

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

[NPS-BICY-NPS0042712; PPSEBICY0//
266P103601/PPMPSPD1Z.000000]

RIN 1024-AE54

Big Cypress National Preserve; Off-Road Motor Vehicles

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service proposes to amend special regulations for Big Cypress National Preserve that regulate the use of motorized vehicles off roads. The current regulations refer to a map that identifies areas within the National Preserve where motorized vehicles can be used unless closed by the Superintendent. This map is outdated and does not depict the current boundary of the National Preserve, which was expanded in 1988 by approximately 147,000 acres. This rule would replace references to the outdated map with references to a map showing the current boundary of the National Preserve, with the effect of expanding the areas within the National Preserve where motorized vehicle use could occur, subject to the discretion of the Superintendent.

DATES: Comments must be received by 11:59 p.m. EDT on December 1, 2026.

ADDRESSES: You may submit comments by any of the following methods:

(1) *Electronically:*

- Go to the **Federal Register** website: <https://www.federalregister.gov>. In the search box, enter 1024-AE54, the regulation identifier number (RIN) for this rulemaking. Click on the green "Submit a Public Comment" button at the top of the document and follow the instructions for submitting comments; or

- Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter 1024-AE54, the RIN for this rulemaking. On the resulting page, select the Dockets tab and then click on the title of the rule. Next, click the "Open for Comments" box, then click the blue "Comment" box and follow the instructions for submitting comments.

(2) *By hard copy:*

- Mail to:** Superintendent, Big Cypress National Preserve, 33100 Tamiami Trail E, Ochopee, FL 34141.

Document Availability: The Final Backcountry Access Plan/Wilderness Study/Final Environmental Impact Statement and related Record of

Decision provide information and context for this proposed rule and are available online at <https://parkplanning.nps.gov/bicy> by clicking the link titled "Backcountry Access Plan" and then the link titled "Document List."

Instructions: Comments will not be accepted by fax, email, or in any way other than those specified above. All submissions received must include the words "National Park Service" or "NPS" and must include the docket number or RIN (1024-AE54) for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: Docket: For access to the docket to view the proposed rule and comments received, go to <https://www.regulations.gov> and search for "1024-AE54." Be sure to check the Dockets Tab, Documents Tab, and Comment Tab for possible results.

FOR FURTHER INFORMATION CONTACT: Tom Forsyth, Superintendent, Big Cypress National Preserve; (239) 695-1103; tom_forsyth@nps.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. In compliance with the Providing Accountability Through Transparency Act of 2023, the plain language summary of the proposal is available on [Regulations.gov](https://www.regulations.gov) in the docket for this rulemaking.

SUPPLEMENTARY INFORMATION:

Purpose and Significance of Big Cypress National Preserve

Congress established Big Cypress National Preserve in 1974 "to assure the preservation, conservation, and protection of the natural, scenic, hydrologic, floral and faunal, and recreational values of the Big Cypress Watershed in the State of Florida and to provide for the enhancement and public enjoyment thereof. . . ." 16 U.S.C. 698f. The original boundary of the preserve surrounded 582,000 acres. This area is referred to as the Original Preserve. In 1988, Congress expanded the boundary to include within the National Preserve an additional approximately 147,000 acres, an area referred to as the Addition.

The National Preserve is part of the Big Cypress Swamp, which covers more

than 2,400 square miles of southern Florida. Protecting over 729,000 acres of this vast swamp, the National Preserve contains a mixture of tropical and temperate plant communities that are home to a diversity of wildlife, including the Florida panther. Visitors to the National Preserve can travel for miles through an expanse of open prairies dotted with cypress trees, distant pinelands, and tree islands broken at intervals by dark, forested swamps. Wildlife is abundant; great blue herons, kingfishers, and alligators line the roadside canals and give visitors an exciting visual focus. Naturalists study the area's rich natural history and its delicate ecological balances. Some Miccosukee and Seminole Indians who make their homes in the area depend on the resources of the preserve for food, shelter, and spiritual needs.

Authority To Promulgate Regulations

The National Park Service (NPS) manages the National Preserve under the NPS Organic Act of 1916, which gives the NPS authority to regulate the use of the park areas under its jurisdiction. 54 U.S.C. 100101. In the National Preserve's enabling act, Congress directed the Secretary to administer the preserve by developing and publishing in the **Federal Register** "such rules and regulations as he deems necessary and appropriate to limit or control the use of Federal lands and waters with respect to . . . motor vehicles . . . and such other uses as the Secretary determines must be limited or controlled in order to carry out the purposes of [the National Preserve's enabling act]." 16 U.S.C. 698i(b). The legislative history of the enabling act indicates that Congress intended to allow off-road motorized vehicles (ORVs) in the National Preserve, but only if their use is carefully regulated to protect the natural, wildlife, and wilderness values of the preserve. (S. Rept. 9301128; H. Rept. 93-502).

