

Compatibility Determination for a Controlled Deer Hunt on Lake Lowell Unit of the Deer Flat National Wildlife Refuge

CANYON COUNTY, IDAHO

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Introduction

This compatibility determination discusses a proposed deer hunt which is identified as the preferred alternative/proposed action (Alternative B) in the Environmental Assessment for a Controlled Deer Hunt on Deer Flat National Wildlife Refuge (Refuge). All refuge uses must be compatible with the mission of the National Wildlife Refuge System and the purposes of the Refuge. For purposes of this document, refuge uses are defined as 'a recreational use (including refuge actions associated with a recreational use or other general public use), refuge management, economic activity, or other uses of a national wildlife refuge by the public or other non-National Wildlife Refuge System entity' (603 FW 2.6Q). The term compatibility was first used in 1918 in regulations developed by the precursor of the Fish and Wildlife Service, the Bureau of Biological Survey. A compatibility standard has been used by refuges since 1937 and was reaffirmed through the 1997 amendments to the National Wildlife Refuge Administration Act of 1966 (Administration Act). Current compatibility policy is contained within 603 FW 2.

The Administration Act stipulates that the needs of wildlife must come first and defines a compatible use as a use that "...in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the [NWRs] or the purpose of the refuge." Sound professional judgment is defined as "...a finding, determination, or decision, that is consistent with principles of sound fish and wildlife management and administration, available science and resources...." Compatibility for priority wildlife-dependent uses may depend on the level or extent of use. If determined to be compatible, wildlife-dependent recreational uses, which are defined as hunting, fishing, wildlife observation and photography, and environmental education and interpretation, receive priority consideration over other refuge uses.

Use

Deer Hunting

Refuge Name

Deer Flat National Wildlife Refuge, Canyon County, near Nampa, Idaho

Establishing and Acquisition Authorities

- Executive Order 7655, dated July 12, 1937)
- Migratory Bird Conservation Act [16 U.S.C. 715-715d, 715e, 715f-715r]
- Refuge Recreation Act as amended (16 U.S.C. 460k-460k-4)
- Fish and Wildlife Act of 1956, as amended [16 U.S.C. 742a-742j, not including 742l]

Refuge Purpose(s)

- “...as a refuge and breeding ground for migratory birds and other wildlife...” (Executive Order 7655, dated July 12, 1937)
- “...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.” (16 U.S.C. 715d Migratory Bird Conservation Act)
- “...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...” (16 U.S.C. 460k-1) and “...the Secretary...may accept and use...real... property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors...” (16 U.S.C. 460k-2 and Refuge Recreation Act 16 U.S.C. 460k-460k-4, as amended).
- “...for the development, advancement, management, conservation, and protection of fish and wildlife resources...” (16 U.S.C. 742f(a)(4)) “...for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude...” (16 U.S.C. 742f(b)(1) Fish and Wildlife Act of 1956).

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 within the United States for the benefit of present and future generations of Americans.” (National Wildlife Refuge System Administration Act of 1966, as amended [16 U.S.C. 668dd-668ee])

Description of Use

Beginning in the fall of 2012, the Refuge proposes to implement controlled and depredation deer hunt seasons on portions of the Lake Lowell Unit consistent with Idaho Department of Fish and Game (IDFG) seasons, bag limits, and special conditions for Game Management Unit (GMU) 38, which surrounds Lake Lowell. Annually, a set total of forty-five controlled hunt permits would be let for the Refuge controlled deer seasons. IDFG and Refuge personnel will work collaboratively to assess the success of the Refuge controlled deer hunt season and to evaluate the need for additional Refuge depredation permits. Additional deer depredation hunt permits may be allocated to address verified, localized deer depredations.

Controlled Deer Season:

A set total of forty-five permits would be let for the Refuge controlled deer hunt season. The hunt would create a safe and quality recreational opportunity providing a reasonable opportunity to harvest game. Additionally, the hunt would be predominantly for antlerless deer with a goal of population reduction to reduce localized depredation complaints. Four antlerless controlled deer hunts will be conducted with 10 permits each spanning 20 days to distribute hunting pressure evenly over the entire season. Additionally, an antlered deer controlled hunt would be

