



National Parks Conservation Association®
Protecting Our National Parks for Future Generations®

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Biscayne National Park
9700 SW 328th St
Homestead, Fl 33033

Re: Mooring Buoy Marker Plan Draft Environmental Assessment

Dear Superintendent Lewis:

On behalf of the National Parks Conservation Association (NPCA), I am pleased to submit comments during the public comment period for the draft Environmental Assessment of Biscayne National Park's Mooring Buoy and Marker Plan.

The National Parks Conservation Association (NPCA) is a leading voice in protecting and enhancing our National Park System for present and future generations. NPCA is a nonprofit, nonpartisan, parks advocacy organization with more than 340,000 members, 19,000 here in Florida. NPCA supports the preferred Alternative B—Strategic and Adaptive Management, due to the need to protect the park's natural and cultural resources, provide for human safety, and improve the overall visitor experience.

Biscayne National Park (BNP) was established as a national monument in 1968, and elevated to national park status in 1980, "in order to preserve and protect [its natural resources] for the education, inspiration, recreation, and enjoyment of present and future generations." BNP is the largest marine park in the National Park System and includes part of the third-longest coral reef system in the world, the longest stretch of mangrove forest remaining on Florida's eastern seaboard, and many endangered species, including the West Indian manatee. BNP protects a truly unique marine environment that plays a critical role in the larger Florida coral reef ecosystem and the larger Everglades watershed.

NPCA has serious concerns about the current and future health of Biscayne National Park. NPCA supports the efforts of Biscayne National Park to take any and all corrective action to improve the health of the park and its visitors' experience. NPCA recognizes the Mooring Buoy Marker Plan (MBMP), along with the Coral Reef Restoration Plan (CRRP), Fisheries Management Plan (FMP), and the General Management Plan (GMP)—which includes marine reserves and zoning—are steps that could have benefits for the larger ecosystem, the park's coral reefs and fishery habitat, and park visitors. It is absolutely critical this MBMP work in concert with the park's other management plans to take the necessary proactive measures to repair the park's currently impaired ecosystem and work toward providing an improved visitor experience.

Biscayne National Park Conditions

The combined negative effects of overfishing, boat groundings, climate change, pollution, and uninformed park users have contributed to the serious decline of BNP's health and are endangering the park's critically important marine ecosystem. Using adaptive management the park's MBMP must place strong emphasis on both resource protection and visitor experience. The unique natural and cultural resources of BNP must be protected at a level consistent with the rest of America's national parks and a well designed and implemented MBMP should help the park work toward achieving that high level of protection.

In January 2006 NPCA released its State of the Parks resource assessment for Biscayne National Park. The report revealed BNP's natural and cultural resources are in "poor" condition (the park's natural resources scored just 58 out of a possible 100 and its cultural resources scored 48 out of a possible 100) and that the park needs greater funding and staffing to protect and restore Biscayne's natural freshwater flows, coral reefs, and historic treasures. BNP's ecosystems and cultural resources are national treasures and play an important role in the south Florida region. The park's natural resources suffer from inadequate freshwater flows, boat groundings and prop scarring, overfishing, and external development pressures, while BNP's cultural resources suffer from illegal relic hunting and poaching as well as a lack of staff to inspect and document each of the archaeological treasures.

As the park moves forward with the implementation of the MBMP and its other planning efforts, a strong sense of shared stewardship for the park's natural and cultural resources will be vital to their ultimate implementation and success. Current users and supporters of the park must work together with park managers to insure the development and implementation of these planning measures improves the park's natural and cultural resources and overall visitor experience.

