

## **Appendix D**

### **Comment Letters Received from Agencies and Organizations**



MassWildlife

Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

June 15, 2006

George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

**RE: Comments on the Draft Environmental Impact Statement, Cape Cod  
National Seashore Hunting Program**

The Massachusetts Division of Fisheries & Wildlife (MDFW) offers the following comments concerning draft alternatives "A" through "C" and associated elements of the Draft Environmental Impact Statement, Cape Cod National Seashore Hunting Program.

Pheasant hunting is a traditional important recreational activity on lower Cape Cod. Since the early 1900's MDFW has been stocking pheasants on state-owned lands that were transferred to the National Park Service for \$1.00 to when the Cape Cod National Seashore was established. At the time of transfer, there was an implicit understanding that traditional hunting would be continued on Seashore lands. Further, there are no other existing suitable stocking areas for pheasant hunting on the lower Cape Cod region outside of the Seashore boundaries.

A1

Not only has pheasant stocking been a long-standing tradition prior to the creation of the Cape Cod National Seashore, but it also has been continually supported by the National Park Service without any evidence of adverse impacts or impairments to park values.

A2

There is nothing inconsistent with National Park Service policies relative to the stocking program based on either existing enabling legislation, National Park Service Management Plan Policies, Seashore General Management Plans / Environmental Impact Statements, or National Park Service Natural Resource Management Guidelines.

A3

As you are aware, a waiver of Management Policies regarding pheasant stocking and hunting at Cape Cod National Seashore was requested by the Regional Director of the National Park Service's Northeast Region in a memorandum dated October 7, 2002 for the purposes of allowing "the pheasant stocking / hunting program to continue uninterrupted while we continue to examine options for phasing it out."

A4

[www.masswildlife.org](http://www.masswildlife.org)

Division of Fisheries and Wildlife  
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (51  
*An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement*

However, the 2002 waiver is clear that pheasant stocking and hunting has continued at the Seashore consistent with National Park Service policies based on the following:

- 1) Hunting is permitted by enabling legislation (16 U.S.C. S459b-6(c)) for the Cape Cod National Seashore.
- 2) 2001 NPS Management Policies (MP), section MP 4.4.3 permits the "harvesting of stocked species for recreational purposes where it has historically been conducted and when it will not impair park natural resources or process, but only in national recreation areas or preserves..." which is consistent with the enabling legislation (16 U.S.C. S459b-6(c)) which refers to the Cape Cod National Seashore under Chapter I National Parks, Military Parks, Monuments, and Seashores and Subchapter LXIII National Seashore Recreational Areas designating the Seashore as a recreation area.

While there has been a question as to whether this section applies to National Seashores, the 2006 Draft NPS Management Policies, section 4.4.3 (Harvest of Plants and Animals) proposes that "In some situations, the Service may stock native or exotic animals for recreational harvesting purposes, but only when...such stocking is in an area that has continually been stocked by a government agency (in these same situations, stocking only of the same species may be continued)..."

- 3) The 1998 General Management Plan (GMP) and resulting EIS called for the Seashore to "develop a comprehensive management program for the management of invasive and non-native species." A study of pheasant stocking and potential impacts (the Bump Study) found that there were no impacts or risks to the Seashore resources by the program.
- 4) The 2002 waiver of policy also reported that according to Seashore staff, "there is no impairment from this program under the Organic Act" and likewise no impairment of park values. The waiver further states that "although some language in MP gives clear guidance that stocking of non-natives is inappropriate, there is also language in several section that, taken as a whole, gives the manager some discretion when impairment does not occur."
- 5) MP 4.4.4.1 says "In general, new exotic species will not be introduced in parks" which clearly does not apply to pheasants in this case as substantial stocking of pheasants by MDFW which had occurred on state-owned lands that were later transferred to the National Park Service for \$1.00 to create the Cape Cod National Seashore.
- 6) NPS-77 (Exotic Species Management) says that "exotic species...may be introduced to carry out NPS programs consistent with park objectives only when all of the following conditions exist:

A5



- Available native species will not meet the needs of the program
- Based on scientific advice from appropriate federal, state, local and non-governmental sources, the exotic species will not become a pest.
- Such introductions will not spread and disrupt desirable adjacent natural plant and animal communities and associations, particularly those of natural zones.”

