

Testimony of Jorge P. Gutierrez Jr.

Before the Subcommittee on National Parks, Forests and Public Lands and the  
Subcommittee on Insular Affairs, Oceans and Wildlife on Natural Resources,  
U.S. House of Representatives

Joint Oversight Hearing  
"How to Constrict Snakes and Other Invasive Species"  
1324 Longworth House Office Building  
March 23, 2010

Chairman Grijalva and Chairwoman Bordallo and members of the Subcommittee on National Parks, Forests and Public Lands and the Subcommittee on Insular Affairs, Oceans and Wildlife on Natural Resources, I sincerely thank you for the opportunity to present written testimony.

I am testifying today as the Governmental Liaison for the Everglades Coordinating Council, a non-profit organization that coordinates and synchronizes the conservation efforts of various South Florida sportsmen organizations, including but not limited to the local, state, and regional chapters of national sportsmen conservation organizations.

I am a native of Florida where I have lived for the past 35 years. As a civil trial attorney with the law firm of Gonzalez & Garcia, I reside and work within a short drive from Everglades National Park where I currently hold an annual pass and have recreated for years including biking, hiking, fishing, canoeing and kayaking.

I currently serve as Vice-President for Legislative Affairs and sit on the Board of Directors for United Waterfowlers of Florida, a statewide non-profit organization geared towards waterfowl conservation within the state. I also serve on the ProStaff of Buck Gardner Game Calls and Mossy Oak Brand Camo and contribute as a writer for Marsh Rider Magazine, a statewide magazine geared towards sportsmen, conservationists and airboaters. Additionally, I was recently appointed and currently sit on the Florida Fish & Wildlife Conservation Commission's Non-Motorized Boater Technical Assistance Group as the designated representative for sportsmen and waterfowlers.

No matter what time of year, I can be found recreating in the Florida outdoors, including state wildlife management areas, the waters surrounding South Florida and within Everglades National Park and Big Cypress National Preserve.

**I. Python Emergency Requires Drastic Changes**

Within the confines of Everglades National Park and the surrounding areas, there currently exists a herpetological Club Med where Burmese Pythons and other invasive reptiles simply eat, procreate and prey on native as well as over 67 threatened or endangered species without any natural enemies whatsoever. The time is now to use

sportsmen as a reasonable, practical and certainly cost-effective way to control the spread of exotic species throughout all of South Florida.

## **II. Origin of Problem May Be Irrelevant By This Point**

Sportsmen and Gladesmen (a traditional culture recognized by a study commissioned by the United States Army Corps of Engineers in association with the Comprehensive Everglades Restoration Plan (CERP)) in South Florida have been aware of the problem with invasive species for years. Whether blame is placed upon pet owners releasing them into the wild or the more plausible theory that hundreds of these pythons got loose in 1992 when Hurricane Andrew destroyed a breeding facility southwest of Miami, just west of Everglades National Park, the fact remains that we have a problem.

How this problem occurred may never be answered and it can't change the fact that they are out there right now preying on native and endangered wildlife according to all experts in this field, including some who will testify before you.

## **III. Time for a New Strategy**

Since the 1990s, the National Park Service and the Department of the Interior have been handcuffed in the methods available to them to adequately take control of the invasive species due to current federal law and they have relied exclusively on experimental and non-traditional techniques in an attempt to curb or eliminate the problem of exotic species within Everglades National Park and Big Cypress National Preserve. Hundreds of thousands if not millions of tax dollars have been spent on radio/gps tracking devices, animal trap experimentation, chemical attractant research, snake-sniffing dogs, drone technology and the handful of "exotic animal recovery agents" that chase after these snakes without real mechanical access to get to where these snakes are. Even after years of exhaustive fact finding as well as trying these various methods and techniques, the number of these animals in the wild keeps rising year after year.

In 2009, 367 pythons were removed from Everglades National Park based on their own data. This tally grew dramatically on a yearly basis over that past decade. In the first 10 weeks of this year alone, 142 pythons have been removed. At this rate, by year's end using simple math, there should be approximately 700 or so pythons removed from Everglades National Park.

That being said, when you are dealing with thousands and thousands of snakes which is agreed to by the experts on this subject, catching snakes in these small numbers is the equivalent to simply keeping the reproductive offspring of approximately 5 to 15 of these snakes per year from remaining within the wild. Since the average clutch can range from between 35 to 100 eggs which go on to live 15 to 25 years, you soon realize that we collectively need to do better because even with all that is being done, without a drastic and meaningful change in addressing this problem, South Florida has been unable to even get a handle on their offspring at this point.