Biscayne National Park Resource and Visitor Protection

The National Park Service(NPS) Organic Act should guide the Park's development of the MBMP. The Organic Act requires BNP managers to conserve natural resources ". . . by such means as will leave them unimpaired for the enjoyment of future generations." The legislative history of the Organic Act suggests that the "overriding purpose of the Organic Act was to preserve 'nature as it exists.'" While a fundamental purpose of national parks is also to provide for their use and enjoyment. Congress has mandated that when there is a conflict between conserving resources and enjoyment of them, conservation must predominate. Furthermore in the NPS Management Policies of 2006, parks like Biscayne are required to make management decisions that prevent unacceptable impacts to park resources, and that ultimately resource conservation takes precedence over visitor recreation.

The heart of BNP's ecologic health is seagrass and coral reefs. Seagrass and coral reefs provide refuge, spawning areas, and a food source for many fish and invertebrate species and the health of both Biscayne's seagrasses and coral reefs is critical to a variety of recreationally and commercially important fish/crustaceans, as well as several federally listed threatened and endangered species. Unfortunately, BNP's natural and cultural resources are impaired. These conditions are well documented in the MBMP and include "trash, bottles, and cans are common at several sites such as Sands Cut Shoals and Elliot Key Anchorage. . . .at Sands Cut sandbar, Biscayne Channel, and Stiltsville seagrass beds have been disturbed, denuded, and reduce to patches by beaching of boats, high volumes of foot traffic, and propeller scarring." In addition damage to corals in the area of

Boca Chita Key was found to be more severe than in most other areas in the northern Florida Keys (Lutz 2002, p.87 MBMP). Park managers are required under the Organic Act to manage Biscayne's resources so that those resources are no longer impaired. Where resource impairment has been documented, park managers must take appropriate action to eliminate the impairment as soon as possible. Specifically when it comes to the management of BNP's marine ecosystem, the Secretary of the Interior "has an absolute duty, which is not to be compromised, to fulfill the mandate of the Organic Act to take whatever actions and seek whatever relief as will safeguard the units of the national park system."

The NPS Organic Act also requires parks like Biscayne to manage their parks in a manner that puts the protection of human life at the forefront. Furthermore in the NPS Management Policies of 2006, parks like Biscayne are to strive to "provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in a particular park unit." Park managers are tasked with making decisions that prevent unacceptable impacts to park resources and values, protect public health and safety, and minimize visitor use conflicts.

NPCA's Preferred Alternative for the Mooring Buoy and Marker Plan

NPCA supports the preferred Alternative B—Strategic and Adaptive Management.

In the MBMP, Table 3 "Objectives and the Ability of the Alternatives to Meet Them" (p.42) makes it clear that Alternative B is the only alternative that will uphold the NPS mandate under both the Organic Act and its own Management Policies by: "installing additional mooring buoys to protect sensitive benthic communities, provide better marine markers to prevent resource damage and boat groundings, increase the variety of visitor experiences while minimizing the negative impacts to the park's sensitive corals, seagrass, and other resources. . . .re-establishing appropriate visitor uses in the park and ensuring that boat densities do not exceed levels that prevent or inhibit access for emergency service vehicles." Alternative B and its plans to use mooring buoys fields in certain high use areas along with increased ranger presence and education will allow the park to provide a higher level of visitor experience and protection. NPCA supports the Park taking those management steps and using adaptive management to provide a complete National Park experience in Biscayne.

The MBMP preferred Alternative B, Strategic and Adaptive Management, does attempt to address some of the many needs of Biscayne National Park. The conclusion of Alternative B is that "visitors to the park would have greater access to opportunities for high-quality, resources-based experiences; would experience less crowding and conflict situations; and would have enhanced appreciation of the park's shipwreck history and resources." Current park conditions would be improved in Alternative B via "a comprehensive framework for managing the park's system of mooring buoys and markers to address issues such as boating safety, resources damage, crowding, and the need for an increase in variety of visitor experiences." In addition, Alternative B would formalize the Maritime Heritage Trail and "develop and implement new interpretive programming, educational materials, and partnerships with outside agencies to improve the visitor experience in the park."