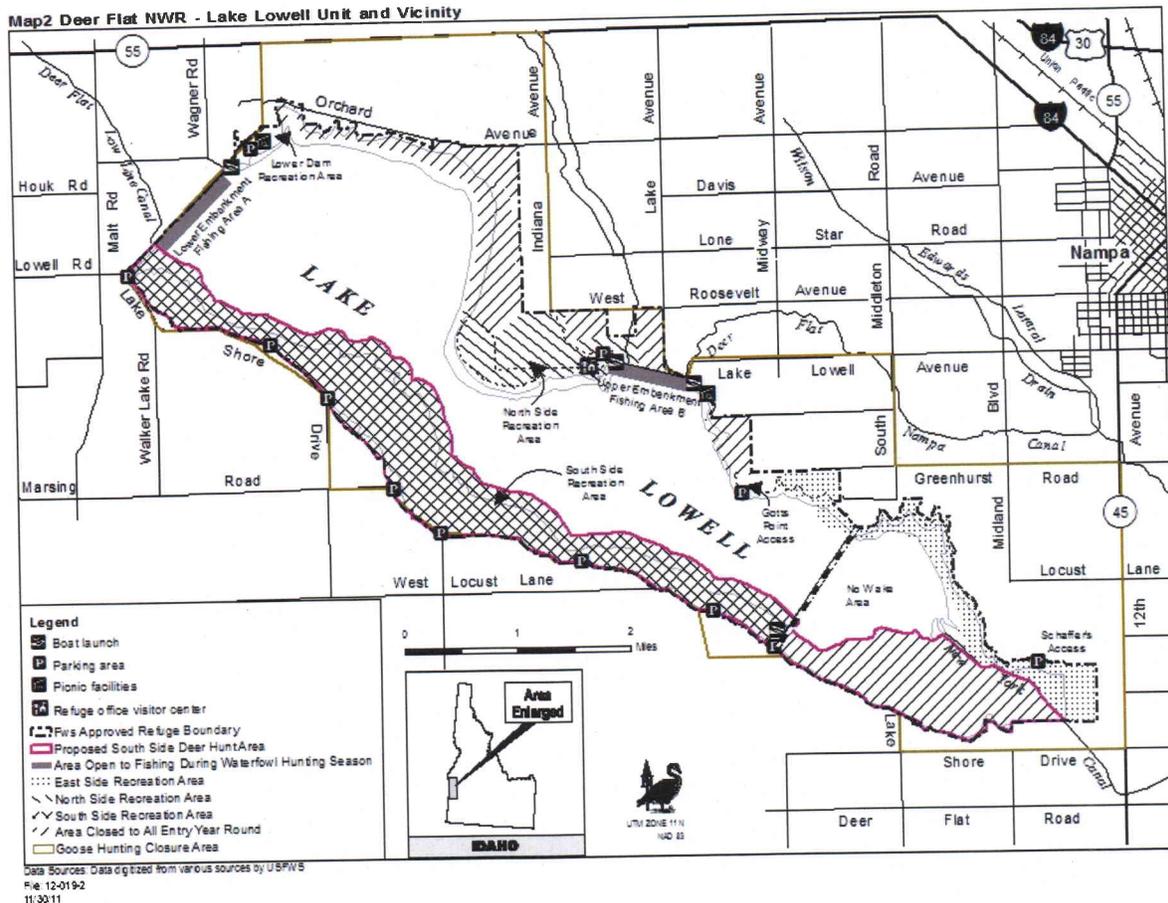
allowed consisting of 5 permits. Table 2.2.2 shows the allocation of permits and seasons for the Preferred Alternative. The controlled antlered hunt would provide a quality hunt opportunity for bucks during the rut, while the antlerless hunt will attempt to reduce localized deprecations. Permits will be allotted within IDFG's pre-existing hunting framework. Within the State framework, hunters are allowed to harvest an Extra Antlerless Deer. Extra Antlerless Deer allows hunters to apply for special permits, as an extra deer, even if they are putting in for other controlled hunts. Hunters are allowed two deer under this mechanism, but only one deer within this specific controlled hunt. This is a regularly used framework to help attract hunters to controlled hunts that reduce populations when there is the potential that a controlled hunt will be under subscribed.

Special Depredation Season:

IDFG and Refuge personnel will work collaboratively to assess the success of the Refuge controlled deer hunt toward population reduction and to evaluate the need for additional Refuge depredation permits. Continuous collaboration on deer management will ensure that depredation hunt permits adequately address localized depredation issues while not extirpating deer from the Refuge. As established in Idaho Code 36-1108, IDFG would continue to receive and address depredation complaints on non-Refuge lands where appropriate. Under Idaho Administrative Rules (IDAPA 13.01.0800) depredation hunts may be prescribed to address depredation issues. If depredation hunts are prescribed, the request for the depredation hunt is forwarded to the IDFG Regional Supervisor for approval. The Regional Supervisor would evaluate the potential for crop loss, number of animals involved, anticipated effectiveness of the hunt to minimize damage, opportunity to harvest offending animals, and potential safety issues. Upon mutual IDFG and Refuge approval, permits would be issued to hunters to harvest of deer from the Refuge. If the depredation permits are found to be necessary, depredation hunts will be conducted in a way to minimize impacts to wildlife resources. To maintain flexibility in the program and to promptly and efficiently address depredation issues, the seasonality and duration of the depredation hunting season would be individually prescribed to have a high probability of resolving valid depredation complaints through direct harvest of deer on Refuge. Typically depredation hunts would be set outside the normal deer hunting season because of a lack of hunters available to be directed to the problem area.

