



Government Affairs

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September 3, 2010

Mark Lewis, Superintendent
Biscayne National Park
National Park Service, U.S. Department of the Interior
9700 SW 328 Street
Homestead, FL 33033

Dear Superintendent Lewis:

We are writing regarding the July 2010 Proposed Mooring Buoy and Marker Plan Environmental Assessment recently published by Biscayne National Park. BoatU.S. is the largest organization of recreational boat owners in the United States, with more than 500,000 members nationwide and 100,000 members in Florida. We have significant concerns about this Plan's proposed measures to manage boaters and boating activity within the Park. The Plan provides only one potential alternative and there has been little opportunity for stakeholder input. Therefore we strongly suggest the Park Service either adopt the no-action alternative or begin a new process to address the concerns raised regarding the Plan.

We recognize that your work requires a delicate balance of maintaining a water oriented park, managing its resources, and maintaining public access. We know boaters actively value clean water, good habitat, and healthy resources – all of which contribute to a great boating experience. Sometimes they need guidance to do the right thing – for example to stay in the channel. But the majority of boaters want to take care of the water. With that in mind, we have significant concerns that the tone of this proposal, specifically in the NPS preferred Alternative B, is to control where boats go, even if it significantly alters the visitors' opportunities, their experience, and their ability to use park waters.

Alternative B has the potential to limit access for a significant portion of park visitors – 90% of whom come via boat. As one boater put it “I grew up in the Park – every weekend, this is what my family did, heading to the boat, getting out on the water, and ending up in the Park.” In the shadow of a growing metropolis, BNP has the potential to help reconnect people to nature, but only if access is maintained.

Enforcement of existing laws:

While reading the Plan, there are a number of references to “inappropriate boater behavior”, alcohol consumption by boaters, and concern about boats rafting together. Each of these activities can be controlled with current laws/regulations and some enforcement. We do not believe that these activities provide a reason to consider

additional layers of regulations on boaters, until enforcement of current laws is regularly conducted and proven unsuccessful. With NPS expressing “staffing is not adequate to enforce and educate” (page 135), how successful can yet another layer of regulations be?

Not many options:

Within this Plan, the choices given were either Alternative A, the No Action Alternative, or Alternative B, the Preferred (Agency) Alternative. There was nothing in-between offered. We believe the Park should consider more options beyond this all-or-nothing approach. We also note that in most instances Alternative B is noted as only providing minor to moderate benefits, not significant improvements.

Resources availability:

There is little information on how Biscayne National Park (BNP) will provide the resources to implement the Plan. The Park is already challenged with maintaining the existing mooring buoys, currently “dependent on one volunteer to maintain” them. Yet the Park is proposing to increase their number. We are concerned that inadequate buoy maintenance will lead to a lack of safe moorings, while anchoring is restricted or prohibited. This leaves the boater with no good options, and it may leave the Park subject to liability issues. In addition, there is no budget information attached to this proposal, so the reviewer is left with the question of how much money will be required, and where will it be obtained? Is the Park thinking of restricting anchoring and charging rent for mooring balls? If so, why is that not outlined within the Alternative B proposal? When will that information be made available?

Public Involvement:

We understand that public scoping meetings were held last year, with relatively few responses from the public, and that consultation correspondence was sent out to agency contacts. This draft proposal was published July 2010, with 2 public meetings in August, and is now out with the minimum 30 day comment period with a deadline of September 3, 2010. This quick review period is inadequate, particularly in light of the multitude of concerns expressed in the last few weeks. We must ask why there was no notice in the Federal Register, or through regular notice of public rulemaking channels? At this time, we formally request an extension of the comment period to allow for more participation by the local stakeholders.

Activity Modification:

Alternative B will prohibit a number of long standing safe activities enjoyed by boaters in BNP. The proposal to prohibit activities like anchoring, beaching and rafting-up in certain popular areas will deny a large number of recreational boaters the opportunity to enjoy the park. The reasons provided for these restrictions are

specious at best. As stated earlier, if there are significant safety and environmental concerns, BNP should be using the authority it already has, not creating new access restrictions.

If the anchoring, beaching and rafting-up prohibitions of the preferred alternative are enacted, the number of vessels that will be able to utilize popular areas of the BNP will be significantly reduced. While that may be the management agency's objective, we are concerned that this will deny a large number of boaters the ability to enjoy these areas, potentially creating a situation where vessels "race" to grab a spot at high demand times. The Plan provides little insight into how beaching and rafting-up significantly impact park resources. The Plan itself notes that "Actions proposed under the Preferred Alternative would not dramatically reduce the widespread effects on benthic habitats within the Park" (page B3.) There is little justification for such a large proposed change in boating activity.

Additional moorings:

Recognizing that we do not believe the Plan has identified how they would be funded or supported, we do suggest that installation and maintenance of more mooring balls within the park could help BNP reduce the potential impact of individual anchors on bottom habitat. The number and location of these moorings should be based on the number of boats that normally use the various areas. When the moorings are full – if there are enough of them – the remaining anchors would be from a minority of the boats, thus eliminating the majority of the potential concerns with anchoring. We oppose the idea of installing a few mooring balls, and restricting anchoring for the remaining boats that happened to get there too late. This proposal is not an equitable management tool, and may lead to several unintended consequences, including long term squatters and early morning races to the moorings.

While moorings are mentioned within the pages of the Plan, we were not able to ascertain how many moorings are proposed for specific locations within the Park. We would suggest that the boating community will need more specific information on location and quantities of proposed moorings in order to assess the practicality of specific area proposals.

Channel marking:

Installing more markings may be a reasonable method to help guide boaters through hard-to-navigate channels. However, all markings should be uniform with other markers provided by FWC and the USCG, so that they are easy to understand by the boater. Once installed, the markers must be maintained.

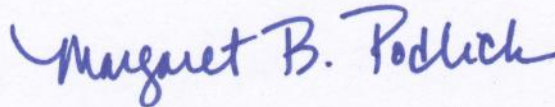
Conclusion:

Recreational boating has a significant economic impact on the South Florida community, in jobs, services provided, and trip spending. In addition to the large number of local boats, there are a number of international events that take place in and near the Park's waters. Any restriction on the access to the Park, and anchoring within the Park, may impact the ability of the city to host these events. For example, the annual Olympic Classes Regatta held out of the US Sailing Center in Coconut Grove, runs several race circles within Biscayne Bay. This multi-day event attracts hundreds of sailors, and hundreds of thousands of dollars of local spending. A plan that changes the way boaters can use Biscayne Bay should be analyzed for its economic impact to the local area, as well as its value to natural resources.

At this time, the NPS is considering Alternative A, the No Action Alternative, and Alternative B, the Preferred (Agency) Alternative for Biscayne National Park. Based on the array of concerns expressed above, we ask that you now adopt Alternative A. Additional options should be developed, preferably with the boating community at the table, in order to create a long term strategy for success within the Park. We ask that you take the time to do this, rather than adopting the only change alternative currently offered.

Please feel free to contact BoatU.S. with additional questions regarding this proposal or any other recreational boating issues.

Sincerely,

A handwritten signature in blue ink that reads "Margaret B. Podlich". The signature is written in a cursive style and is centered on a light blue rectangular background.

Margaret Podlich
Vice-President, Government Affairs
BoatU.S.