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Correspondence (2)

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Author Information

Keep Private: No
Name: Greg Lennon
Organization: Quantico Orienteering Club, Inc.
Organization Type: H - Recreational Groups
Address:
Potomac, MD 20854
USA
E-mail: greg_lennon@hotmail.com

Correspondence Information

Status: Reviewed **Park Correspondence Log:**
Date Sent: 12/15/2006 **Date Received:** 12/15/2006
Number of Signatures: 1 **Form Letter:** No
Contains Request(s): No **Type:** Web Form
Notes:

Correspondence Text

Thank you for the opportunity to comment on the CMP White-Tailed Deer Management Plan and EIS. On behalf of the Quantico Orienteering Club, a Mid-Atlantic based nonprofit organization promoting outdoor experiences through the sport of orienteering, and therefore also as regular visitors to CMP, we offer the following comments.

1) We support Alternative C (the preferred alternative), as it is the most economical method to achieve the desirable goals of reducing the CMP deer population to approximately 15-20 deer per square mile within a reasonable timeframe.
2) We support the use of silencers by sharpshooters to reduce noise impacts.
3) We recommend that sharpshooter activity be restricted to the nights of Sunday through Thursday, in order to reduce the impact on visitors (traditionally highest on weekends), and that euthanization and similar activities also take place only at dawn (Monday through Friday)

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or dusk (Sunday through Thursday) to minimize the need to close any areas within CMP to visitor use on weekends. On 3 (or 4) day holiday weekends, these activities should be further restricted for similar reasons.
4) We suggest that wildlife biologists be consulted, if this has not already been done, regarding the desirability of conducting annual or biannual surveys of bear and bobcat densities in CMP, beginning before deer management activities commence, in order to support potential future studies assessing correlations between those activities and changes in the densities of these predator species.

Add Comment

Comment Text:

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Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
39967	We support Alternative C (the preferred ...	Coded	AL4024	Code
39968	We support the use of silencers by sharp...	Coded	AL4021	Code
39969	We recommend that sharpshooter activity ...	Coded	AL4021	Code
39970	We suggest that wildlife biologists be c...	Coded	WH2000	Code

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Correspondence (7)

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Author Information

Keep Private: No
Name: Susan Recce
Organization: National Rifle Association
Organization Type: H - Recreational Groups
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Fairfax, VA 22124
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Correspondence Information

Status: Reviewed **Park Correspondence Log:**
Date Sent: 01/19/2007 **Date Received:** 01/19/2007
Number of Signatures: 1 **Form Letter:** No
Contains Request(s): No **Type:** Web Form
Notes:

Correspondence Text

December 19, 2007

Superintendent
Catoctin Mountain Park
6602 Foxville Road
Thurmont, MD 21788

Subject: Draft White-Tailed Deer Management Plan/Environmental Impact Statement

Dear Superintendent:

Report

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The National Rifle Association appreciates the opportunity to comment on the Draft White-Tailed Deer Management Plan/Environmental Impact Statement (Plan/EIS) for Catoctin Mountain Park that evaluates four alternatives for managing the population of white-tailed deer in the Park.

Our comments focus on Alternative C (the Preferred Alternative) that calls for qualified federal employees or contractors to reduce the deer population through sharpshooting and capture and euthanasia, where appropriate. We agree that sharpshooting has a greater chance of success than does increasing non lethal methods (fencing, use of repellants, and reproductive control of does) in meeting the Park's long-term objectives of forest regeneration and protecting, conserving and restoring native species and cultural resources. However, the NRA disagrees with the premise that only federal employees and contractors are qualified to carry out a culling operation.

Under the section of the Plan/EIS entitled "Alternatives Considered But Rejected," a managed public hunt is listed as one of the alternatives considered and rejected. What was not considered was the use of licensed hunters to reduce the deer population in the same manner as the Park would use federal employees or contractors.

Using licensed hunters would not contravene 36 CFR 2.2 nor the National Park Service's Management Policies of 2001 that state that public hunting is allowed in national park areas only where specifically mandated by Federal statutory law. Secondly, using licensed hunters would be in compliance with authority granted to the Secretary of the Interior to destroy plants or animals for the purposes of preventing detriment to park resources. The purpose of reducing the deer population in the Park is not to provide for a recreational benefit, nor is it to conduct the culling operation as a hunt. The use or presence of hunters does not make the situation a hunt. A hunt is defined by the rules of "fair chase" as proscribed by the state fish and wildlife agency which has jurisdiction over the taking of resident wildlife.

The Plan/EIS states that a managed hunt has not been shown to be more cost effective or efficient than other direct reduction methods such as sharpshooting by agency personnel. It supports that statement by referencing data from several studies suggesting that there is a "minimal to no cost savings by using citizen hunters." There are no known studies on the cost of using citizen hunters as sharpshooters in a culling operation. It is quite possible that the Park would incur little to no cost, certainly a substantially lower cost than the $543,600 projected for paying employees or contractors to reduce the deer population in the Park.

Rather than paying licensed hunters to participate, a fee could be charged to assist the Park in covering its costs to manage the culling operation. Furthermore, state fish and wildlife agencies have already indicated that they are ready and willing to assist in any orientation, certification or other requirements necessary to use hunters to assist the National Park Service in achieving its management objectives for game populations in a safe and efficient manner. As a case in point,
the Colorado Division of Wildlife offered to manage the hunters for the Rocky Mountain

National Park in a culling operation to reduce the elk population in the Park.

Using licensed hunters would also save the Park money in not having to remove the deer killed (as described in the "Disposal" section of Alternative C). Any licensed deer hunter has experience removing a deer he or she has harvested to use for personal consumption or for donation to a hunters-for-the-hungry program. Testing for chronic wasting disease can still be conducted and if a deer is found infected with the disease, then the Park can follow the National Park Service's guidance for disposal.

The Plan/EIS also states that a managed hunt would be less efficient in meeting ungulate reduction project goals compared to sharpshooting because sharpshooters shoot over bait which increases the rate of success and the ability to be gender specific (does). Many hunters are familiar with shooting over bait since that practice is allowed in some states. But that is not the real point. Hunters can be just as efficient shooting over bait as a park employee or contract sharpshooter. Furthermore, hunters acting as sharpshooters can conduct the cull in the same manner as the Park envisions with the use of sharpshooters. That is, hunters could use spotlights, suppression devices and night vision equipment that the Park is allowing for its employees or contractors, equipment otherwise prohibited for hunting.

In rejecting a managed hunt, the Plan/EIS explains that the culling operation needs to be conducted near developed areas and potentially occupied buildings in order to be effective in reducing the deer numbers to the desired annual level. Although it is not clear how the topography of the Park limits public hunter access to more remote areas of the park, suffice it to say that areas opened to sharpshooters can be opened to licensed hunters participating in the culling operation. The Plan/EIS says that sharpshooting will take place when visitation is low or absent, a situation the Park can control regardless of whether federal employees, contractors, or licensed hunters are used. The necessary safety and security restrictions would apply to anyone involved in the culling operation.

Alternative C calls for the use of "qualified federal employees or contractors" who would be "experienced with sharpshooting methods and would have the necessary sharpshooting qualifications." The narrative does not explain what qualifications the employees or contractors must meet. However, there is likely to be a sizeable pool of licensed deer hunters who have the experience that would qualify them to participate in the culling operation. The sharpshooting qualifications are described as being "expected to coordinate all details related to sharpshooting actions, such as setting up bait stations, locating deer, sharpshooting, and disposition of the deer. An experienced deer hunter could easily meet those qualifications.

The Plan/EIS expressed concern that a managed hunt would not be successful in meeting population objectives because the Park would have to depend on an adequate number of hunters participating annually. The outcome would be an increase in the deer population if management actions failed or were postponed for a year. The Plan/EIS directs the reviewer to a study that analyzed managed hunts which concluded that as ungulate densities drop and management enters the maintenance phase, retaining adequate hunter numbers is difficult.

This would likely not be an issue when hunters, like contract sharpshooters, would be able to hunt over bait. However, if hunter numbers should drop off over the 15 year period planned for the culling operation, the Park could augment the number of licensed hunters with park employees or contractors.

With respect to Alternative C as it relates to capture and euthanasia, we question the effectiveness of conducting a capture and euthanasia operation, especially at a cost of as much as $1000 per deer. Alternative C states that this approach would be taken in circumstances where sharpshooting would not be appropriate due to safety and security concerns. What guarantee does the Park have that deer removed from a "no shoot" zone would not shortly be replaced by other deer? It would seem that the method of killing deer as described in the Plan/EIS, particularly the use of bait stations, would provide for the level of success sought. Capture and euthanasia should be a last resort if the management levels over the 15 year period are not being met.

Our last comment concerns a statement in Table S-1, which provides a comparison of the alternatives. It states that handling of the captured deer will be minimized to reduce stress "in accordance with Humane Society recommendations." The NRA is very concerned that the Park would look to a non-governmental organization for guidance on handling wildlife over which the organization has no legal authority or responsibility. The Maryland Department of Natural Resources is the entity that has authority over the management of resident wildlife and it is to that agency that the Park should seek guidance on the protocols for capturing and euthanizing deer.

In summary, the NRA recommends that Alternative C, the Preferred Alternative, be amended to use licensed hunters as sharpshooters in lieu of park empoyees or contractors. The Park can work with the Maryland Department of Natural Resources and hunter-member organizations like the National Rifle Association to identify licensed hunters who are qualified or could be qualified as sharpshooters.

Again, thank you for the opportunity to comment on the Plan/EIS.

Sincerely,

Susan Recce
Director
Conservation, Wildlife and Natural Resources
National Rifle Association

Add Comment

Comment Text:

Add Comment

Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
40156	Our comments focus on Alternative C (the...	Coded	AL4021	Code
40157	Under the section of the Plan/EIS entitl...	Coded	AL2041	Code
40158	The Plan/EIS also states that a managed ...	Coded	AL2041	Code
40159	Rather than paying licensed hunters to p...	Coded	AL2041	Code
40160	The Plan/EIS also states that a managed ...	Coded	AL2041	Code
40161	Alternative C calls for the use of "qual...	Coded	AL4021	Code
40162	However, there is likely to be a sizeabl...	Coded	AL2041	Code
40163	The Plan/EIS expressed concern that a ma...	Coded	AL2041	Code
40164	With respect to Alternative C as it rela...	Coded	PO4000, AL4021	Code
40165	Our last comment concerns a statement in...	Coded	AL4021	Code
40166	In summary, the NRA recommends that Alte...	Coded	AL4021	Code

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"Gutman, Lori"
<lgutman@louisberger.com>
08/29/2007 05:19 PM

To <Whitney_Wimer@urscorp.com>
cc "Van Dyke, Nancy" <nvandyke@louisberger.com>
bcc
Subject FW: public comments transcript

Hi Whitney,

Here is the last one!!

Take care,
Lori

Lori Gutman

Senior Planner

main 303.231.1012

mobile 301.461.8772

fax 202.293.0787

The Louis Berger Group, Inc. | 355 South Teller Street | Suite 200 |
Lakewood, CO 80226 | www.louisberger.com

-----Original Message-----
From: Donna_Swauger@nps.gov [mailto:Donna_Swauger@nps.gov]
Sent: Thursday, January 18, 2007 5:17 AM
To: Gutman, Lori
Subject: Fw: public comments transcript

Hi Lori,

Below is the transcript from the public comment meeting.

Tomorrow is my last day working at Catoctin. Jim will be your primary contact.

It has been nice to work with you.