Proposed Controlled Hunt Season for the Lowell Unit, Deer Flat NWR:			
Type of Hunt	Period	Permits Issued per Hunt	Duration
Antlerless Extra Deer	Oct 10 –Oct 29	10	20 days
Antlerless Extra Deer	Oct 30 – Nov 18	10	20 days
Antlerless Extra Deer	Nov 19- Dec 8	10	20 days
Antlerless Extra Deer	Dec 9 – Dec 28	10	20 days
Antlered Deer	Oct 10-Nov 24	5	46 days
Depredation Hunt – as set by IDFG/Refuge	Outside of Oct 10-Nov 24	As needed to adequately address localized depredation issues.	As needed to adequately address localized depredation issues.

The hunts would occur in designated areas on Service-owned lands, generally described as the south shoreline of Lake Lowell between Parking Lot 8 and the New York Canal. This area is between 880 to 2200 acres of mostly of riparian forest and wetland shoreline depending upon the surface water elevation of Lake Lowell. Map 2 illustrates the areas to be opened for deer hunting.



The Refuge would implement, as needed, spatial and/or temporal closures to protect sensitive non-target wildlife resources such as eagle nests waterbird nesting colonies and wintering waterfowl. Of specific concern are nesting eagles and herons that may occur after the controlled deer hunt season, often in early February to March and concentrations of waterfowl in area between Parking Lot 1 and the New York Canal. Upon detection, sensitive resources would be mapped and closure areas established to buffer the resource. Hunters would be required to obtain a description of areas seasonally closed to hunting and other Refuge specific regulations. When complete, CCP/EIS will establish the size of buffers necessary and appropriate for sensitive wildlife resources.

Consistent with the hunting conditions on the surrounding GMU 38, hunting on Lake Lowell Unit would be limited to short-ranged weapons. Weapons currently allowed in GMU 38 include muzzleloaders, archery equipment, crossbow, shotgun using slugs or shot of size #00 buck or

larger, or a handgun using straight-walled cartridge not originally developed for rifles. This restriction is imperative due to the many interspersed tracts of private land, thus creating a safety issue for long-range weapons. The controlled deer hunt would require the use of hunter supplied temporary tree stands. By requiring hunting to take place in tree stands, the trajectory of weapons would be downward and any errant shots would be directed toward the ground, preventing the potential for projectiles to carry over to adjacent properties. No permanent structures would be constructed on Service lands; therefore, only temporary portable tree stands would be authorized.

Why is This Use Being Proposed

Hunting is one of the six priority public uses as defined by the 1997 amendments to National Wildlife Administration Act of 1966. If compatible, hunting is to receive enhanced consideration over other general public uses in refuge planning and management. Hunting can also be a valuable management tool to help regulate wildlife populations. Hunting has given many people a deeper appreciation of wildlife and a better understanding of the importance of wildlife and habitat conservation, which ultimately contributes to the National Wildlife Refuge System mission.

The proposed hunts are intended to offer a quality and unique deer hunting opportunity. Hunt programs structured around tree stand and short-range weapons are uncommon, in Idaho. These hunts will offer a unique hunting experience with a reasonable opportunity to harvest deer. Additionally the controlled deer hunt and depredation hunt will help alleviate localized depredation issues on nearby agricultural lands by reducing the deer population. Idaho's Mule Deer Plan states, 'Mule deer can create depredation concerns when foraging on agricultural crops or rangeland vegetation. These situations occur due to overabundant deer populations, drought conditions, or in areas where crop land is adjacent to deer habitat.' There has been a long history of depredation complaints in the agricultural area surrounding Lake Lowell. Complaints include direct browsing or rubbing on orchard and nursery stock, grazing on alfalfa stands and on carrots planted for seed production. Recent depredations to carrot seed crop near Lake Lowell may amount to \$10,000 lost in annual seed production. IDFG's 15-year strategic plan, *The Compass*, has a strategy to address depredation, 'alleviate wildlife damage to agriculture and compensate landowners for unavoidable losses as provided by law.' Idaho Code 36-1108 identifies statutory requirements that must be met and appropriate actions IDFG must take to address depredation situations. IDFG utilizes integrated strategies to address depredation management including hazing, permanent fencing, depredation hunts, kill permits, and perpetual easements. Conditionally, IDFG may additionally be required to compensate for crop damages caused by antelope, elk, deer or moose.

