

Responses to Comments
Received on the Hunt Plan,
Environmental Assessment,
& Compatibility Determination
for a Controlled Elk Hunt
on the William L Finley National Wildlife
Refuge.

Benton County, Oregon

Hunt Plan, Environmental Assessment, and Compatibility Determination for a Controlled Elk Hunt on the William L. Finley National Wildlife Refuge

I. INTRODUCTION

During the 30-day public comment period ending March 28th, 2014, the U.S. Fish and Wildlife Service (Service) received written comments, with 26 letters in general support of a controlled elk hunt at William L. Finley National Wildlife Refuge (Refuge) to manage local elk populations and provide for additional wildlife dependent recreational activities. Twenty five letters were opposed to allowing elk hunting on the Refuge for a variety of reasons. Comments and suggestions are summarized below.

II. COMMENT RECEIVED, RESPONSES

As comment uniformity permits, comments received on similar concerns or topics have been grouped together. 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 Service responses immediately follow the comment(s).

Comment: Thirteen letters commented about the purpose of Wildlife Refuges asserting that National Wildlife Refuges should be protected areas where animals can feed, rest, breed, and find safe haven from hunting and harassment and hunting is not an appropriate use of a wildlife refuge.

Response: *Congress has mandated through the National Wildlife Refuge System Improvement Act of 1997 that refuges provide opportunities for the public to engage in wildlife dependent activities defined as hunting, fishing, wildlife observation, photography, education, and interpretation (the big six) so long as those activities do not materially interfere with the purpose for which the refuge was established. As explained in detail in the Refuge elk hunt compatibility determination, we do not believe implementing the elk hunt as proposed will materially detract from or interfere with the Refuge purpose or National Wildlife Refuge System (NWRS) Mission.*

Comment: Eighteen letters suggested that we implement other alternatives in lieu of elk hunting. Of these letters, three were in support of offering financial compensation to landowners to address their damage, six letters were in favor of relocating the elk, two were supportive of fencing and/or hazing of elk off private land, two recommended limiting the length and location of the hunt to reduce negative impacts to other Refuge users and we received one comment in support of elk contraception.

Response: *Although our proposal, developed in cooperation with the Oregon Department of Fish and Wildlife (ODFW), has a goal of reducing the elk population in the area by 20% to reduce damage to habitat and private property, this is not the only goal of the plan. As was*

mentioned in response to the previous comment, hunting is one of the “big six” recreation opportunities supported by the NWRs. We fully support hunting when it can be done in compatibility with fulfilling the purpose of the Refuge. The comments, and suggested alternatives in lieu of hunting, are focused on addressing private landowner elk damage but this is only one factor in our decision to hunt elk on the Refuge. The fact that we have enough elk on the Refuge to sustain an annual hunt, and that this hunting opportunity has been found to be compatible with other purposes of the Refuge and is within our capacity to manage, leads us to follow Congress’s mandate that we provide this wildlife dependent recreational opportunity.

Comment: Three comments suggested that there is no valid reason to hunt elk on the Refuge, that elk are not damaging the habitat, the population is not growing, that hunting will cause more damage on adjacent private land by pushing elk off the Refuge and that if left to natural processes, the elk population will achieve an optimum balance.

Response: *Hunting programs need to be based on healthy, sustainable populations of the species hunted. On a local scale, elk populations are of adequate size to sustain a hunting program. The proposed controlled elk hunt would issue a limited number of Refuge permits. The elk population on the Refuge has grown, and continues to do so, thereby increasing damage to sensitive riparian and native wetland and wet prairie habitat. . Additionally, the Refuge is home to endangered plants; one of which is the host plant to the federally endangered Fender’s Blue Butterfly (FBB). W.L. Finley NWR has been identified as a reintroduction site for FBB in the Recovery Plan and plans are underway to reintroduce the butterfly this summer. The increasing population of elk is of concern to the successful reintroduction of this endangered species.*

Comment: Four comments suggested that we let private land owners hunt elk on their property to address their damage issues.