Donna

Donna Swauger
Environmental Protection Specialist
Catoctin Mountain Park

(301) 416-0135
----- Forwarded by Donna Swauger/CATO/NPS on 01/18/2007 07:13 AM -----

sandy baker

<lookout8210lane@ yahoo.com>

To: donna_swauger@nps.gov

cc:

Subject: public comments transcript

01/12/2007 03:12 PM PST

Hello,

Attached you will find the transcript.

Thanks for using my services,

Sandy Baker
Morgan Reporting Company
301-694-6353

1

NATIONAL PARK SERVICE

CATOCTIN MOUNTAIN PARK

DRAFT WHITE-TAILED DEER MANAGEMENT PLAN/EIS

PUBLIC COMMENTS

Catoctin Mountain High School

Thurmont, Maryland

January 6, 2007

1:50 p.m.

C O N T E N T S

P R O C E E D I N G S

MR. GILFORD: My name is James Gilford, G-i-l-f-o-r-d.

I am here to enter the following comments on behalf of the Frederick County Sportsman's Council.

Of the four deer management alternatives presented in the EIS, the council favors alternative 3, the direct reduction of deer herd through the use of

sharpshooters

and, under certain conditions, capture and euthanasia.

While favoring alternative 3, the council believes the EIS fails to provide an adequate analysis of the assumptions and uncertainties regarding herd reproduction rates and the effect of those uncertainties on the anticipated magnitude of herd reduction over time, and its costs.

At a time when the National Park Service is experiencing a continuing budget tightening, the council is concerned about the Park's ability to fully implement alternatives 3, or 2, or 4, for that matter, and the adverse effect of doing so on other programs within the park. The council also believes that the EIS may underestimate the long-term costs of the deer reduction program.

The argument presented in the EIS for not considering a managed hunt as an alternative to herd reduction by sharpshooters is a mixture of fact and prejudice. It misconstrues the purpose of a management hunt as recreation,

rather than a valid and accepted wildlife management tool in which recreation is secondary. The council requests that the discussion of managed hunts in the EIS be revised to accurately describe a managed hunt as a useful population

control tool.

The council also wishes to note that the archaic policy against hunting in national parks is an obvious contradiction to the known principles of wildlife ecology. As a result of that policy and, thus, the inability to implement managed hunts, national parks throughout the country are facing, and will continue to face, problems resulting from wildlife populations which have been allowed to exceed the carrying capacity of their habitat.

Thank you for the opportunity to comment.

MR. LILLARD: My name is Ross Lillard, L-i-l-l-a-r-d.

I live at 34 Mountain Road in Thurmont, and my property abuts the national park on the west side of Thurmont.

And my family has been there many years.

I fully support option C of the -- basically, the sharpshooters. I haven't studied or followed with this plan over -- except for the past couple of months. I do like Mr. Gilford's comment about managed hunts, if that could be accommodated.

But regardless, I am very much in favor of

option C. I think it's -- I am in favor of whatever is very cost-effective. Whenever we are spending taxpayer dollars, I like to see it used as efficiently as possible.

And as probably most of us here, we have witnessed the mountain garland orchard damage for decades.

So I believe that's all my comments. I appreciate you all having the meeting and allowing us the opportunity to comment.

Thank you.

(Whereupon, at 2:00 p.m., the comments ended.)

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Correspondence (11)

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Author Information

Keep Private: No
Name: Lauren E. Nolfo-Clements
Organization: The Humane Society of the United States
Organization Type: P - Conservation/Preservation
Address:
Washington, DC 20037
USA
E-mail: lclements@hsus.org

Correspondence Information

Status: Reviewed **Park Correspondence Log:**
Date Sent: 02/02/2007 **Date Received:** 02/02/2007
Number of Signatures: 1 **Form Letter:** No
Contains Request(s): No **Type:** Web Form
Notes:

Correspondence Text

(Please be advised that these comments will also arrive via post mail)

February 2, 2007

J. Mel Poole, Superintendent
Catoctin Mountain Park
6602 Foxville Road
Thurmont, Maryland 21788

Dear Superintendent Poole,

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On behalf of the Humane Society of the United States (HSUS) and our nearly 10 million members and constituents, over 216,000 of which reside in Maryland, we thank you for the opportunity to submit these comments on the Draft White – tailed Deer Management Plan and Environmental Impact Statement (EIS) for Catoctin Mountain Park (CATO or Park). While we understand the park's concerns over the perceived negative impacts caused by white – tailed deer (Odocoileus virginianus), the HSUS does not believe that lethal control is either a socially acceptable practice nor, in the long-term, the most ecologically sound approach to resolving conflicts with deer. Instead, we endorse Alternative B: Combined Non – Lethal Actions that would include strategic exclusion of deer, the use of repellents and possibly long term population stabilization through reproductive controls. The HSUS asserts that this alternative will better serve the park in its mission to protect and restore native plant communities.

We have some general concerns with respect to the scholarship of this DEIS. Although we were not able to check the scientific names for all species referenced in the EIS, we did note that a number of the plant binomials were misspelled. Such negligence reflects poorly on the content of the EIS as a whole and calls into question the accuracy of its claims.

Our specific comments are contained herein:

I. Historic and Present State of the Deer and Vegetative Community of the Catoctin Mountain Park Ecosystem: What is the Baseline?

The EIS give a brief history of land use in the park and in doing so points out that the currently forested area of Catoctin contained no trees, "over the size of a fencepost" in 1936 (EIS pg 11). Considering this highly modified, historically logged, farmed, and mined landscape not to mention the relatively recent recolonization of deer in the area it is virtually impossible to formulate a clear picture of the "natural' condition of Catoctin. Based upon this information, it is questionable as to how the park developed their vegetation goal if no data exists from the time when deer inhabited the area in so-called "natural" densities. If the baseline for vegetation community recovery is formulated from data collected in exclosures or from a time when deer densities were very low, it will be impossible for the Park to reach those plant community benchmarks short of re-exterminating the current deer population.

Additionally, the Park repeatedly, in both the EIS and its website, states that the deer in Maryland currently number more than at any other time in their history. However, this claim is extremely misleading. The habitat currently available for deer is a far cry from the old growth, contiguous forests encountered by early European settlers. With their dense canopies and low light, these woodlands contained very little early successional, edge, and gap habitats that O. virginianus prefers.(1) Hence, comparing past and present deer densities is nonsensical considering the large – scale fragmentation and alteration of potential deer habitat. Such comparisons are the equivalent of comparing coyote (Canis latrans) population densities and distribution before and after the extirpation of their main competitor, the grey wolf (Canis

lupus.(2) Major ecological alterations in an animal's community or ecosystem will inevitably lead to changes in population dynamics and survivorship of that species.

Deer are a part of the ecosystem in which they reside and as such they play a role in the structure and function of the said system and its associated food webs. In fact, many researchers consider deer to be a keystone species or an ecosystem engineer; a species that shapes the very communities of which it is a part.(3)

While it is true that white – tailed deer consume plants and that this activity may affect some species more than others and result in community – wide changes, any value judgment placed on these changes is by definition, purely subjective. The effects of herbivory are better interpreted in terms of vegetation state transition rather than on biased notions of perceived negative impacts.(4)

The reality of the supposed deleterious impacts of deer herbivory has not panned out in the long term. At least one recent review of the literature concerning deer and their impacts on individual plants, their populations, and communities found that there are virtually no studies that examine the plant population and ecosystem level effects of white – tailed deer herbivory. In fact, many studies have detected no overall effects on plant survival and reproduction and so – called negative effects have only been observed on small temporal and spatial scales.(5) Proving that deer do, in fact, eat is a far cry from definitively proving that they are endangering the continued survival of a forested ecosystem.

The EIS repeatedly states that deer are hampering forest regeneration at CATO. Yet, the EIS also states that, after a fire that burned in 2001, many tree and herbaceous species had regenerated (EIS pg 25). The EIS does not indicate that deer were excluded from these areas so based upon these two lines of evidence it is difficult to understand what type of regeneration the Park is seeking. Generally, the term "regeneration" implies a regrowth or reestablishment after a disturbance or loss, hence the prefix "re-"which means "back" or "again". Throughout the EIS it appears that the Park simply desires a carpet of seedlings and saplings in the absence of any disturbance. This requirement does not truly amount to regeneration in that the canopy is still intact. In the event that a tree were to fall and the canopy were to open, studies have shown that the mounds and pits formed by such events provide long - term refugia for seedling regeneration, even in the presence of intense deer herbivory.(6)

However, the HSUS is aware that the park considers the deer populations at CATO to be "overabundant" and that such population levels may be viewed as "unnatural". This idea of native wildlife damaging its environment and necessitating lethal removal is held by some to be a logical consequence of that perception and by others to be illogical. This lethal removal scheme may be viewed as a contradiction to the central mission of NPS, which is to not intervene in natural processes unless a compelling case can be made that they have been suspended or prevented through human action. As the forest appears to regenerate itself after disturbance, it is difficult to understand how a lack of seedling under intact canopy constitutes

a suspension of natural processes.

That said, NPS chooses to regulate its activities under an assumption of allowing natural process to prevail and hence is caught between two sets of standards. The NPS stands, by these and other proposed deer management actions, to intervene, interfere, and in perpetuity manipulate a natural, native biotic component of an ecologically interacting system which it is mandated to conserve. This is a radical departure from its historic management philosophy and approach and must be carefully considered and weighed for the precedent it sets.

In summary The HSUS believes that the EIS does not provide a substantial purpose and need for lethal deer removal under current NPS management philosophy and guidelines. With little evidence to suggest that deer have truly altered this ecosystem and prevented its perpetuation, it is incumbent upon the NPS to justify the killing of native wildlife in the absence of sustained threats to the CATO ecosystem.

II. Separating Edge Effects and Patterns of Succession from Deer Herbivory When Assessing Forest Health

Edge effects are well – known and their effects on plant species composition and diversity are well – documented.(7) In fact, research in Pennsylvania and Delaware shows that the species composition of plants along forest edges is different than that found in interior forests.(8) These effects may be observed well over 40 meters from the edge of the forest and after 50 years of succession on the edge. There has been no detailed analysis on the edge effects at CATO nor the influence of human land use practices on the existing forest habitat. Considering the high human population density in the areas near the Park and the presence of surrounding farmlands, it is safe to assume that edge effects are having a major impact of the vegetative communities in the park.

In addition, deer are an edge species that attain their highest population densities in forest edge habitats that contain more suitable types of forage.(9) Therefore, the increased edge habitat made available by agriculture and suburban sprawl and encroachment onto the borders of the park only serves to increase suitable deer habitat and increases the number of deer that can be supported by the said habitat.

Another factor which is seldom considered when assessing the plant species composition in forests with deer herbivory is the successional status of that particular forest. Research has shown that plant species diversity is higher in primary forests than in secondary forests regardless of the herbivory regime.(10) As the forest of CATO has been cleared in the past, it is secondary forest and, therefore, will not attain the levels of species diversity found in primary forests regardless of the herbivory regime.

Simulation models based upon field data have also shown that even at the most intense levels of deer herbivory, forest succession may slow down, but final forest composition is the same

as would be found in unbrowsed areas.(11) In other words, while deer herbivory may influence plant species composition especially in mid – successional stages, a browsed forest will attain the same climax community as a completely unbrowsed forest over the long term.

Based upon these findings, it is the Final EIS must explain how deer herbivory will affect the health and continued survival of the forest into the future. If the Park cannot do so, it will seriously call into question the purpose of this lethal control in the absence of eminent threats to any aspect of the CATO ecosystem.

III. Lethal Control and Compensatory Reproduction versus Sterilization

The HSUS asserts that the deer population at CATO does not require controls to ensure forest viability and survival. However, we are aware that the Park perceives an "overabundance" of deer and that this perception must be addressed. While we are aware that the layout and extent of CATO makes it an undesirable candidate for immunocontraception, surgical sterilization may be a viable option.