Availability of Resources

The proposed deer hunt would not require any additional infrastructure. Hunter access to the proposed hunt area would be accommodated at existing Parking Lots #1 to #8. Permanent blinds, additional trails, and roadway pullouts would not be constructed to support the hunt program. Hunter access would be restricted to pedestrian access only, ATVs and pack animals are not permitted.

Administration of the hunt program would add workload to existing staff. Maps, websites, signage, and printed media would need to be updated to reflect the new hunting program. The majority of this expense would occur in the first year, as existing media and signage would need to be initially modified and seasonal closure maps (if applicable) would need to be designed. Thereafter, the Refuge would incur the annual expense of editing and producing media related to the new deer hunting opportunity. Monitoring efforts would need to be increased to determine the program's impacts to Refuge deer populations and other Refuge resources. The simple administration of the program would add annual work load to the biological, management, and public use staff. It is expected that the Service and IDFG law enforcement personnel will assist with any enforcement related problems. The Refuge has adequate staff and base funding to cover the additional work load and costs.

Position	Activity or Product	Initial	Reoccurring
Many Participants including Refuge and Regional Office Personnel	Preparation of Hunt Opening Package	\$20K	
Project Leader/Deputy Project Leader	Coordination with IDFG & Program Management		\$5K
Wildlife Biologist	Deer Monitoring, Resource Monitoring, Hunt Plan Updates, Coordination, Program Management		\$5K
Law Enforcement	Coordination with IDFG & Patrols		\$5K
Visitor Services Manager	Outreach, Production of Media, Program Management		\$5K
Visitor Services Manager	Modify existing outreach/regulatory materials (brochures, website, signage)	\$7K	
Maintenance Worker	Improve Signage	\$3K	
Total		\$30K	\$20K

Anticipated Impacts of the Use

Harvest of Deer:

Hunting by its nature, results in the direct take of individual animals, as well as wounding and disturbance (DeLong 2002). In all cases, the Refuge would seek to minimize needless deer mortality; while providing a quality hunt experience and supporting objectives of reducing deer

populations and reducing localized depredation issues. The Refuge has coordinated closely with the state in developing a deer hunt that falls within the frameworks of the depredation hunts and the general deer hunt within GMU 38. The Preferred Alternative would assist IDFG to support the goals and objectives of the 2008 Mule Deer Management Plan, specifically as it applies to alleviating depredation to agricultural croplands. The Preferred Alternative additionally offers local mechanisms for IDFG to fulfill its statutory requirements within Idaho Code 36-1108 to take appropriate actions to address depredation situations.

With regional deer populations exceeding 55,000 animals (L. McDonald, pers. comm.), the Proposed Alternative would not result in significant cumulative impacts to deer populations in either GMU 38 or any larger context. Locally an increase in harvest would actually help maintain the population at levels that are socially acceptable through the reduction of car strikes, direct financial losses, and wildlife conflicts in an urbanizing area. Under the Preferred Alternative, up to 45 refuge permits would be made available to harvest deer via the controlled deer hunt and additional depredation hunt permits may be issued to achieve reductions in depredation complaints. It is anticipated that no matter how many controlled or depredation hunt permits are issued, harvest success rates will not approach 100%. IDFG has identified an initial reduction of 20-30% of the local population as an initial threshold required by the controlled deer hunt to address depredation (L. McDonald, pers. comm.). Assuming a population of 120 animals, the controlled deer hunt would have to harvest 24-36 animals to address depredation. Achieving this annual harvest might be difficult, but the option of prescribing a depredation hunt may ultimately realize this reduction. In subsequent annual seasons, as population reductions are realized and reproductive does are removed from the local population, it is assumed that the controlled deer hunt may achieve desired reduction depredation complaints. Under this scenario, a reduction in depredation complaints would correspond to fewer depredation permits issued for the Refuge. The long-term stability of the local population is dependent upon a myriad of factors including, immigration/emigration, births/deaths, and population dynamics. The Refuge and IDFG will work collaboratively to annually prescribe the scope and duration of depredation hunt to adequately address specific depredation issues; while sustaining a deer population on the Refuge.

Deer hunting can have indirect impacts to habitat by reducing populations or redistributing deer thereby changing densities of deer in a given area. Mule deer are largely dependent upon the fat stored during the spring, summer, and fall to survive winter. Even in the best winter range, deer lose weight throughout the winter. A main strategy for winter survival is securing habitat with adequate thermal cover to conserve energy by becoming sedentary. To support this strategy, energy loss would be minimized by sufficient food resources in close proximity to cover habitat (IDFG 2010). The Refuge provides winter hiding and resting cover in close proximity to enticing and important browsing opportunities on nearby private agricultural properties. IDFG has managed the surrounding Idaho GMU 38 for high doe harvest to control the population and reduce depredation. Permit holders in GMU 38 harvest approximately 250 mule deer per year. This liberal harvest structure favors the harvest of antlerless deer, averaging 54% of the mule deer harvest within GMU 38 ([http:// fishandgame.idaho.gov](http://fishandgame.idaho.gov)). The clear intent is to reduce the population through harvest of both sexes and not to merely redistribute the deer population. Hunting may serve to redistribute deer on refuge habitats which could result in habitat damage. The main no-hunting zone on the Refuge would be the Public Use Areas north of the Lake

