RESOLUTION 13-05-26

A RESOLUTION OF THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
URGING THE NATIONAL PARK SERVICE TO CONSIDER
THE FLORIDA KEYS FISHING GUIDES ASSOCIATION
RECOMMENDATIONS FOR INCLUSION IN THE
GENERAL MANAGEMENT PLAN FOR EVERGLADES
NATIONAL PARK; PROVIDING FOR TRANSMITTAL OF
THIS RESOLUTION TO THE NATIONAL PARK SERVICE;
AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Everglades National Park is a public park for the benefit and enjoyment of
the people and was set apart as a permanent wilderness, preserving essential primitive conditions
including natural abundance, diversity, behavior and ecological integrity of the unique flora and
fauna; and

WHEREAS, a six step process to develop a new 20-30 year General Management Plan
(“GMP”) for the Everglades National Park was initiated in January 2003 and the Final GMP and
Record of Decision will be issued 2014; and

WHEREAS, the main function of the GMP is to clearly define the park’s purpose and
management direction and provide a foundation to guide and coordinate all subsequent planning
and management; and

WHEREAS, following submittal of four preliminary alternatives, Alternatives A, B, C
and D, by the National Park Service (the “NPS”) in May 2007, the Islamorada Village Council
supported a fifth alternative prepared by a group of concerned citizens of the Florida Keys
recommending boater education, improved channel marking and responsible access to the back
country flats for both motorized and non-motorized vessels to provide outstanding resource
protection and improve visitor experiences without significantly restricting access to educated
and responsible park visitors; and

WHEREAS, the NPS included some of the recommendations provided in Alternative E
in its revised Alternatives 1, 2, 3 and 4 submitted in March 2009; and

WHEREAS, the Village Council subsequently supported recommendation prepared by
the Florida Keys “Everglades for the Educated” group to dramatically improve resource
protection in the Everglades National Park while maintaining solid public access for recreational
fishing, paddling and bird watching; and
WHEREAS, the Preferred Alternative in the NPS’s Draft GMP released at the end of February 2013 for public comment includes several suggested practices that would protect flats and vital seagrass resources through adaptive management, boater education and the establishment of a national park advisory committee; and

WHEREAS, the Preferred Alternative also includes detrimental provisions that would effectively remove access for visitors with the designation of almost 40% of the Florida Bay as pole and troll zones and the closure of historical channels and traditional travel routes; and

WHEREAS, The Florida Keys Fishing Guides Association (the “FKFGA”) prepared and submitted a report containing its recommendations to protect the natural resources and habitat of the Everglades National Park while providing for public access and enjoyment the Park; and

WHEREAS, the Islamorada Village Council supports the recommendations contained in FKFGA for inclusion in the General Management Plan for Everglades National Park.

NOW THEREFORE BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.


Section 3. Transmittal. The Village Clerk is hereby directed to transmit a copy of this resolution accompanied by a copy Exhibit “A” to the National Park Service.

Section 4. Effective Date. This resolution shall become effective immediately upon its adoption.

Motion to adopt by Councilman Mike Forster, seconded by Councilman Dave Purdo.
FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS:

Mayor Ken Philipson  YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster  YES
Councilwoman Deb Gillis  YES
Councilman Dave Purdo  YES

PASSED AND ADOPTED on this 9th day of May, 2013.

KEN PHILIPSON, MAYOR

ATTEST:

VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY:

VILLAGE ATTORNEY
Public Comment to ENP regarding the preferred alternative;

The FKFGA sees the need for protective measures as outlined in its ENP preferred alternative. However as a group comprised of working professionals we have certain significant reservations regarding the sheer size of some of the proposed pole and troll zones, the closure of historical and traditional established routes into Florida Bay as well as the obvious absence of ingress and egress routes. We also note that the preferred alternative is suggesting designating 40% of Florida Bay as pole and troll to protect sea grasses, while the user funded report, “Boating impacts to Florida Bay” by Dave Hallac indicates that only .09% of the bay is damaged from prop scarring.

A quote from Dave's report;

“However, simply restricting motor-boat access does not guarantee that scarred areas will recover or that the area of damage will decline. For example, Engeman et al. (2008) reported a continual increase in benthic damages despite the establishment of a no-motor-zone area in Lignumvitae Key, Florida. Enforcement or other means of ensuring compliance with regulations should be considered a critical component of a success.”