While the EIS briefly discusses the option of surgical sterilization, it quickly dismisses it as infeasible. The reasons given for this are the possible long – term effects on animal behavior and population genetics (EIS pg 90). Firstly, surgical sterilization has the same exact effect on population genetics as would lethal removal. Sterilization simply removes that animal from the gene pool effectively making it "evolutionarily dead". This scenario is in no way different than that created by lethally removing that same animal.

Second, the behavioral effects caused by tubal ligation are negligible especially when compared with the possible behavioral effects that could arise from large scale deer removals. Research has shown that after large scale herd reduction, individual deer may increase their home ranges.(12)

The city of Highland Park, Illinois conducted a trap – sterilize – release program on the city's deer from 2002 -2005.(13) In that study, does were sterilized through tubal ligation so they were not susceptible to the behavioral alterations typical of methodologies that halt hormone production. This methodology was both safe and humane and resulted in very low mortality rates due to surgery. Computer models of surgical sterilization from this and other research revealed that areas can maintain their deer populations at target densities by sterilizing 32% of the does per year.(13,14) Based upon these results, CATO may do well to reconsider surgical sterilization as a viable option for deer management.

While chemical and physical sterilization has been shown to effectively reduce deer fertility, lethal control may sometimes have the opposite effect. It has been shown that the reproductive rate of O. virginianus is greatly reduced at high population densities while deer in areas subjected to periodic harvest have enhanced fertility rates resulting in increased population growth to compensate for harvested animals.(15) Further research also indicates

that harvest of both sexes does nothing to stop fluctuations in deer populations due to forage competition and natural mortality as a result of severe winter weather.(16)

Sterilization is superior to lethal control in that it leaves animals in a population as "placeholders" that are reproductively "dead ends" yet continue to occupy consistent home ranges and exhibit natural herding behaviors. The presence of these adult "placeholders" ensures continuity in the social framework of the herd while limiting the number of young and more mobile animals that might pose increased risks of collisions with vehicles and dispersal to adjoining private properties.

Based upon available research, the EIS must seriously revaluate the usefulness surgical sterilization to stabilize deer population density at CATO. It behooves the Park to more closely examine this option especially in light of the social and political controversy that surrounds lethal deer management.

IV. Underestimation of the Preferred Alternative's Effects on Visitor Experience

In discussing the effects on visitors by the preferred lethal control option for deer management at CATO, the EIS states that the resulting forest regeneration activities would offset any negative impacts on visitors from lethal removal of deer (EIS pg 254). We find this statement to be almost delusional. Very few visitors to CATO perceive any forest regeneration problems at the Park. Visitors come to CATO to see and explore nature. We believe it is safe to assume that the average visitor would be upset if, upon arriving at the Park for a hike, they saw signs indicating it was closed for deer culling. Personal experience has revealed that hikers actively seek out areas that do not have hunting or deer culling so family members and pets can hike without the fear of stray bullets.

Related to this, the EIS does not indicate how it plans to ensure that no visitors are in the park while the proposed sharp shooting would be taking place. While it is easy to close parking lots and post signs, it is not as simple to close off foot trails that traverse the park and enter onto adjacent land, most notably Cunningham Falls State Park. Some hikers do prefer to begin their activities around dawn or plan to stop hiking right around dusk.

Additionally, the EIS makes no mention of how deer burial pits may negatively impact visitor experiences to the park. Considering that so many visitors that come to CATO do so to be in nature, it seems highly unlikely that the possibility of seeing or smelling a burial pit or carcasses of deer spread around the park would be appreciated or serve to enhance their experience.

The EIS also indicates that deer shooting activities would be conducted in the winter, when the smallest numbers of people visit Catoctin. However, even during the "slowest" months of December and January, an average of about 20,000 people visits the Park (EIS pg 139). This is hardly a negligible number. The EIS severely downplays this potential impact to the natural

experience of 10s of thousands of Park visitors.

Therefore, the HSUS emphasizes that the Final EIS must realistically depict the potential impact of intense lethal control of deer on visitor experience at CATO. The current draft severely downplays these impacts and does not even consider the possibility that visitor numbers may be significantly reduced during the winter months as a direct result of the proposed shootings.

V. Conclusions

The HSUS acknowledges CATO's efforts to address a perceived problem with white – tailed deer through a deer management plan. This is a highly contentious issue in which scientific uncertainty and human value systems meet head-on within a social framework that, frankly, views deer as a predominantly consumable and sustainable resource providing recreational opportunities. This is neither the mission nor the mandate of NPS, but the larger social context into which it must fit its own goals and plans. The HSUS regards the "standard" social model to be a vortex into which agencies like NPS might be easily pulled.

The NPS must decide if they want to be intervening, managing and manipulating deer for the foreseeable future in CATO any other park units. Given the NPS mandate, is this justified and by what approaches and methodologies will NPS ever be able to determine what ecological end-point it seeks to achieve? Before the Final EIS is drafted, the park must have a clear picture of the end goals of deer management at the park, especially in light of the long history of human land use in and around the park and the lack of data to prove that deer will have a long – term effect on the continued existence of the forest ecosystem at CATO.

The Final EIS must also realistically depict the potential negative impacts that deer shooting would have on visitor experiences at CATO. Assuming that the average visitor is more concerned with forest regeneration than deer, dismissing tens of thousands of visitors as a negligible proportion, and downplaying the negative public perception of killing wildlife on protected lands is profoundly disingenuous.

However, The HSUS does recognize that there is a perceived conflict with deer in CATO. Regardless of the nature of this interaction, the fact that deer populations are viewed as in conflict with park goals necessitates some resolution. Hence, the HSUS supports Alternative B – Non-lethal combination, as presented in the Final EIS with the use of surgical sterilization for reproductive control. We feel that this alternative will best serve to placate the critics of the deer's influence on the habitat at CATO while allowing for the continued enjoyment of these animals by visitors. This option is also the least controversial and the one that is most acceptable to the general public.

Thank you for the opportunity to comment on this Draft EIS. If you wish to discuss any of the information contained in these comments, do not hesitate to contact me directly.

Sincerely,
Lauren Nolfo – Clements, PhD
Wildlife Scientist
Wildlife and Habitat Protection Section

Endnotes

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(15)Swihart, R.K. et al. 1998. Nutritional condition and fertility of white - tailed deer (Odocoileus virginianus) from areas with contrasting histories of hunting. Canadian Journal of Zoology 76: 1932 – 1941.
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climate fluctuation to changes in population growth of northern white – tailed deer. Oecologia 130: 62 – 71.

Add Comment

Comment Text:

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Comments

ID	First 40 Characters	Status	Assigned Code(s)	Code
40273	While we understand the park's concerns ...	Coded	AL4014	Code
40275	We have some general concerns with respe...	Coded	GA1000	Code
40276	The EIS give a brief history of land use...	Coded	MT5000	Code
40281	Additionally, the Park repeatedly, in bo...	Coded	AE12000	Code
40283	Deer are a part of the ecosystem in whic...	Coded	MT4000	Code
40284	The reality of the supposed deleterious ...	Coded	WH2000	Code
40285	The EIS repeatedly states that deer are ...	Coded	PN8000	Code
40286	However, the HSUS is aware that the park...	Coded	PN5000	Code
40289	In summary The HSUS believes that the EI...	Coded	PN8000	Code
40293	There has been no detailed analysis on t...	Coded	VR2000	Code
40295	In addition, deer are an edge species th...	Coded	AE12000	Code
40296	Another factor which is seldom considere...	Coded	VR2000	Code
40297	Based upon these findings, it is the Fin...	Coded	VR4000	Code
40299	The HSUS asserts that the deer populatio...	Coded	AL2077	Code
40300	While the EIS briefly discusses the opti...	Coded	AL2071	Code
40302	The city of Highland Park, Illinois cond...	Coded	AL2071	Code
40305	While chemical and physical sterilizatio...	Coded	AL4021	Code
40306	Sterilization is superior to lethal cont...	Coded	AL2071	Code
40308	In discussing the effects on visitors by...	Coded	VE2000	Code
40309	We believe it is safe to assume that the...	Coded	VE4000	Code

40310	Related to this, the EIS does not indica...	Coded	VE4000	Code
40314	The EIS also indicates that deer shootin...	Coded	VE2000	Code
40315	Therefore, the HSUS emphasizes that the ...	Coded	VE4000	Code
40316	The NPS must decide if they want to be i...	Coded	PN8000, PN5000	Code
40318	The Final EIS must also realistically de...	Coded	VE4000	Code
40320	Hence, the HSUS supports Alternative B –...	Coded	AL4014	Code

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"Gutman, Lori"
<lgutman@louisberger.com>

08/29/2007 04:45 PM

To <Whitney_Wimer@urscorp.com>
cc "Van Dyke, Nancy" <nvandyke@louisberger.com>
bcc
Subject FW: From NPS.gov: Comments of Safari Club International and Safari Club International Foundation on the Catoctin Mountain Park Draft Deer Management Plan and Environmental Impact Statement

Hi Whitney,

Here is the Safari Club Original email for you to print - I am working on the one from the transcript.

Thanks,
Lori

Lori Gutman

Senior Planner

main 303.231.1012

mobile 301.461.8772

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-----Original Message-----
From: Donna_Swauger@nps.gov [mailto:Donna_Swauger@nps.gov]
Sent: Wednesday, February 07, 2007 6:50 AM
To: Gutman, Lori
Subject: Fw: From NPS.gov: Comments of Safari Club International and Safari Club International Foundation on the Catoctin Mountain Park Draft Deer Management Plan and Environmental Impact Statement

Lori: Please let me know when you receive this. Thanks.

Jim Voigt
Catoctin Mountain Park

(301) 416-0135
----- Forwarded by Donna Swauger/CATO/NPS on 02/07/2007 08:48 AM -----

James Voigt
02/07/2007 08:44 AM EST

To: Donna Swauger/CATO/NPS@NPS
cc:
Subject: Fw: From NPS.gov:

Comments of Safari Club International and Safari Club International Foundation on the Catoctin Mountain Park Draft Deer Management Plan and Environmental Impact Statement

James W. Voigt
Resource Manager
Catoctin Mountain Park
301-416-0536

----- Forwarded by James Voigt/CATO/NPS on 02/07/2007 08:44 AM -----

Jennie Pumphrey
02/06/2007 09:24 AM EST

To: James Voigt/CATO/NPS@NPS
cc:
Subject: Fw: From NPS.gov: Comments of Safari Club International and Safari Club International Foundation on the Catoctin Mountain Park Draft Deer Management Plan and Environmental Impact Statement

----- Forwarded by Jennie Pumphrey/CATO/NPS on 02/06/2007 09:23 AM -----

aseidman@sci-dc.org
02/02/2007 03:58 PM EST

To: CATO_superintendent@nps.gov
cc:
Subject: From NPS.gov: Comments of Safari Club International and Safari Club International Foundation on the Catoctin Mountain Park Draft Deer Management Plan and Environmental Impact Statement

Email submitted from: /cato/contacts.htm

February 2, 2007

Mel Poole, Superintendent

Dear Superintendent Poole:

Safari Club International and Safari Club International Foundation

(collectively "SCI") appreciate the opportunity to comment on the Draft Deer Management Plan and Environmental Impact Statement ("Deer Plan") for Catoctin Mountain Park ("CMP"). SCI and its members have long been active in hunting and wildlife management issues in National Parks and in Maryland. The staff of the CMP has obviously put a great deal of thought and effort into developing the Deer Plan. SCI generally supports wildlife management efforts aimed at wildlife population control, but must take exception with certain aspects of the Deer Plan, namely the rejection of the use of sport hunters in the Deer Plan.

