



September 27, 2019

## Public Statement Regarding New Entry Fees in the ENP

The Florida Keys Fishing Guides Association (“FKFGA”) is a non-profit organization comprised of professional fishing guides committed to preserving and protecting the fisheries and other natural resources of the Florida Keys and Everglades. Since its inception in 1956, the FKFGA has been a consistent partner and supporter of Everglades National Park (“ENP” or “The Park”) on multiple fronts, including conservation and maintenance of The Park. **We do not, however, support the newly enacted “waterway entry fee” and its collection policy, which we have been advised by legal counsel may not be legally enforceable.** Regardless of the legal enforceability of the entry fee program, however, the FKFGA believes that it places an unfair and impractical burden on fishing guides and their anglers in both its effect and its enforcement.

The new waterway entry fee program requires any passenger entering The Park on a vessel, including anglers with a “for hire” fishing guide, to purchase a current 7-day or annual entry pass at a cost of, \$30 and \$55, respectively. This new waterway entry fee applies directly to our clients **in addition** to the annual Commercial Use Authorization permit (CUA) that we are required to acquire at an annual cost of \$850 for the very purpose of guiding anglers in The Park. The FKFGA has been advised by legal counsel that the effort to impose a waterway entry fee -- as opposed to an entry fee at an established gate of entry to The Park -- and to pile the waterway entry fee on top of the CUA may be considered a legally impermissible “layering” of fees that is prohibited by the very statute that purportedly authorizes the entry fee program.

In addition to its questionable legality, the new waterway entry fee program creates a logistical nightmare in several ways:

- Internet access and cell phone reception required to purchase entry passes is spotty, at best, at many points of entry along The Park’s waterway boundaries;
- Guides frequently make last minute decisions to enter The Park depending on the weather, the water conditions and even the preferences of the angler, which compounds this problem and makes planning and purchasing an entry fee ahead of time extremely problematic; and
- The ENP website lacks common sense functionality, making on-the-fly purchases of the entry passes frustrating, time consuming, and distracting – even if there is sufficient cell phone reception to reach the ENP’s website.

As small businesses, many fishing guides are unable to bear the negative economic impact of these fees that are being layered over and above all of the other oppressive ENP fees and regulations. Despite the questionable legality of the program and our repeated efforts to negotiate fair terms to resolve the negative impact of the program on our guiding businesses, The Park refuses to compromise its position regarding the new fees. Pleas on our behalf from policy makers like Congresswoman Debbie Mucarsel-Powell, former Congressman Carlos Curbelo, and former Senator Bill Nelson have fallen on deaf ears. Mr. Nelson wrote in 2016 that the proposal to effectively increase the guides' Commercial Use Authorization fee "...would place a heavy burden on these small charter businesses that are not only critical to our local economy, but also play an essential role in sharing and preserving the beauty and ecological importance of the Everglades... Fundamental to that...is avoiding stifling fees and excessive regulation." We believe the new entry fee is likewise stifling, excessive, and burdensome.

As a forerunner in conservation and habitat management for more than half a century, the FKFGA is always open to reasonable collaboration with the ENP. Indeed, we recognize that our livelihood relies in part on the continued viability of fishing in The Park and our ongoing ability to share the "Magic of the Everglades" with our clients. However, the historic symbiotic partnership between guides and ENP management must flow in both directions. The Park is well on its way to irreparably damaging this historically cooperative and mutually beneficial relationship between itself and the guiding community by imposing additional fees on top of the already substantial fees being paid by fishing guides, and by its threats to give guides "black marks" on their CUA's if they fail to assist The Park in collecting these legally questionable, unconscionable waterway fees. Unless and until the ENP either abandons this ill-considered and ill-advised waterway entry program, or it can demonstrate the ability to provide a fair, practical and efficient way to collect these waterway entry fees on its own -- rather than burden fishing guides with a responsibility that is not theirs to begin with -- the FKFGA will refuse to assist the ENP in any way regarding the collection of its legally questionable and impractical fee.