

APPENDIX D: COMPATIBILITY DETERMINATION FOR ELK HUNTING

Use: Elk Hunting Program

Refuge Name: National Elk Refuge, Teton County, Wyoming

Refuge Purposes and Establishing Authority:

“ . . . the establishment of a winter game (elk) reserve. . . .” Stat. 293, dated Aug. 10, 1912.

“For the establishment and maintenance of a winter elk refuge in the State of Wyoming. . . .” 37 Stat. 847, dated March 4, 1913.

“ . . . all lands that now are or may hereafter be included within the boundaries of...the Elk Refuge, Wyoming...are hereby further reserved and set apart for the use of the Department of [Interior] as refuges and breeding grounds for birds.” Executive Order 3596, dated Dec. 22, 1921.

“ . . . for the use of the Secretary of [the Interior] as a refuge and breeding grounds for birds. . . .” Executive Order 3741, dated September 20, 1922.

“ . . . for grazing of, and as a refuge for, American elk and other big game animals. . . .” Stat. 1246, dated Feb. 25, 1927.

“ . . . for the development, advancement, management, conservation, and protection of fish and wildlife resources. . . .” Fish and Wildlife Act of 1956.

“ . . . suitable for — (1) incidental fish and wildlife-oriented recreational development. (2) the protection of natural resources. (3) the conservation of endangered species or threatened species. . . .” Refuge Recreation Act of 1962 (16 USC 460k-1).

National Wildlife Refuge System Mission:

The mission of the National Wildlife Refuge System is “to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife and plant resources and their habitats, of the United States for the benefit of present and future generations of Americans” (National Wildlife Refuge System Administration Act of 1966, as amended [16 USC 668dd–668ee]).

Additionally, the National Wildlife Refuge System Act specifically addresses wildlife-dependent recreation:

“compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife.” 16 USC 668dd(a)(3)(B)

“when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restriction or regulations as may be necessary, reasonable, and appropriate.” 16 USC 668dd(a)(3)(D)

“the terms ‘wildlife-dependent recreation’ and ‘wildlife-dependent recreational use’ mean a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.” 16 USC 668ee(2).

Description of Use:

The National Elk Refuge will administer an elk hunting program for youth and members of the general public.

A maximum of 70 hunters/participants will be allowed on the refuge at one time. There will be two hunts per year (one for youth and one for the general public). The youth hunt will last for 1 weekend, including a Saturday and Sunday. Youth hunters will be accompanied by an experienced non-hunting adult. General public hunts will be scheduled in accordance with Wyoming Game and Fish regulations.

Hunters will be required to meet all State of Wyoming requirements for the hunting of elk, such as rifle caliber, wearing of hunter orange clothing, reporting of kills, or other stipulations.

The National Elk Refuge hunt program will be highly managed. A Refuge Hunting Permit is required, which is obtained by participation in a weekly public drawing. Individuals wishing to draw for a Refuge Hunting Permit must be present at the drawing, possess a valid State of Wyoming Elk Hunting License, and a valid Hunter Safety Card (or certification) or a current Hunter Safety Instructor Card issued by a state. While hunting on the refuge, individuals must also possess a Wyoming Conservation Stamp and a Wyoming Elk Feedground Special Management Permit.

Hunt dates, bag limits, hunter quotas, and any adjustments to Refuge Hunt Zones will be determined on an annual basis, in consultation with the Wyoming Game and Fish Department (WGFD). Some changes to the existing hunt zones may occur in an effort to move elk out of traditional safe zones in the southern portion of the refuge and increase harvest efficiency.

Availability of Resources:

It is anticipated that annual planning and execution of the proposed hunting program will require approximately 105 staff-days of work, spread among the National Elk Refuge Manager, Biological, Visitor Services and Law Enforcement staff and cost approximately \$26,000 to operate. Refuge resources are expected to be augmented by the services and volunteers and partnership with WGFD personnel.

Anticipated Impacts:

Impacts on National Elk Refuge lands, waters, or interests will be limited to permitting hunters to access closed areas of the refuge to pursue, harvest and remove elk. An annual elk hunting program has been conducted on the National Elk Refuge for over 50 years.

Hunting on the refuge does affect elk movements, distribution and behavior. Elk would likely spend more time during the fall utilizing available habitat on the northern portion of the refuge. Many elk move quickly through hunt areas in the northern zone to non-hunt areas on the refuge and in the park, sometimes traveling through the hunt areas during the night. Hunting also increases agitation, nervousness and energetic expenditures associated with running from hunters and the sounds of weapons firing and possibly lowers nutrition because elk will stop foraging while running from these areas (Smith, pers. comm. 2003). Changing the areas where hunting is allowed from one year to the next may increase these impacts, as elk have to learn where the safe zones are every year. A beneficial effect to this would be increasing harvest efficiency of certain segments of the Jackson elk herd that arrive on the refuge earlier in the fall and thus reducing the number of elk wintering on the refuge.

Woody riparian vegetation in the northern half of the refuge benefits from hunting because elk quickly move through that area in the fall and therefore do not heavily browse aspen, willow and cottonwood habitats. However, it is browsed heavily later in the year after hunting ends and when snow depth does not prevent foraging in that area (Cole, pers. comm. 2004).

The hunt zone in the northern section of the refuge represents approximately 15,000 acres of transitional range that is lightly used because elk move quickly through to the safe zones on the southern section of the refuge, compounding already heavy grazing pressure on approximately 10,000 acres of native grasslands, wet meadows, and cultivated fields. In most years, by the time hunting season is over, snow prevents elk from returning to the northern section of the refuge to forage. Therefore grasses on the northern section of the National Elk Refuge get little use except in the spring when the elk are moving back into the park and the national forest, or in winters with below average snow accumulation.

