
SWAMP BUGGIES THREATEN BIG CYPRESS NATIONAL PRESERVE

Congress established the Big Cypress National Preserve in 1974 to protect the teeming biodiversity in the area and ensure a fresh water supply from its wetlands into the western half of the Florida Everglades. Big Cypress is one of the largest public land tracts in the eastern United States, comprising approximately 729,000 acres. Located in the midst of booming population in south Florida and encroaching development, Big Cypress provides critical habitat for 30 wildlife and 60 plant species which are protected under federal or state law or international treaty, including the American alligator, West Indian manatee, Cape Sable seaside sparrow, and the critically endangered Florida panther.

Regulation of Off-Road Vehicle Use in Big Cypress:

The federal law that established Big Cypress requires the Preserve to be managed as part of the National Park System. As a result, the Preserve must be managed to achieve the fundamental purpose of the National Park Service Organic Act. That law requires the Park Service to “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C §1)

Furthermore, the Big Cypress law (16 USC § 698f et seq.) requires the Park Service to treat the conservation of natural resources as its foremost priority, placing “the preservation, conservation and protection of the natural, scenic, hydrologic, floral and faunal” values above “recreational” values, including off-road vehicle use. Therefore, Congress intended that the National Park Service allow off-road vehicle use in Big Cypress only to the extent compatible with conservation and protection of the Preserve’s natural values.

When Congress passed another law in 1988 adding 146,000 acres to the Preserve, it expressly required the Park Service to manage these lands in the same fashion as the original lands. Congress further noted that management should “enhance the protection of Everglades National Park which is dependent on the natural flow of water through Big Cypress for its ecological health” and to “protect a number of endangered species which are present in the area -- most importantly, the Florida panther which is in serious danger of extinction . . .”

Environmental Impacts of Off-Road Vehicles:

Despite these clear directives, for over 25 years swamp buggies and other off-road vehicles have run roughshod over the wetland soils of Big Cypress. Today, based on analysis by the University of Georgia, there are more than 23,000 miles of highly-destructive swamp buggy and other off-road vehicle routes in the Preserve, almost enough to circle the earth. Unlimited off-road vehicle use threatens the well-being of Florida panthers and other wildlife and the larger Everglades ecosystem.

- The panther is one of the most endangered large mammals in the world, with a total population estimated between 30 and 80 animals.
- According to the U.S. Fish and Wildlife Service, Big Cypress provides nearly two-thirds of the critical habitat necessary to sustain a minimum viable panther population in southern Florida. (Fish and Wildlife Service, Panther Habitat Preservation Plan)
- Swamp buggies and other off-road vehicles threaten panthers by increasing human activity in critical habitat, fragmenting that habitat, and facilitating hunting that reduces panther prey, especially white tail deer and feral hogs.
- The vehicles and the ruts they leave behind alter natural water flows, kill vegetation and contribute to soil erosion.

Off-Road Vehicle Management Plan is a Balanced Approach:

After years of failing to control swamp buggy use or limit damage to the environment, the National Park Service issued a common sense management plan in 2000. In the plan, the Service finally acknowledged the extensive ecological damage that off-road vehicles have inflicted on resources within Big Cypress.

- The management plan authorizes 400 miles of primary designated routes for swamp buggies and other off-road vehicles. It will bring some order to vehicular travel by establishing 15 specific points for off-road vehicle entry into the Preserve.
- The plan will not eliminate hunting and it protects vehicular access to private property.
- While full implementation of all aspects of the plan will begin to protect major portions of Big Cypress, additional steps must be taken to safeguard the entire Preserve, including protecting lands added in 1988 from the damage caused by off-road vehicles.

Management Plan Challenged, U.S. Department of Interior Offers Defense:

After the management plan was approved, the off-road vehicle community sued the Park Service in an effort to overturn it. The U.S. Department of Interior engaged in closed-door settlement negotiations throughout much of 2001. However, in an unexpected yet positive development, the Department ended negotiations in January 2002. Secretary of Interior Gale Norton deserves credit for resisting a settlement that would weaken the management plan, jeopardize the critically endangered Florida panther, and undermine efforts to protect the larger Everglades ecosystem.

The Department of Interior has offered a strong defense of the Park Service plan in court. In responding to claims by the swamp buggy community, the Department states that many “lack merit” or are without “basis in fact.” It makes clear that in developing the plan, the Park Service followed federal

law and made a number of changes in direct response to public comments. (Federal Defendants’ Memorandum of Law, March 14, 2002)

A federal court in Florida is expected to issue a decision on the lawsuit in 2003.