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has over 50,000 members worldwide, including many who hunt near the CMP and, in doing so, contribute to the sustainable use of the wildlife in the area. SCI's missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. Safari Club International Foundation is a nonprofit IRC § 501(c)(3) corporation. Its missions include the conservation of wildlife, education of the public concerning hunting and its use as a conservation tool, and humanitarian services. More specifically, the conservation mission of SCIF is: (a) to support the conservation of the various species and populations of game animals and other wildlife and the habitats on which they depend, and (b) to demonstrate the importance of hunting as a conservation and management tool in the development, funding and operation of wildlife conservation programs.

The NPS has well documented the need to manage the deer population in CMP. Excessive deer browsing has reduced forest regeneration, could adversely affect native species, and has impacted native shrubs and trees. Deer Plan at iii, 3-5. The desire for "[g]reater cooperation ... with state and local governments" supports the idea that the use of hunters could be part of the solution to the problem. Id. The carefully regulated use of recreational sport hunters, either in a managed hunting situation or as sharpshooters, would help advance all these goals.

But the Deer Plan completely rejects the use of managed hunting as a method of wildlife management. It is unfortunate that legal and policy constraints apparently prevent the NPS from considering the use of recreational sport hunting as part of the solution in CMP and other park units. SCI strongly advocates that the NPS reconsider its general position on the use of managed hunting as a wildlife management tool and should take the necessary steps to allow sport hunting in National Park units where appropriate to manage overabundant species. In addition, SCI recommends that the NPS consider the use of qualified members of the sporthunting community as the "sharpshooters" called for in the preferred alternative.

SCI was surprised to find that the Deer Plan contained an analysis of managed hunting generally - one that appears to extend beyond the CMP and could be read to apply to units throughout the NPS system. The NPS considered and rejected the managed hunt alternative on regulatory grounds, as it has done in other units where sport hunting is not expressly allowed. Thus, the analysis concerns an alternative the NPS believes is not available to it. By conducting this potentially broadly-applied analysis of hunting as a wildlife management tool in the Deer Plan for CMP, the NPS appears to be airing a national conclusion in a plan that will only be reviewed by the limited members of the public that are interested in CMP. The agency should not conduct such a broad and apparently nationwide

assessment of hunting as a potential management tool in National Park units as part of this limited administrative process. . In any event, the analysis does not accurately or fairly compare the costs, efficiency and safety of managed hunting to the use of sharpshooting for the reduction of an overabundant species. Such a broad comparison is not possible, at least not with a lot more analysis than contained in the Deer Plan, because the costs and efficacy of managed hunting as a potential wildlife management strategy will vary greatly depending upon many variables. The variables include, but are not limited to, the nature of the species to be managed, the size of the species population, the gender distribution of the species, the type of area that could potentially be hunted, the number and skill of potential hunters, and other factors. Suggestions about safety concerns are also overstated since safety variables can be addressed through the use of established parameters for the hunting opportunities.

The NPS's assessment of hunting as a wildlife management tool also inappropriately ignores the advantages of sport hunting, including the valuable revenues (or limits on expenditures on contract sharpshooters or park personnel) that sport hunting generates. Sport hunting dollars can and have been used for conservation efforts related to game and nongame species within the park and surrounding areas. Sport hunting can generate funds, for example, through the sale of tags and licenses, which can be used to benefit wildlife and the ecosystem. In contrast, the use of park employees or contractors to manage wildlife through lethal means is often a costly undertaking. Not only must these park employees be taken away from their other responsibilities, but the Deer Plan estimates that the cost of removing deer under the preferred alternative to be $200/deer for years 1-3 and $400/deer for years 4-15. Deer Plan at 66-67. The estimated total cost over the 15 years of the plan is likely over $600,000. Id. at 66.

Even if managed hunting cannot be utilized as a wildlife management tool on the CMP, there is no reason why the deer culling required for the CMP cannot take advantage of members of the hunting community who are willing to volunteer their services to assist NPS personnel in the management effort. Although SCI understands that the NPS believes that existing regulatory and policy prohibitions prevent recreational hunting within the park from being considered as a viable option at this time, such prohibitions do not bar the NPS from investigating the viability of using qualified voluntary hunters to act as "sharpshooters" under the preferred alternative.

SCI supports efforts by the NPS to donate as much as the harvested meat as possible for humanitarian purposes. Deer Plan at 66. SCI has long supported such humanitarian efforts, for example through its "Sportsmen Against Hunger" program. See information at http://www.safariclubfoundation.org/humanitarian/#sah. Using hunters for wildlife management in National Parks would facilitate the NPS's ability to use harvested meat for such purposes, including through programs such as the one SCI runs.

SCI recognizes the current legal and policy constraints that prohibit the opening of CMP or all National Parks to sport hunting. But for all the reasons discussed above, sport hunting should be a tool available to the NPS to use for wildlife management in limited situations, for example to control wildlife overpopulations and/or the presence of harmful invasive species. SCI encourages the NPS to consider actions that might be necessary

to allow sport hunting to be a cost-effective and efficient option for dealing with wildlife overpopulation and related problems in National Parks.

SCI appreciates the opportunity to comment on this important issue. We look forward to working with the NPS on this issue. If we can provide any further information, please let us know.

Sincerely, Ralph Cunningham President, Safari Club International Safari Club International Foundation

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February 2, 2007

BY ELECTRONIC AND REGULAR MAIL

Ms. Donna Swauger, Environmental Protection Specialist
Catoctin Mountain Park
6602 Foxville Road
Thurmont, MD 21788

Dear Ms. Swauger:

On behalf of the Animal Welfare Institute (AWI), I submit the following comments on the Draft White-Tailed Deer Management Plan and Environmental Impact Statement for the Catoctin Mountain Park (hereafter "Draft EIS").

AWI strongly supports Alternative B which would increase and expand the use of non-lethal alternatives to manage the deer population within Catoctin Mountain Park (CMP). It strongly opposes the preferred alternative (Alternative C) which would employ sharpshooting and capture and euthanasia techniques to dramatically and rapidly reduce the park's deer population. The National Park Service (NPS) has failed to disclose sufficient evidence or data to substantiate the need for such drastic actions and has failed to provide an adequate evaluation of the direct, indirect, and cumulative impacts of the preferred alternative and other alternatives in violation of the National Environmental Policy Act (NEPA). Moreover, the NPS emphasis on the need for aggressive lethal removal of hundreds of deer over the first three years of the preferred alternative and thousands over the 15-year duration of the plan violates its own Organic Act and regulations and policies implementing that Act.

Given the clear intent expressed by Congress in establishing the NPS that national park units were expected to be managed in a manner far different than other federal lands (U.S. Forest Service lands, Bureau of Land Management lands, U.S. Fish and Wildlife Service lands), it is disturbing that, in this case, the NPS has elected to propose the use of sharpshooting and capture/euthanasia to address alleged adverse impacts to CMP attributable to deer. Given its natural regulation mandate, ideally the NPS should embrace the fluctuating deer population of the CMP as a natural process contributing to natural succession within the park. Indeed, instead of portraying deer as an overabundant pest allegedly causing adverse impacts to park vegetation and other

species, the NPS should recognize deer as a dominant herbivore in the CMP and should consider its impacts to be inherent to the deer's role in the ecosystem.

While there are impacts associated with allowing nature to take her own course, those impacts are not irreversible and, in time, the dynamics of the ecosystem will change resulting in a reduced deer population, increased forest regeneration, and an expansion of herbaceous cover. Indeed, based on the evidence contained in the Draft EIS the deer population has fluctuated over time and, at present, is at a density that is lower than any density estimate of the past six years (though the accuracy of the distance sampling/spotlight survey methodology is highly questionable and likely significantly overestimates deer population numbers). What's unique about a national park is that it is intended to be and, in fact, is required to be a natural laboratory where climate, soils, topography, and air and water quality combine with the biology and ecology of wild species, both flora and fauna, to create a system that is always in flux, where conditions change, and where naturalness (to the extent it can exist in a human modified landscape) continues to prevail.

In this case, instead of embracing its mandate, the NPS prefers to manage CMP to achieve a snapshot in time where it manipulates deer numbers to achieve what the NPS claims is a desired condition. Such a mindset is similar to the management strategies employed by the U.S. Forest Service or U.S. Fish and Wildlife Service by which ecosystems are highly manipulated to achieve some predetermined objective of what is aesthetically pleasing or biologically/ecologically desirable.

This is not to suggest that AWI believes that the NPS should adopt a hands-off approach to the management of the CMP. While the NPS's own data demonstrate that the CMP deer population has constantly fluctuated in number and that the current population density demonstrates that the deer population is significantly smaller than the numbers documented in the past, the use of large exclosures, plant or area-specific exclosures, repellents, and contraceptive technologies is entirely appropriate given the unique circumstances relevant to the CMP. The fact that CMP is not a complete ecosystem, it no longer provides habitat for a complete assemblage of all native predators, that internal and external development has created or improved deer habitat, and that CMP is surrounded by agricultural lands, residential and commercial development, state parks, and other lands there could be a valid need for non-lethal deer management both to humanely reduce the deer population and to mitigate some of the species impacts.

Conversely, given the lack of substantive data and analysis to document the alleged significant impacts that the NPS attributes to deer in the CMP, there is no rational scientific or legal basis to proceed with the proposed action. Indeed, even if the NPS believes that its data is solid, given its statutory requirements it must attempt to address its deer management challenges through the creative use of all non-lethal management alternatives before it resorts to any consideration of lethal control.

Particular deficiencies inherent to the Draft EIS include, as mentioned previously, a failure by the NPS to create a management plan that is in compliance with its own Organic Act and its associated implementing regulations and policies and with NEPA. Specific NEPA inadequacies include a failure to disclose all relevant information to

facilitate both public review and meaningful participation in the decision-making process and the ability of NPS decision-makers to have all of the relevant environmental information available to them prior to rendering a decision on the plan. The lack of information also weakens the alleged purpose and need for the proposed action since the alleged need cannot be justified based on the existing data. The NPS has also failed to consider a reasonable range of alternatives, failed to provide a sufficient evaluation of the environmental impacts of the preferred alternatives and other alternatives, and rejected legitimate alternatives from serious consideration.

These and other inadequacies in the Draft EIS will be discussed on more detail throughout the remainder of this comment letter.

1. National Park Service Organic Act, Regulations, and Policies:

Congress created the NPS in 1916. The fundamental responsibility of the NPS as plainly stated in the NPS Organic Act is to "promote and regulate the use of ... national parks ... by such means and measures as conform to the fundamental purpose of said parks ... which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 16 USC 1. More recently, Congress reemphasized its support for the NPS and the importance of national parks reiterating its direction that "the authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of the National Park System and shall not be exercised in derogation of the values and purposes for which these various area have been established, except as may have been or shall be directly and specifically provided by Congress." Id. at 1-1a.

Though the statute clearly limits the "impairment" standard to the regulation of public uses of the parks, the NPS has expanded the applicability of that standard to include its own administrative activities. As a consequence, though this standard largely applies to public uses of the parks, the NPS is supposed to make a determination as to whether its own actions cause an impairment. In the Draft EIS, however, the NPS appears to further expand its application of the impairment standard to include activities that naturally occur within any national parks such as grazing, wildlife health, and interspecific competition.