#### **IV. Sportsmen Should Be Part of the Solution**

First and foremost, sportsmen are conservationists and stewards of the land. I hope that these areas continue to be preserved and protected so that my children and grandchildren will be able to recreate long after I am done watching an Everglades sunrise on a cool windy South Florida winter morning. That being said, we know that these invasive species pose a clear and immediate danger to our native wildlife. It is imperative that the groups and users who have the most to lose be permitted by the Federal Government to assertively join the ongoing battle to save the resource their culture depends upon.

Without a doubt, sportsmen know and love these areas and are the best individuals to tackle this issue head on. That being said, if we are allowed to help, we must respectfully ask for the ability to use the proper tools and methodology to take care of the problem. As an example, allowing sportsmen to have access via mechanical conveyance, even if only on a limited basis and in certain areas strictly for the purpose of exotic species removal lends itself to reaching the real heart of the problem and not just the areas adjacent to the limited roads within the park or the national preserve. Additionally, sportsmen should be provided with the ability to use firearms with non-toxic ammunition in order to find and dispatch these predators in the wild. This important tool allows for the harvesting of these invasive reptiles on sight from a distance greater than just a few feet and from both the water and land. As a result, likelihood of success as well as harvest numbers will be exponentially higher.

The currently allowed primitive tools for snake removal such as a machete or other handheld apparatus does not allow for harvesting at a distance, or perhaps when spotting a python across a canal while its sunning itself along the bank. With this type of problem, due to the sheer number of them, the best process is to harvest immediately using the best available and effective method and then move on to the next one.

Common sense tells us that the idea of chasing after and dispatching a 15ft Burmese Python with a machete in waist high water might look great on television, but it is highly ineffective since these snakes swim and are quick to escape. Moreover, any reasonable person knows that dispatching these animals using a firearm is much more effective, has a higher percentage of success and is most certainly safer than confronting the predator at close range.

Sportsmen have obvious advantages over the other methods mentioned previously. Initially, we have the on the ground knowledge of working and recreating in this type of Everglades habitat as we have done so for generations. Allowing sportsmen into Everglades National Park and other federal lands such as Big Cypress National Preserve is cost effective because it does not require the National Park Service and the Department of the Interior to spend any money. Sportsmen would contribute first hand to eliminating

an exotic species and the American taxpayer would not pay one penny for this invaluable service.

## **V. Special Reptile of Special Concern Season in Florida is Your Model**

The Federal Government need only look at what the Florida Fish & Wildlife Conservation Commission with the cooperation of the South Florida Water Management District has implemented as a pilot program over the past few months in order to find a workable model as what to use within the Department of Interior. Currently, a reptile of special concern season is open in South Florida within four (4) wildlife management areas which comprise approximately 700,000 acres just north of Everglades National Park. From March 8th thru April 17th of this year, invasive snakes and other reptiles of concern can be harvested using legal methods such as firearms and using mechanical devices (such as boats and airboats) to access remote tree islands or other locations where these invasive predators can be found. These reptiles may not be taken alive and hunters must report harvest data to the agency by phone or internet. This type of aggressive approach using sportsmen is exactly what is needed within Everglades National Park and the surrounding federal lands to fully address this problem head on.

As another example of why this eradication method works is that late last year, a 14½ foot Burmese Python was killed by a Gladesman, Roger Newton, lawfully operating an airboat south of Tamiami Trail in the Big Cypress National Preserve near the northern edge of Everglades National Park. At the time, the python was in the process of swallowing a great white heron. This invasive animal was taken from the wild because of two simple reasons: Mr. Newton saw the snake while traveling on one of a few designated airboat trails and he had a lawfully possessed firearm. This same Gladesman captured a similarly sized python a decade ago. Imagine what he alone could achieve with better access to these areas. For the past 10 years—the period of time the snake population has exploded—sportsmen have been restricted to a VERY limited and designated trails system that does not provide access to most of the tree islands and hammocks these snakes live on. Sportsmen's use of the area plummeted in this time due to lack of access. Accordingly, it is no surprise that with the proper tools and access, the success rate goes through the roof.

The only way to tackle this problem is to use everything that is reasonably available. In fact, every method plays a role since there is no magic bullet. Accordingly, it is important for many diverse and creative methods be used in conjunction with some simple common sense solutions to tackle this problem across all South Florida Department of the Interior lands.

## **VI. Funding Is Not an Obstacle to Implementing Access**

Using sportsmen with reasonable access is a prudent, practical and certainly cost effective way to control the spread of exotic species. In doing some research on various issues before appearing before you, I found that there is always the question of how to pay for whatever is being suggested. I would submit to you that if reasonable access were

provided to sportsmen in Everglades National Park, Big Cypress National Preserve and other federal lands, it would not cost the National Park Service anything. In fact, it could possibly help the agency stretch its desperately strained resources, which currently only provides for a handful of park employees to try to contain this environmental catastrophe. Such employees could then work on additional recreation opportunities, management and habitat restoration.