Direct negative impacts of the hunting program on other wildlife will be minimal because hunting occurs in the fall when breeding and nesting seasons are over. Most Neotropical birds have migrated to their wintering grounds. Any disturbance impacts on most predators and scavengers will be far outweighed by the increase in food in the form of gut piles and carcass remains. Migrating bald eagles and other raptors, in particular, benefit from this food source (Griffin, pers. comm. 2002). Grizzly bears and wolves could benefit from this food source in the future if these species begin to occur on the refuge with greater frequency.

The refuge is bordered by public lands to the north and east, i. e. Grand Teton National Park and Bridger-Teton National Forest. Fencing on the western and southern boundaries of the refuge is designed to prevent elk from moving onto private lands and crossing Highway 89. Elk will continue to be able to move freely between the refuge and adjacent public lands.

To date all harvested elk that have been tested on the National Elk Refuge have tested negative for chronic wasting disease. The percentage of hunter-killed elk that have been tested is unknown due to many hunters choosing not to participate in the testing program. Under the Region 6 “Chronic Wasting Disease Policy,” it will be necessary to continue surveillance of the refuge herds for occurrence and prevalence of chronic wasting disease. Hunter-harvested deer and elk will provide data for this surveillance requirement.

Jackson Hole has the largest wintering elk herd in North America. The current Jackson elk herd is approximately 2,000 animals above the WGFD’s objective, and WGFD has taken aggressive action in recent years to reduce the herd through sport hunting. The hunt program on the refuge is helping the state achieve its elk herd objective goals.

Public Review and Comment:

The draft compatibility determination for elk hunting was presented for public review and comment in conjunction with the public comment period for the *Draft Bison and Elk Management Plan / Environmental Impact Statement* (Draft Plan/EIS), beginning on July 21, 2005. The comment period closed on November 7, 2005.

At three public hearings, and throughout the comment period for the Draft Plan/EIS, substantial public input was received regarding the provisions in the Proposed Action to continue the elk hunting program at the National Elk Refuge.

Only one comment specifically addressed the draft compatibility determinations, and the commenter expressed the view that the compatibility determinations were inadequate, premature and suggested a predetermined outcome of the EIS process.

Many comments were received by conservation groups, other agencies, and the general public in support of continuation of the elk hunt on the National Elk Refuge. Two stakeholder groups plus a few members of the general public voiced their opposition to elk hunting. Many commenters expressed a desire for more access for hunting and maximum opportunity for hunting.

In the professional judgment of the undersigned, none of the issues received during the comment period warrants changing the proposal for continuation of the elk hunting program on the National Elk Refuge. Hunting is clearly an appropriate use of the National Wildlife Refuge System by law and policy. The costs of the program are mostly salaries of personnel expended over the course of a fiscal year and are not excessive compared to many refuge programs. Hunting is an effective tool for ungulate population management that provides a wholesome outdoor recreational experience. In accordance with the USFWS “Compatibility Policy” (2000), seeking public comment during the comment period on the Draft Plan/EIS is appropriate and recommended.

Compatibility Determination:

Using sound professional judgment (603 FW 2.6U., and 2.11A), place an "X" in the appropriate space to indicate whether the use would or would not materially interfere with or detract from the mission of the National Wildlife Refuge System or the purposes of the National Elk Refuge.

Use is Not Compatible

Use is Compatible

Stipulations Necessary to Ensure Compatibility:

The following stipulations would allow the elk hunting program to be compatible from the standpoint of direct and short-term effects on the ability of the USFWS to fulfill the mission of the National Wildlife Refuge system and the purposes of the refuge:

- Weapons will be limited to rifles. No archery or handguns will be allowed.

Justification:

Hunting is a form of wildlife-dependent recreation and is considered to be a priority use of the National Wildlife Refuge System (Refuge Improvement Act 1997). Hunting has been a successful program for over 50 years on the National Elk Refuge as part of the overall management of the entire Jackson elk herd. It helps control ungulate populations, reduces mortality by starvation, and provides scientific data for surveillance of refuge elk populations for chronic wasting disease.

Mandatory Re-Evaluation Date: (provide month and year for "allowed" uses only)

Mandatory 15-year Re-Evaluation Date (for priority public uses)

Mandatory 10-year Re-Evaluation Date (for all uses other than priority public uses)

NEPA Compliance for Refuge Use Decision (check one below):

Categorical Exclusion without Environmental Action Statement

Categorical Exclusion and Environmental Action Statement

Environmental Assessment and Finding of No Significant Impact

Environmental Impact Statement and Record of Decision

Determination

**Prepared by
Refuge Manager**

(Signature)



(Date)

11-3-06

Concurrence

**Regional Chief,
National Wildlife
Refuge System:**

(Signature)



(Date)

11/9/06

Literature Cited and Personal Communications

- Cole, E. K., Wildlife Biologist, U.S. Fish and Wildlife Service, Jackson, WY
2004 Personal communication regarding elk and habitat on the National Elk Refuge.
- Griffin, J., Refuge Operations Specialist, U. S. Fish and Wildlife Service, Jackson, WY
2002 Personal communication regarding bald eagles on the National Elk Refuge.
- Smith B. S., Wildlife Biologist, U. S. Fish and Wildlife Service, Jackson, WY
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2000 "603 FW2, Compatibility." In *U.S. Fish and Wildlife Service Policy Manual*. Washington DC.

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