For example, in its summary of the environmental consequences of each alternative, the NPS claims that selection of the no-action alternative would cause an impairment to park vegetation, white-tailed deer health, other wildlife species, and rare species. In other words, the NPS apparently believes that deer grazing and browsing, natural changes in deer health parameters, factors affecting other wildlife species, including rare species, all constitute impairments. Yet, all of these impacts represent entirely natural components of the ecology of an area and most certainly do not constitute a use or administrative activity that is subject to the impairment standard. Though the NPS has misinterpreted the intent of its impairment standard, it must be noted that, as the NPS concedes, the selection of Alternative B will not result in any alleged impairments to park resources. Since impairments are not permissible, the NPS is effectively but erroneously claiming that its lack of action would result in an impairment because deer would continue to eat

herbaceous and woody materials on CMP. This would be akin to the NPS claiming that its failure to kill predators in a national park would constitute an impairment since the predator could kill a federally protected species or that a decision to allow natural factors to control the elk population in Yellowstone represents an impairment because of the potential impact of elk herbivory on willows and beavers.

Congress provided the Secretary of the Interior with the authority to adopt regulations to guide management of the National Park System. Through such regulations and/or in the Secretary's discretion, timber cutting may be permitted to control insects, diseases, or to conserve scenery and livestock can be allowed to graze in all national parks except for Yellowstone National Park if not detrimental to the primary purpose of the park. Id. at 3. Moreover, the Secretary may also provide "for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments, or reservations." Id. (emphasis added).

The authority given the Secretary to allow for the destruction of an animal is not associated with the impairment standard but, rather pertains to a determination that the animal is detrimental to the use of a park. Thus, the fact that deer may be adversely affecting forest regeneration in CMP does not justify a finding of "detriment" since forest regeneration is not considered to be a "use" of a park. Rather, the Secretary's authority to permit the destruction of animals detrimental to the use of a park was provided so that animals who pose a threat to persons using a park (e.g., grizzly bears, black bears, mountain lions, other dangerous animals, rabid animals) could be destroyed. As a consequence, the NPS, despite whatever impacts it believes deer may be having on CMP, cannot authorize the lethal control of deer in CMP unless the presence of the deer is deemed to be detrimental to the "use" of the park. No evidence is contained in the Draft EIS that would satisfy this standard and, therefore, the NPS cannot legally approve Alternatives C or D as described in the Draft EIS.

NPS regulations provide additional guidance on whether lethal wildlife control may be permissible. Though the NPS cited to its regulations in the Draft EIS, it provided no further discussion of the regulations and their relevance to the alternatives being considered in the Draft EIS. As an initial matter, disturbing living wildlife from "its natural state" is prohibited. 36 CFR 2.1(a)(1)(i). This is consistent with the NPS natural regulation mandate. Hunting of wildlife in a national park, however, is allowed "where such activity is specifically mandated by Federal statutory law," id. at 2.2(b)(1), or where the activity "is specifically authorized as a discretionary activity under Federal statutory law… ." Id. at 2.2(b)(2). Though these specific regulations may not be applicable to activities carried out by NPS personnel, they reflect a clear intent on the part of the NPS, as directed by its Organic Act, to significantly limit the lethal control of native wildlife to those very few instances where Congress has authorized such activities and/or where the NPS has the discretion to allow such uses. As explained previously, the discretion provided by the Organic Act to allow the destruction of wildlife is limited to circumstances where an animal is determined to be detrimental to the use of a park.

NPS policies provide further guidance on the impairment standard and in regard to the natural regulation mandate governing the management of national parks.

In the 2006 NPS Management Policies, policy 1.4.3 and 1.4.3.1 very clearly associate the impairment standard to authorized uses of the parks. Policy 1.4.4 specifies that "the impairment of park resources and values may not be allowed by the Service unless directly and specifically provided for by legislation or by the proclamation establishing the park." Policy 1.4.5 explicitly identified visitor activities, NPS administrative activities and other activities by concessionaires and others as the types of activities that can cause an impairment. Policies 1.4.6 and 1.4.7 provide additional evidence of why the impairment standard is applicable only to uses of or activities in parks and cannot be applied to impacts to park resources that may be attributable to a naturally occurring species or processes found or operating in national parks. Finally, policy 1.5 clearly states that the NPS "must ensure that park uses that are allowed would not cause impairment of, or unacceptable impacts on, park resources and values. These policies do not permit the NPS to categorize, as it has done in the Draft EIS, impacts that occur as a result of natural processes in any park ecosystem to constitute an impairment. Therefore, cannot discount the no action alternative during its decision-making process based on any claim that its selection would cause an impairment.

NPS policy specifies that "natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, feature, and plant and animal communities." Policy 4.1. The intent is not to solely preserve individual species (except threatened or endangered species) or individual natural process but to "maintain all the components and processes of naturally evolving park ecosystems, including the natural abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems." Id. To achieve this standard "natural change will ... be recognized as an integral part of the functioning of natural systems." Id. Natural resources, processes, systems, and values found in parks include physical processes such as weather, biological resources such as native plants, animals, and communities, and biological processes such as photosynthesis, succession, and evolution. Policy, Chapter 4, Introduction.

The NPS can only intervene to affect natural biological or physical processes when directed by Congress, in emergencies, "to restore natural ecosystem functioning that has been disrupted by past or ongoing human activities," or when a park plan has identified that intervention is necessary to protect other park resources, human health and safety, or facilities. Policy 4.1. While there are limited circumstances when the NPS can intervene, whenever possible it should allow "natural processes ... to maintain native plant and animal species and (to) influence natural fluctuations in populations of these species." Policy 4.4.2. Such interventions are also limited to circumstances where the impacts of such actions will not cause unacceptable impacts to the populations of the species or to other components and processes of the ecosystems that support them, id. and Policy 4.4.2.1, and when a population occurs in an unnaturally high or low concentration as a result of human influences. Id. The policy goes on to make clear that lethal animal control actions can be taken to reduce an animal population but only if "visitor use or other human activities cannot be modified or curtailed." Policy 4.4.2.1. However, whenever the reduction of a park plant or animal population is determined to be needed, NPS policy requires the use of "scientifically valid resource information obtained through consultation with technical experts, literature review, inventory, monitoring, or research to evaluate the identified need for population management..." Id.

Admittedly, NPS policies are conflicting on when or if native animals can be lethally removed from a park. On the one hand, the NPS claims to promote natural processes including natural abundance, diversity, and succession. While, on the other hand, the NPS permits the removal of native species to restore natural ecosystem functions and/or address a population that occurs in an unnaturally high or low concentration as a result of human influences if such influences cannot be mitigated. The Policies do not specify what constitutes a "human activity" or "human influence" though the policy language suggests that these terms refer to visitor use or other similar human activities and do not include long-term human alterations to the landscape that may have created the environment for changes in the deer population within the CMP. The purposeful introduction of a native but non-endemic species into a park lake would, for example, clearly justify intervention by the NPS to restore natural ecosystem functions. In the case of CMP and its deer, however, there is no specific human influence that has caused the fluctuations in the CMP deer population. Rather, a series of human actions over more than 100 years (i.e., clearing of land for agriculture, residential and commercial development, road construction both inside and outside of the park, a decrease in hunters) have allowed deer populations to increase throughout most suburban and rural areas throughout the United States. Moreover, in the case of the CMP, its very designation as a unit of the NPS created the opportunity for natural deer population fluctuations though this action should not and cannot be classified as having negative or adverse consequences.

Though the Policies specify that the NPS must have credible scientific data and evidence to justify the removal of native plants or animals from a park – a standard that the NPS has not met in the Draft EIS, the Organic Act, as explained previously, only allows the Secretary to authorize the destruction of an animal when it is determined that the animal is detrimental to the use of a park. Thus, there must be a valid conflict between an animal and public use of a park before the Secretary can authorize the destruction of the animal. The NPS has offered no evidence of such a conflict between deer in CMP and public use of the park in the Draft EIS and, therefore, it can't proceed with any lethal removal of deer without violating federal law.

Though the Organic Act explicitly limits when the NPS can lethally remove animals from a park, the Draft EIS completely ignores this issue. Instead, the NPS claims that the original Executive Order (#7027) establishing the Catoctin Recreational Demonstration Area and it relies principally on this alleged justification to substantiate its proposed lethal deer control plan. Though EO 7027 could not be located to review prior to preparing these comments, there is a question as to whether the forest regeneration requirement contained in the original EO remained applicable to the management of CMP once that property was transferred to NPS given natural regulation mandate contained in NPS statutes, regulations, and policies. Furthermore, by citing to CMP management objectives, goals, the CMP Resource Management Plan, and the CMP Statement for Management, the NPS claims that lethal deer control is essential for the restoration of forest regeneration which is apparently included in each of those documents as a critical management goal. What's unclear is whether those plans are consistent with NPS statutes, regulations, and policies and whether the public was involved in the process used to create those documents. Even if the NPS can

legitimately rely on the original intent of EO 7027 to justify its interest in lethal deer control, considering its statutory obligations, Alternative B remains a valid alternative that the NPS must select to partially meet its stated objectives, facilitate forest regeneration while also complying with its own legal mandates.

As the foregoing discussion demonstrates, there remain serious questions about the NPS proposal to lethally control deer within the CMP and whether such plans are consistent with NPS statutes, regulations, and policies. Based on its statutory obligations alone, the NPS does not have the authority to kill deer within CMP unless it can prove that deer are detrimental to the use of the park.

2. National Environmental Policy Act:

The National Environmental Policy Act (NEPA) requires federal agencies to evaluate the environmental impacts of their actions before proceeding with the implementation of new programs, plans, or projects.

The NPS reports that the purpose of its proposed action is "to develop a deer management plan that supports forest regeneration and provides long-term protection, conservation, and restoration of native species and cultural landscapes in Catoctin Mountain Park." Draft EIS at 3. The alleged need for the action is due to "excessive deer browsing" reducing forest regeneration and "resulting in adverse changes to the forest structure, composition, and wildlife habitat" and to address a potential adverse impact on the natural distribution, abundance, and diversity of native species, including species of special concern as a consequence of deer browsing. Draft EIS at 3. To justify this need the NPS provides information about the deer population size and density, deer impacts on woody vegetation, deer impacts on rare species, deer health, and socioeconomic impacts to adjacent landowners. In addition, though not directly relevant to the purpose and need statement, the NPS includes information about visitor use and deer impacts to socioeconomics of the area in the Draft EIS. The problem, however, is not primarily with what is disclosed but rather, it is relevant to what the NPS has failed to disclose.

Though an EIS is intended to provide a comprehensive review of the direct, indirect, and cumulative impacts of an action and is required to contain a sufficient level of detail to ensure that interested stakeholders, the public, and agency officials can understand the need for the action and the action's environmental consequences. Therefore, the disclosure of all relevant information is crucial to insure that the public can meaningfully participate in the decision-making process by submitting informed and substantive comments and so those with decision-making authority can consider all relevant information when determining the course of action to pursue. In this case, it appears that the NPS was so sure of what action was required that it neglected to disclose all relevant information, evidence, and data. Considering the efforts made by the NPS to denigrate white-tailed deer claiming that deer are responsible for a whole host of problems in CMP, the NPS may have predetermined the outcome of this process.

Failure to Disclose Relevant Data, Evidence, or Information:

Examples of what the NPS has either failed to disclose or for which sufficient evidence or data was not presented include:

A. Climate data. It is indisputable that climate, and particularly the amount and timing of precipitation, has a direct and significant impact on vegetation productivity. An abundance of timely precipitation can substantially increase primary production thereby supporting a larger number of animals, like deer and other herbivores and omnivores. Precipitation can also affect the abundance and composition of floral species both positively and negatively. Indeed, drought, extreme heat, or even extreme cold can dramatically impact vegetation production, composition, and abundance.

