Dear Superintendent Mark Lewis:

On behalf of the Personal Watercraft Industry Association, I am writing in support of Alternative 1 of the proposed Biscayne National Park General Management Plan. However, PWIA requests that every alternative be amended to provide equal regulatory treatment of all watercraft and to lift the park’s ban on personal watercraft, particularly in the seventeen mile stretch of the Intercoastal Waterway (ICW).

By way of background, PWIA was created in 1987 by personal watercraft (PWC) manufacturers to promote safe and responsible operation and to be advocates for equal access to our nation’s waterways. Our goals include ensuring that personal watercraft and their users are treated equitably by all boating regulations. We advocate for passage of the PWIA model bill, which sets a 16-year-old minimum age for operators, mandates boater safety education and life jacket wear, and other safety measures. We are pleased that the state of Florida is a leader in recreational boating safety, requiring boater education and a minimum age of 14 years to operate and 18 years to rent personal watercraft.

Of the general management alternatives proposed, PWIA supports Alternative 1 as it will continue current Park Service management practices and appropriately balances natural resource protection and recreational use. By establishing broad bans on fishing and motorized vessels, Alternatives 2 through 5 inhibit the valuable recreational uses of Biscayne National Park without justification. Additionally, even though Alternatives 2 through 5 take measures to diminish the recreational boating footprint in many areas of the Park, they still allow for full ICW access, with personal watercraft being the only vessel exception.

Though PWIA supports the proposed Alternative 1 plan, we ask it be amended to allow for personal watercraft access to the ICW. The National Park Service issued a regulation, 36 CFR 3.24, in 2000 that prohibits personal watercraft operation in all national parks until and unless an environmental assessment was conducted to weigh the vessel’s environmental impact with the park’s recreational needs. The regulation listed 21 parks that could remain open during a two year transition period to personal watercraft, while environmental impacts were determined.

The regulation did not prohibit other national parks from conducting their own environmental assessment for personal watercraft use and therefore allow for operation. The 2000 rule specifically authorizes PWC use under two approved methods.

“The first method is available for a relatively small group of Park Service

areas (10 park areas identified in Table 1) where authorization might be

appropriately and successfully accomplished through the Park

Superintendent’s Compendium, a locally based procedure described in

26 CFR 1.5 and 1.7. This method is referred to as Park Designated PWC Use.

The second method, Special Regulation rulemaking through the Federal

Register, is available for all park areas where authorization of PWC use

may be deemed appropriate. This method is referred to in this rule as

Special Regulation PWC use.”

The rule directly allows for PWC operation so long as a park conducts a special regulation rulemaking through Federal Register procedures. The 21 identified parks were merely those the Park Service recognized for automatic continued operation pending an environmental review. All parks may allow PWC access as long as special rulemaking is conducted. In 2007 the NPS clarified the parameters of the personal watercraft ban stating “[t]he NPS will continue to comply with the requirements in Sec. 3.9, which prohibit the operation of PWCs *except when authorized through special regulation*.” (emphasis added)

Fifteen national parks have completed environmental assessments since the 2000 regulation and all found personal watercraft to have a negligible environmental impact thereby allowing for personal watercraft operation in the national park. Though Biscayne National Park was not included in the list of 21 parks, the regulation makes it clear that Biscayne National Park has the authority to conduct a reasonable and equitable assessment of the impact personal watercraft would have on park resources and other users. PWIA fails to understand why the park has banned only one type of boat, yet provides access to commercial container ships and fuel barges, cabin cruisers, speed boats, fishing boats, ski boats, and airboats. This personal watercraft ban is blatantly discriminatory and without justification.

Today’s PWC are up to 90% cleaner and 70% quieter than those manufactured before 1998, and given that they do not have propellers, are substantially less likely to damage the parks ecosystem. Today’s PWC are larger, wider and more stable, with ample room for three passengers. Owners often outfit them for fishing and water skiing. PWC riders are better educated in PWC operation and all other aspects of boating due to the mandatory boater safety education required by Florida law. Despite these environmental and safety improvements, Biscayne National Park has refused repeated appeals by the PWIA to conduct a scientific environmental assessment of personal watercraft.

Banning personal watercraft from Biscayne National Park, and the portion of the ICW that traverses it, creates an unnecessary safety risk to boaters who want to reach destinations beyond its southern and northern borders. The ICW is a federally authorized navigation channel, created to provide safe passage for boaters traveling along the Eastern seaboard. According to the Ports and Waterways Safety Act, USCG 33 CFR 162.65, the ICW is “a clear channel [that] shall at all times be left open to permit free and unobstructed navigation by *all types of vessel and rafts* that normally use the various waterways or sections thereof.” (emphasis added) Without access to the ICW, personal watercraft operators must travel nearly 12 miles out into the Atlantic Ocean to access areas north and south of the park, compared to a two to three mile inshore route along the ICW. The existing ban of PWC denies their owners the ability to enjoy long rides, equal access, and safe boating.

I appreciate your registering PWIA’s support of Alternative 1 and its request that Alternatives 1through 5 be amended to include the lifting of the existing ban on personal watercraft as part of its long-range management plan for Biscayne National Park.