Environmental and Urban Problems.

Bohnsack J. A.
1994 How marine fishery reserves can improve reef fisheries." Proceedings of the 43rd Gulf and Carribean Fisheries Institute. 43: 217-241.
2011 "Impacts of Florida coastal protected areas on recreational world records for spotted seatrout, red drum, black drum, and common snook." *Bulletin of Marine Science* 87(4):939–970.

Bohnsack, J. A. and J. Ault
1996 "Management strategies to conserve marine biodiversity." *Oceanography* 9(1): 73-82.

Brandt, M. E., N. Zurcher, A. Acosta, J. S. Ault, J. A. Bohnsack, M. W. Feeley, D. E. Harper, J. H. Hunt, T. Kellison, D. B. McClellan, M. E. Patterson, and S. G. Smith
2009 A cooperative multiagency reef fish monitoring protocol for the Florida Keys coral reef ecosystem. Natural Resource Report. NPS/SFCN/NRR—2009/150. National Park Service, Fort Collins, CO.

Briceno, H., J. Boyer, and P. Harlem
2010 "Proposed Methodology for the Assessment of Nutrient Criteria for South Florida Estuaries and Coastal Waters." Southeast Environmental Research Center, Florida International University; Miami, FL.

Caccia, V. G. and J. N. Boyer
2005 "Spatial Patterning of Water Quality in Biscayne Bay, Florida as a Function of Land Use and Water Management. Marine Pollution Bulletin pgs. 1416–1429.
2007 "A Nutrient Loading Budget for Biscayne Bay, Florida." Southeast Environmental Research Center, *OE-Marine Pollution Bulletin* 54: 994–1008, July 7.

Carr, R. and J. Beriault
2009 Archeological Survey of the Sands Key Site, 8Da4582, Biscayne National Park, Miami-Dade County, Florida." Manuscript on File, Biscayne National Park, Homestead FL.

Chadwick-Furman, N. E.
1997 Effects of SCUBA diving on coral reef invertebrates in the U.S. Virgin Islands: implications for the

management of diving tourism. In: den Hartog, J. C. (Ed.), Proceedings of the Sixth International Conference on Coelenterate Biology. Nationaal Naturhistorisch Museum., pp. 91–100.

Cicchetti, C. J. and V. K. Smith
1973 Congestion, quality deterioration and optimal use: wilderness recreation in the Spanish Peaks Primitive Area. *Social Science Research* 2, 15–30.
1976 The Costs of Congestion: An Econometric Analysis of Wilderness Recreation. Ballinger, Cambridge, MA.

Clawson, M. and J. L. Knetsch
1966 "Economics of Outdoor Recreation." The Johns Hopkins Press, Baltimore, MD.

Colette, A.
2007 Case Studies on Climate Change and World Heritage. Paris: UNESCO World Heritage Center. Retrieved from http://whc.unesco.org/uploads/activities/documents/activity-473-1.pdf. Accessed on 6/30/2010.

Covington, J. W.
1993 *The Seminoles of Florida*. University of Florida Press, Gainesville.

Cullison, D. and J. B. Leynes
1997 "The Boca Chita Key Historic District, Biscayne National Park, Florida." National Register of Historic Places nomination form. Southeast Regional Office, National Park Service, United States Department of the Interior, Atlanta, Georgia, May 28, 1997. Listed in the National Register of Historic Places on August 1, 1997.

Miami-Dade County Department of Environmental Resources Management (DERM)
See Miami-Dade County DERM

De Gale, A.
1997 "Sir Lancelot Jones, Key Biscayne Pioneer." *Miami Herald*. 28 Dec, 4B.

Department of the Interior (USDI)
2010 Memorandum Of Understanding Between the U.S. Department of the Interior, National Park Service and the U.S. Fish and Wildlife Service to Promote the Conservation of Migratory Birds. Washington, DC.

Derr, M.
1998 Some Kind of Paradise: A Chronicle of Man and the Land in Florida. William Morrow and Company, Inc., New York, NY.

Downs, M., M. Shivlani, D. Suman, J. Underwood, J. Russell, and M. Watson
2003 "Biscayne National Park Ethnographic Overview and Assessment" Prepared by EDAW, Inc. San Diego, CA. On file at Biscayne National Park, Homestead Florida.

Dupont, J. M., W. C. Japp, and P. Hallock
2008 A retrospective analysis and comparative study of stony coral assemblages in Biscayne National Park, FL (1977–2000). *Caribbean Journal of Science* 44(3): 334-344.

Ecology and Environment
2007 Miami-Dade Water and Sewer Department Reuse Feasibility Update, April 2007." From: http://www.miamidade.gov/wasd/water_reclaim_study.asp. (2010).

"Effects of Heated Effluent on Siderastrea sidereal, a Hermatypic Coral, in Biscayne Bay, Florida"
n.d. Available on the Internet at: www.uncwil.edu/nurc/evs380/student_prop_coral.pdf. Accessed 2009.