Lowell. This portion of the Refuge has historically received less deer use as a result of the relatively greater level of human disturbance and further proximity from agricultural lands. Since disturbance associated with hunting has a greater influence on big game behavior than other public uses, deer may begin to habituate to the level of human disturbance in the no hunting areas. Increased density of deer in these areas may increase the intensity of grazing and browsing resulting in unforeseen habitat damage north of Lake Lowell.

Impacts to Habitats:

Foot travel associated with deer hunting could potentially result in trampling of vegetation and minor impacts to subcanopy riparian cover. Since deer hunting would involve small numbers of spatially dispersed hunters, and primarily take place during the time of the year most understory plants are dormant, this activity would likely have little direct impact on any native plant species. Refuge specific rules for tree stands will additionally reduce vegetative trampling, as hunters will not be free roaming within the Unit. Tree stands will be non-damaging to trees and free of screw-in/nail-in hangers, attachments, or steps. Although impacts to habitats within the hunt area are expected to be minor, as noted above, other habitats could be impacted from increased grazing and browsing should deer move away from the hunt zone. The redistribution of deer from the hunting zone may increase deer density within other nearby suitable habitat areas. Through trampling and direct herbivory, habitat conditions could be reduced within riparian, shrub steppe, and agricultural areas. Higher densities over prolonged times can have impacts to habitat structure, as young plants are consumed suppressing the number of potential recruits into older age classes.

Impacts to Soil and Water

Minimal disturbance is anticipated to soils and water due to the dispersed nature of the activity. Additionally, the proposed hunt utilizes existing infrastructure for parking and pedestrian access. The impacts of a limited number of hunters hiking to/from hunting stands during a restricted season are anticipated to be negligible.

Impacts to Non-Target Species:

The activity of hunting deer on the Refuge could also disturb some wildlife species. Periodic firearm discharge in close proximity to wetlands can result in behavioral responses by waterfowl and other wetland birds. Portions of the Refuge proposed to be open to deer hunting would include shorelines adjacent to Lake Lowell along the southern shoreline. Use patterns of wintering waterfowl and waterbirds on Lake Lowell in close proximity to periodic shooting could temporarily disperse birds on the Lake. This disturbance will be limited in scope by the number of potential hunters at any given time, as a maximum of 15 hunters daily would be present when the controlled antlered and antlerless seasons coincide. These hunters would be dispersed throughout an 880-2200-acre hunt area. The rate of gunfire disturbance is expected to be infrequent and random based upon opportunistic individual shots or shot clusters at deer in range. The frequency of gunfire may be only a few shots per day causing temporary and short-term disturbance to wintering waterfowl and waterbirds.

The controlled deer hunt season may impose some short-term effects to wintering bald eagle use within the hunt units. Wintering populations of bald eagles have shown susceptibility to disturbance resulting in disrupted foraging behavior and changes in social dynamics between other species in the avian scavenger guild (Skagen 1991) and avoidance of areas with high disturbance (Stalmaster and Newman 1978). Stalmaster and Newman (1978) also found that recreational activities occurring within 250 meters of roosting and foraging areas resulted in changes in distribution patterns by displacement to areas of lower human activity. With regards to hunting, Stalmaster and Newman (1978) found that gunshots were the only noises that elicited overt escape behavior by eagles in their study. Edwards (1969) also found that gunshots could be used to flush eagles from their roost (cited in Stalmaster and Newman 1978). The proposed hunt unit would incorporate riparian woodlands that could serve as eagle roosting habitat for wintering eagles. The proposed hunt area is also adjacent to Lake Lowell that is utilized by bald eagles for foraging, potentially placing hunters within 250 meters of roosting and foraging eagles. As a result of hunting disturbance, perches and foraging areas within closed areas may see a higher frequency of eagle use during the hunt season.

Site selection and nesting activity for bald eagle nests and heron colonies may initiate in late January, applying the depredation hunt season may introduce a regulated number of hunters to suitable habitat during this period. The depredation season is anticipated to have low hunter density producing only few shots per depredation permit. The impact to nesting eagles and herons is not likely to have major impact. The framework of the depredation hunt additionally allows the Refuge to selectively close areas, as detected, to protect sensitive wildlife resources within the hunt area with spatial buffers. Resource buffers will be employed utilizing current research to sufficiently safeguard nests or colonies from abandonment. As closures are implemented, the Refuge will supply hunt permit holders maps of closures to hunting activity.