The MBMP's stated purpose is to "implement a decision-making framework and plan for the installation of mooring buoys and markers. . . .to protect (park) resources while continuing to allow

for visitor experience and appreciation in a safe manner.” Alternative A—the No Action Alternative—does little to nothing to improve park resources or visitor experience (p.43 MBMP) and thus falls far short of the MBMP’s attempt to start addressing some of the many needs of Biscayne National Park. The conclusion of Alternative A is that “visitors to the park would have less than adequate access to opportunities for high-quality, resources-based experiences; would experience periodic crowding and conflict situations; and would have limited appreciation of the park’s shipwreck history and resources.” Current problematic park conditions would not be addressed by Alternative A, including: a “lack of proper signage in various areas.....safety concerns.....inadequate staff to maintain the buoys and navigational marker system...lack of Spanish information....staffing not adequate to enforce and educate...inappropriate use of mooring buoys.”

NPCA is encouraged by Alternative B’s use of adaptive management. During implementation of the MBMP park managers can adapt to changing conditions, new information, and ideas from the public. NPCA encourages the park and the NPS, throughout the development of the final Environmental Assessment for the MBMP to continue to engage stakeholders and evaluate the best tools for protecting Biscayne’s resources. The final plan should remain flexible enough to accommodate future modifications (location, timing, management tools, etc.), if and when they are deemed necessary. These types of adaptive management practices should be a theme throughout the planning process and the implementation phase. NPCA’s comments provided herein are not immune to an adaptive management strategy implemented by the park. If, over the remaining course of the process, new information is presented, conditions change, or new tools are developed, we are fully supportive of adapting our comments and recommendations to work within a new framework. Should future conditions change so that all park users are provided education and understand their role as stewards of the resource; BNP law enforcement capacities are dramatically increased; and visitor experiences are improved, then using adaptive management principles, a new management approach for the park’s marine mooring buoys and markers might be warranted. However, at this time the park’s impaired resources, compromised visitor experience, and serious safety concerns require strong measures to be taken through the MBMP and other associated planning efforts (GMP, FMP, CRRP)

Mooring Buoy and Marker Plan Major Components:

Maritime Heritage Trail

The waters of Biscayne National Park are rich with archeological remains of the culture and history of southern Florida and the Florida Keys. The shipwrecks in the waters of Biscayne National Park, some dating back to the mid 18th century and listed in the National Register of Historic Places (NRHP), are a unique cultural resource that can provide an important educational opportunity for park visitors. There is a strong desire by NPCA to see the Maritime Heritage Trail completed with the six identified shipwrecks, along with possible future additions. The trail should be well marked and contain a plethora of interpretive information. It should be easily accessible for both the park’s concessionaire boat trips as well as the general public via private vessels. NPCA believes that Alternative B’s plan to install mooring buoys and prohibit anchoring near the shipwrecks along the Maritime Heritage Trail is a good first step towards providing park visitors a high quality cultural resource experience without further damaging the park’s sensitive resources. Once implemented, adaptive management by park managers should be used to determine areas for adjustment and improvement to the trail so that it could be “promoted as destination location” and its educational value could be fully maximized by local residents and international visitors alike.

Buoys and Markers

NPCA agrees with BNP's current assessment that its mooring buoys do "not provide adequate infrastructure for boaters to safely and appropriately moor in the park, nor does the signage sufficiently educate against dangerous behaviors." This inadequate infrastructure, coupled with heavy concentrations of visitors in certain areas of the park and some visitors engaging in inappropriate use of the park, has resulted in natural resource damage and serious safety concerns. To correct this situation NPCA supports Alternative B adding to the currently existing 169 navigational markers and mooring buoys in park waters.

