

Responses to Comments  
Received on the Hunt Plan,  
Environmental Assessment,  
& Compatibility Determination  
for a Controlled Deer Hunt  
on the Lake Lowell Unit of the  
Deer Flat National Wildlife Refuge

CANYON COUNTY, IDAHO

# Hunt Plan, Environmental Assessment, and Compatibility Determination for a Controlled Deer Hunt on the Lake Lowell Unit of the Deer Flat National Wildlife Refuge

## I. INTRODUCTION

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 Deer Flat National Wildlife Refuge (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.

## II. COMMENT RECEIVED, RESPONSES

As comment uniformity permits, comments received on common factual content of the draft have been grouped together to be addressed below. Unique factual comments on the content of the draft will also be presented and addressed below. Copies of the actual letters are not reprinted here, however, comments have been paraphrased to reflect the comment provided. The FWS responses immediately follow the comment(s).

Comment: Seven letters commented about the safety of the deer hunt proposal citing adjacent private property and concurrent public uses.

Response: The controlled deer hunt will implement short-range weaponry restrictions, consistent with the surrounding GMU 38. Additionally, the controlled deer hunt would require the use of temporary tree stands. The use of tree stands would bring deer hunters in close proximity to game ensuring target selection and maximizing public safety between concurrent user groups. Terrestrial based stalking and/or still hunting will not be permitted at any time. Shooting from the ground will be exclusive to the short range dispatching of wounded animals. Therefore, shots will predominately originate from the tree stands with a downward trajectory with errant shots terminating into the ground adjacent to the intended target. These measures are intended to negate any potential of projectiles from straying into sensitive areas, private property, or other non-hunted areas. Additionally, the controlled hunt will regulate the number of deer permits to fifteen at any given time, limiting the number of deer hunters within the 880-1200 acre hunt area. We believe the safety measure described above provides adequate protection to adjacent property owners and the visiting public.

Comment: One comment questioned the Biological Soundness of the Hunt Plan.

Response: Hunting programs need to be based on healthy, sustainable populations of the species hunted. On the State, regional, and landscape scale deer populations are of adequate size to sustain a hunting program. On the local scale, the proposed controlled deer hunt would issue a limited number of Refuge permits and depredation hunt permits will be subject to interagency

consultation in order to safeguard the viability of the local population.

Comment: Two letters raised concern about hunter access to private property to either access the hunt area or to retrieve wounded deer.

Response: The Idaho Big Game Rules state that; 'It is unlawful to enter private property that is posted, cultivated or in irrigated pasture without landowner permission to retrieve game.' Trespass Laws further expand upon proper posting on private property. Access to the hunt area is described in both the Hunt Plan (Section VII. A.2.) and the Compatibility Determination (Stipulations Necessary to Ensure Compatibility), both sections were revised to clarify that access to the hunt area is only authorized from sanctioned access points, Parking Lots 1-8.

Comment: Four letters favored alternate archery only strategy to increase safety.

Response: The Hunt Plan, Compatibility Determination, and Environmental Assessment require short-ranged weapons consistent with the surrounding Game Management Unit 38 (GMU 38). Archery is among the approved weaponry in the short-ranged weapon requirement. As short-ranged weapons have successfully and safely been implemented in the surrounding GMU 38 on private and public lands, a more restrictive weaponry regulation is not currently warranted.

Comment: Three comments favored mandatory harvest reporting or check station visits to assess baseline data for future harvest quotas and to assess general herd health.

Response: These are traditional methodologies for gathering harvest data and biological data, however, the Fish and Wildlife Service (Service) and Idaho Department of Fish and Game (IDFG) do not believe collecting such data is currently necessary beyond normally placed check stations. As needed, this data may be collected in the future in support of the Refuge's biological monitoring and inventory needs.

Comment: One comment questioned the Purpose and Need of the Environmental Assessment.

