Finding of No Significant Impact

Environmental Assessment
Wildlife Management Plan and Environmental Assessment for Harvestable Species
Apostle Islands National Lakeshore, Wisconsin

Agency: National Park Service, United States Department of Interior

Background: The National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508); and National Park Service (NPS) Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) direct the NPS to consider the environmental consequences of major proposed actions. The NPS has conducted an environmental assessment (EA) that provides an analysis of the environmental consequences of implementing a wildlife management plan for harvestable species at Apostle Islands National Lakeshore.

Apostle Islands NL's enabling legislation directs park management to permit hunting, fishing, and trapping in accordance with the appropriate laws of Wisconsin and the United States. This same legislation also gives the park flexibility to "designate zones where, and establish periods when, no hunting, trapping, or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment." This plan provides guidance specific to management of harvestable wildlife within the park. It does not address management of fish or other aquatic resources.

Preferred Alternative

Alternative D, the preferred alternative, emphasizes a primitive hunting experience. The islands, which comprise the majority of the lakeshore, are remote and 80% of the park is designated wilderness. The hunting experience provided through this alternative is consistent with overall park management goals. This alternative also recognizes the ecological importance of vegetation communities and species that still exist on the islands but have become extremely rare, if not extirpated, on the mainland primarily due to overbrowsing by deer. The plan establishes two zones to provide a higher level of protection to islands that historically did not have deer populations. Incentives for hunters as well as the option of management control provide the NPS with tools needed to protect this regionally, if not nationally, unique resource. The preferred alternative also requires a NPS permit for most hunting or trapping activity that occurs within the park. This information would provide the NPS with timely harvest data.

Other Alternatives Considered

Three other alternatives were considered, including the No Action alternative. Under Alternative A (No Action), the NPS's ability to control a burgeoning deer population is very limited and has not been effective. In addition, specific permits for most hunting and trapping in the park are not required, limiting the NPS's ability to obtain harvest data in a timely manner.

Under Alternative B, there would not be any special seasons or park-specific regulations. There is currently a muzzleloader season for deer in October that is very popular. Under this alternative, this season would be eliminated and deer hunting would only be open concurrent with regular state seasons. Because of the logistical challenges of accessing the islands and the typical state season occurring in November, harvest would most likely be extremely low, if any. This alternative is the least conducive to protection of rare and browse-sensitive plant communities and species.

Alternative C and D are very similar in that both establish zones based on deer history, provide tools for controlling deer and protecting rare plant communities and species, and establish a NPS specific permit for most harvest activities. The alternatives differ in that under Alternative C, all weapon types would be allowed. Under alternative D, primitive weapons are emphasized.

Environmentally Preferred Alternative

The environmentally preferred alternative is determined by applying criteria identified in Section 101 of NEPA to each alternative considered. The preferred alternative, Alternative D, meets the provisions of Section 101 and is identified as the environmentally preferred alternative as discussed below.

Criteria:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Ensure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
4. Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
5. Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

In essence, the environmentally preferred alternative would be the one(s) that "causes the least damage to the biological and physical environment; it also means the alternative

which best protects, preserves, and enhances historic, cultural, and natural resources" (DOI 2001a).

Alternative D is the environmentally preferred alternative because it best promotes the national environmental policy expressed in NEPA (Sec. 101). This alternative enhances the ability of the NPS to protect rare vegetation and preserve ecologically sound native biological communities. In so doing, the NPS will be fulfilling the responsibilities of each generation as trustee of the environment for succeeding generations. This alternative attains a wide range of beneficial uses by balancing different visitor uses, including both hunting and non-hunting based recreation. Alternatives D and C best preserve important natural aspects of our national heritage by protecting a remnant of northern Wisconsin's original forest, something that has become extremely rare. Alternative D also provides for important historic and cultural aspects of our national heritage by focusing on traditional hunting experiences. Therefore, Alternative D would best protect, preserve, and enhance environmental resources.

Context and Intensity of the Preferred Alternative

The context of the impacts evaluated involves the entire land-based area of the park, or 42,160 acres.