A5  
↑

NOTE: The transition of NPS-77 into Reference Manual #77 is in progress. Some sections are still being revised including “Non-native Species Management” and “Hunting and Trapping” sections.

- 7) Seashore staff review of MP and NPS-77 (“Exotic Species Management” section of the Natural Resource Management Guideline, issued in 1991 under the previous NPS guideline series) determined that these policies are not in conflict with allowing the program to continue provided that there are no adverse impacts.

Further, it is stated that Seashore staff believe that pheasants meet the definition of “innocuous species” in NPS-77 and, therefore the document provides a “general approach” to dealing with pheasants based on NPS-77 reference to “Management efforts should not be squandered on innocuous species.”

- 8) There have been no safety incidents or issues related to pheasant hunting on the park property according Seashore staff.
- 9) The Seashore recognizes that pheasant hunting has been a long-standing valuable traditional recreational activity on lower Cape Cod with a dedicated clientele.

For these reasons, **MDFW fully supports and recommends Alternative A – No Action.**

**Alternative B – Develop an Improved Hunting Program – Preferred and Environmentally Preferred Alternative**

MDFW is opposed to certain language proposed in Alternative B “Element 1: Apply Adaptive Management to Phasing Out the Pheasant Stocking and Hunting Program”, but supports Elements 2 through 4 as described below.

Specifically, MDFW is opposed to Element 1 of Alternative B which proposes an arbitrary 15-year elimination of the pheasant stocking and hunting program independent of the success or failure of upland game bird restoration activities to provide upland game bird hunting opportunities commensurate to a “stocked pheasant hunt”. The arbitrary 15-year phase-out deadline is not substantiated by any scientific or documented experiences related to successful native upland game bird habitat restoration nor to achieving native game bird levels that would be commensurate to existing pheasant hunting opportunities.

A6  
↓

Furthermore, the rigid phase-out approach is not consistent with the "adaptive strategy" proposed in the Element 1 of Alternative B which implies that management would respond adaptively to corresponding ecological conditions on the landscape that result in commensurate levels of native upland game bird opportunities rather than on a deadline basis. A truly adaptive approach in this case would be a pheasant stocking program that is responsive and sensitive to the hunter demand for pheasant hunting opportunities independent of native upland game bird habitat restoration.

↑  
A6

While MDFW strongly supports Seashore efforts proposed in Element 3B of Alternative B to restore and expand grassland, heathland, and other early-successional habitats for a diversity of species including native upland game birds, the presumed resulting increase in native game birds in Element 1 does not offer an equivalent substitute to the hunting opportunities and experiences provided by the pheasant program. Pheasants offer a unique recreational hunting experience particularly based on their size, behaviors, and aesthetics.

A7

In regards to the proposed monitoring of pheasant hunter effort and take within Element 1, MDFW does not have sufficient resources at this time to undertake such a monitoring effort of the pheasant stocking program on the Seashore.

A8

**Element 2 – Simplify and Clearly Delineate Hunting Areas**

MDFW questions the Seashore's proposed hunting buffer increase adjacent to paved bike paths from 150 feet to 500 feet. The existing setback of 150 feet from paved bike paths on the Seashore is entirely consistent with state statute (M.G.L. Chapter 131, Section 58) which has proven to be an ample setback.

A9

**Element 3 – Alter Hunted Species and Hunting Seasons**

MDFW has and will continue to support and encourage the establishment of turkey hunting on the Cape Cod National Seashore as a valuable recreational activity and use of this restored wildlife resource as proposed in Element 3A.