Response: It is generally acknowledged that the Refuge provides hiding and resting cover for mule deer and food resources are partially obtained off the Refuge on adjacent private lands. Deer induced depredation damage to nearby agricultural lands has been documented by IDFG. This plan proposes a controlled deer hunt to manage the local deer population to reduce depredation on nearby agricultural lands. This proposal will not be detrimental to the overall population and contains safeguards to ensure the viability of local herds.

Comment: One comment is opposed to hunting on Refuges considering mule deer an endangered species suggesting the Refuge has neglected its conservation mission.

Response: The Congress has mandated that National Wildlife Refuges provide opportunities for the public to engage in wildlife dependant activities (defined as hunting, fishing, wildlife observation, photography, education, and interpretation.) so long as those activities do not materially interfere with the purpose for which the Refuge was established. Mule deer are not a species endangered or threatened with extinction. In fact, the species is quite abundant which

has resulted on deer depredation to the landowners in the vicinity of the Refuge. As explained in detail in the Refuge deer hunt compatibility determination, we do not believe implementing the deer hunt as proposed will materially detract from or interfere with the Deer Flat Refuge purposes or National Wildlife Refuge System Mission

Comment: Two comments questioned the location for the proposed controlled deer hunt.

Response: The hunt area proposed was selected due to its proximity to depredated agricultural lands and concentration of deer. Hunting the proposed area has a high potential to reduce the deer population and alleviate depredation concerns in the localized area.

Comment: Three comments suggested alternate hunting dates to prevent overlap with concurrent hunting seasons for deer and other species.

Response: The season for the controlled deer hunt was largely selected to coincide with the hunting season in the surrounding GMU 38 to effectively manage the deer population. By synchronizing the hunt season, the hunts have greater potential to realize a reduction in the local deer population.

Comment: Four comments inquired about the Refuge's capacity for law enforcement for the hunt program.

Response: Law Enforcement for the Hunt Program will be provided by the Service's Zone Refuge Law Enforcement Officer and IDFG Conservation Officers.

Comment: One comment offered an alternate strategy to relocate deer from the Refuge to other areas.

Response: While this strategy may achieve a local population reduction, it is anticipated to be a cost prohibitive option. Implementing the proposed hunt plan is anticipated to manage deer populations while additionally creating a unique deer hunting opportunity via a tree stand hunt.

Comment: Two comments suggested that deer hunters be required to wear hunter orange on their upper bodies to increase program safety.

Response: Hunter orange is not currently a requirement within the State for big game hunting. Refuge safety measures including weapon restrictions, limited tag allocation, and tree stand requirements are currently considered adequate for this deer hunting program.

Comment: Two comment received are concerned about population management to address buck populations, buck to doe ratios, and selective harvest of antlered deer (2 point only) to manipulate age structure of males.

Response: The antlered deer controlled hunt consists of 5 annual permits intended to provide a quality hunt opportunity for bucks during the rut. The proposed action is intended to reduce the localized population through harvest of both sexes with an emphasis on antlerless deer. The

limited number of deer projected to be removed from the local population is not expected to adversely modify overall buck and doe ratios.

Comment: One comment showed concern about the potential extirpation of deer from the Refuge.

Response: As stated in the plan, IDFG and the Refuge are committed to working 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 help support to reduce localized depredation issues while not jeopardizing the Refuge deer population.

Comment: Three comments question the scientific need for the hunt; similarly two additional comments questioned the Service's role in deer depredation issues.

Response: Deer depredation has been an ongoing problem for numerous landowners in the vicinity of the Refuge. IDFW has been working to reduce deer depredation and has requested the Refuge assist in those efforts. It is Service policy and practice to work in partnership with State Agencies to manage wildlife. The proposed deer hunt represents an example of our continuing partnership with the IDFG to cooperatively resolve wildlife management issues.

Comment: Two comments were received about the number of permissible tree stands allowed per hunter and access to the tree stand by hunters other than the owner of the stand.

Response: The Compatibility Determination, Hunt Plan, and Refuge specific rules have been revised to state the following, '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).' Additionally, the requirement that 'It shall be unlawful to use a tree stand without permission of the owner' will remain. As needed, this regulation may be altered during annual revisions of the Refuge specific regulations.