Under 36 CFR 4.10, the use of motor vehicles off established roads is not permitted unless routes and areas are designated for off-road motor vehicle use by special regulation. Under 36 CFR 4.10(b), such routes and areas may be designated only in national recreation areas, national seashores, national lakeshores and national preserves. The special regulations for the National Preserve in 36 CFR 7.86 designate certain areas for ORV use in compliance with NPS general regulations at 36 CFR 4.10(b) and the Executive Orders.

ORV Management

Since the 1930s, people have accessed areas that are now within the boundary of the National Preserve using ORVs, including swamp buggies, tracked vehicles, and smaller all-terrain vehicles. The NPS promulgated 36 CFR 7.86(a) in 1979 to govern the use of motorized vehicles in the Original Preserve. This provision designates areas where ORVs may be used within the preserve. ORVs are defined broadly to include automobiles, trucks, glades or swamp buggies, airboats, amphibious or air cushion vehicles or any other device propelled by a motor and designed, modified for or capable of cross country travel on or immediately over land, water, marsh, swampland or other terrain, except boats which are driven by a propeller in the water. The special regulations establish certain areas within the Original Preserve where ORVs are prohibited. ORVs are prohibited in the areas between the Loop Road (State Hwy. #B94) and the Tamiami Trail (U.S. Hwy. #B41), except that the Superintendent may issue a permit to provide for reasonable access by legal residents or to provide access by authorized oil and gas companies. ORVs are prohibited on a segment of the main hiking trail that is part of Section 1 of the Big Cypress Florida Trail, from Tamiami Trail to Alligator Alley. Finally, ORVs are prohibited on the two marked loop trails in Section 1 of the Big Cypress Florida Trail, except that vehicles may cross the trails. All other areas within the Original Preserve are open to ORV use under the special regulations, unless closed by the Superintendent. These are the areas south and west of Loop Road (State Road #84) and north of Tamiami Trail, which make up a substantial portion of the Original Preserve. The outermost boundaries of these areas are not described in the special regulations. Rather, the special regulations refer to a map numbered BC-91-001, dated November 1975. This map depicts the outer boundary of the Original Preserve, which was the extent of the National Preserve in 1975. The special regulations also establish certain requirements for ORV operation and equipment related to visitor safety, fire prevention, and resource protection.

Using the regulatory framework in the special regulations, since the issuance of the Final Recreational Off-Road Vehicle Management Plan/Supplemental Environmental Impact Statement (SEIS) in 2000, Superintendents of the National Preserve have managed ORV use in the Original Preserve by designating specific routes and areas

where ORVs may be used, with the effect of closing all other locations to ORV use. Consistent with the SEIS, these designations and closures are established in a written compilation of designations, closures, permit requirements and other restrictions imposed under the discretionary authority of the superintendent, referred to as the Superintendent's Compendium. 36 CFR 1.7(b). The Superintendent's Compendium for the National Preserve is available at www.nps.gov/bicy. As written, the special regulations give the Superintendent no authority to allow recreational ORV use in the Addition because it was added to the National Preserve in 1988 and therefore is not depicted on the 1975 map. This means that ORV use is prohibited in the Addition under NPS general regulations that prohibit ORV use except on areas and routes designated in special regulations. 36 CFR 4.10.

ORV management in the National Preserve has been supported by various planning processes and environmental reviews over the years. In 2000, the NPS released the SEIS that evaluated the environmental impacts of ORV use in the Original Preserve, excluding the Addition. In October 2010, the NPS issued a Final General Management Plan/Wilderness Study/Off-Road Vehicle Management Plan/Environmental Impact Statement (FEIS) that evaluated ORV use in the Addition. Most recently in November 2024, the NPS published a Final Backcountry Access Plan/Wilderness Study/Final Environmental Impact Statement (BAP) that evaluated ORV use in both the Original Preserve and the Addition. On December 12, 2024, the Regional Director, Interior Region 2, signed a Record of Decision (ROD) selecting the preferred alternative in the BAP for implementation. Under the selected alternative, the NPS will allow ORV use only on designated motor vehicle and airboat routes in the Original Preserve and the Addition. The BAP planning process involved input from various stakeholders, including the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, Indian Tribes, and the general public through various public comment periods.

Proposed Rule

This proposed rule would broaden the scope of the existing special regulations so that the long-standing regulatory framework for managing ORV use in the Original Preserve is applied to managing ORV use in the Addition. This would allow the Superintendent to designate

routes for ORV use in the Addition consistent with the selected alternative in the ROD, which does not allow for dispersed ORV use. The regulatory framework for managing ORV use would be consistent throughout the National Preserve, rather than fractured as it is under the existing special regulations, which do not allow the Superintendent to designate ORV routes on more than 147,000 acres of land and water within the National Preserve. Without changing any other provisions in the special regulations, this rule would replace two references to the 1975 map with references to a map that depicts the current boundary of the National Preserve, which includes the Addition. The Addition is north of Tamiami Trail, meaning that it would become open to ORV use on designated trails consistent with the ROD, which would occur by designating specific routes and areas for ORV use in the Addition through the Superintendent's Compendium. This map would be available at www.nps.gov/bicy.