The Draft EIS contains no information about the long or short-term climate trends affecting CMP. There's no data presented on precipitation amounts, type, or timing nor is there any analysis of how precipitation affects the production, abundance, and composition of both woody and herbaceous vegetation in CMP. This deficiency is noticeable since the NPS identifies other factors (i.e., disease, ozone) that adversely impact park trees, shrubs, and other forage species. Considering how climatic variables can impact vegetation production, composition, and abundance, the short and long term ecological implications of a warming climate on forest and forage species, and how habitat productivity directly affects the ability of the ecosystem to sustain wildlife, the lack of climate data and analysis in the Draft EIS is a significant flaw.

B. Deer population numbers, density, and counting methodology: If the NPS selects and implements Alternative C it estimates that it will kill 1518 to 2118 deer over the lifetime of the 15 year plan. This would include the killing of 468 deer within the first three years of the plan so that the NPS can reduce deer density in CMP from 104 to 15-20 per square mile to ostensibly achieve its goal of forest regeneration. While the legitimacy of the estimated deer density needed to achieve forest regeneration and the relevance of the forest regeneration objective in light of NPS policies will be discussed in detail below, the NPS has failed to disclose sufficient data or provide an adequate explanation to justify its deer population numbers, density estimates, and it deer county methodology.

As revealed in Appendix C the number of deer in CMP has fluctuated dramatically over the years. See Table 1. Indeed, even when the NPS switched its counting methodology

Table 1: Deer population/density estimates and counting methodologies:

Year	Deer Population Estimate	Counting Methodology	Calculated deer population park-wide
1983	70	Winter aerial census	
1986	131	Winter aerial census	
1987	117	Winter aerial census	
1989	324	Winter aerial census	
1992	277	Winter aerial census	
1993	127	Winter aerial census	
1994	217	Winter aerial census (January)	
1994	107	Winter aerial census (March)	

1995	138	Winter aerial census	
1997	264	Winter aerial census	
1999	300	Winter aerial census	
2000	312	Winter aerial census	
2001	147.37/square mile	Spring distance sampling/spotlight	1338.11
2001	185.83/square mile	Fall distance sampling/spotlight	1687.34
2002	112/square mile	Spring distance sampling/spotlight	1017
2002	155.43/square mile	Fall distance sampling/spotlight	1411.30
2003	159.72/square mile	Spring distance sampling/spotlight	1450.26
2004	104.11/square mile	Fall distance sampling/spotlight	945.32
2004	128	Winter aerial census	
2005	74.5/square mile	Fall distance sampling/spotlight	676.46

from winter aerial censuses to distance sampling/spotlight surveys, deer density has ranged from a high of 185.83 deer/square mile in the fall of 2001 to 74.5 deer/square mile in the fall of 2005. Though the NPS has not, as explained below, adequately discussed a number of important issues associated with the deer population/density estimate methodologies, its own data (assuming that the distance sampling method is valid) demonstrates that the CMP deer population has naturally declined by more than half between fall 2001 and fall 2005. While there may be a variety of explanations for this decline, one is that the deer population is dropping in response to habitat conditions. While the changing habitat conditions may be, in part due to the deer themselves, a number of other factors (i.e., climate, tree disease, pollution) also contributed to these conditions. While it is impossible to predict if the deer population will continue to decline, given the recent trend and NPS statutory mandates to allow natural to take its course to the extent possible, the population data provide ample justification and, indeed, require the NPS to elect to use non-lethal strategies (i.e., Alternative B) to achieve its management objectives in CMP.

The NPS fails to provide any rational explanation for its decision to switch deer counting methodologies in 2001 from the use of aerial censuses to distance sampling/spotlight surveys except to claim that the distance sampling/spotlight survey methodology is more accurate. Draft EIS at 117. Since the distance sampling/spotlight surveys significantly increased the estimated deer density and population numbers over the results obtained from the aerial census methodologies, the NPS has to provide some explanation for why it chose to change methodologies, the differences between the two methodologies, and whatever assumptions or inherent to both methodologies and whether they were or were not met. In 2000, for example, the NPS counted 312 deer during an aerial census in the winter yet in the spring of 2001, based on the density estimate obtained from the distance sampling/spotlight survey, a total of 1338 deer were estimated to live in CMP. Similarly,

in the fall of 2004 an estimated total of 945 deer were estimated to live in CMP based on the deer density estimate obtained that fall while a few months later only 128 deer were counted during an aerial census. With these data, either the aerial census methodology significantly underestimated the deer population or the distance sampling/spotlight survey methodology significantly overestimates the deer population.

Based on a description of the distance sampling/spotlight survey methodology given in Appendix F, there is ample reason to believe that this methodology is significantly flawed and has resulted in an overestimate of the size of the park's deer population. The information in Appendix F indicates that this methodology relies on a three person team who drive survey routes after sunset to count deer. When deer are encountered, the distance to the original location of the deer or group of deer is determined using a laser rangefinder. This methodology raises a number of concerns. First, can laser rangefinders provide accurate distance estimates in the dark particularly if the deer have moved and can no longer be used as the target for distance measurement? Second, how does the non-random use of roads or other trails passable by vehicle bias or influence the results of this methodology. Even the NPS concedes that studies have the use of roads presents a "risk of bias from unrepresentative sampling of available habitats" (citing Buckland et al. 2001; Hiby and Krishna 2001) and that few studies have been conducted to determine whether such bias exists when roads are used for sampling. Though the NPS did not disclose what CMP roads were used for counting deer using this methodology, since deer tend to be attracted to road shoulders because of the availability of increased vegetation along roadways, this methodology could easily and substantially overestimate deer density and, subsequently, deer population size.

If the NPS intends to rely on these deer density estimates to justify its proposed management actions, it must provide a far more substantive explanation about this methodology, its benefits, its drawbacks, and why the NPS chose to use this particular technique to count its deer. Moreover, the NPS must explain whether the practice of conducting deer surveys in CMP along park roadways results in a bias in the deer density estimates, if the NPS corrects for that bias, how it corrects for that bias, or, if there is an inherent bias and the NPS ignores it, why it fails to take this flaw into consideration. Until and unless the NPS engages in this type of analysis, it must select non-lethal strategies (i.e., Alternative B) to manage the park's deer population.

C. Other wildlife species. The NPS claims that the deer have adversely impacted both woody vegetation and herbaceous species and that, in turn, other species including foxes, hawks, owls, skunks, raccoons, mice, rabbits, ground-nesting birds (ovenbirds, black-and-white warblers, worm-eating warblers), snakes, and frogs may be beneficially or adversely affected. Draft EIS at 210. Despite these claims the NPS offers no CMP-specific evidence that any of these other species, including species not listed above, are either increasing or decreasing within CMP.

Indeed, one piece of evidence the NPS points to in regards to its claim that ground nesting birds have declined in the park is a comparative study of CMP and Frederick City Watershed in which the number of bird species observed was higher in the Watershed. Draft EIS at 126. Allegedly the Watershed had a lower deer density and greater forest regeneration though the NPS did not disclose what differences were between the deer

densities in the two locations, what level of forest regeneration was measured in the Watershed, the history of the Watershed and of deer use of the Watershed, the presence or absence of tree diseases within the Watershed, the type and density of predators in the Watershed, and what impact edge effects may have on bird species within the Watershed, or whether climatic patterns or soil type/health in the Watershed was more conducive to forest regeneration and forage production. Indeed, the relationship between birds, deer, vegetation, and other factors is far too complex for the NPS to claim that deer density and forest regeneration are the only factors that differ between the two facilities.

The NPS also claims to have observation records indicating that wild turkeys numbers have declined in the 1990s, Draft EIS at 123, but neither the accuracy of those observation records, the methodologies used to collect such data, or the data is presented in the Draft EIS. Interestingly, according to Sinclair (2002), 162 bird species have been documented in the park with several newly identified or unexpectedly identified species. Draft EIS at 123. Though there may be studies in which deer density is positively correlated with a decline in bird species diversity, whether these studies consider all possible explanations (other than deer) for the documented decline in diversity, the NPS has provided no data to suggest that such a decline has occurred or will occur within CMP. Finally, though the NPS, citing to Warren and Ford (1990), reports that "numerous bird species have already declined significantly in number or vanished from the park because of the effect of overbrowsing by deer on the understory and shrub cover in the forest," it fails to identify what bird species have disappeared from the park suggesting that Warren and Ford (1990) may have exaggerated their conclusions.

The NPS fails, however, to provide any CMP-specific population data or trend evidence for any of the species that it claims are being adversely impacted by deer grazing and browsing. If foxes, hawks, owls, and skunks benefit from more open space, data should be presented documenting increases in the number of these species. Similarly, if mice, rabbits, ground-nesting birds, snakes, and frogs have been adversely impacted by deer impacts, data must be presented to substantiate such claims. Moreover, the NPS must also disclose any other factors (i.e., disease, edge effects, climate change, predation) that may be at play in CMP that may be causing a decline in these species independent of deer. If such data is not available then the NPS cannot use this argument to justify its selection of any alternative that calls for the lethal control of the deer population.

D. Vegetation productivity data and monitoring methodologies. Throughout the Draft EIS the NPS repeatedly blames deer for preventing forest regeneration in CMP and otherwise adversely impacting vegetation production, composition, and abundance. Since at least 1990 the NPS has reportedly been engaged in vegetation monitoring. Over that time, monitoring expanded from 45 sampling plots used in 1990-1994 to deer exclosures constructed and sampled in 1997, with additional comparison studies conducted in 1999 and 2003. Not surprisingly, when exclosure data was compared to open areas, the diversity, abundance, and production of plants inside exclosures was higher than in those areas available to deer.

While the NPS vegetation study findings are not surprising, the NPS failed to disclose the methodologies used by the NPS in establishing its vegetation monitoring plots and the methodologies used in the vegetation monitoring studies conducted in CMP. There is no

explanation, for example, of how the NPS selected locations for the vegetation monitoring plots and deer exclosures. What are the characteristics of each sites (i.e., soil type, species diversity, canopy cover, slope, aspect, leaf litter depth, presence of exotic species, precipitation patterns)? Without disclosing that type of information for each monitoring plot or exclosure, it is difficult for the public to determine if such sites are appropriate for conducting long term monitoring of the vegetation in CMP.

In addition, the NPS failed to explicitly disclose the methodologies used to monitor species presence, absence, production, and abundance at each monitoring plot or exclosure. The Draft EIS, for example, contains some data on forest regeneration or lack thereof but there's no explanation as to the methodologies used to collect such data except for a minimal description of how seedlings 10-60 inches in height are sampled in the park. Draft EIS at 333. Suspiciously, though the NPS claims that deer are adversely impacting herbaceous vegetation, there is a lack of data about herbaceous vegetation in the Draft EIS.

Indeed, other than including a 1985 summary of browsing impacts to Catoctin vegetation in Appendix A, the NPS fails to present any other data (except for some limited and general forest regeneration data) pertinent to vegetation abundance, composition, or production in the Draft EIS. The evidence that it does present generally consists of quotes from research papers or broad statements suggesting the deer are eating everything in the forest. Without the disclosure of both the methodology used in each study and the resulting data, the public has no way of verifying such statements. There is, however, evidence to suggest that maybe the situation is not as dismal as purposefully portrayed by the NPS. For example, on page 19 of the Draft EIS the NPS reports that "in general, plant diversity was higher within exclosures than in the paired plots outside the exclosures" suggesting that there may be some data that are not consistent with this general observation. Similarly, on page 139 of the Draft EIS, the NPS reports that deer browsing has decreased the flower bloom in some areas of the park suggesting that flowering plants may be holding their own in other areas of the park even though, using the NPS deer density estimates, the deer population is well above what the NPS deems desirable.