Emmel, T. C.
1995 "Designated Species Management Plan for the Reintroduction of the Schaus Swallowtail Butterfly in the Florida Keys." University of Florida, Gainesville, FL.
2000 "Annual Population Status of Schaus Swallowtail (Year 2000)." Investigator's annual report to the National Park Service. Available on the Internet at: http://science.nature.nps.gov/ servlet/Prmt_PubIndex

Environmental Defense Fund (EDF)
2008 "Corals and Climate Change: Florida's Natural Treasures at Risk." By T. Gibson, H. Wanless, J. Klaus, P. Foster-Turley, K. Florini, and T. Olson. Available at http://www.edf.org/floridacorals.

EDAW, Inc.
2003 "Biscayne National Park Ethnographic Overview and Assessment. Final Report." October.

Fish, J. E. and M. Stewart
1991 "Hydrogeology of the Surficial Aquifer System, Dade County, Florida." US Geological Survey. Water-Resources Investigations Report 90-4108. Tallahassee, FL.

Fisher, A. C., and J. Krutilla
1972 Determination of optimal capacity of resources-based recreation facilities. *Natural Resources Journal* 12, 417–444.

Florida Department of Environmental Protection (FDEP)
2010a Southeast Coast – Biscayne Bay Group 4 Basin – Southeast District, Cycle 2 draft Verified List.
2010b Southeast Coast – Biscayne Bay Group 4 basin – Southeast District, Cycle 2 draft Delist List.

Florida Fish and Wildlife Conservation Commission (FWC)
2001 Memorandum to Ken Haddad, Director-Division of Marine Fisheries from Robert G. Muller, Research Scientist-Florida Marine Research Institute. http://www.floridaconservation.org/commission/2001/ may/ snk_opt.%20rev2.pdf
2013 *A Species Action Plan for Six Imperiled Wading Birds: Little Blue Heron (*Egretta caerulea*), Reddish Egret (*Egretta refescens*), Roseate Spoonbill (*Platalea ajaja*), Snowy Egret (*Egretta thula*), Tricolored Heron (*Egretta tricolor*), White Ibis (*Eudocimus albus*).*

Florida Inland Navigation District
2002 "Atlantic Intracoastal Waterway." Jupiter, Florida: Internet Website www.aicw.org.

Florida Legislature. Florida Office of Economic and Demographic Research
2010a "Miami-Dade County." Retrieved from http://EDR.state.fl.us.
2014a "Florida Estimates of Population 2014". Retrieved from http://EDR.state.fl.us.
2014b "Florida Population by Count, 1970 through 2040". Retrieved from http://EDR.state.fl.us.

Florida Oceans and Coastal Council
2009 "The Effects of Climate Change on Florida's Ocean and Coastal Resources. A Special Report to the Florida Energy and Climate Commission and the People of Florida." Tallahassee, FL 34 pp.

Florida Power & Light Company (FPL)
2002 "Home Page." Internet Website www.fpl.com.

Gannon, M., ed.
1996 The New History of Florida. University of Florida Press, Gainesville.

Gardner, T. A., I. M. Cote, J. A. Gill, A. Grant, and A. R. Watkinson
2004 "Hurricanes and Caribbean Coral Reefs: Impacts, Recovery Patterns, and Role in Long-Term Decline" *Ecology* 86: 174–184.

Gilpen, V.
n.d. "Parson Jones of Porgee Key." Date and source unidentified. Original copy in Biscayne National Park.

Governor's Commission for a Sustainable South Florida
1995 "Executive Summary." Retrieved from http://dlis.dos.state.fl.us/

Graves, G., M. Thompson, G. Schmitt, D. Fike, C. Kelly, and J. Tyrrell
2005 "Using Macroinvertebrates to Document the Effects of a Stormwater—induced Nutrient Gradient on a Subtropical Estuary; In *Estuarine Indicators* by Stephen A. Bortone, CRC Press.

Greater Miami Convention & Visitors Bureau (GMCVB)
2008 "2007 A Record Year for Travel & Tourism in Greater Miami and the Beaches." Appearing on the newupdatesonline website on March 2, 2008.
2010a "Greater Miami and the Beaches International Visitors Spent Record $11 Billion in 2009. Retrieved from centredaily.com.
2010b "Visitor Profile and Economic Impact Study January – December 2009". Prepared by Synovate – Travel and Leisure. Retrieved from http://www.miamiandbeaches.com
2014 "Greater Miami and the Beaches 2013 Visitor Industry Overview: Visitor Profile, Economic Impart, Hotel Performance, Jobs."

Hall, M. C.
2001 Trends in ocean and coastal tourism: the end of the last frontier? Ocean and Coastal Management, 44: 9-10. pp 601-618.

Halpern, B.
2003 The impact of marine reserves: Do reserves work and does reserve size matter? Ecological Applications, 13, (1), Supplement. pp. S117-S137.

Hazen and Sawyer
2005 "Biscayne Bay Economic Study: Task 3 Report – Final Biscayne Bay Economic Baseline and Trend Report". Retrieved from http://www.sfrestore.org/.

International Human Dimensions Programme (IHDP) on Global Environmental Change
2008 "Some Guidelines for Helping Natural Resources Adapt to Climate Change," by J. S. Baron, S. H. Julius, J. M. West, L. A. Joyce, G. Blate, C. H. Peterson, M. Palmer, B. D. Keller, P. Kareiva, J. M. Scott, and B. Griffith. IHDP Update 2: 46-52.