The shallow waters of Florida Bay dictate that small shallow draft boats are the norm for both navigation and fishery access. However, navigating the larger open bodies of water in Florida Bay must be considered when establishing routes from the Florida Keys on the Southern boundary of the park North towards the mainland. Without providing safe, comfortable movements through Florida Bay the overall visitor experience will be greatly diminished.

We would recommend that the section of Twin Key Channel that passes next to the Eastern Twin Key be designated idle only. We feel that the close proximity of the existing channel to the Eastern Twin Key disrupts bird life and designating this channel, as “idle only” navigation will benefit the birds on that island. We would also recommend that a channel or flat marker be placed on the end of Buck Point, which extends a mile or more off Buchanan Keys. The narrow strip bank has continued to be hit by passing boaters as they navigation to the Inter coastal marked channel.

We recommend that the historical and traditional channel’s being:

A) Bob Allen pass
B) Coon Key Pass
C) Crane Key/currently marked North of the island
D) Man of War Pass
E) North Arsnicker into Crab Lake
Be left open to navigation. We do not requesting that these channels be marked, but ask that these channels be deemed “local knowledge” and that navigation be allowed by experienced users.

We agree and applaud ENP for their forethought protecting bights along the Florida mainland, deeming them “pole and troll”. However, many of these bites are very deep during certain season, tide and wind events. We recommend that a single or multiple “tide marker” be placed at the entrance to every bight. This tide marker would have a red section, yellow section and green section. In the mandatory education material it would be explained that water level at a certain color level would dictate how to proceed into the bite. Green, safe navigation practice was accepted, yellow, idle only and red indicating pole and troll. Of course, the rule of “pole and troll” with in 300’/100 yards of shoreline would still apply. Under all Keys fixed bridges there is a tide gauge that indicates to boaters height of the bridge at that particular point in the tide. The tide markers would accomplish essentially the same effect and allow park users to know how much water was in the bite and park officers to detect obvious violations.

There are many routes from the Florida Keys across Florida Bay to the mainland and Flamingo. We recommend that ALL marked channels have the head pins extended 100 feet to 100 yards out into open water in order to prevent prop scarring. Prop scarring around channels is the most recently observed issue. The marking practice is to install the head pin markers at the beginning of the flat currently. Extending the markers out into open water will immediately reduce “corner cutting” and protect the entrances of marked channels from continued scarring.

We are very supportive and offer our assistance by providing vessels and time to help with transportation of persons involved with all sea grass restoration projects.

Turning now to the most significant concern regarding ENP preferred alternative;

1) The obvious increase in pole and troll zones with no ingress or egress routes.
2) The closure of channels and historical and traditional routes through ENP
3) The absence of idle zones and language for users to idle when environmental conditions dictate specific wind and tide events.

We are concerned with language in the plan for “reasonable public access.” We recommend that current and future pole and troll zones be re-established as “pole, troll and idle” zones. We feel that the current idle zone in the Snake Bight area of Jimmy’s Lake has been successful in providing access and protecting habitat. Many of the approaches to keys have deep channels and idle zones could be implemented instead of designating them pole and troll.

To say that the areas proposed are vast would be an understatement. While park planners may see them as shallow areas in actuality many of them are 2 to 4 feet
deep on high tide. Sandy Key bank is one such area. It is not uncommon for a user to begin poling at Sandy Key on a rising tide in 6” of water and a couple hours later find themselves in over 2’ of water and a mile up on the bank. Now, users typically idle to the channels adjacent to Sandy Key bank and jump on plane. Those channels are usually 10 to 15 feet deep. As the plan has it now all of those channels would be closed to navigation. The same can be said for Little Conchie channel and the channels to the Southeast of Little Conchie that dump from the far East end of Sandy Key Bank into Sandy Key basin. These channels are also very deep, unable to reach the bottom with a push pole in some areas. There is no need for these channels to be closed to navigation. Allowing them to remain open would provide ingress and egress onto areas of Sandy Key Bank as well as allow users to continue to use the channels for fishing. We recommend that the channels listed above be marked with traditional park channel markers. In addition we recommend that language be added that allows users to idle in water that is 2 feet in depth in any pole and troll designated areas. Consideration should also be given to tide and wind influence. There is no reason with the mandatory educational component that users could not be educated to allow vessels to idle in a 2 feet depth. If enforcement is of concern a 2 foot water gage could accompany users and officers to distinguish the depth in the case of a possible violation.

