U.S. Department of the Interior, Fish and Wildlife Service

Record of Decision for the Deer Flat National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement

(Canyon, Payette, Owyhee, and Washington Counties, Idaho, and Malheur County, Oregon)

Introduction

Through this Record of Decision (ROD), the U.S. Fish and Wildlife Service (Service) selects the management direction for the Deer Flat National Wildlife Refuge (Refuge) Comprehensive Conservation Plan (CCP). This ROD includes brief summaries of our public involvement process, the alternatives we analyzed in our Final CCP and environmental impact statement (EIS), and our rationale for selecting Alternative 2 for management of the Refuge. The CCP will provide guidance for managing and conserving the Refuge's natural resources and public uses during the next 15 years.

Planning and Public Involvement Process

We initiated our planning and public involvement process in July 2010 by announcing our intention to complete a CCP/EIS in the Federal Register, issuing a press release, and distributing Planning Update 1. We invited the public to participate in our planning process and open house meetings, and we requested public comments. Our open house meetings and work sessions engaged elected officials, representatives from agencies and groups, and other stakeholders in identifying issues and developing solutions. Refuge staff members attended meetings held by stakeholders and engaged in numerous activities throughout the process to reach out to our diverse stakeholders, listen to their comments, and answer their questions.

In Planning Update 2 (December 2010), we summarized the significant planning issues we identified in public comments. In Planning Update 3 (May 2011), we described our four preliminary management alternatives that addressed public comments, resource needs, and refuge management regulations and policy. Several issues were identified; however, potential changes to boating on the Refuge’s Lake Lowell Unit and protecting the lake’s wildlife and habitats were recognized as primary concerns. We requested comments on the alternatives, including our preferred alternative. Additional meetings were held with key stakeholders including Idaho Fish and Game.

In Planning Update 4 (October 2011), we summarized the comments we received on the preliminary alternatives and the subsequent revisions to the alternatives. We presented our refined alternatives in the Draft CCP/EIS, distributed to the public in March 2013. We requested public comments in a news release, Federal Register notice, and in Planning Update 5. The comments we received on the Draft CCP/EIS were addressed in the Final CCP/EIS, which was available to the public on February 20, 2015, as announced in our press release, Federal Register notice, and Planning Update 6.

Range of Alternatives Considered

We analyzed four alternatives for managing the Refuge in the Final CCP/EIS, including a no-action alternative (Alternative 1) as required under the Council on Environmental Quality’s regulations (40 Code of Federal Regulations [CFR] 1500-1508). Summaries of the alternatives follow:

Under Alternative 1, we would continue current wildlife, habitat, and public use management. Invasive species control and limited restoration would be our habitat management focus. The Lake Lowell no-wake zone and seasonal closure October 1—April 14 for migratory birds would continue. Compatible priority and other public uses would continue. No additional trail or lake access would occur. Limited invasive species control and restoration would occur on the Snake River Islands Unit, which would open June 1—January 31 for free-roam activities and shoreline fishing.

Alternative 2, our preferred alternative, would protect Lake Lowell's shoreline feeding and nesting sites for wintering and migratory birds by continuing the seasonal closure of the lake October 1—April 14; establishing a new 200-yard no-wake zone on the south side and in the Narrows; and expanding the southeast no-wake zone to Gotts Point. Wildlife observation, fishing, and wildlife interpretation would be emphasized, and Gotts Point would open to vehicles, with increased law enforcement. We would increase wildlife inventory and monitoring, invasive species control, and restoration on the Snake River Islands Unit, and we would adjust closures to protect nesting and wading birds. Hunting for deer, upland game birds, and waterfowl would continue to be allowed. Most islands would be open for shoreline fishing and free-roam activities June 15—January 31; heron- and gull-nesting islands would be open July 1—January 31.

Alternative 3 would protect wildlife resources in Lake Lowell by closing emergent plant beds located in Murphy's Neck and near Parking Lots 3-8; closing the lake seasonally for wintering/migrating birds; closing areas within 500 yards of grebe-nesting sites; implementing a seasonal, 100-yard shoreline closure from Murphy's Neck to the Narrows; a 200-yard closure and no-wake zone in the southwest area; and a no-wake zone in the East Pool. Boating season would end on September 20. Upland game bird and controlled waterfowl hunting would be allowed, horseback riding and dog walking would not be allowed, and bicycling would be limited. Wildlife inventory and monitoring, invasive species control, and restoration would increase on the Snake River Islands Unit; closure dates would change to protect birds. Wildlife observation and hunting would occur on the islands. The islands would be open June 15—January 31 for fishing and free-roam activities. Heron-and gull-nesting islands would be open July 1—January 31.

Alternative 4 is described below as the Environmentally Preferable Alternative.