International Panel on Climate Change (IPCC)
2007 "Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change." Edited by S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K. B. Averyt, M. Tignor, and H. L. Miller. Cambridge University Press: Cambridge, United Kingdom and New York, NY.

"Intracoastal Waterway"
2002 "Atlantic Intracoastal Waterway, Florida Inland Navigation District, 2002." Internet Website www.enclopedia.com.

Ishman, S. E.
1997 "Ecosystem History of South Florida: Biscayne Bay Sediment Core Descriptions." U.S. Geological Survey, Reston, VA. Open File Report 97-437.

Jackson, J. B. C., M. K. Donovan, K. L. Cramer, and V. V. Lam (editors).
2014 Status and Trends of Caribbean Coral Reefs: 1970–2012. Global Coral Reef Monitoring Network, IUCN, Gland, Switzerland.

Jaeger Company
2010 "Biscayne National Park Historic Structure Report and Cultural Landscape Inventory for Boca Chita Key Historic District." Manuscript on file, Biscayne National Park, Homestead, FL.

Johns, G., V. Leeworthy, F. Bell, and M. Bonn
2001 "Socioeconomic Study of Reefs in Southeast Florida: Final Report, Oct. 19, 2001, for Broward County, Palm Beach County, Miami-Dade County, and Monroe County." Florida Dept. Fish and Wildlife Conservation Commission, National Oceanic and Atmospheric Administration, Washington, D.C.; Hazen and Sawyer (editors), Hollywood, FL, in association with Florida State University and National Oceanic and Atmospheric Administration.

Katon, B. M., R. S. Pomeroy, A. Salamanca, and L. Garces
1999 "Fisheries Management of San Salvador Island: A Shared Responsibility." Society and Natural Resources 12:777-795.

Kellison, G. T., V. Mcdonough, D. E. Harper, and J. T. Tilmant
2012 Coral Reef Fish Assemblage Shifts and Declines in Biscayne National Park, Florida, USA. *Bulletin of Marine Science* 88:147–182.

Klein, H. and J. E. Hull
1978 "Biscayne Aquifer, Southeast Florida." U.S. Geological Survey, Water Resources Investigation 78–107.

Krieger, J. R. and N. E. Chadwick
2012 Diving tourism on coral reefs in Florida: Variation in recreational diver behavior and impacts on reef corals. A thesis submitted to the Graduate Faculty of Auburn University. May 7, 2012.

Lanzendorf, B.
2001 "The Probability of Locating Submerged Native American Sites at Dry Tortugas National Park and Biscayne National Park." Homestead, Florida: Cultural Resources Branch, Biscayne National Park, National Park Service, U.S. Department of the Interior.

Lawson, C.
2009 Trip report on archeological survey and assessment of Sands and Soldier Key, Biscayne National Park, Homestead, Florida, February 9–19, 2009. SEAC Acc. 2225. Manuscript on file, Southeast Archeological Center, Tallahassee, FL.

Leeworthy, V. R. and P. C. Wiley
2003 "Socioeconomic Impact Analysis of Marine Reserve Alternatives for the Channel Islands National Marine Sanctuary." U.S. Department of Commerce, National Oceanic and Atmospheric Administration. National Ocean Service, Special Projects. Silver Spring, MD.

Lester, S. E., B. S. Halpern, K. Grorud-Colvert, J. Lubchenco, B. Il Ruttenberg, S. D. Gaines, S. Airamé, R. R. Warner
2009 Biological effects within no-take marine reserves: a global synthesis. Marine Ecology Progress Series, Vol. 384:33–46, (doi: 10.3354/meps08029).

Leynes, J. B. and D. Cullison
1998 "Biscayne National Park Historic Resource Study [Florida]." Atlanta, Georgia: Southeast Regional Office, National Park Service, U.S. Department of the Interior.

Lietz, A. C.
1999 "Methodology for Estimating Nutrient Loads Discharged from the East Coast Canals to Biscayne Bay, Miami-Dade County, Florida." USGS Water-Resources Investigations Report 99-4094. Fort Lauderdale, FL: USGS.

Lietz A. C. and M. T. Meyer
2006 "Evaluation of Emerging Contaminants of Concern at the South District Wastewater Treatment Plant Based on Seasonal Sampling Events, Miami-Dade County, Florida, 2004." U.S. Geological Survey Scientific Investigations Report 2006–5240.

Lirman, D.
n.d. Reef fish communities associated with Acropora palmate: Relationships to benthic attributes. *Bulletin of Marine Science* 65(1): 235–252.

Loehman, R. and G. Anderson
2009 "Understanding the Science of Climate Change: Talking Points—Impacts to the Atlantic Coast." Natural Resource Report NPS/NRPC/NRR-2009/095. National Park Service, Fort Collins, CO.

Mazzotti, F. J.
2002 Personal communication. University of Florida, wildlife ecologist.

Mazzotti, F. J. and M. S. Cherkiss
1998 "Status and Distribution of the American Crocodile (*Crocodylus acutus*) in Biscayne Bay." Final project report to the South Florida Water Management District. South Florida Water Management District, West Palm Beach, FL.