This data deficiency is particularly alarming considering that the NPS cites several studies that reportedly documented a tree or other vegetation decline within CMP. See Draft EIS at 106. The NPS provides no explanation for why it chose not to present all of its vegetation monitoring data in the Draft EIS. Instead, the NPS apparently prefer that the public simply believe its interpretation of the studies and data instead of providing proof of such vegetative impacts in the form of monitoring data. Interestingly, though the NPS failed to disclose vegetation monitoring data, it did include water quality data in the Draft EIS (see page 115) suggesting that the NPS cannot possibly claim that disclosure of the vegetation monitoring data would be too difficult for the public to understand.

The NPS claims that park staff has noted evidence of deer browsing impacts since the 1980s, Draft EIS at 104, and that foliage damage and impacts on plant reproductive success have been identified for 24 plant species. Draft EIS at 104. It relies extensively on Langdon (1985) to suggest that such browsing impacts can impact plant reproduction, alter species composition, and cause the extirpation of palatable yet uncommon species in

the park. Draft EIS at 105. The NPS goes on to claim that a comparison of vegetation surveys from the 1970s with a survey conducted in 1992 revealed that at least 12 species had been reduced or eliminated from the park. What the NPS doesn't discuss is what role other factors (i.e., plant disease, soil health, other herbivores, pollution impacts, climate change, visitor use activities, suppression of fire) may have played in leading to these alleged declines or local extirpations. In addition, the NPS has not disclosed whether any of the alleged extirpated species have been identified in the existing deer exclosures, and how the methodologies of any studies conducted to measure presence/absence or trend in plant species may have differed thereby affecting the study results and whether such results could be legitimately compared with the results of other studies.

The NPS does concede that there are other factors that may be adversely impacting trees and other vegetation in CMP. See Draft EIS at 175 ("The health of Catoctin's forest has been and continues to be adversely affected by disease, blight, and exotic pests..."). For example, the Draft EIS reports the chestnut blight, Draft EIS at 24, 100, dogwood anthracnose, Draft EIS at 23, gypsy moths, Draft EIS at 24, hemlock woolly adelgid, Draft EIS at 24, and ozone have killed or damaged a number of trees. Indeed, dogwoods have declined tremendously in CMP. Chestnut trees also continue to die as a result of chestnut blight while hardwood trees are adversely impacted by gypsy moths. Ozone concentrations, which are high in the Washington DC area and the park, have adversely affected a variety of species in the park including basswood, white pine, sweetgum, sycamore, black cherry, pin cherry, and sassafras. Beyond these concessions, however, the NPS fails to discuss the relationship between these impacts and deer on CMP vegetation and/or how it can distinguish between a lack of forest regeneration caused by disease or insects versus deer. Indeed, without the disclosure of vegetation monitoring data, it is impossible for the public to determine what species are being most dramatically impacted by deer and/or if there is evidence available to distinguish between deer, disease, and insect impacts to native trees and other vegetation.

The NPS also concedes that the suppression of fires within CMP will adversely impact the health of fire-dependent vegetative communities like those that exist within CMP. Though natural fire frequency within CMP is estimated to occur within intervals of 6 to 20 years, Draft EIS at 24, current policy is to suppress fires. Draft EIS at 25. As a result of suppression over the past 60 years, there has been a dangerous buildup of a fuel load containing dead trees and limbs posing a serious threat to the remaining vegetation as a result of a particularly hot fire. The NPS claims that prescribed burning may be used as a management tool in the future but fails to disclose a burning schedule. The NPS also fails to consider the lack of fire in conjunction with disease, insects, and deer in determining the proportional impact of each on vegetation production, abundance, and composition.

In regard to rare (state-listed) species, AWI supports the protection and restoration of such species but does not believe that lethal deer control is required to achieve such objectives. First, the NPS has failed to discuss whether state law requires it to amend its management practices to protect and restore state-listed species. Nevertheless, all protections possible should be afforded to such species by enclosing individual plants, collections of rare species occurring together, and habitat both occupied and suitable for such species with fencing. Of course, active management through actual restoration

efforts (i.e., replanting) may be required for those species whose seed dispersal mechanisms do not facilitate recolonization of available habitat.

Failure to Adequately Evaluation the Environmental Consequences of the Proposed Action:

A. Deer population numbers. Throughout the Draft EIS, the NPS repeatedly relies on its 2004 estimated deer density and deer population estimate when evaluating the impacts of its proposed action and its alternatives. For example, the NPS estimates that it may remove up to half of the deer (or 468 deer) in the park during the first year of the proposed kill if the preferred alternative is selected. Draft EIS at 63. These numbers reflect the 2004 deer density estimate of 104 rather than the 2005 deer density estimate of 75 which (assuming the distance sampling/spotlight survey methodology is accurate) corresponds to a park-wide deer population of 676. Similarly, in its evaluation of Alternative A, the NPS claims that the deer "population would continue to vary depending on conditions; however, the general trend toward increased numbers would continue."[1] Draft EIS at 202. As Table 1 indicates, however, there is no general trend of increase in the deer population as the population size has greatly fluctuated even over the last six years. Such inaccurate statements suggest a bias on the part of the NPS against the deer as it clearly is attempting to mislead the public about the consequences of not selecting Alternative C.

B. Visitor use: As previously stated, the NPS Organic Act makes clear that the Secretary only has the discretion to approve the destruction of an animal in a park when that animal is determined to be detrimental to the use of the park. Thus, the approve lethal deer control within CMP, the NPS must prove that deer are detrimental to public use of the park. The NPS has provided no evidence that deer are indeed detrimental to public use of the park.

Based on a visitor use survey conducted in CMP, the NPS determined that the most common activity (82% of respondents) in CMP is viewing wildlife and scenery. Draft EIS at 244. The majority of those respondents rated viewing birds as the most important type of wildlife and 93% of all visitors rated bird watching as moderately to extremely important. Draft EIS at 245. Forty-six percent of CMP visitors ranked viewing deer as extremely important with another 43% reporting that viewing deer was moderately to very important. Draft EIS at 245. In other words, 89% of CMP visitors ranked viewing deer as moderately to extremely important. Finally, 97% of CMP's visitors ranked viewing native plants was moderately to extremely important. Draft EIS at 245. Though visitor use surveys are notoriously unreliable in accurately predicting public preferences, interestingly the NPS did not include a copy of its survey as an appendix to the Draft EIS preventing the public from determining the objectivity of the survey questions and, therefore, the accuracy of the survey results.

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[1] See also, Draft EIS at 117 "based on observations between the early 1980s and the present, the deer population has continued to increase, and in the absence of any population management measures, this increase is expected to continue over time, with some fluctuations due to weather and other factors."

Nevertheless, the NPS attempts to use the statistics obtained through its visitor use survey to identify the percentage of visitors likely to be adversely impacted if the NPS selects a no killing alternative. This is simply inaccurate and represents an act of statistical game-playing by the NPS in its attempt to vilify deer to generate increased support for its proposal. Since the NPS never apparently polled its visitors about their opinions about deer, the alleged impacts of deer on forest regeneration, or the alleged impacts of deer on other species, it can't make any presumption about how its visitor opinions or visitor use patterns will change depending on what alternative it selects. Interestingly, though the NPS reports that controlling the deer population was one of three management activities that received the highest "always appropriate" rating by visitor groups, Draft EIS at 140, the NPS did not disclose the actual survey data on this question nor did it disclose the actual content and context of the question. For example, it is not known if the deer control question referred to lethal or non-lethal management. As a result, it is impossible for the public to understand how visitors may have interpreted this question and, in turn, what the "always appropriate" determination may mean in regard to deer management within CMP. Moreover, the NPS apparently never asked a visitor whether he/she would continue to visit CMP if bird numbers declined, there was little evidence of forest regeneration, or if there was a reduction in the number of density of spring flowers.

Thus, even if the deer population was to increase and if it adversely impacted forest regeneration, the NPS has no evidence to suggest that this would alter public use of CMP. Indeed, if anything, the fact that visitor use of CMP has trended upward with an increase in visitation by 35.7% in 2003, another increase of 12.6% in 2004, and is predicted to continue to increase by 3 percent each year, Draft EIS at 247, would suggest that that CMP visitors are more interested in an outdoor experience in a national park with the opportunity to observe wildlife in a natural setting subject to natural ecological processes than they are in avoiding such visits because of alleged deer impacts. Without specific an irrefutable evidence that deer are detrimental to public use of CMP, the NPS has no legal authority to engage in the lethal control of this species and must select an alternative that relies on non-lethal management strategies.

C. Deer health. The NPS repeatedly refers to the declining health of the CMP deer population as additional evidence of why it must intervene and significantly reduce deer density and population in the park. The NPS argues the "poor herd health indicates that the habitat has been stressed and is no longer supporting healthy deer." Draft EIS at 118. It could just as easily be argued that the evidence of declining deer health is consistent with the process of natural regulation within a national park. Though the number of deer sampled over the years to assess herd health has been limited, as the overall population has fluctuated over time and as habitat conditions have changed, it is completely understandable that deer herd health would decline and, in time, will improve. This natural process does not require intervention. Rather, it requires patience, persistence, and a commitment by the NPS to comply with its own statutes, regulations, and policies. The NPS is under no legal or moral obligation to improve deer health. Indeed, assuming the herd health is in decline the NPS should embrace this as a perfect example of how the management of parks is different than the management of other state or federal lands and explain to its visitor why natural regulation is a valid form of management.

If the NPS elects to rely on deer health as a justification for selecting a lethal deer control alternative, it must provide a rational explanation for why it believes it is responsible for the overall health of its deer population and how this is consistent with its legal mandates.

D. Socioeconomic impacts. Consistent with its overall efforts to vilify the deer in CMP, the NPS provides evidence of deer impacts to the socioeconomics of the region as a results of alleged damage to agricultural interests and residential landscaping. Very little, if any, of this data is specific to CMP. Rather, the NPS relies on general survey and other data from Maryland generally, Frederick County, and New York. As a result, while the NPS reports that 36.3 percent of lands surrounding CMP are primarily agricultural and that 27.2 percent are residential, Draft EIS at 149, and broadly estimates potential economic losses based on deer impacts, the Draft EIS contain no specific data on crop losses among agricultural producers living adjacent to CMP. Indeed, the only general evidence disclosed of alleged impacts to farmers and residential home owners was from a public meeting held by the NPS though no specific data (number or proportion of affected farmers, landowners or owner-specific economic damage estimates) were disclosed preventing the public from understanding the extent of the concern over deer.

Even if it had this data, it would have to also disclose whether the farmers have attempted to use non-lethal deer control strategies, what techniques have been tried, whether lethal control actions are used, and the total revenue generated by affected farmers so that the public can better understand the degree or severity of the alleged problem, the economic loss, and potential solutions. Similar data should have also been provided for all residential landowners, including both those who have and have not complained about deer impacts to their landscaping efforts. Without such site-specific economic loss data, the NPS reliance on estimates of potential loss of different types of agricultural crops under various hypothetical conditions associated with deer population growth, distribution and movements, and habitat use patterns is completely speculative and may inappropriately and unnecessarily affect public perception of deer. The NPS must not rely on such speculative data to justify the removal of deer from CMP and/or to predict how deer removal may impact local farmers or landowners.