Environmentally Preferable Alternative

The definition of "environmentally preferable alternative" (40 CFR 1505.2(b)) is different from that of the preferred alternative. The environmentally preferred alternative generally causes the least damage to the environment and best protects natural and cultural resources. For this CCP/EIS, Alternative 4 is the environmentally preferable alternative; it would protect wildlife and their habitats through restrictions not found in Alternatives 1—3 and other actions.

Alternative 4 would reduce disturbance to feeding and resting wildlife by allowing boating at no-wake speeds only on all areas of Lake Lowell open to the public from April 15 to September 30. All emergent beds and the southeast end of the lake would be closed to public use to protect nesting and feeding waterbirds, waterfowl, and shorebirds. The entire lake would continue to be closed for wintering and migrating birds from October 1 to April 14 each year. The shoreline from Murphy's Neck to the Narrows would be protected by a 100-yard year-round closure in order to provide undisturbed loafing and feeding habitat for shorebirds and waterfowl. Trees would be removed in this area to enhance mudflats for migrating shorebirds. An increase in habitat enhancement through invasive species removal and vegetation manipulation would occur. Increases in wildlife and habitat

research and assessments would be focused on providing a strong scientific base for future management decisions.

The Refuge would not be open to nonwildlife-dependent activities, including horseback riding, pet walking, bicycling, and ice skating. To minimize conflicts with and improve the quality of the waterfowl hunt program, upland game hunting under Alternative 4 would no longer be allowed at the Lake Lowell Unit. Waterfowl hunting would be allowed on the south side of the Lake Lowell Unit from Parking Lots 1 to 8 with a daily limit of 25 shotgun shells per hunter.

Refuge staff would emphasize management of the Snake River Islands Unit under Alternative 4 by increasing wildlife inventory and monitoring efforts, invasive species control (following the Integrated Pest Management Plan), and restoration efforts. The most biologically intact islands would receive higher management priority. Island closure dates would be adjusted to better protect nesting geese, wading birds, gulls, and terns. An array of management techniques may be used including prescribed fire and aerial application of herbicide and/or seed.

Existing public uses would continue on the Snake River Islands Unit, including wildlife observation, and hunting for deer, upland game species, and waterfowl on 1,219 acres. The Snake River Islands Unit would be open for off-trail, free-roam activities and shoreline fishing would also be available, from June 15 to January 31 each year on all islands under Alternative 4.

Selected Alternative

Based on our comprehensive review and analysis of Deer Flat Refuge's resources and issues, the Service has selected Alternative 2, our preferred alternative, for implementation. We will implement Alternative 2, as it is described in the Final CCP/EIS, with two modifications identified on the following page. In reaching our decision to implement Alternative 2, we identified and analyzed its impacts to the Refuge environment in Chapter 6 of the Draft and Final CCPs/EISs. Issues, concerns, and opportunities presented throughout the planning process by organizations, agencies, individuals, and all other stakeholders, were also considered.

Factors Considered in Making the Decision

The range of alternatives we analyzed in the Final CCP/EIS identified four scenarios for managing Deer Flat Refuge as a unit of the National Wildlife Refuge System. Measures for protecting wildlife and habitat varied from area closures to more expansive wildlife protection. Alternative 2 was selected because it is the most effective alternative for addressing the key issues identified during the planning process, and it will guide management of the Refuge in a manner that:

- Achieves the mission of the National Wildlife Refuge System, and the purposes, vision, and goals of the Refuge.
- Emphasizes interpretive programs and connecting families to nature through increased interpretive programs and by providing access to new facilities, as well as a wide range of wildlife-dependent and nonwildlife-dependent recreational activities
- Maintains and restores the ecological integrity of the Refuge's habitats and populations.
- Emphasizes management of the Snake River Islands Unit by increasing wildlife inventory and monitoring efforts and increasing invasive species control and restoration efforts.
- Addresses the legal mandates of the Service and the Refuge.
- Applies the scientific principles of sound wildlife management.

- Facilitates priority public uses appropriate and compatible with the Refuge's purposes and the National Wildlife Refuge System mission.

Alternative 1, the status quo, is the least protective of wildlife. Alternative 1 was not selected, because it would not provide sufficient protection for the Refuge's wildlife and habitat. Impacts to wildlife habitats and species would be significant if daytime disturbances by high-speed boating and other water sports continue. Significant negative effects to nesting and feeding habitats for waterbirds, waterfowl, and shorebirds would occur if visitation increases over time, public use remains unrestricted, and only minimal habitat management is conducted.

As a wildlife refuge near a major urban center, Deer Flat Refuge has an opportunity to engage new and diverse audiences to build an urban conservation constituency which ultimately benefits the entire National Wildlife Refuge System and the broader conservation community by nurturing increased education and support among these audiences. Alternative 3 was not selected because the public use restrictions would unnecessarily limit the Refuge's ability to connect with a diverse group of refuge visitors and build an urban conservation constituency because the additional public uses that were found to be compatible under Alternative 2 would be restricted under Alternative 3.