McCreedy, C., C. A. Toline, and V. McDonough
2012 "Lionfish response plan: A systematic approach to managing impacts from the lionfish, an invasive species, in units of the National Park System." Natural resource report NPS/NRSS/WRD /NRR – 2012/497. National Park Service, Fort Collins, CO.

McDonough, V.
2008 Management Plan for the Introduced Indo-Pacific Lionfish (Pterois volitans and Pterois miles) in Biscayne National Park, Florida

McNicoll, R. E.
1941 The Caloosa village Tequesta: a Miami of the sixteenth century. Tequesta, 1:11-20.

Medio, D. R. F., G. Ormond, and M. Pearson
1997 "Effect of briefings on rates of damage to corals by scuba divers." *Biological Conservation* 79:1. 91-95 pp.

Miami-Dade County Department of Environmental Resources Management (DERM)
1996 "Dade County Manatee Protection Plan" DERM Technical Report 95-5. Dade County, Department of Environmental Resources Management, Miami, FL.
2002 Personal communication with Kevin Mayo.

Miami-Dade County, Florida, Government
2002 "County Parks and Recreation." Internet Web-site: www.co.miami-dade.fl.us
2010 "About Miami-Dade County: History". Retrieved from http://www.miamidade.gov.
2011 "Motor Vehicles Titles and Registrations." Internet Web-site: http://www.miamidade.gov/taxcollector/motor-vehicle-titles.asp

Miami-Dade Government/WASD Website; http://www.miamidade.gov/wasd/water_reclaim.asp

Miami-Dade Manatee Protection Plan Review Committee (MPPRC)
2009 "Miami-Dade Manatee Protection Plan Data and Information Collection Final Report." June 2009. Retrieved from www.miamidade.gov/

derm/library/mpprc/data_report_july_09.pdf.

Migliaccio, K. W. and B. M. Castro
2009 "Storm Event Sampling in Biscayne Bay Watershed. Final Report for South Florida Water Management District."

Migliaccio, K. W. and R. O. Carey
2008 "Biscayne Bay and Watershed Water Quality Data Analysis. Final Report for South Florida Water Management District."

Milano, G. R.
1983 "Bottom Communities of Biscayne Bay: Map." Unpublished Technical Report. Department of Environmental Resources Management, Dade County, FL.

Milton, J. W. and E. Thunberg
1993 "A Regional Analysis of Current and Future Florida Resident Participation in Marine Recreation Fishing." Florida Sea Grant College Program Project Number R/FDNR-3D. Sea Grant Report Number 112, University of Florida Gainesville, FL.

Minno, C. M. and M. Minno
2009 "A Plan to Conserve Rare Butterflies in the Florida Keys." National Marine Fisheries Service (NMFS).
2001 Status of Fisheries of the United States — Report to Congress. http://www.nmfs.noaa.gov/sfa/.

Mumby, P. J., A. Hastings, and H. J. Edwards
2007 Thresholds and the Resilience of Caribbean Coral Reefs. *Nature* 450, 98–101.

Mumby P. J., A. R. Harborne, J. Williams, C. V. Kappel, D. R. Brumbaugh, F. Micheli, K. E. Holmes, C. P. Dahlgren, C. B. Paris, P. G. Blackwell
2007 "Trophic cascade facilitates coral recruitment in a marine reserve." Proceedings of the National Academy of Sciences USA 104:8362-8367.

Mumby, P. J., and A. R. Harborne
2010 Marine reserves enhance the recovery of corals on Caribbean reefs. PLoS ONE 5:1-7.

Mumby, P. J., N. H. Wolff, Y-M. Bozec, I. Chollett, and P. Halloran
2013 "Operationalizing the resilience of coral reefs in an era of climate change." Conservation Letters. doi: 10.1111/conl.12047.

National Marine Fisheries Service (NMFS)
2001 Status of Fisheries of the United States – Report to Congress. http://www.nmfs.noaa.gov/sfa
2009 *Smalltooth Sawfish Recovery Plan* (*Pristis pectinata*). Prepared by the Smalltooth Sawfish Recovery Team for the National Marine Fisheries Service, Silver Spring, MD.
2014 Recreational Fisheries Statistics Queries. http://www.st.nmfs.noaa.gov/st1/recreational/queries
2014a "Endangered and Threatened Wildlife and Plants: Final Listing Determinations on Proposal to List 66 Reef-Building Coral Species to Reclassify Elkhorn and Staghorn Corals."

https://www.federalregister.gov/articles/2014/09/10/2014-20814/endangered-and-threatened-wildlife-and-plants-final-listing-determinations-on-proposal-to-list-66

2014b "Draft Recovery Plan Elkhorn Coral (*Acropora palmate)* and Staghorn Coral (*A. cervicornis)*." http://www.nmfs.noaa.gov/pr/recovery/plans/elkhorn_staghorn_corals_draft2014.pdf

National Parks Conservation Association (NPCA)

2006 "The U.S. National Park System: an Economic Asset at Risk." Prepared for the NPCA by Jared Hardner and Bruce McKenney of Hardner & Gullison Associates, Amherst, NH.