Response: *Compelling private landowners to open their properties to allow hunting is outside the Service’s authority.*

Comment: Eight comments asserted that allowing elk hunting for 3 months out of the 7 months when the Refuge is open will negatively impact other users, reduce visitation, and will harass wildlife making them less observable for visitors and photographers.

Response: *The potential for conflict should be minimized for several reasons; the limited number of elk hunters allowed on the refuge at any one time (5); the fact that elk hunting activity will most often occur in wooded areas less frequented by other users; and archery hunters rely on stealth and camouflage, such that their presence may be unnoticed by other public users or wildlife. Refuge staff have not witnessed an appreciable drop in visitation or wildlife disturbance during the three month deer hunt which the Refuge has been implementing since 2005.*

Comment: Four comments expressed concern for personal safety if firearm hunting for elk is approved.

Response: *The controlled elk hunt will implement bow hunting only the first year. Use of short-range weapons such as muzzleloaders and shotguns with slugs will be evaluated for use in*

subsequent years. The restrictions on weapon type - archery and short range firearms only for the elk hunt program - reduces trajectory and lowers the risk of third- party injury. The use of tree stands would bring elk hunters in close proximity to game ensuring target selection and maximizing public safety between concurrent user groups. Additionally, the controlled hunt will regulate the number of elk permits to five at any given time, limiting the number of elk hunters within the approximately 2600 acre hunt area. We believe the safety measure described above provides adequate protection to the visiting public.

Comment: Twelve comments described general wildlife management concepts, stating that elk populations in any given area are limited to the carrying capacity of the land and will be reduced through starvation, disease, or predators. These comments supported the use of hunting as a method to reduce property damage and to manage the number of elk at the desired level while providing recreational opportunities and food for hunters and their families.

Response: *The Service and Refuge appreciate the endorsement of the elk management plan and their efforts to provide recreational opportunities to the public.*

Comment: Seven comments were supportive of the elk hunt and would like to see additional hunting and recreational opportunities. The suggestions included rifle hunting, special hunts for youth/disabled, a Master Hunter program, and allowing night access for people to listen/observe owls.

Response: *We have proposed implementing 15 archery only tags the first year to provide some public recreational opportunity while moving us towards our elk management goals of a reduced number of elk with a balanced age distribution and bull/cow ratio. As we move forward with the hunt, we will monitor the results and the feedback from our users. We may make adjustments in the weapon type and/or create special hunts for youth or the disabled to meet our goals if these changes are warranted and can be done within existing staffing/budget limitations.*

Comment: Two comments assert that the Service does not have enough information on elk damage to farmers, Refuge ecology, and predictive effects of climate change on plants and animals and should not implement the elk plan until this analysis has been done.

Response: *The Service implemented the Comprehensive Conservation Plan for the Willamette Valley NWRC in 2011. Within this plan the Service agreed to work with ODFW to prepare and implement an elk management plan. The premise was the plan would be prepared using the experience and expertise of professional biologists, as well as the best science and information available at the time.*

ODFW monitors elk populations, age and sex compositions and also monitors hunter success in multiple elk management units across the state including the Willamette Hunt Unit surrounding the Willamette Valley Refuges. As mentioned in the Elk Management Plan, based on annual aerial surveys by ODFW and with additional ground count information provided by the Service, we have documented an increasing elk herd in the area of Finley Refuge and associated damage to private land. The Service has observed habitat damage to the muddy creek corridor and has documented elk disturbance to our restored prairie habitat and associated marked plants that

are the reintroduction site of the endangered fenders blue butterfly.

The Service has proposed a conservative number of cow elk tags in an effort to achieve our goal of reducing the elk population by 20% but we are also working closely with ODFW to conduct this hunt in a way that will achieve our other goals of a higher percentage of mature bulls. We've proposed an increase in the monitoring of the elk population, harvest rate, and damage to private land and are working closely with ODFW to coordinate the gathering of more specific data for the Finley elk herd. We have decided to postpone implementation of the Finley Elk Hunt until 2015 in order to better coordinate with ODFW on the implementation of any potential changes to their elk hunting adjacent to the Finley Refuge and to coordinate with them on implementation of better harvest and depredation monitoring for the area around Finley.

