

**ENVIRONMENTAL ASSESSMENT OF HUNTING ON  
LOST TRAIL NATIONAL WILDLIFE REFUGE**

United States Fish & Wildlife Service  
National Bison Range Complex

October, 2007

## **Cover Sheet**

Proposed Action: Allow hunting on Lost Trail National Wildlife Refuge

Type of Statement: Environmental Assessment

Lead Agency: U.S. Fish & Wildlife Service

Cooperators: Montana Department of Fish, Wildlife & Parks  
Montana Department of Natural Resources Conservation  
Confederated Salish & Kootenai Tribes

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### Acronyms used in this document:

CFR - Code of Federal Regulations  
CSKT - Confederated Salish and Kootenai Tribes  
DNRC - Montana Department of Natural Resources and Conservation  
EA - Environmental Assessment  
EMU - MFWP Elk Management Unit  
ESA - Endangered Species Act  
FWS - U.S. Fish and Wildlife Service  
HD - Montana Department of Fish Wildlife and Parks, Hunting District  
MFWP - Montana Department of Fish Wildlife and Parks  
MPC - Montana Power Company  
NEPA - National Environmental Policy Act  
NRCS - U.S. Department of Agriculture, Natural Resources Conservation Service  
NWR - National Wildlife Refuge  
Refuge - Lost Trail National Wildlife Refuge  
WPA - U.S. Fish and Wildlife Service, Waterfowl Production Area  
WRP - US Department of Agriculture, Wetland Reserve Program

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## **Amendment to the Lost Trail EA, 2007**

In response to a 2003 lawsuit filed by the Fund for Animals, the U.S. Fish and Wildlife Service (Service) has amended or rewritten environmental assessments that describe hunting programs at thirty-seven national wildlife refuges across the nation. The basis for the lawsuit was that the Service failed to comply with the National Environmental Policy Act (NEPA) when establishing these hunting programs without considering the cumulative effects of hunting on wildlife populations. In addition to the thirty-seven refuges, thirty other refuges that have opened, expanded, or proposed new or expanded hunting programs since the 2002-2003 hunting season will also undertake the more thorough cumulative impact analysis. The same documentation will be completed for seven other refuges where the opening of hunting programs was proposed for the 2006-2007 season. In total, the Service will revise cumulative impacts analyses for 74 refuge hunting programs by May 31, 2007. This document addresses the hunting program at Lost Trail National Wildlife Refuge in northwest Montana.

Specifically, the revision includes updated population figures for the species hunted on Lost Trail Refuge and cumulative impacts for the preferred alternative.

## **PURPOSE FOR THE PROPOSED ACTION**

The purpose of this Environmental Assessment (EA) is to evaluate the feasibility of establishing a hunting program on Lost Trail National Wildlife Refuge (Refuge). The Service is required under the National Wildlife Refuge System Improvement Act of 1997 (*16 USC 668dd*) to consider opening refuges to the six priority wildlife-dependent recreational uses, of which hunting is one. The decision to open a refuge to hunting must be consistent with principles of sound wildlife management, applicable wildlife objectives and otherwise be in the public interest (50 Code of Federal Regulations (CFR) 32.1). Hunting must be compatible with the refuge enabling legislation, and consistent with the Refuge Recreation Act of 1962, and the Refuge Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997. Hunting should also be evaluated in regards to the other priority wildlife-dependent recreational uses (fishing, wildlife observation, wildlife photography, environmental education and interpretation) to minimize conflicts while providing opportunities for a premier wildlife experience for all.

## **NEED FOR THE ACTION**

The proposed action is to implement a hunting program on Lost Trail National Wildlife Refuge to provide the public with a high quality recreational experience. A hunting program must be compatible, and should instill positive values and high ethical standards, such as fair chase and sportsmanship, while providing a quality hunt. Policy of the U.S. Fish and Wildlife Service (FWS) Refuge Manual (8 RM 5.5) stipulates that hunting on refuges should be superior to that available on other public or private lands and should provide participants with reasonable harvest opportunities, uncrowded conditions, fewer conflicts between hunters, relatively undisturbed wildlife and limited interference from or dependence on mechanized aspects of the sport. Refuges are encouraged to set aside areas or times to promote hunting by youth to instill in them an appreciation for wildlife and the environment, while providing quality recreation and teaching proper hunting methods in a safe environment. The potential for crippling losses should be minimized and out-of-range shooting discouraged. Finally, hunting access and vehicle control should be planned to retain or improve the quality of the hunt and prevent disturbances to habitat, other hunters and wildlife. Land vehicles should only be used to provide access to the hunting area and not as a technique to make hunting easier, put wildlife at a disadvantage, or increase hunter success.