Most importantly, this idea is not new in that certain national parks such as Grand Teton National Park already use sportsmen and hunters to help control the Elk population for example. This provides a large savings to the Department of the Interior since animal control experts typically charge by the animal.

## **VII. Amending the Lacey Act May Not Be Part of the Solution**

It is my humble opinion as a resident of South Florida that the theory in which the breeding facility that was destroyed when Hurricane Andrew came ashore in August of 1992 is the more likely cause of the python problem in the Everglades. As opposed to pet owners dropping snakes off over the years in various remote and secluded areas all over South Florida where their chance of meeting in the wild with other exotic snakes is remote, Hurricane Andrew provided a catastrophic mechanism for hundreds if not thousands of snakes to be set loose as a result of a natural disaster within a small geographical area located just a few miles from the eastern border of Everglades National Park.

Regardless, these exotic animals are a menace to South Florida, the Everglades and beyond if not controlled. I believe the key to taking on this problem is being multifaceted. Snake owners and accidental release may play a role, but in order to tackle this issue, many different steps need to be taken. Controlling the importation may just be one of many steps in preventing it from getting worse in the future. However, state and local laws may work better since this is a local issue in South Florida and Florida already has laws and procedures in the books regarding this particular issue. Moreover, its been suggested that changes to the Lacey Act could possibly increase the number of pet snakes being introduced into the wild by snake owners as a result of fear of prosecution or quite possibly because their values would plummet after the enactment of this proposed legislation.

## **VIII. Time is of the Essence**

This coming September, it will have been five (5) years since all of us saw that famous picture of the interaction between a 6ft Alligator and a 13ft Python in the middle of Everglades National Park. That photograph with the National Park Service helicopter in the background tells a great story of native versus exotic beast in the wild. It also at the same time reminds us all of how remote the area we are talking about really is. Since that day, access has not increased and the population of pythons has swelled. One does not need to be a scientist to see the relationship between the two.

## **IX. Wilderness Designation Creates Even More Problems**

This committee is fully aware of wilderness designations on federal lands. When it comes to exotic/invasive species such as the pythons, this designation can prove to be catastrophic in my opinion. Without anyone really recreating or visiting the middle of these remote areas, who will be there to notice when the exotic and invasive species move in and take over an area? Its not a coincidence that the highest concentration of these exotic animals is found where access by sportsmen is limited...Everglades National Park.

Ironically, just north of Tamiami Trail (U.S. 41), within the Everglades Wildlife Management Areas which are available for year-round recreation including fishing boating, hunting, camping, airboating and other activities, the sportsmen have a good grasp of the native plants and animals and as a result there is not as large a problem with exotics as found further south within the National Park or within Big Cypress National Preserve.

By way of background, The Everglades National Park Expansion Act not only closed East Everglades to hunting, but also put in place a plan to phase out recreational airboating by allowing only airboaters who had registered airboats at that time to continue to use the area via designated routes (a more liberal definition than designated trails) for their lifetime. The intent was for private airboating to end when the last old timer dies.

The current environmental crisis cannot be aggressively addressed unless Congress amends the Expansion Act to eliminate the phase out. Congress was not aware twenty years ago when they passed the Expansion Act that Wilderness status is not in the best interest of South Florida lands. Portions of Big Cypress National Preserve are currently under evaluation for Wilderness designation. We now know that only aggressive management (including mechanical access) is needed to address exotic species.

## **X. Congress Should Change/Amend Federal Law to Allow for the Hunting of Exotic Species by Sportsmen**

36 C.F.R. §2.2 (b) (1) states that "Hunting *shall* be allowed in park areas where such activity is *specifically mandated by Federal statutory law*." It goes on to state that "(2) Hunting *may* be allowed in park areas where such activity is specifically authorized as a discretionary activity under Federal statutory law if the superintendent determines that such activity is consistent with public safety and enjoyment, and sound resource management principles. Such hunting shall be allowed pursuant to special regulations."

Without any question whatsoever, this committee along with colleagues on Capital Hill has the ultimate authority to change statutory law in order to allow for sportsmen to address this problem immediately. I implore you to take a monumental step in preserving the Everglades by allowing for the improvement of access to federal lands and allow those with the skill, knowledge and wherewithal to tackle this problem as its our first and

foremost responsibility to be good stewards of the land and protect it from all threats, no matter what.

## **XI. Conclusion**

I thank you again for the invitation to travel to Washington and address this committee. The sportsmen of South Florida are ready, willing and able to assist in any and every way possible so long as Congress provides the tools and the access necessary to take an active and successful role in resolving this problem in order to protect and preserve native lands and wildlife. The time is now to bring sportsmen into the equation.