A10

Relative to "Element 3C – Wildlife and Hunting Monitoring", MDFW welcomes a wildlife monitoring program on the Seashore that can provide information that complements information from wildlife monitoring programs conducted by MDFW. MDFW also welcomes the National Park Service efforts in studying and monitoring New England cottontail on the Seashore and believes that such a program may provide valuable information in managing New England cottontail populations statewide. MDFW recommends that further study and data is necessary before any modifications are made to the existing rabbit hunting program.

A11

**Element 4: Improve Hunter and Non-hunter Information:**

MDFW has and will continue to encourage information, education, and outreach to the public regarding wildlife and hunting.

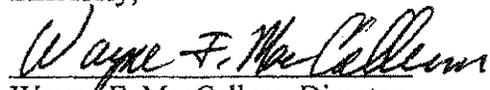
A12

**MDFW is completely opposed to Alternative C - Eliminate Hunting**

Alternative C is clearly inconsistent with the Cape Cod National Seashore's enabling legislation (16 U.S.C. S459b-6(c)) that provides the statutory authority and recognition for hunting as a legitimate recreational activity on the Seashore and further authorizes the Secretary of the Interior to enter into cooperative arrangements with officials of the Commonwealth of Massachusetts who have jurisdiction of hunting.

A13

Sincerely,



Wayne F. MacCallum, Director

# THE HUMANE SOCIETY OF THE UNITED STATES

## OFFICERS

David G. Wiebers, M.D.  
Chair of the Board  
Anita W. Casper, Esq.  
Vice Chair of the Board  
Eugene W. Lorenz  
Board Treasurer  
Wayne Paschke  
President & CEO  
S. Thomas Vance III  
Treasurer & CFO  
Roger A. Krieger, Esq.  
General Counsel & GLD  
Janet D. Fiske  
Secretary

## STAFF VICE PRESIDENTS

Andrew H. Rowan, Ph.D.  
Executive Vice President  
Operations  
Michael Markarian  
Executive Vice President  
External Affairs  
Patricia A. Forkas  
Senior Vice President  
External Affairs International  
John W. Scandy, Ph.D.  
Senior Vice President  
Wildlife & Habitat Protection  
Heidi Prescott  
Senior Vice President  
Communications  
Katherine B. Leconte  
Administrations &  
Animal Care Centers  
Nicholas Braden  
Communications  
Richard M. Clugston, Ph.D.  
Higher Education  
Jonathan R. Lovorn, Esq.  
Animal Protection Litigation  
Wayne Park  
Farm Animal Welfare  
Henry Perry, Esq.  
Government Affairs  
Steve Putnam  
Business Development &  
Corporate Relations  
Robert G. Sloop, Ph.D., SPHR  
Human Resources &  
Education Programs  
Melissa Spate Rubin, Esq.  
Field & Disaster Services  
John M. Steiner  
Companion Animals  
Marin L. Shephard, Ph.D.  
Animal Research Issues  
Richard W. Svinob Jr.  
Investigative Services  
Greggory Wynn  
Hollywood Office  
**DIRECTORS**  
Leslie Lee Alexander, Esq.  
Patricia Maria Aho  
Peter A. Bender  
Barbara S. Brink  
Donald W. Cashen, Ph.D.  
Anita W. Casper, Esq.  
Neil B. Fung, Esq., CPA  
Jodi Friedman  
David John Jhoad, Ph.D.  
Jennifer Legging, M.D.  
Eugene W. Lorenz  
William F. MacLean  
Mary Marx  
Patrick L. McDonnell  
Gil Michaels  
Judy Ney  
Judy J. Pelt  
Harlan G. Presto  
Joshua S. Reachtel, Ph.D.  
Jeffery O. Ross  
James D. Rags, Esq.  
Stephen G. Bayler  
Walter J. Stewart, Esq.  
John E. Tarr  
David O. Walters, M.D.