Compliance With Other Laws, Executive Orders, and Department Policy

Regulatory Planning and Review (Executive Orders 12866 and 14192)

This rule has been determined to be not significant for purposes of Executive Order 12866. This rule is a "one-time" enabling regulation that would allow the Superintendent to expand consumption options for the American public by increasing opportunities for recreation and access at the National Preserve. As a result, this rule qualifies as an E.O. 14192 deregulatory action pursuant to M-25-20, "Guidance Implementing Section 3 of Executive Order 14192, Titled 'Unleashing Prosperity Through Deregulation'" issued by the Office of Management and Budget, Office of Information and Regulatory Affairs, on March 26, 2025.

Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis (IRFA) has been prepared for this proposed rule under the RFA (5 U.S.C. 601 *et seq.*). The IRFA is part of the economic analyses found in the report titled "Regulatory Analysis of the Off-Road Motor Vehicles Proposed Rule at Big Cypress National Preserve." The report is available online at <https://parkplanning.nps.gov/bicy> by clicking the link titled "Backcountry Access Plan" and then the link titled "Document List."

Congressional Review Act

This proposed rule is not a major rule under 5 U.S.C. 804(2). This proposed rule:

- (a) Would not have an annual effect on the economy of \$100 million or more.
- (b) Would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Would not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess whether a rule would impose a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more (adjusted annually for inflation) in any 1 year. As of 2025, that threshold is approximately \$206 million (2024 dollars). This regulation will not result in expenditures by State, local, or Tribal governments, in the aggregate, or by the private sector, in excess of the threshold. Thus, no written assessment of unfunded mandates is required.”

Takings (Executive Order 12630)

This proposed rule would not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this proposed rule would not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. This rule would only affect use of federally administered lands and waters. It would have no direct effects on other areas. A Federalism summary impact statement is not required.

Civil Justice Reform (Executive Order 12988)

This proposed rule complies with the requirements of Executive Order 12988. This proposed rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The National Preserve has been a home to indigenous peoples for centuries. Currently, there are 15 Miccosukee and Seminole active traditional villages in the National Preserve, and more sites that are now considered historic cultural sites, multiple active ceremonial grounds, and active burial grounds scattered throughout the preserve. The NPS has evaluated this proposed rule under the criteria in Executive Order 13175 and under the Department’s Tribal consultation policy and has determined that Tribal consultation is not required because this rule will have no substantial direct effect on federally recognized Indian Tribes. Nevertheless, in support of the Department of the Interior’s and the NPS’s commitment to government-to-government consultation, the NPS engaged in formal consultation with the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, and the Seminole Nation of Oklahoma throughout the development of the BAP. Based on information shared during Tribal consultation, the NPS understands that the Tribes’ view is that it is not the presence or lack of human habitation that defines the health of a landscape, but the relationship of humans to that land that determines the land’s fate. The alternative selected for implementation in the ROD was chosen in part because it is responsible to the concerns expressed by the Seminole and Miccosukee Tribes during Tribal consultation, as further discussed in the BAP.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule contains no new information collections. All information collections require approval under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 et seq.). The NPS may not conduct or sponsor, and you are not required to respond to a collection of

information unless it displays a currently valid OMB control number.

National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 et seq.)

The NPS prepared an environmental impact statement as part of the BAP and the ROD in compliance with NEPA. This proposed rule implements the ROD, which identifies specific routes for ORV use. Copies of these documents are available online at <https://parkplanning.nps.gov/bicy> by clicking the link by clicking the link titled “Backcountry Access Plan” and then the link titled “Document List.”

Effects on the Energy Supply (Executive Order 13211)

This proposed rule is not a significant energy action under the definition in Executive Order 13211; this proposed rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy, and this proposed rule has not otherwise been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. A Statement of Energy Effects is not required.

List of Subjects in 36 CFR Part 7

National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the National Park Service proposes to amend 36 CFR part 7 as set forth below:

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

- 1. The authority citation for part 7 continues to read as follows:

Authority: 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under DC. Code 10–137 and DC. Code 50–2201.07.

- 2. In § 7.86, revise the introductory text in paragraphs (a)(2)(i) and (a)(2)(ii) as follows:

§ 7.86 Big Cypress National Preserve.

- (a) * * *
- (1) * * *
- (2) * * *

(i) Unless closed or restricted by action of the Superintendent under paragraph (a)(2)(iii), the following areas, which are shown on a map numbered 26–001, dated May 1, 2026, and available for public inspection at the office of the Superintendent, are open to motorized vehicles:

- (A) * * *

(B) * * *

(ii) The following areas which are shown on a map numbered 26–001, dated May 1, 2026, and available for

public inspection at the office of the

Superintendent, are closed to motorized vehicles:

* * * * *

Kevin J. Lilly,
Assistant Secretary for Fish and Wildlife and Parks.
[FR Doc. 2026–20251 Filed 10–1–26; 8:45 am]
BILLING CODE 4312–52–P