Key areas in which impacts were evaluated included: vegetation; rare, threatened, and endangered species; wildlife; wilderness; cultural resources; visitor use and experience and park operations.

The following addresses Council of Environmental Quality criteria that must be considered when determining whether an impact may be significant.

Criterion 1: *Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*
The preferred alternative will provide the NPS with the ability to both protect a regionally, if not nationally, significant plant community and associated species and provide a nearly unique recreational hunting experience. This alternative is expected to have beneficial impacts related to vegetation; wildlife, especially non-game; non-wildlife ethnographic resources, including medicinal plants; wilderness; and visitor use and experience. Impacts to park operations are expected to be negative and negligible to minor.

Criterion 2: *Public safety and health*
Hunting and trapping, similar to many other activities, involve some potential safety risks. Since hunting and trapping are not allowed during the peak visitor season, the associated risks are primarily limited to those engaging in the activity. Standard safety clothing and procedures are required of hunters in the park. Impacts to public health and safety are expected to be negligible to minor for any of the alternatives. The difference in impacts between alternatives is negligible.

Criterion 3: *Wetlands, floodplains, ecologically sensitive areas; threatened or endangered species; scientific, cultural or historic resources*
The preferred alternative would not alter park wetlands or floodplains or negatively impact park threatened or endangered species. The proposed action would benefit ecologically sensitive parts of the park that retain dense populations of Canada yew, a species that is exceptionally sensitive to deer browse, as well as other browse sensitive species. The preferred alternative would benefit scientific resources. The Apostle Islands are invaluable for research and conservation, preserving unbrowsed communities, some of which are also old-growth, as well as islands that have a range of different deer histories. In addition, research conducted in the Apostle Islands in the 1950's and 60's provide an unparalleled opportunity to track long-term vegetation changes on landscapes with and without deer. The preferred alternative would benefit plant and habitat related ethnographic resources, have a negligible impact on treaty-related hunting, and would not negatively impact other cultural or historic resources.

Implementation of the preferred alternative would not adversely affect threatened or endangered species or their habitat. The U.S. Fish and Wildlife Service concurred with this determination as documented in their letter dated January 3, 2007.

Criterion 4: *The degree to which impacts are likely to be highly controversial*
Input received during the planning process and during plan reviews indicate that the proposed alternative is not highly controversial.

Harvest related activities, especially in national park areas, have the potential to be controversial. In an effort to increase cooperation with our partners, as well as reduce potential controversy, a planning team was assembled that included representatives from the NPS, the Wisconsin Department of Natural Resources, the Great Lakes Indian Fish and Wildlife Commission, and the two neighboring tribes – the Red Cliff and Bad River Bands of Lake Superior Ojibwe. This team worked together in developing the plan and was able to successfully address various resource concerns. Multiple opportunities were available for the team to review the draft plan. In addition, an early review copy was made available to the team, the Wisconsin DNR, U.S. Fish and Wildlife Service, the Great Lakes Indian Fish and Wildlife Commission and the tribes that have treaty related rights within the park. One comment letter was received just prior to this review period by the Great Lakes Indian Fish and Wildlife Commission and Voigt Intertribal Task Force. The letter commended the NPS for the extent to which the tribes were included in the plan and did not express concern related to management of most park wildlife. However, the task force did not support managing deer differently on some islands than others (having two management zones); a goal of zero for any island; and management control. The task force also requested that the NPS provide transportation to the islands for tribal members. In the pre-public review draft, the deer management goal for Zone A was keeping deer numbers as low as possible, not zero. No comments were received during the formal pre-public review period. During the public review period, agency or