2010 "Adams Key, Biscayne Park: Adams Key, Black Caesar, and Lancelot Jones" NPCA website, accessed November 3, 2010 at http://www.npca.org/cultural_diversity/treasures/ biscayne.html.

National Park Service (NPS), U.S. Department of the Interior

1993 "Study Plan for Water Resources: Scoping Report for Biscayne National Park." Prepared by Gary Hendrix, PhD. On file at Biscayne National Park.

1996a "Effects of Hurricane Andrew on Natural and Archeological Resources in Big Cypress National Preserve, Biscayne National Park, and Everglades National Park." Technical report NPS/NRGCC/NRTR/9602.

1996b "History of Soldier Key: A Preliminary Historical Study and Annotated Listing of Historical References." Homestead, Florida: Cultural Resources Branch, Resource Management Division, Biscayne National Park, U.S. Department of the Interior. Authored by Jim Adams and Terence L. Helmers.

1997a National Register of Historic Places Registration Form, Boca Chita Key Historic District.

1997b National Register of Historic Places Registration Form, Sweeting Homestead/ Sweeting Plantation.

1998a "Cultural Resource Management Guidelines." Director's Order 28. Washington, DC: Washington Office.

1998b "Biscayne Annual Fisheries Report 1997." Unpublished. Authors: B. Lockwood and W. B. Perry, Biscayne National Park.

1999 "Cultural Resources Management Plan, Biscayne National Park, Florida" by Jim Adams. Homestead, Florida: Cultural Resources Branch, Resource Management Division, Biscayne National Park.

2000a "Stiltsville Timeline of Historic Events" by Jim Adams. Homestead, Florida: Cultural Resources Branch, Resource Management Division, Biscayne National Park.

2000b "The History of Stiltsville" by Jim Adams Revised edition, Homestead, Florida: Cultural Resources Branch, Resource Management Division, Biscayne National Park. First written in 1996.

2001a "Biscayne National Park Sea Turtle Monitoring Program 1991–2001." Prepared by

Eliza Gilbert. On file at Biscayne National Park, Homestead FL.

2001b "Biscayne National Park Visitor Study: Spring 2001." by Simmons, T. Cooperative Park Studies Unit, University of Idaho.

2002b "Review Draft, Cultural Resource Management Plan, Biscayne National Park, Florida" by Jim Adams and Brenda Lanzendorf. Cultural Resource Branch, Resources Management Division, Biscayne National Park. Homestead, FL.

2006 "Management Policies 2006." Washington, DC: Washington Office.

2008 Fishery Management Plan Draft Environmental Impact Statement. Biscayne National Park.

2009a "National Park Visitor Spending and Payroll Impacts 2008" by Daniel J. Stynes. Department of Community, Agriculture, Recreation and Resource Studies. Michigan State University. October 2009.

2009b NPS Public Use Statistics Office.

2009c "Potential Ecological Consequences of Climate Change in South Florida and the Everglades: 2008 Literature Synthesis." Resource Evaluation Report, SFNRC Technical Series 2009:1. South Florida Natural Resources Center, Everglades National Park. Homestead, FL.

2011 National Park Service Archeological Site Management and Information System (updated periodically).

2012 Annual administrative report (FY 2011) and work plan (FY 2012) for inventories and vital signs monitoring, South Florida/ Caribbean Network. IA: 34.

2014 2013 National Park visitor spending effects: Economic contributions to local communities, states, and the nation by C. Cullinane Thomas, C. Huber, and L. Koontz. Natural Resource Report NPS/NRSS/EQD/ NRR—2014/824. National Park Service, Fort Collins, CO.

National Park Service South Florida / Caribbean Network

2013 Annual administrative report (FY 2012) and work plan (FY 2013) for inventories and Vital Signs monitoring: South Florida / Caribbean Network. Natural Resource Report NPS/SFCN/NRR - 2013/702. National Park Service, Fort Collins, CO.

National Oceanic and Atmospheric Administration (NOAA)

1999 "Turning to the Sea: America's Ocean Future." Washington, D.C.: U.S. Department of Commerce. http://www.publicaffairs.noaa.gov/oceanreport/.

2002 The State of Coral Reef Ecosystems of the United States and Pacific Freely Associated States: 2002. Written by D. D. Turgeon et al. National Oceanic and Atmospheric Administration/ National Ocean Service/ National Centers for Coastal Ocean Science, Silver Spring, MD.

2005 Smalltooth sawfish (*Pristis pectinata*) information page. http://www.nmfs.noaa.gov/pr

/species/fish/Smalltooth_sawfish.html.

National Research Council (NRC) of the National Academies
2008 "Progress Towards Restoring The Everglades: The Second Biennial Review, 2008." Committee on Independent Scientific Review of Everglades Restoration Progress, National Research Council. The National Academies Press, Washington, DC. Available at http://www.nap.edu/catalog/12469.html.

Newman, M. J. H., G. A. Paredes, E. Sala, and J. B. Jackson
2006 Structure of Caribbean Coral Reef Communities Across a Large Gradient of Fish Biomass. *Ecology Letters*, 9: 1216–1227.