Similarly, Alternative 4, although it is environmentally preferred, was not selected because the public use restrictions would unnecessarily limit the Refuge's ability to connect with a diverse group of refuge visitors and build an urban conservation constituency because the additional public uses that were found to be compatible under Alternative 2 would be restricted under Alternative 4.

Changes Made to the Selected Alternative

Two changes were made to wildlife-dependent public uses between the Final CCP/EIS and this ROD for the final CCP, they follow.

- We clarified that noncompetitive jogging, bicycling, and horseback riding groups of 10 or fewer people without a special use permit (SUP) are allowed, *even if they are training*, but competitive events are still not allowed and an SUP is still required for groups larger than 10.

- We re-evaluated the restriction on boats using wake-generating devices (wake-boats) and have found that the use is compatible, with stipulations identified in the Compatibility Determination for Recreational Boating in Appendix B.

The original prohibition on wake-boats stems from concerns that their ballast could introduce invasive species into Lake Lowell and that wake-boats create wakes greater than other allowed boats. However, the invasive species issue can be addressed by adding filtering systems, and some boats without wake-generating devices are capable of causing similar wakes.

While we remain concerned about wake impacts to grebes, the greatest threats to the grebe colony at Lake Lowell are the withdrawal of water during incubation and nest disturbance which results in predation. We believe that the new no-wake zones will provide some additional protection and that public education and compliance with the new no-wake zones can provide the appropriate balance of boating opportunities and wildlife protection. We will continue to evaluate the effects of boating on wildlife to ensure that the permitted uses remain compatible and revise the Compatibility Determination, as necessary, to ensure that uses do not materially interfere or detract from the fulfillment of the Refuge System or the purposes of the refuge.

Stipulations for all compatible uses are identified in Appendix B of the final CCP.

Measures to Minimize Environmental Harm

All practicable measures to avoid or minimize environmental harm that could result from implementing Alternative 2 were identified and incorporated into the Final CCP/EIS in Chapter 2 (Alternatives, Goals, Objectives, and Strategies), Chapter 6 (Environmental Consequences), and Appendix B (Compatibility Determinations). The stipulations identified in Appendix B ensure that public uses and other uses are compatible with the National Wildlife Refuge System mission and the Refuge's purposes. The stipulations and other mitigation measures identified in Alternative 2 and Appendix B are adopted by the Service in this ROD, and will be implemented by Refuge staff members, collaborators, volunteers, and other stakeholders.

Findings Required by Other Laws and Executive Orders

The proposed action complies with all federal laws and executive orders related to the National Wildlife Refuge System CCP planning process. A compliance statement has been completed, which explains how the selected alternative complies with the requirements of the National Wildlife Refuge System Administration Act, as amended, (16 U.S. Code [U.S.C.] 688dd-688ee); the National Environmental Policy Act (42 U.S.C. 4321 et seq.); the Endangered Species Act (16 U.S.C. 1531-1544, 87 Stat. 884); the National Historic Preservation Act (16 U.S.C. 470-470b, 470c-470n); the Wilderness Act (16 U.S.C. 1131-1136); Executive Order 11990, Protection of Wetlands; Executive Order 12372, Intergovernmental Review; Executive Order 13186, Protection of Migratory Birds; Executive Order 12898, Environmental Justice; Executive Order 13175, Consultation and Coordination with Indian Tribal Governments; and 517 DM 1 and 569 FW1, Integrated Pest Management.

For Further Information

Questions about this CCP/EIS may be directed to Annette de Knijf, Refuge Manager, Deer Flat National Wildlife Refuge, 13751 Upper Embankment Road, Nampa, Idaho, 83686-8046, phone number (208) 467-9278, and e-mail annette_deknijf@fws.gov. View this ROD and related documents on our Website http://www.fws.gov/refuge/deer_flat/.

Final Decision

To further protect the wildlife and habitats of the Deer Flat National Wildlife Refuge, and to enhance the public uses and visitor experiences provided by the Refuge, the Service selects Alternative 2 for implementation over the next 15 years.

Robyn Thorson

Regional Director, Pacific Region
Portland, Oregon

4/3/15
Date

Supporting References

U.S. Fish and Wildlife Service. 2013. Deer Flat National Wildlife Refuge Draft Comprehensive Conservation Plan and Environmental Impact Statement. Deer Flat National Wildlife Refuge, Nampa, ID.

U.S. Fish and Wildlife Service. 2015. Deer Flat National Wildlife Refuge Comprehensive Conservation Plan and Environmental Impact Statement. Deer Flat National Wildlife Refuge, Nampa, ID.