tribal comment letters were received from the Wisconsin DNR, the U.S. Fish and Wildlife Service, the Mille Lacs Band of Ojibwe Indians. A comment letter was received from the Great Lakes Indian Fish and Wildlife Commission shortly after the public comment period ended. The Wisconsin DNR expressed support for the plan and pledged to work cooperatively to assist in its implementation. The U.S. Fish and Wildlife Service commented specifically on threatened and endangered species and concurred with our determination that implementation of the preferred alternative would not adversely affect federally-listed species. The Tribal Historic Preservation Officer of the Mille Lacs Band of Ojibwe Indians wrote a letter stating that the plan was acceptable to the Mille Lacs Band. The Great Lakes Fish and Wildlife Commission's letter restated their previous concerns as well as asking that information specific to tribal uses of Canada yew and a description of monitoring that will be done to determine if management goals are reached be added to the document; requesting that if deer are killed on the islands separate from hunting that the meat and other deer products be donated to the tribes; and that tribes be notified prior to any management control taking place. The NPS has responded to these concerns through a letter dated March 27, 2007. This letter addressed each concern raised by the GLIFWC letter. In addition to adding requested information to the plan and providing the rationale behind a two-zone management system and potential need for management control, the NPS reiterated its commitment to meet with our partners, including the tribes, to discuss harvest related issues and would consult with the tribes prior to implementing any management control. Since the receipt of our letter, GLIFWC has not raised any concerns related to our suggested approach.

As described under public involvement, input received from the public indicated general agreement with the preferred alternative. The few comment letters received and input obtained from the public meetings reflected only minor differences and specific support was expressed. One area of concern was the requirement under the preferred alternative to use primitive weapons for the hunting of furbearers. The plan has been changed in response to this concern.

Criterion 5: *The degree to which the potential impacts are highly uncertain or involve unique or unknown risks*
The impacts of implementing the preferred alternative are nearly all beneficial. The impacts of deer overbrowsing on forest vegetation are well-known. The sensitivity of Canada yew and a number of other species to browse pressure is also well-known. No unique or unknown risks are expected.

Criterion 6: *Whether the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration*
This action is not expected to establish a precedent for future actions with significant effects. The situation at Apostle Islands National Lakeshore is fairly unique. The enabling legislation directs park management to permit hunting and trapping in accordance with the appropriate laws of Wisconsin and the United States. In addition, part of the park's mainland unit is within the reservation of the Red Cliff Band of Lake Superior Chippewa and the remaining land areas of the park are within territory that was ceded as part of the 1842 Treaty with the Chippewa. Within this ceded territory, the

Chippewa reserved their rights to hunt and trap. Hence actions taken at Apostle Islands NL, with its unique situation, are not precedent setting for other NPS areas.

Criterion 7: *Whether the action is related to other actions that may have individual insignificant impacts but cumulatively significant effects*
This action is specific to harvestable wildlife within the park and includes all species subject to harvest. As a result, this action is not related to other actions that collectively may have a cumulatively significant effect.

Criterion 8: *The degree to which an action may adversely affect historic properties in or eligible for listing in the National Register of Historic Places, or other significant scientific, archeological, or cultural resources*
Implementation of the preferred alternative would not adversely affect historic properties or other scientific, archeological or cultural resources.

Criterion 9: *The degree to which an action may adversely affect an endangered or threatened species or its habitat*
The preferred alternative would not adversely affect an endangered or threatened species or its habitat. A letter dated January 3, 2007 from the U.S. Fish and Wildlife Service states their concurrence with our determination that implementation of the preferred alternative would not adversely affect federally listed threatened and endangered species.

Criterion 10: *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment*
The preferred alternative would not violate any environmental protection law or regulation.

Impairment

In addition to determining the environmental consequences of the preferred and other alternatives, NPS policy (*Management Policies 2006*) requires analysis of potential effects to determine whether or not actions would impair park resources. Policies clarifying terms pertaining to "impairment," as well as a prohibition on impairment and what constitutes impairment, are found in Management Policies 2006 (Sections 1.4.2 through 1.4.7), which are summarized below.

The fundamental purpose of the National Park System, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. NPS managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources and values.

However, the laws do give the NPS the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the NPS the management discretion to allow certain

impacts within parks, that discretion is limited by the statutory requirement that the NPS must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise.

Prohibited impairment may include any impact that, in the professional judgment of the responsible NPS manager, would harm the integrity of park resources or values, including opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may constitute impairment. An impact more likely would constitute impairment to the extent it affects a resource or value whose conservation is:

- Necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- Key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or
- Identified as a goal in the park's general management plan or other relevant NPS planning documents as being of significance.