Alternative B is the only proposed alternative (MBMP Table 3, p.43) that begins to improve park resources and visitor experience by increasing marine signage, buoys, and markers. Alternative B includes improving boater safety, navigational ability, and public understanding of areas that are designated for resource protection. Alternative B also includes improving the marking of BNP's boundary to help visitors clearly understand they have entered a National Park and should enjoy activities that are consistent with the mission of the park. Finally, additional signage will help park rangers and law enforcement staff enforce park rules and regulations designed to protect sensitive natural and cultural resources and maintain public safety.

Once the MBMP is implemented, NPCA encourages the park to continue to document and analyze visitor use patterns and resource conditions. A system can then be developed to address resource protection, overcrowding, marine buoy availability, and visitor experiences. This documentation and analysis should include the Maritime Heritage Trail as well as the concession boat's ability to use the higher weight capacity mooring buoys when accessing recreational sites for its customers. The adaptive management framework will allow park managers to make the necessary incremental changes to the markers and buoys as warranted by documented changes in the park's resources and visitor experience. NPCA encourages BNP to research the merits of a marine buoy permit system similar to the backcountry permit system at Everglades National Park and/or the forthcoming online vessel permit system at Dry Tortugas National Park. A well designed and managed permit system could help reduce visitor frustrations and could provide a revenue stream for the park's marine buoy and marker maintenance.

To see the positive effects of additional signage and mooring buoys one needs to look no further than the neighboring Florida Keys National Marine Sanctuary and Everglades National Park (ENP). The adjacent Florida Keys National Marine Sanctuary has been using mooring buoys for approximately 30 years to help preserve their fragile coral reefs. Mooring buoys eliminate the need to drop anchor on fragile coral reefs or seagrass and provide boaters with a convenient means of securing their boat. Mooring buoys and Mooring buoy fields in heavily trafficked and high use areas are a mainstay of special marine areas that have been set aside for resource protection. In 2008-2009 Everglades National Park installed approximately 100 new marine signs in various locations throughout park waters in Florida Bay to alleviate Florida Bay resources that were suffering due to a lack of adequate signage. The sign project was implemented to help reduce degradation to the bay bottom, improve wildlife protection, enhance/preserve the natural resources of Florida Bay, and improve the effectiveness of ENP's law enforcement efforts. To date ENP rangers' report improved enforcement capability in the areas where signs have been installed. In some areas of Florida Bay where violations were occurring on a daily basis, rangers are reporting the new signs have dramatically slowed or even halted those violations. In 2010 ENP hopes to use additional signs and

markers to implement a new Pole and Troll Zone to protect Florida Bay's seagrass, shallow banks and mud flats. This ENP Pole and Troll Zone has the potential to provide an improved user experience by enhancing resource protection in areas with significant documented propeller scarring, boat groundings, and overall bottom damage. The Pole-Troll Zone will be adaptively managed and will provide park managers the flexibility to adjust the zone as dictated by future documented conditions. This concept or something like it could also be applicable in Biscayne National Park.

Given the known expenses associated with the manufacturing, installation, and maintenance of marine signs and buoys, NPCA supports Alternative B's creation of a decision-making framework and a comprehensive plan for the maintenance and monitoring of the park's mooring buoys and markers. This formal framework should put the park in an improved position to request and receive the necessary federal operating funds to maintain a high quality well coordinated marine infrastructure plan. In addition, once the MBMP is finalized, NPCA recommends BNP consider working with park partner organizations and local park user groups in an effort to enlist donations and volunteer support for the ongoing maintenance and improvement needs associated with the park's mooring buoys and markers.

NPCA would recommend some additional clarity and consistency when implementing the additional mooring buoys or a shallow-water mooring fields in Alternative B. For example, of those areas considered in Alternative B for additional mooring buoys or a shallow-water mooring field, only Billy's Point would still allow anchoring inside the mooring field. Unless there is a compelling reason (added resource protection, enhanced visitor safety) to allow anchoring in an area of the park that receives the new mooring buoys or mooring fields, NPCA would instead recommend one set of consistent park rules and regulations for all of the new mooring buoys fields. This should help protect the park's marine resources and reduce visitor confusion. Another component of Alternative B that could benefit from clarification is the required distance outside of a mooring buoy field that boats will need to maintain when anchoring, and not using the mooring buoys in the mooring buoy fields.