Impacts to other wildlife-dependent recreational uses:

Hunting (especially gunshot noise) has the potential to disturb Refuge visitors engaged in other wildlife-dependent public uses. Under the Preferred Alternative, these impacts may be minimized by the location of the designated deer hunt on the south shore of Lake Lowell. The footprint of Alternatives B & C largely coincides with the current waterfowl and upland game hunting season within the South Side Recreation Area. Additionally, a previously closed area between Parking Lot 1 and the New York Canal would be opened. This proposed hunt area consists of space that is currently principally used by hunters. It is spatially separated from the Public Use Areas at the North Side Recreation Area, East Side Recreation Area, Lower Dam Recreation Area, Fishing Area A, and Fishing Area B. The controlled deer hunt proposed in Alternative B would additionally be temporally removed from the general boating season on Lake Lowell which ends September 30th.

The South Side Recreation Area is used year-round for multiple recreational pursuits. Adherence to the short-range weapon and tree stand requirements are important safety provisions where hunting activities overlap within the South Side Recreation Area. The use of tree stands will bring deer hunters in close proximity to game, increasing public safety between hunting groups and non-hunting groups. Coupled with the use of tree stands, the trajectory of projectiles used for deer hunting will be downward, thereby, terminating errant shots into the ground

adjacent to the intended target. These same provisions should additionally negate any potential for projectiles from straying into sensitive areas, private property, or other non-hunted areas.

A reduction in the local population of deer is anticipated. This reduction may result in less opportunity for the public to view deer from public use areas. Hunting pressure may serve to redistribute deer from the hunting area to non-hunted public use areas having a slight compensatory effect to deer viewing opportunities.

Impacts to Adjacent Lands

The initiation of a deer hunting program on Deer Flat National Wildlife Refuge will result in additional localized gunfire along the south shore of the Lake Lowell Unit. Hunting on the Refuge will occur simultaneously with the local off-refuge controlled deer hunt but will represent an increase in gunfire above the current baseline. In places, private property and residences border the proposed Refuge hunt area. Adherence to the short-range weapon restrictions imposed throughout GMU 38 is intended to increase public safety where hunting areas interface with no-hunting zones. The proposed hunt additionally will be limited to tree stand hunting. By requiring tree stands, the trajectory of projectiles will be downward toward the ground, thereby, reducing the potential of errant shots from carrying to private property. The Refuge will establish regulations to prohibit shooting (firearm or bow) from the ground eliminating horizontally discharged firearms with trajectory over the landscape. In conjunction with enforcement of existing State regulations that prohibit the discharge of firearms from or across public right of ways, the additional safeguards have been established to minimize impacts to adjacent private lands.

The proposed hunt will help reduce the localized deer population to alleviate agricultural depredation to lands surrounding the Refuge. There has been a long history of depredation complaints in the agricultural area surrounding Lake Lowell. Complaints include direct browsing or rubbing on orchard and nursery stock, grazing on alfalfa stands or carrots planted for seed production. Recent depredation to carrot seed crops near Lake Lowell may amount to \$10,000 lost in annual seed production. The deer hunt is anticipated to have a positive economic impact by reducing financial losses due to crop depredation. Additionally, there may be a minor economic gain through increased recreational activity in the local community.

Public Review and Comment

This compatibility determination is an appendix to the Environmental Assessment for a Controlled Deer Hunt on Deer Flat National Wildlife Refuge. This document was available for 30-day public review. The plan was posted on the Deer Flat National Wildlife Refuge website (<http://www.fws.gov/deerflat/>) on December 6, 2011. A News Release was sent to local and regional media outlets on December 7, 2011 directing interest to the Refuge website and announcing the 30-day public comment period. On December 6, 2011, letters were sent to federal legislators (Senator Michael Crapo, Senator James Risch, Congressman Raul Labrador, and Congressman Michael Simpson) informing their staff of the hunt plan and public comment period. On November 30, 2011 members of the CCP's Interagency Coordinating Team (ICT) received an emailed Monthly Update announcing the release of the planning documents and

clarifying the difference between this plan and the CCP. Members of the ICT, comprised of members of State, Federal, County, and local government, were sent reminder messages about the public comment period on December 7, 2011 and December 22, 2011. Letters were sent to Tribal contacts from the Shoshone-Bannock, Shoshone-Paiute, and Nez Perce Tribes by the Service announcing the hunt plan and the opportunity to comment. An announcement about the plan's availability was additionally directly mailed to residents neighboring the Lake Lowell Unit of the Deer Flat National Wildlife Refuge. Idaho Department of Fish and Game staff met with refuge staff on October 11, 2011 to discuss the Lake Lowell hunting program. The Service and IDFG shared correspondences relating to deer management throughout the development of the plan. IDFG also provided comments and suggestions to preliminary drafts of planning documents. IDFG issued a letter in support of the Preferred Alternative within the Environmental Assessment on December 15, 2011.