Comment: Two comments asked about the process for applying for a Refuge permit, what Oregon Department of Fish and Wildlife elk tags applied to the Refuge, and whether there would be information provided for first time elk hunters about elk habitat, habits, and animal features.

Response: *We are working to more clearly define the Refuge permit application but have not finalized the process yet. We have decided to delay implementation of a Finley Refuge elk hunt until 2015 in order to better address harvest and depredation data gaps as well as providing us with additional time to more clearly define the process for applying for Refuge permits. We will post this information on our web site and send out a public news announcement when the details describing the hunt permit application is available. Successful applicants will be provided with general information about elk habitat on the Refuge and staff will be available to answer questions about Finley elk and elk hunt.*

Comment: Seven comments were supportive of archery hunting elk but not firearm hunting, citing safety concerns of guns and their negative disturbing impact to people and other wildlife in comparison to archery with benefits of quietness, short range and safe, often conducted from tree stands with minimal disturbance to visitors and other wildlife, involves many hours of solo recreational enjoyment and if properly designed will have virtually no disturbance that will alter herd behavior and will not substantially reduce elk viewing opportunities.

Response: *The elk hunt plan will be re-evaluated every year with respect to effects on elk population and behavior. Based on the results of the first year archery only hunt, use of short-range weapons such as muzzleloaders and shotguns with slugs will be evaluated for subsequent years. The restrictions on weapon type - archery and restricted firearms only for the elk hunt program - reduces trajectory and lowers the risk of third- party injury. The Refuge currently allows the use of short-range firearms during the deer hunt. Since the implementation of the deer hunt in 2005, no negative effects to other wildlife, or visitation, have been observed.*

Comment: One letter asserted that the proposed elk hunt will have a significant impact on the elk herd and is a controversial change in US Fish and Wildlife Service policy that should be fully reviewed by an environmental impact statement not just an environmental assessment.

Response: *As described in detail in the EA and based on information received via the public comments, implementing the elk hunting program is not expected to have any significant effects*

on Refuge resources or other elements of the human environment because of the limited numbers of hunters and numerous stipulations designed to minimize adverse effects to Refuge resources and other Refuge visitors.

The proposal has been thoroughly discussed and coordinated with ODFW and has been shared with interested and affected parties. A public review and comment period for the EA, Hunt Plan and Compatibility Determination opened on February 27th, 2014 and ended on March 28th, 2014. Notification of the comment period was published in the local newspaper and Finley NWR website. Copies of the Hunt Plan, EA, and Compatibility Determination were made available for public review at the Refuge office and on the Finley NWR website.

During the 30-day public comment period ending March 28th, 2014, the Service received written comments, with 26 letters in general support of a controlled elk hunt at the Refuge to manage local elk populations and provide for additional wildlife dependent recreational activities. Twenty five letters were opposed to allowing elk hunting on the Refuge for a variety of reasons. Reviewing and responding to comments resulted in our decision to delay implementation of the Refuge elk hunt until 2015.

Based on this information, it is our determination that the proposed elk hunt does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 as amended. Accordingly, preparation of an environmental impact statement is not required.

Comment: Three comments support and one applauds the USFWS for applying guidelines in the National Wildlife Refuge System Improvement Act (NWRISA) of 1997 that identifies six wildlife dependent recreational activities (Hunting, Fishing, Environmental Education, Photography, Interpretation, and Observation) that are to receive special consideration when designing management plans on Refuges.

Response: *The Service appreciates the comment and support for adherence to the National Wildlife Refuge System Improvement Act guidelines.*

Comment: Three comments believe the proposed elk hunting program meets the compatibility standards for Refuge approved recreational activities and the provisions contained in the NWRISA of 1997, will not interfere with the Refuge's primary purpose.