Niemiec, P. and B. E. Mattick
1997 "Sweeting Homestead / Sweeting Plantation, Biscayne National Park, Florida." National Register of Historic Places nomination form, July 10, 1997. Florida Bureau of Historic Preservation, Tallahassee, FL. Listed in the National Register of Historic Places on September 19, 1997.

Niedhauk, C.
1969 Pioneering on Elliott Key, 1934–1935. Tequesta, 29:27–45.

Nowlis, J. S.
2000 Short- and long- term effects of three fishery management tools on depleted fisheries. *Bulletin of Marine Science* 66(3): 651–662.

Ogden, J. C. et al.
2014 "Waterbirds as indicators of ecosystem health in the coastal marine habitats of southern Florida: 1. Selection and justification for a suite of indicator species." *Ecological Indicators* 44 (2014) 148-163.

Paddock, M. J. et al.
2009 "Recent Regionwide Declines in Caribbean Reef Fish Abundance." *Current Biology* 19: 590-595.

Porter, J. and O. Meier
1992 "Qualification of Loss and Change in Floridian Reef Coral Populations" *American Zoologist*, Vol. 32, No. 6, pp. 625–640.

Prince, R. and E. Ahmed
1988 Estimating individual recreation benefits under congestion and uncertainty. Journal of Leisure Research 20, 61–76.

Rodgers, J. A. and H. T. Smith
1995 "Set-back Distances to Protect Nesting Bird Colonies from Human Disturbance in Florida." Conservation Biology 9(1):89–99.

Russ, G. R., and A. C. Alcala
1996 "Do Marine Reserves Export Adult Fish Biomass? Evidence from Apo Island, Central Philippines." Marine Ecology Progress Series 132:1-9.

Ruzicka, R., M. Colella, K. Semon, V. Brinkhuis, J. Morrison, J. Kidney, J. Porter, M. Meyers, M. Christman, and J. Colee
2010 CREMP 2009 Final Report. Fish & Wildlife Research Institute/ Florida Fish and Wildlife Conservation

Commission. Saint Petersburg, FL. 110 pp.

Sargent, F. J., T. J. Leary, D. W. Crewz, and C. R. Kruer
1995 "Scarring of Florida's Seagrasses: Assessment and Management Options." Florida Marine Research Institute Technical Report TR-1, Florida Marine Research Institute, St. Petersburg, FL.

Scholz, A., K. Bonzon, R. Fujita, N. Benjamin, N. Woodling, P. Black, and C. Steinback
2004 "Participatory Socioeconomic Analysis: Drawing on Fishermen's Knowledge for Marine Protected Area Planning in California." Marine Policy 28:335–349.

Sciberras, M., S. R. Jenkins, M. J. Kaiser, S. J. Hawkins, and A. S. Pullin
2013a Evaluating the biological effectiveness of fully and partially protected marine areas. Environmental Evidence 2.4

Sciberras, M., S. R. Jenkins, R. Mant, M. J. Kaiser, S. J. Hawkins, and A. S. Pullin
2013b Evaluating the relative conservation value of fully and partially protected marine areas. Fish and Fisheries doi: 10.1111/faf.12044.

Sears, W. H. and J. McGregor
1973 "An Archeological Survey of Biscayne National Monument." Tallahassee, Florida: Southeast Archeological Center, National Park Service, U.S. Department of the Interior.

Senor, B. L.
2010 A Park at their Doorstep: Understanding Local Residents' Use and Perceptions of Biscayne National Park. Thesis submitted to North Carolina State University in partial fulfillment for the degree of Master of Science. Raleigh, NC. Accessed at www.lib.ncsu.edu/resolver/1840.16/6083).

Serafy, J. E, K. C. Lindman, T. E. Hopkins, and J. S. Ault
1997 "Effects of Freshwater Canal Discharge on Fish Assemblages in a Subtropical Bay: Field and Laboratory Observation." *Marine Ecology Progress Series*, Vol. 160 pgs 161–171.

Skowronek, R. K. and G. R. Fischer
2009 HMS Fowey Lost and Found: Being the Discovery, Excavation, and Identification of a British Man-of-War Lost off the Capte of Florida in 1748. University Press of Florida, Miami.

Sorice, M. G., Chi-Ok Oh, and R. B Ditton
2007 "Managing Scuba Divers to Meet Ecological Goals for Coral Reef Conservation." Royal Swedish Academy of Sciences. Vol. 306, No. 4, June 2007.

Snyder, J. K., A. Herndon, W. B. Robertson Jr.
1990 "South Florida Rockland." *Ecosystems of Florida* edited by R. L. Myers and J. J. Ewel. Pages 230–278. University of Central Florida Press, Orlando FL.

South Florida Natural Resource Center, Everglades and Dry Tortugas National Parks, and Florida Fish and Wildlife Conservation Commission

2012 Dry Tortugas National Park Research Natural Area Science Plan, the Five-Year Report.

South Florida Water Management District

1995 "Surface Water Improvement and Management Plan for Biscayne Bay," by Richard W. Alleman, principal author. Planning Department, West Palm Beach, FL.

Szmant, A. M.