Those wishing to do so had 30 days to submit written comments following the release of this document. During the 30-day public/agency/tribal comment period ending January 5, 2012, the FWS received 22 written comments with 12 letters in general support of a controlled deer hunt at the Refuge to manage local deer populations. Seven letters disagreed with the Action Alternatives to control deer populations by implementing Refuge hunting; or were opposed to hunting on the Refuge. Three comments were neutral to the hunting offering alternate strategies or soliciting additional information on the details of the Alternatives. Only two comments received were specific to the Compatibility Determination. Based on the comments, the Compatibility Determination was edited to remove a seemingly contradictory statement relating hunting pressure modifying deer behavior and activity patterns. The second comment related to the impacts to local residents through implementation of a controlled deer hunt. No changes were made to the Compatibility Determination relative to this comment, as the impacts to neighbors would be minimal based upon Refuge specific stipulations and regulations proposed within the Hunt Plan and Compatibility Determination.

Determination

- Use is Not Compatible
 Use is Compatible with Following Stipulations

Stipulations Necessary to Ensure Compatibility

In order to ensure that the deer hunt within the designated boundaries of the Lake Lowell Unit is compatible with Refuge purposes, the Refuge will need to issue specific hunting regulations. The following regulations are required in order for a safe and quality hunt to proceed:

- Hunters must comply with the applicable provisions of state and federal laws, as well as, hunting regulations of the State of Idaho.
- Deer Hunting is permitted within designated hunting areas only, see Map 2. The hunt area is generally defined as the areas between the shoreline of Lake Lowell and the Refuge's southern boundary, and extending from Parking Lot 8 southeasterly to the New York Canal.
- No permanent structures will be constructed on Service lands.
- The use of flagging, blazing, or trail-marking devices to locate hunting area(s) or for any other

purpose is prohibited

- Use of dogs to hunt or pursue big game is prohibited.
- Hunters must obtain a Refuge-specific permit to hunt deer on the Lake Lowell Unit of the Refuge which must be signed and carried in the field while hunting.
- No person including, but not limited to, a guide, guide service, outfitter, club, or other organization, will provide assistance, services, or equipment on the refuge to any other person for compensation unless such guide, guide service, outfitter, club, or organization has obtained a Special Use Permit from the Refuge.
- Deer hunting will be limited to short-ranged weapons, as allowed in IDFG GMU 38. These weapons currently include muzzleloaders, archery equipment, crossbow, shotgun using slugs or shot of size#00 buck or larger, or a handgun using straight-walled cartridge not originally developed for rifles.
- All Lake Lowell Unit deer hunting will be from temporary tree stands.
- Each hunter is allowed to install non damaging portable tree stands up to the maximum number allowed under 50 CFR part 32. The tree stands may be erected on, or after, the first day of their hunting season and must be removed by the last day of their season. Hunters must permanently affix their name, contact phone number, and address to their deer stand(s).
- Use of nails, wires, screws, or bolts to attach a stand to a tree, or hunting from a tree into which a metal object has been driven is prohibited.
- Lake Lowell Unit deer hunters must use a Fall-Arrest System (FAS)/Full Body Harness meeting Treestand Manufacture's Association (TMA) Standards while utilizing a tree stand. It shall be unlawful to use a tree stand without permission of the owner.
- Hunting by aid of or distribution of any feed, salt, other mineral, or electronic device, including game cameras is prohibited.
- Lake Lowell Unit deer permit holders will be limited to designated parking areas. Access will be walk-in-only from existing Parking Lots 1-8.
- Deer hunters may enter the Refuge no earlier than two hours before shooting time and must leave the Refuge within 2 hours after shooting time. Unless retrieving a deer, retrieval times extend 5 hours past shooting time.
- Lake Lowell Unit hunting permit holders must be accompanied by a Refuge employee or State Game Warden to retrieve a wounded or expired deer from a Closed Area.
- Terrestrial based stalking and/or still hunting is not permitted at any time. Shooting (firearm or bow) from the ground is not permitted, except to dispatch wounded deer.
- Deer drives are prohibited.