Enforcement

NPCA recognizes the critical need of increasing law enforcement presence in Biscayne National Park. The success of the MBMP will be dependent in some part on an increase in ranger capacity for enforcement of resource and visitor protection measures in the park's 173,000 acres. NPCA is concerned that the law enforcement ranger capacity has not increased over the past 18 years despite an increase in the number of boats and their use in BNP. NPCA supports Alternative B's formal recognition of the need to hire additional park law enforcement rangers. Hopefully this formal framework puts the park in an improved position to request and receive the necessary federal operating funds to increase its currently understaffed law enforcement ranger division. Once the MBMP is finalized, NPCA recommends BNP consider working with park partner organizations and local park user groups in an effort to enlist donations and volunteer support for the ongoing law enforcement and outreach needs. Additional seasonal rangers, temporary and SCEP rangers, ranger equipment, and volunteer marine auxiliary groups are all things that could be supported by local park user groups who want to help improve the BNP visitor experience.

Education

NPCA supports Alternative B's formal recognition of the need to both improve park education and provide appropriate bilingual messaging in order to protect the park's natural and cultural resources.

Hopefully this formal framework puts the park in an improved position to request and receive the necessary federal operating funds to increase its outreach and education. This is another potential area for BNP to consider working with park partner organizations and local park user groups in an effort to enlist donations and volunteer support for increasing education and outreach efforts.

NPCA strongly supports the idea of a mandatory boater education program at Biscayne, similar to what has been proposed for Everglades National Park in its most recent GMP. Education should be a main vehicle for resource protection and can help instill a sense of “shared stewardship” among bay users who can become agents of *protection* rather than sources of impact. The cornerstone of such an approach would be a robust *mandatory* boater education program focused primarily (if not exclusively) on resource protection. The ultimate goal of this program would be to ensure all Biscayne boaters gain a high level of objective, modern, science-based knowledge of the bay through a consistent educational experience. Unfortunately, there has been a steady increase in negative impacts to the park’s sensitive marine resources. Many of these negative impacts arise from a lack of knowledge and experience of boating in this unique ecosystem. NPCA believes education is a main tool the park can use to reduce such damage and supports BNP’s current educational efforts via their fisheries education course. Teaching park users how to safely navigate in shallow water, avoid sensitive seagrass beds and coral reefs, and reduce their overall boating impact could go a long way toward protecting Biscayne National Park for future generations.

NPCA, along with numerous partners in the angling, paddling, boating, business, government, and conservation fields, have developed *Eco-Mariner* (www.ecomariner.org) as a voluntary online education course designed to help boaters enjoy and preserve Florida Bay in Everglades National Park. Over the next few years while the Everglades National Park GMP process is being finalized, *Eco-Mariner*, through its many partners, will be fully tested, refined, and presented to local communities and user groups. Our hope is that *Eco-Mariner* will provide real world application of resource based boater education that can eventually be a model platform for implementation in other parks like Biscayne.

NPCA values the varied components that make Biscayne National Park a special place: the natural quiet, the unspoiled mangrove islands, the living coral reefs, the unique wildlife, and rich cultural history. These treasures are fast disappearing from areas outside the park and, if we are not careful, could also disappear inside the park. NPCA is committed to working constructively with the park, park user groups and partners to identify and implement solutions for Biscayne National Park. On behalf of NPCA members we hope to bring considerable expertise and energy to these issues. We look to Biscayne National Park to seize the opportunities before it to protect one of the most unique places in the south Florida ecosystem and to ensure the enjoyment of such a treasured place for our children and grandchildren.

Sincerely,



Jason Bennis
Marine Program Manager
National Parks Conservation Association