1987 Biological Investigations of the Black Creek Vicinity. Biscayne National Park." Research resources management report SER-87. U. S. Department of the Interior, National Park Service.

Tebeau, C.

1971 *A History of Florida*. University of Florida Press, Coral Gables.

Thorhaug, A.

1976 "The Vascular Plants of Biscayne Bay." Biscayne Bay: Past/present/ future. Edited by A. Thorhaug and A. Volke. Pages 95–102. Papers prepared for Biscayne Bay Symposium I. University of Miami Sea Grant College Program, Miami, FL.

U.S. Census Bureau, U.S. Department of Commerce

2000 2000 Census

2010a 2010 Census

2010b 2007 Economic Census

2014a State and County QuickFacts

2014b American Community Survey 2009-2013 5-Year Estimates. Table DP02.

2014c Population Estimates, Decennial Censuses. Release Number CB14-232.

2014d American Community Survey 2013 1-Year Estimates. Table DP03.

U.S. Coast Guard (USCG), U.S. Department of Homeland Security

2010 National Register of Historic Places Registration Form, Fowey Rocks Light (Draft). On file in the U.S. Coast Guard Historian's Office, Washington, DC.

U.S. Congress, Committee on Interior and Insular Affairs

n.d. H.R. Rep. No. 96-693.

U.S. Coral Reef Task Force

2000 "The National Action Plan to Conserve Coral Reefs." U.S. Department of the Interior, Washington, D.C.

U.S. Environmental Protection Agency (EPA)

1998 Final Guidance For Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analyses. Prepared under the direction of an EPA Workgroup co-chaired by Arthur Totten and Bill Dickerson of the Office of Federal Activities.

U.S. Fish and Wildlife Service (USFWS)

1982 "The Ecology of the Mangroves of South Florida: A Community Profile" by W. E. Odum, C. C. McIvor, and T. J. Smith III. Office of Biological Services, Washington, DC, FWS/OBS-81/24.

1984 "American Crocodile Recovery Plan." Atlanta, GA.

1999 "South Florida Multi-Species Recovery Plan." Atlanta GA. 2172 pp.
2001 Florida Manatee Recovery Plan (*Trichechus manatus latirostris*),Third Revision. U.S. Fish and Wildlife Service. Atlanta, GA.
2007 "Bald Eagle Monitoring Guidelines, Revision of 2006 Guidelines." Florida Ecological Services Field Offices in Jacksonville, Panama City, and Vero Beach.
2010 Endangered Species Webpage (http://www.fws.gov/endangered/wildlife.html). Accessed on May 27, 2010.
2014 Information, Planning, and Conservation Webpage (http://ecos.fws.gov/ipac/). Accessed on December 23, 2014.

U.S. Geological Survey (USGS)
1997 "Ecosystem History of South Florida: Biscayne Bay Sediment Core Descriptions" by Scott E. Ishman. Open-File Report 97-437.

Voss, G. L., F. M. Bayer, C. R. Robins, M. Gomon, and E. T. LaRoe
1969 "The Marine Ecology of the Biscayne National Monument," Institute of Marine Sciences, University of Miami.

Wheeler, R. J.
2000 "The Archaeology of Brickell Point and the Miami Circle." *Florida Anthropologist* 53: 294–322.

Wheeler, R. J. and B. E. Mattick
2001 "Brickell Point Site." National Register of Historic Places nomination form. Florida Bureau of Historic Preservation, Tallahassee, FL, December 2001. Listed in National Register of Historic Places on February 5, 2002.

White, A. T., C. A. Courtney, and A. Salamanca
2002 "Experience with Marine Protected Area Planning and Management in the Philippines." *Coastal Management* 30:1-26.

Wootton, R. J.
1992 *Fish Ecology*. Springer, 1992.

Wyle Laboratories
2000 "The Soundscape in South Florida National Parks." Wyle Research Report (WR 99-17), Prepared for U.S. Department of the Interior, National Park Service, Prepared by J. Micah Downing, Christopher.

PREPARERS AND CONSULTANTS

PREPARERS

Biscayne National Park

Christiana Admiral, Chief of Interpretation and Education
Elsa Alvear, Chief of Resource Management
Jacqueline Ayala, former Environmental Policy Intern
Robert Beech, former Chief of Maintenance
Amanda Bourque, PhD, Supervisory Ecologist
Linda Canzanelli, former Superintendent
Brian Carlstrom, Superintendent
Didier Carod, former Chief Ranger
Rick Clark, former Chief of Resource Management
Stephen Clark, former Chief Ranger
Kenneth Ginger, former Facility Manager
Susan Gonshor, former Chief Park Interpreter
Brenda Lanzendorf, former Archeologist.
Charles Lawson, Archeologist
Mark Lewis, former Superintendent
Jennifer Lopez, former Environmental Policy Intern
Willie Lopez, former Chief Ranger
Monica Mayr, former Assistant Superintendent
Vanessa McDonough, PhD, Supervisory Wildlife Biologist
George McHugh, Administrative Officer
Shelby Moneysmith, Biological Science Technician
Sula Jacobs, former Assistant Superintendent
Myrna Palfrey-Perez, former Assistant Superintendent
Holly Rife, former Chief Ranger
Alexis Roque, former Environmental Policy Intern
Ana Zangroniz, former Environmental Policy Intern