Refuge managers should offer wildlife-dependant recreation only to the extent that staff and funds are sufficient to develop, operate, and maintain the program to safe, high quality standards (Refuge Recreation Act). Managers should also rely on close cooperation and coordination with State Fish and Wildlife agencies in managing hunting opportunities on refuges and in setting refuge population goals and objectives.

## ISSUES

During the development of the Environmental Assessment and conceptual management plan for acquisition of Lost Trail, and a refuge open house, several issues were raised by members of the public, State and Tribal representatives.

### **Establishment as a Refuge vs a Waterfowl Production Area**

The Montana Power Company (MPC) purchased the Lost Trail Ranch in 1996 to partially satisfy a mitigative settlement order. This order was issued by the Federal Energy Regulatory Commission to the MPC, the Department of Interior, and the Confederated Salish and Kootenai Tribes (CSKT) to mitigate for wildlife losses and impacts associated with fluctuating water levels on Flathead Lake. This included damages to the Flathead Waterfowl Production Area (WPA) which is a unit of the National Wildlife Refuge System. MPC conveyed two tracts (3,100 acres) at opposite ends of the ranch to the FWS in 1999 to partially satisfy the settlement order. The future of the remaining ranch acreage between the two mitigation areas was uncertain. The Fish and Wildlife Service in partnership with the Natural Resources Conservation Service (NRCS) worked to protect this important connecting habitat. Under the auspices of the Wetland Reserve Program (WRP), the NRCS purchased a wetland easement from MPC on 1,707 acres within the Ranch. This acreage is located between the two conveyed parcels.

One of the alternatives in the Environmental Assessment and Conceptual Management Plan for acquisition of Lost Trail was to take ownership of the original 3,100 acres and not purchase the remainder of the Ranch. The Preferred Alternative outlined the importance of the remainder of the Ranch to the management and protection of the mitigated lands. In this alternative, the remaining 4,773 acres of the Lost Trail Ranch would be purchased in fee title and Montana Power Company would also turn over the grazing leases it held on 1,440 acres of timber and grazing land owned by the State of Montana within the Refuge acquisition boundary. These state lands and leases are administered by the Montana Department of Natural Resources and Conservation (DNRC). This 4,773 acres includes the NRCS 1,707 acre WRP easement. The use of a conservation easement was explored but was not a viable option for MPC. The partnership with NRCS and the availability of additional funding made the preferred alternative possible and the entire ranch was acquired establishing the 519th National Wildlife Refuge in August of 1999.

Since the mitigation order was to compensate for losses on Flathead WPA, some constituents felt Lost Trail should become a Waterfowl Protection Area. WPAs are added to the Refuge System under the Small Wetlands Acquisition Program. The total acreage proposed in the alternatives of the Acquisition EA for Lost Trail (3,100 acres and 4,773 acres) were too large to qualify under the Small Wetlands Acquisition Program. Therefore, both alternatives were discussed as being established as a National Wildlife Refuge.

## **Hunting on the Refuge One Year After Purchase**

The Conceptual Management Plan in the Acquisition Decision Document for Lost Trail Ranch states, "Hunting will be based on compatibility, wildlife populations stability, administrative staffing, and funding for the operation of hunting programs. A hunting program will be initiated after one year of land purchase, with the availability of funding. During the one year planning phase, the Service will develop a hunting plan and evaluate the environmental effects, with public input, of a hunting program through an Environmental Assessment." The FWS purchased Lost Trail on August 24, 1999. Once purchased, the Refuge is officially open to hunting only after the effective date and final rule publication of refuge specific hunting regulations in the Federal Register. Submission deadline of hunting rules, regulations and seasons are required in January of each year for publication in the Federal Register. To meet the time line proposed in the Acquisition Environmental Assessment (EA), the FWS would have had to complete the required Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) compliance, the hunt plan and compatibility determination, and associated public comment, prior to January 2000. It is not practical for the Service to be able to get a new refuge open to hunting in less than two years due to planning, development and publishing constraints. The statement in the Acquisition EA was an oversight by the Service. The purpose of this EA is to evaluate opening the Refuge to hunting in 2002.