Response: *The Service has completed our Compatibility Determination and has determined that allowing elk hunting to occur under the stipulations of the elk hunt plan will not materially detract or interfere with the purposes for which the Refuge was established or the Refuge mission. We appreciate the comments and support of this determination.*

Comment: One comment was supportive of hunting on the Refuge to reduce the elk population but suggests cow only hunting on the Refuge and surrounding private lands to reduce the elk numbers while maintaining a balanced population with magnificent herds for viewing and photography.

Response: The Service is working cooperatively with ODFW to manage the elk herds within proximity to the Refuge. We have decided not to implement the Finley elk hunt until 2015 to allow more time to work cooperatively with ODFW to implement better elk harvest and depredation monitoring and to consider potential changes in ODFW elk hunts adjacent to the Finley Refuge during the time period that hunting will be allowed on the Finley Refuge, in order to achieve our cow elk harvest goals while limiting bull elk harvest to assure a good balance of mature bulls in the herd.

Comment: One comment asserts that, left unmanaged, the Finley elk herd will continue to grow rapidly and create increasing problems for the refuge going forward. They will alter habitat, raid neighbor's agricultural crops, and reduce tree seedling establishment and growth.

Response: The Service appreciates the comment and support for our elk management plan.

Comment: One comment asserts hunting outside the refuge alone is unlikely to keep the population in check. The most liberal elk season in the U.S. has been in force in the area surrounding the Finley Refuge and the population continues to grow rapidly. Elk will exit the refuge and do their damage at night before returning to the refuge in the daylight. Game cameras dispersed around the refuge perimeter by hunters show this behavior has already developed.

Response: The Service appreciates the comment and support for our elk management plan.

Comment: One comment asserts that our refuge system was established with the provision of hunting opportunities as a part of its mission. In past years, Finley has not been seriously managed to provide many hunting opportunities and much of the visitor population has been denied the educational opportunity to understand the role hunting has played in the wildlife management mix in the U.S. Elk management including hunting would be a great opportunity to reorient the educational program of the Refuge.

Response: The Service and Refuge appreciate the endorsement of the elk management plan and our efforts to provide recreational and environmental education opportunities to the public.

Comment: One comment requested that the Finley elk hunt include opportunities for archery and gun (shotgun and muzzleloader).

Response The elk hunt plan will be re-evaluated every year with respect to effects on elk population and behavior. Based on the results of the first year archery only hunt, use of short-range weapons such as muzzleloaders and shotguns with slugs will be evaluated for subsequent years.

Comment: The Oregon Department of Fish and Wildlife (ODFW) provided a letter of support for the three goals of the Elk Management Plan stating the following:
ODFW worked cooperatively with the Refuge to develop the Elk Management Plan and fully supports its goals, actions, monitoring plan, and full implementation. ODFW designated the Willamette Valley Wildlife Management Unit as an Elk De-emphasis Area (EDA), characterized

by a high percentage of private lands with ongoing elk damage to private property and agricultural crops. The management focus of EDA's is to reduce both the number and damage caused by elk. As the herd grew from 20 to its current population of approximately 200 elk, ODFW received an increasing number of complaints regarding fence and agricultural damage. The proposed approach to allow limited elk hunting on the Finley Refuge aligns well with the ODFW goals of decreasing the Finley elk herd to a sustainable population level that reduces damage. ODFW is committed to working with the USFWS to track and document elk damage, elk harvest, elk herd composition and to adaptively manage surrounding Finley area elk hunts if the Finley cow hunt is implemented.

Response: The Service and Refuge appreciate ODFW's endorsement of the elk management plan and their cooperation in its development. The Service looks forward to our continued collaboration with ODFW to monitor and manage the elk population around Finley Refuge. The proposed elk hunt represents an example of our continuing partnership with the ODFW to work cooperatively towards our common goals of providing wildlife dependent recreation, quality habitat, and a healthy elk population with balanced age class distribution for herd health and high quality elk viewing opportunities while also addressing habitat degradation and damage to adjacent private landowner property.