NPS Southeast Regional Office

Shawn Benge, Deputy Regional Director
Ben West, Regional Chief of Planning and Compliance
David Libman, Park Planner

South Florida Caribbean Network

Andrea Atkinson, PhD, Ecologist
Andy Estep, former Biological Science Technician
Mike Feeley, PhD, Marine Ecologist
Matt Patterson, Network Coordinator
Dr. Ben Ruttenburg, former Marine Ecologist

National Park Service Natural Resources Stewardship and Science

Jeff Cross, PhD, Chief of Oceans and Coastal Resources Branch (retired)
Cliff McCreedy, Marine Ecologist

NPS Denver Service Center

Greg Cody, Technical Specialist, Cultural Resource Compliance
Margaret DeLaura, former Project Manager (retired)
Steve DeGrush, Natural Resource Specialist
Sandee Dingman, former Natural Resource Specialist
Morgan Elmer, Project Manager
Pat Kenney, former Project Manager and DSC Planning Branch Chief
Tatiana Márquez, Economics Specialist
Cynthia Nelson, former Project Manager
April Nowak, former student employee
Larissa Read, Natural Resource Specialist
Matthew Safford, former Natural Resource Specialist
Harlan Unrau, Cultural Resource Specialist (retired)

Ann Van Huizen, Outdoor Recreation Planner (retired)
Gretchen Ward, former Cultural Resource Specialist
Paul Wharry, Technical Specialist, Natural Resource Compliance

NPS Denver Service Center Publications

Nell Conti, former GIS Chief
Laura Pernice, GIS Specialist
Damien Joseph, Graphics
Wanda Gray Lafferty, Editor
Kelly Hatton, Editor
Ruth Eitel, Visual Information Specialist, Denver Service Center (retired)
Christy Fischer, Editor, Denver Service Center (retired)

Consultants

Florida Fish and Wildlife Conservation Commission
NOAA Fisheries - National Marine Fisheries Service
Steve Miller and Brian Farris, Parsons Engineering Science, Inc., of Parsons Infrastructure and Technology Group, Inc.

INDEX

A

air quality, 31, 34
American crocodile, 12
American Indian, 15, 30, 41, 341
anchoring, 10, 14, 172, 299, 300, 316, 317
archeological resources, 41, 177, 299

B

boating, 8, 9, 39, 48, 302, 304, 309, 310, 314, 316, 318
Boca Chita Key, 164, 168, 304, 323, 326, 330

C

Caesar Creek, 166, 167, 314
climate change, 48, 163, 329
coral reefs, 9, 48, 163, 166, 172, 303, 317, 321, 327, 329
cultural landscapes, 43

E

Elliott Key, 9, 167, 314, 332

F

Florida Manatee, 312, 335
Fowey Rocks Lighthouse, 302

I

interpretation, 8, 16, 30, 46
invasive species, 302, 328

L

Legare Anchorage, 299, 305
lionfish, 173, 302, 307, 311, 328

M

marine reserve zone, 10, 11, 12, 13, 14, 163, 164, 165, 166, 167, 168, 169, 179, 299, 300, 301, 303, 304, 305, 306, 310, 311, 313, 314, 317, 318
Miami blue butterfly, 12

N

National Register of Historic Places, 14, 15, 41, 42, 311, 322, 323, 330, 332, 334, 335
Native American, 15, 30, 327
nonnative species, 29, 32

P

permits, 14, 45, 168, 173, 175, 178, 179, 180, 302, 311, 313, 316, 318
personal watercraft, 14, 309

S

Schaus swallowtail butterfly, 12
sea turtles, 12, 176
section 106, 14, 15
Section 7, 11
soils, 31, 37
soundscapes, 36
spearfishing, 10, 14, 173, 176, 305, 311, 317
Stiltsville, 8, 311, 330
stony corals, 167, 175

T

threatened and endangered species, 11, 34, 38
trails, 42, 44, 308

U

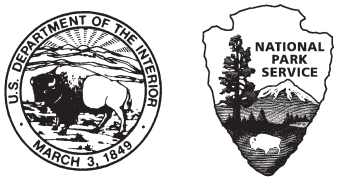
user capacity, 178

V

vegetation, 35, 37, 43, 48
visitor center, 14, 308, 312
visitor experience, 10, 36, 44, 45, 163, 164, 168, 172, 173, 174, 175, 176, 299, 309, 313, 317
visitor facilities, 312

W

wetlands, 31, 40
wildlife, 32, 35, 48, 303, 309, 328, 330, 335, 341



As the nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering sound use of our land and water resources; protecting our fish, wildlife, and biological diversity; preserving the environmental and cultural values of our national parks and historical places; and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to ensure that their development is in the best interests of all our people by encouraging stewardship and citizen participation in their care. The department also has a major responsibility for American Indian reservation communities and for people who live in island territories under U.S. administration.

NPS 169/106381B • April 2015

Printed on recycled paper

National Park Service
U.S. Department of the Interior

Biscayne National Park
Florida