## **Big Game Hunting**

The majority of comments received supported the hunting of big game on the refuge. Hunting suggestions ranged from having the Refuge completely open to hunting following MFWP regulations and seasons to permit only, archery only, or muzzle loader only hunting. Several other comments indicated that people felt that National Wildlife Refuges should not be open to hunting or that hunting should only be permitted if necessary to maintain healthy habitat or wildlife populations. A few comments were received indicating a preference for big game hunting but with the condition that motorized transportation not be allowed. Some people commented that accessibility for special needs hunters should be accommodated.

## **Access Across the Refuge to Hunt on State and Plum Creek Lands**

At a minimum, hunters and Montana Department of Fish Wildlife and Parks (MFWP) expressed a desire for access across the Refuge to hunt adjoining Plum Creek and DNRC lands. Service staff have completed a public use handout based on the Refuge acquisition EA providing limited public uses including access through the Refuge to Plum Creek and DNRC lands beginning September 1, 2001.

## **Trapping**

Some individuals would like to see the Refuge open to trapping. This is a separate issue that will be addressed in the Comprehensive Conservation Plan.

### **Elk Seeking Refuge**

MFWP is concerned that elk will quickly learn to seek sanctuary inside the Refuge if it is closed to hunting. Closure to hunting would lessen opportunities for hunters off the Refuge and may cause the herd to exceed the carrying capacity of available habitat. Limited private hunting occurred on what is now the Refuge prior to acquisition.

### **Tribal Subsistence**

The Confederated Salish and Kootenai Tribes (CSKT) would like to see tribal subsistence hunting rights established at Lost Trail NWR based in part on the Hellgate Treaty and the courts. The Fish and Wildlife Service is currently seeking legal counsel on this issue and anticipates that the issue will be resolved outside of the context of the current proposed public hunting program.

### **Other Hunting Issues**

Forty three people attended an open house at the Refuge on March 1, 2001 specifically in regards to establishing a hunting program. Many provided comments on the management of Lost Trail NWR. Others who did not attend the open house sent written comments over the next couple of weeks. Most of the comments and issues expressed were related to opening the Refuge to hunting. Comments ranged from not allowing hunting on the Refuge to opening the entire Refuge to hunting. Other comments included opening the uplands to hunting but not the bottom lands and allowing for special accessible hunting. A few comments suggested waterfowl hunting only, while others wanted the opportunity to shoot predators and ground squirrels. Concern has been expressed regarding populations of Columbian sharp-tailed grouse. Present MFWP regulations prohibit shooting of sharp-tailed grouse west of the continental divide and there is no known population of sharp-tails on or near the Refuge.

## **PLANNING PROCESS**

The Refuge Improvement Act designated six wildlife dependent recreational uses to be given priority on National Wildlife Refuges if they are determined to be compatible with Refuge purposes and the Refuge system mission. The wildlife dependent recreational uses are wildlife observation, wildlife photography, environmental education, environmental interpretation, hunting and fishing. During the acquisition process and in the Acquisition Environmental Assessment, the FWS stated that hunting would be evaluated and potentially allowed within one year after purchase. The FWS missed that deadline as discussed earlier in this document. The development of a hunting EA and Hunt Plan has been accelerated due to the need for Federal Register publication submission in January of 2002 for any hunting activities which may occur during the 2002 hunting season. Following a review and analysis of public comments on the Hunt EA and the draft Hunt Plan, either a finding of no significant impact or the need for further in-depth analysis in the context of an Environmental Impact Statement will be determined. The approved preferred alternative will serve as the guideline for the development of the refuge









Figure 2. Lost Trail NWR Hunt EA Designated Areas Alternative

**Figure 2. Lost Trail NWR Hunt EA Designated Areas Alternative**





















































































































