More fundamentally, the NPS should have included a discussion of whether it has a legal responsibility to address or even evaluate the alleged socioeconomic impacts to landowners adjacent to a park attributable to park wildlife. While the NPS must strive to be a "good neighbor," the NPS does not have the legal authority to lethally manage park wildlife due to alleged impacts to adjacent landowners caused by park wildlife. Even if the NPS can provide a justification for even considering the economic impact of deer on adjacent landowners, its analysis was entirely one-sided in that it only considered the adverse economic impact of deer. The reality is that the park itself, its deer, and other natural features likely provide a significant economic benefit to the region. At a minimum, such beneficial impacts should have been considered in conjunction with alleged adverse economic impacts so that the public could better understand the net economic impact of the park to the region.

E. Deer density. The stated objective of the NPS in developing a deer management plan for CMP is primarily to promote forest regeneration. Throughout the Draft EIS the NPS relies on various deer densities from the scientific literature to attempt to justify its

proposed lethal control program (Alternative C). For example, it reports that "deer density should be 20-40 animals per square mile in unmanaged areas and 15-18 in timber managed areas (Tilghman 1989)," that "tree regeneration fails with deer densities at 36 deer per square mile," and that "seedling richness begins to decline with just 10 deer per square mile." Draft EIS at 19 and 20. Whether these estimates are accurate or not is irrelevant. What is relevant and what the NPS fails to discuss is whether such deer density estimates should dictate deer management in a national park. As previously stated, because parks are subject to different management standards which emphasize the protection of natural processes including succession, such deer density estimate are not relevant to a national park and should not be relied on to justify lethal deer control. Moreover, since the NPS has not proven that its objective of forest regeneration within CMP trumps its statutory obligations, the reliance on deer density estimates in this context is particularly troubling. If the NPS intends to manage the deer in CMP to achieve a certain density, it must provide a rational legal explanation for its authority to do so.

Finally, the NPS has failed to rigorously explore a reasonable range of alternatives in the Draft EIS. First, it rejects two alternatives suggested by the Humane Society of the United States without a rational explanation. Indeed, both the research model and ecosystem management alternative are worth of serious consideration given NPS statutes, regulations, and policies that, in effect, create natural laboratories within national parks for the study of natural processes contributing to natural regulation. The rejection of these alternatives because the NPS would prefer to facilitate forest regeneration is in error as neither alternative suggests that the NPS cannot take action to further its forest regeneration goals. Both of these alternatives, if implemented, would be far more consistent with NPS legal standards than Alternative C.

Second, while Alternative B is a suitable non-lethal alternative which the NPS must select in order to be in compliance with its legal mandates, another alternative similar to Alternative B should have also been seriously evaluated. This alternative would have expanded upon Alternative B by proposing the construction of more exclosures to protect forest vegetation (both habitats and single species), the expansion of immunocontraceptive use by cooperatively developing with the Maryland Department of Natural Resources a "hunt" that would allow trained hunters to dart deer within the park, and by working with the State of Maryland and local landowners to promote and simplify existing management strategies to facilitate the lethal removal of deer from non-park lands. While AWI may not fully support such an alternative, it is the type of combination alternative that should have been subject to serious evaluation in the Draft EIS. It would cost more and it could be controversial among certain interests though it, if implemented properly, is likely to achieve deer population reduction, forest regeneration, while also protecting deer within CMP as the law requires. The failure of the NPS to consider such an alternative demonstrates both a lack of creativity and a lack of desire to develop an alternative that, over time, could achieve many if not all of its objectives while allowing the NPS to remain in compliance with its own legal mandates.

At a minimum, if, despite the foregoing evidence documenting significant legal and scientific deficiencies in the Draft EIS, the NPS selects a lethal control option it must

reject the physical capture and euthanasia of deer as this practice is extraordinarily inhumane.

CONCLUSION:

The NPS does not have the legal authority under its own Organic Act to engage in the mass killing of deer within CMP as it has not demonstrated that deer are detrimental to public use of the park. Since statutes trump regulations, policies, objectives, and goals, it is largely irrelevant what these secondary documents allow in regard to the management of wildlife, vegetation, or other resources within a national park.

Even if this initial legal threshold was not an obstacle to the NPS proposal, the Draft EIS is deficient both due to a failure by the NPS to disclose information directly relevant to its proposal but also because it has failed to adequately evaluate the direct, indirect, and cumulative impacts of the action on the environment.

Thank you in advance for considering these comments.

Sincerely,

D.J. Schubert
Wildlife Biologist

QUALITY DEER MANAGEMENT ASSOCIATION
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13 December 2006

Superintendent
Catoctin Mountain Park
6602 Foxville Road
Thurmont, MD 21788

Dear Superintendent,

On behalf of the Quality Deer Management Association (QDMA) I am writing to provide input on the Catoctin Mountain Park White-tailed Deer Management Plan/Environmental Impact Statement. The QDMA is a national nonprofit wildlife conservation organization dedicated to ethical hunting, sound deer management and preservation of the deer-hunting heritage. The QDMA has over 40,000 members nationwide including more than 3,000 wildlife biologists, foresters and natural resource professionals. As such, QDMA is widely regarded as the most respected whitetail organization in the United States.

There is a need for a white-tailed deer management plan for the Park that supports long-term protection, preservation and restoration of native species and other park resources. A successful deer management program will balance the deer herd with the available habitat, and keep deer from adversely impacting forest regeneration, sensitive vegetation and other wildlife species. The current deer density is higher than desired and the habitat shows signs of an overabundant deer herd.

The notice of availability of the draft white-tailed deer management plan environmental impact statement lists the following four management alternatives.

Alternative A – No action
This approach does not target the deer abundance problem. The current deer population is negatively impacting the Park's native vegetation and other wildlife species. An aggressive, active deer management program should be implemented to improve the health of the deer herd and minimize the negative impacts on other plant and animal species. This approach will not meet those objectives.

Alternative B – Non-lethal actions including fencing, repellents and fertility control
Fencing and repellents do not target the deer abundance problem. Fencing and repellents can be effective at reducing deer damage or conflicts but the relief is temporary and should not be confused with solving the problem. Fencing is a reliable method for addressing site-specific areas but is prohibitively expensive for large-scale use. Fencing also moves the problem elsewhere or further increases the impacts in the unfenced adjacent areas.

Fertility control is an approach that attempts to limit or prevent new animals from being born into the population but it does not address the current overabundance issue. Much research has been conducted over the past four decades to develop an effective contraceptive that can be used

on free-ranging herds. Unfortunately much confusion surrounds the status of fertility control agents. The perception that overabundant deer herds can be controlled solely with fertility drugs is false. Successful fertility control may limit population growth but it does little to reduce the existing population. In small, isolated areas inaccessible to hunting or sharpshooting programs, this alternative may be useful at maintaining deer densities at acceptable levels following a herd reduction. However, this alternative does not reduce deer populations, it is expensive and retreatment of does is necessary. There also may be unknown long-term effects on deer behavior. Alternative B will not solve the Park's deer problem but could be part of a successful deer management program.

Alternative C – Lethal reduction through sharpshooting and capture and euthanasia
Sharpshooting is considered the most humane method of reducing a deer herd by the American Veterinary Association. Sharpshooting programs have been successfully employed in many communities across the country by private consultants, local police authorities and federal agency personnel. This approach is proven to be successful at reducing deer populations and the meat can be donated to food banks. Sharpshooting programs using archery equipment are generally less efficient than programs using firearms, but this method is preferred over approaches that do not target the deer abundance problem. Deer populations can be reduced quickly and this is the preferred removal technique in areas inaccessible to hunting. However, this approach is expensive relative to hunting and it is a controversial technique if hunting is an option. This is a viable alternative in areas inaccessible to hunting and it should be incorporated in to the Park's deer management program.

Capture and euthanasia is a variation of a trap and transfer program. This alternative is labor intensive, expensive, impractical and stressful to deer before they are euthanized. This alternative is not a viable option for a long-term successful deer management program.

Alternative D – Combination of Alternative C and fertility control of does
A combination of management strategies often produces the best results with respect to deer management programs. Using multiple "tools" affords managers the ability to match the preferred technique to a specific situation. However, the tools listed as Alternatives in the notice of availability are limited in number and utility.

We request that you consider regulated hunting as an additional management alternative. Regulated hunting has been proven to be an effective deer population management tool, it is cost effective, it results in immediate removal of animals from the population, and it is the principal management tool used by state agencies to manage free-ranging deer. Wildlife management agencies recognize this approach as the only effective, practical and flexible method available for regional deer population management. By using regulated hunting, biologists can maintain deer populations at desirable levels or adjust them in accordance with local biological and/or social needs by manipulating the size and sex composition of the harvest; season type, timing and length; and by the number of permits.

Safety is paramount when using regulated hunting as a management tool. Fortunately, research clearly shows hunting is safe. American Sports Data, Inc. conducted an extensive study in 2002 that examined more than 100 sports and activities. Twenty-eight activities, including cheerleading and aerobics, had higher injury rates than hunting. Safety concerns with hunting can be minimized by having potential hunters pass written exams and weapon proficiency tests. Written exams can identify hunters who possess an acceptable level of knowledge on deer

biology, management and shot placement. Weapon proficiency tests identify hunters who handle weapons safely and have the ability to consistently achieve proper shot placement. Hunters can even be required to hunt from elevated stands so all shots are directed at the ground and weapon type can be regulated to maximize public safety.

Where rifles, shotguns and muzzleloaders are not permitted, archery equipment can be used. Archery hunting has the advantage of being a relatively discreet and silent activity. These attributes and the limited shooting range make archery hunting a safe and nondisruptive removal technique. Archery hunters have safely and effectively reduced deer populations, deer-vehicle accidents, the incidence of Lyme disease and other deer-human conflicts in many communities and military bases in the United States.

In addition to safety concerns, we understand that many segments of the public enjoy watching this highly visible deer population. However, when deer densities surpass the carrying capacity of the habitat, deer and habitat health decline. This situation is neither good for the deer population nor for the habitat or other wildlife species. We feel it is important for the Park administration and the public to be aware of this when considering management options.

We realize some National Park administrations do not favor hunting as a viable alternative. However, many National Parks utilize hunters to meet their deer management objectives. Regulated hunting may not be applicable throughout the Park but there are areas where this alternative could be used. Regulated hunting is a proven approach and it is the most efficient and least expensive option for removing deer. It results in immediate removal of animals and the meat can be used by hunters or donated to food banks.

We request that you include regulated hunting as a viable alternative for the Park's deer management program. A combination of alternatives including regulated hunting, sharpshooting and fencing in isolated areas will likely provide the most successful results. We appreciate the opportunity to provide input on the deer situation at Catoctin Mountain Park. Please contact me with any questions/comments or if I can provide additional information.

Respectfully,

Kip P. Adams

Kip P. Adams
Certified Wildlife Biologist,
Director of Education & Outreach

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

January 25, 2007

Donna Swauger, Environmental Protection Specialist
Catoctin Mountain Park
6602 Foxville Road
Thurmont, 21788

Subject: Draft White-Tailed Deer Management Plan / Environmental Impact Statement
Catoctin Mountain Park, Frederick and Washington Counties, Maryland. CEQ No 20060486

Dear Ms. Swauger:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the United States Environmental Protection Agency (EPA) has reviewed the subject document. The purpose of the EIS is to develop a deer management plan that supports forest regeneration, and provides for long –term protection, conservation and restoration of native species and cultural landscapes

Based on our review we rate this DEIS, Lack of Objections (LO). A description of our rating system can be found at: http://www.epa. gov/compliance/nepa/comments/ratings.html However we recommend that you coordinate with the appropriate state and federal agencies regarding threatened and endangered species and other species of concern annually at a minimum. Thank you for the opportunity to offer these comments. If you have any questions, please contact Barbara Okorn at (215)814-3330.

Sincerely,

William Arguto, NEPA
Team Leader