

## NATIONAL PARKS:

### Court sides with NPS on off-highway vehicles at Big Cypress

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A federal court this week sided with the National Park Service in a dispute over trails for off-highway vehicles on lands that were recently added to the Big Cypress National Preserve.

Conservation and environmental groups had challenged the service's 2010 wilderness assessment and management plan that allowed for off-highway vehicle use on the added land.

NPS adequately considered both impacts on visitors to the preserve and impacts on the eastern indigo snake and the Florida panther, two species listed under the Endangered Species Act, District Judge William Moore, who was sitting by designation in the case, wrote in the opinion issued Wednesday for the 11th U.S. Circuit Court of Appeals.

Moore also shot down claims by the environmental groups that NPS conducted a reassessment on the wilderness eligibility of the lands after being pressured by Florida politicians and trade groups to allow greater off-highway vehicle use.

"There is no indication in the record that NPS conducted the reassessment simply to appease the State of Florida and special interest groups," wrote Moore, a Democratic appointee.

Circuit Judges Charles Wilson and Julie Carnes, also both Democratic appointees, heard the case with Wilson in the 11th Circuit.

Prior to being acquired by the National Park Service, the additional 112,400 acres in question contained nearly 250 miles of public off-highway vehicle trails. NPS closed the trails in 1996 when it began administering the lands.

After a year's long process that included three workshops, NPS completed its final wilderness assessment for the lands in April 2010, determining that 71,260 acres were eligible to be designated wilderness as part of Big Cypress. Those areas did not include former off-highway vehicle trails.

A few months later, NPS finalized its management plan and an environmental review of the lands that allowed for limited off-highway vehicle use on areas not eligible for a wilderness designation.

Through informal consultation with the Fish and Wildlife Service, NPS found that the recommendation to allow for off-highway vehicle use would not harm the eastern indigo snake.

NPS also formally consulted with FWS on the impact to the Florida panther. FWS in 2010 released a biological opinion that found that the management plan was unlikely to jeopardize the panther but that it authorized the incidental loss of some panthers.

The National Parks Conservation Association and **Public Employees for Environmental Responsibility** filed lawsuits under the Wilderness and Organic acts. PEER also raised challenges under the Endangered Species Act.

Moore wrote in the court's opinion, which affirms a lower court ruling, that NPS had the technical expertise and evidence in the record to support its decisions. He also disagreed with the groups that the service had prioritized recreation over preservation of the lands.

The 11th Circuit also found that NPS had appropriately analyzed the impacts on the snake and panther species, as well as adequately consulted with FWS.

"It is difficult to see how the NPS ran afoul," Moore wrote.

[Click here](#) for the court's opinion.