Justification

Hunting, when compatible, is defined as one of the priority public uses of the Refuge System by the National Wildlife Refuge System Improvement Act of 1997. The Refuge hunt program will be designed to provide a quality hunt, safe experience, with a reasonable opportunity to harvest game species. By implementing the deer hunt program, no habitat degradation would be anticipated; disturbance to birds and other wildlife, if any, would be temporary and localized; and ample amounts of additional quality habitat for these wildlife species exists on the Refuge. Thus, it is anticipated that wildlife populations would find sufficient food resources and resting places such that their abundance and use of the Refuge and local area would not be measurably lessened from hunting activities. The number of individuals expected to be removed from the

deer populations due to hunting would not impair the physiological condition and production of hunted species.

A controlled deer hunt offering a limited number of permits on the Deer Flat National Wildlife Refuge would have minimal impacts on the refuge environment, overall population of deer, non-target species, other wildlife-dependent recreational uses, and nearby residents. The refuge environment includes wildlife, soils, vegetation, air quality, and water quality. Some disturbance to the refuge environment is anticipated but impacts would be minor due to the dispersed nature of the activity entailing a limited number of participants over the duration of the hunt season. State and Federal regulations and refuge-specific special conditions will help reduce or eliminate any unwanted impacts of the use to non-target species. The Refuge will implement, as needed, spatial and /or temporal closures to protect sensitive non-target wildlife resources such as eagle nests or wintering waterfowl. The proposed hunt is not anticipated to have any impact on threatened or endangered species, as none are known to occur in the hunting area.

Specific refuge regulations help safeguard refuge habitat and adjoining private property. Disturbance to other wildlife will occur, but this disturbance is generally short-term with sufficient habitat in adjacent areas. Apart from the Refuge's deliberate efforts to reduce the localized deer population, this harvest will not significantly affect the regional population of deer. For these reasons, deer hunting will not prevent the Refuge from fulfilling the purposes of the Fish and Wildlife Act, Executive Order 7655, the Migratory Bird Conservation Act, the Refuge Recreation Act; or the mission of the National Wildlife Refuge System for conserving, managing, restoring, and protecting wildlife resources. In addition, the proposed hunt is anticipated to have a positive benefit to adjoining agricultural lands by alleviating localized depredation impacts.

In summary, the hunt on the Refuge would not have any significant impacts to hunted species, to the regional populations of these species, to the refuge environment, to adjacent lands, or to nearby residents. By allowing public hunting the Refuge is fulfilling the mission of the National Wildlife Refuge System by administering refuge resources for the benefit of present and future generations. For these reasons, we have determined that deer hunting will not materially interfere with or detract from fulfilling Refuge purposes and the mission of the National Wildlife Refuge System.

Mandatory 10- or 15-year Reevaluation Date: (provide month and year for 'allowed' uses)

Mandatory 15-year re-evaluation date (for wildlife-dependent public uses)

Mandatory 10-year re-evaluation date (for all uses other than wildlife-dependent public uses)

Literature Cited

DeLong, A. K. 2002. Managing visitor use and disturbance of waterbirds – a literature review of impacts and mitigation measures – prepared for Stillwater National Wildlife Refuge. Appendix L (114pp.) in Stillwater National Wildlife Refuge Complex final environmental impact statement

for the comprehensive conservation plan and boundary revision (Vol. II). Dept. of the Interior, U.S. Fish and Wildlife Service, Region 1, Portland, OR.

Idaho Department of Fish and Game (IDFG). 2010. Annual Report, Project W-170-R-33. Idaho Department of Fish and Game, Boise, USA.

Idaho Department of Fish and Game Website (IDFG).
<http://fishandgame.idaho.gov/ifwis/huntplanner/>. Accessed during November 2011.

Skagen, S.K., R.L. Knight, and G.H. Orians. 1991. Human disturbance of an avian scavenging guild. *Ecological Applications* 1:215-225.

Stalmaster, M. V. and J. R. Newman. 1978. Behavioral responses of wintering Bald Eagles to human activity. *Journal of Wildlife Management* 42:506-513.

Personal Communications: Lester McDonald, Idaho Department of Fish and Game, McCall, Idaho

Signatures

Signatures for Compatibility Determination for Deer Hunting on Deer Flat National Wildlife Refuge; Lake Lowell Unit

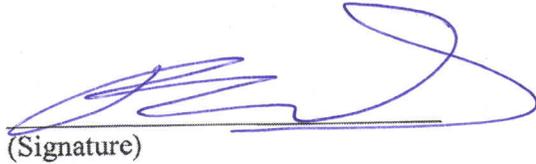
Approved by
Refuge Manager/
Project Leader:


(Signature)

1/19/12
(Date)

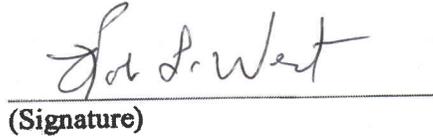
Concurrence

Refuge Supervisor:


(Signature)

1-25-12
(Date)

Regional Chief,
National Wildlife
Refuge System:


(Signature)

1-25-12
(Date)