After evaluating the natural and cultural resource impacts of the preferred alternative, none of the impacts were found to be of sufficient intensity to constitute an impairment of park resources and values. Most of the impacts were found to be beneficial. All adverse impacts were found to be negligible to minor in intensity and are not anticipated to be of sufficient magnitude to warrant a finding of impairment of park resources and values.

Public Involvement

Prior to developing alternatives, a public meeting was held in Ashland, Wisconsin on December 6, 2005. In addition to press releases, an article was published in the local newspaper (The Daily Press) and the meeting was covered by a local television station. Four individuals attended the meeting and one comment letter was received. Input from the public was reviewed and considered during the planning process.

During the public review period for the plan and environmental assessment (Nov. 28-Dec. 29, 2006) two public meetings were held, one in Ashland, Wisconsin on December 6, 2006 and the second in Bayfield, Wisconsin on December 14, 2006. In addition to press releases, the plan was covered in front page articles in both the Duluth News Tribune (regional) and Ashland Daily Press (local). The plan, background information and fact sheets were posted on the park's website and PEPC. There were 340 direct mailings and additional email notifications. Six individuals attended the Dec. 6th meeting and four attended the Dec. 14th meeting. Public input received at the meetings indicated general support for the preferred alternative. Additional input included: interest in muzzleloader season being extended into November; concern related to limiting hunting of furbearers to primitive weapons; support for making the permit application process as simple and streamlined as possible; and support for making registration of harvested animals easier. Six public comment letters/emails were received. Three expressed specific support related to controlling deer numbers. One of those would prefer if hunting did not occur during the month of September. One specifically supported the

preferred alternative (Alt. D) and one specifically supported alternative C. As a result of this input, the NPS has revised the preferred alternative so that hunting of furbearers is not restricted to primitive weapons and is working with the state to extend the muzzleloader season into November. The NPS will also seek to make the permit application as streamlined as possible and seek ways to simplify registration of harvested animals. Within proposed changes to state regulations, the only hunting allowed in September would be archery in addition to treaty-related harvest.

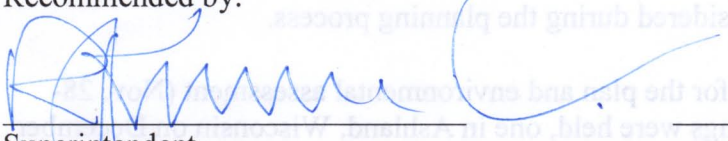
Mitigation

No impacts were identified that require mitigation actions.

Finding of No Significant Impact and No Impairment

Based on my review of the facts and analysis contained in this environmental assessment, which is incorporated herein, I conclude that implementation of the preferred alternative would not have a significant impact either by itself or considering cumulative impacts. Accordingly, the requirements of the National Environmental Policy Act, regulations promulgated by the President's Council on Environmental Quality, and provisions of National Park Service (NPS) Director's Order-12 and Handbook (Conservation Planning and Environmental Impact Analysis and Decision-Making) have been fulfilled. Furthermore, the preferred alternative selected for implementation would not impair park resources or values and would not violate the NPS Organic Act. The preferred alternative supports the enabling legislation establishing Apostle Islands National Lakeshore (Public Law 91-424) charging the NPS with conserving and developing geographic, scenic, scientific, and historic resources of 21 of the 22 Apostle Islands and a segment of the mainland lakeshore of northern Wisconsin for inspiration, education, recreational use, and public enjoyment. An environmental impact statement is not required and will not be prepared for implementation of the preferred alternative.

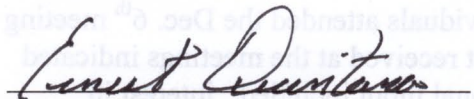
Recommended by:



5/31/2007.

Superintendent — Date
Apostle Islands National Lakeshore

Approved by:



6-14-2007

Regional Director — Date
Midwest Region
National Park Service
United States Department of the Interior