No one would contest the shallow banks and flats of Florida Bay should be protected by pole and troll zones. Expansion of the Snake Bite pole and troll zone has been continually suggested in prior sessions and is a great idea. We request that ENP select other adjacent critical areas that contain resource damage to phase in over time instead of an overnight bay wide plan implementation. This seems much more reasonable for both funding and enforcement and allows for the parks adaptive management to guide the way. The plan identifies all shallow banks in Florida Bay as pole and troll. We recommend that banks adjacent to and in the areas around Flamingo, which contain obvious damage, be the first to institute the new ruling and that monitoring be performed to assess the effectiveness and compliance.

We recommend that a partnership should be established with GPS navigational chip manufacturers. Using updated technology GPS could help define boundary contours of flats and provide notes as to ENP rules and regulations. It would be very easy to add channels in periodic updates as well as new and evolving issues and concerns addressed in adaptive management.

We also recommend that the natural channel into Palm Key from Tin Can channel remain open to navigation. This channel is deep and gets heavy use by anglers coming from both Flamingo and the Keys. As the channel closes to 300’ from Palm Key we request it be designated as “idle only” due to its depth instead of a “pole and troll” designation.

Also of major concern is the ENP’s recommendation to close Long Sound to combustion engines. This area is very important to upper Keys users and guides.
The sound is deep and with the proposed park wide 300’ shoreline rule paddlers would still have plenty of room to enjoy a protected area. It is unacceptable that Long Sound be closed. The park has closed all bights and interior bays in the Northeastern mainland shoreline in the interest of research areas and crocodile sanctuary. Long Sound is the only “bight” type body of water that has protected shoreline during multiple wind directions in the Northeastern part of Florida Bay, which is of substantial significance to these users.

The FKFGA would like to point out that since the ENP preferred alternative includes a mandatory education component that ENP could use that component to educate users on shallow water navigation. We recommend using the base model of “Eco-Mariner” and establishing a more complete and comprehensive boaters education course. Eco-Mariner is a wonderful starting point, however, Florida Bay is a very complex system and in order for users to use the resource without damaging it the education component needs to be more comprehensive. We would like to recommend that if a more intense, comprehensive education class is instituted, then users should be able to access any area of the park. There are a multitude of possible education components that when properly incorporated would allow users to access all of park waters without removing access options.

The FKFGA humbly requests a personal audience with Park Superintendent Dan Kimball and Park Planner Fred Herling to accompany a licensed ENP guide for several hours on the water in a small vessel to witness first hand the issues facing crossing large bodies of Florida Bay in shallow draft vessels and the potential issues facing ingress and egress to the proposed pole and troll zones. Also, we feel a need to identify on site the deep channels on the larger proposed pole and troll banks so that they may see how these areas can be left open to navigation with minimal marking to allow ingress and egress. We understand the park’s need to enhance visitor experiences. However, with so much of Florida Bay sectioned off as “pole and troll” zone the park will effectively be removing access for visitors, not enhancing it.

We are in favor of adaptive management and applaud the preferred alternative as instituting it. We would like to request that the FKFGA as an organization being established in 1955 and working mainly in Florida Bay and park waters have at least 1 seat, preferably 2 on the ENP oversight group. We feel the FKFGA will be an asset in identifying areas of concern and helping to establish and maintain good working relationship with park staff to further protect Florida Bay as issues arise.

We understand and acknowledge the marjority of resource damage, is done by a minority of park users. The FKFGA has been asking, requesting flats protection for years. The park has continued to allow that minority of users that are responsible for damage to operate with impunity. Now, as a result of the parks lack of leadership we are facing huge areas that while designated “pole and troll” are essentially closures to the users that actually know park waters. There is a way to provide both protection and retain access. However the park must be willing and accepting of the
guidance that is readily available to them from the majority of concerned users that wants what is best for the resource. The continued access is paramount to the overall businesses in the South Florida that rely on Florida Bay access. We feel that all would be well served if the park would focus on education and creating responsible users of the park through increased awareness and example.