June 19, 2006

George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Attention: EIS 20060143 – Cape Cod National Seashore Hunting Program

Dear Superintendent Price:

We are writing on behalf of more than nine million members and constituents of our organizations, of whom more than 351,000 reside in Massachusetts, to submit comments on the "Draft Environment Impact Statement, Cape Cod National Seashore (CACO); Hunting Program" (hereafter, DEIS). We have been concerned about your hunting program, most especially the practice of pheasant stocking, for some time and wish to maintain a strong record of public comment on the issues. As we describe in greater detail below, the DEIS fails to address the main controversial issues before NPS at the National Seashore, and its decision to continue the general hunting program, including the evaluation of the program's impacts, is wholly unsupported and biased. Moreover, the continuation of the pheasant stocking program is utterly unjustified by science, precedent, or common sense, and the evaluation of the program's impacts is oblique, completely one-sided and outcome-oriented

The Court in *The Fund for Animals v. Mainella* held that the National Park Service (NPS) was required to complete an environmental impact statement of the effects of hunting on the National Seashore in compliance with the National Environmental Policy Act (NEPA). We find the analysis and conclusions in the DEIS as falling far short of satisfying even the most basic requirements of the NEPA. The DEIS fails to identify and evaluate significant biological, ecological and social impacts and does not contain an impartial, science-based review of the current hunting program and alternatives. The cumulative impact analysis and justification for the chosen alternative are based on data and hypotheses that are often insufficient and incorrect. The selection of alternatives is arbitrary and no discussion of other reasonable alternatives is considered.

The interests of key affected groups, including those concerned with animal welfare issues, but also those concerned about population status and species conservation of the animals hunted on the National Seashore, are dismissed or

Promoting the protection of all animals

2100 L Street, NW, Washington, DC 20037 • 202-452-1100 • Fax: 202-778-6132 • www.hsus.org

Printed on 100% recycled paper  
using vegetable based inks  
50% of HSC's energy is recycled

B1

B2

B3

ignored without fair consideration. As will be delineated below in greater detail, the agency decision is based on unsupported, speculative, and false premises and is, therefore, an arbitrary and capricious decision that cannot be justified in law.

↑ B3

Moreover, NPS is violating its own core mission in presenting and defending its preferred alternative in this document. That mission, as described in the National Park Service Organic Act and amendments thereto establishes the fundamental purpose of the parks as being "...to conserve the scenery and the natural and historic objects and the wildlife 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."<sup>1</sup> Instead of complying with the mission, the DEIS reads as a defense of the very exploitation of federal lands for recreational and consumptive activities that NPS was created to prevent. Where NPS should be promulgating and advancing activities to protect the ecologically sensitive biotic communities on this National Seashore, the agency instead does the opposite. This action stands in stark contrast to the purpose, policies, philosophy and mandates of NPS.

B4

The failings of NPS in this matter are pervasive and substantial and shake the very foundation of NPS' goals and mission statement. The people of the United States have long entrusted the NPS to be the national leader in natural resource protection and conservation. The National Parks, as clearly indicated through the Organic Act of 1916 and all subsequent statements of management are designed to be areas where protection, conservation and preservation have substantive meaning. They are places where Americans can seek out the natural beauty of our lands in as unaltered a state as possible, and where park visitors derive pleasure and satisfaction from knowing that they will remain that way. The NPS' decision to allow hunting on the Seashore shatters that trust and violates the very essence of the National Park System and discredits the work of those who defend protected lands against preventable human intrusions.

B5

This DEIS must be withdrawn and completely recast to (1) address the ecological conditions and relationships between the animal and plant species under protection and the effect of hunting on those species, (2) equate the policies and practices under which consumptive activities are so liberally and indiscriminately allowed in such apparent disregard for core agency values, (3) admit that virtually no information exists on the status and condition of hunted species in the park and that speculations as to the absence of effect from hunting are nothing more than that, and (4) critically examine the defense that hunting is a cultural tradition whose disallowance on the National Seashore would substantially affect the human environment.

B6

We address specific points pertinent to the general criticisms below.

<sup>1</sup> 16 U.S.C. 123 and 4; Act of Aug. 25 1916 (39 Stat. 535)

### **Purpose of the Proposed Action**

The purpose described in the DEIS predetermines the outcome of the analysis: the DEIS enumerates a series of statements<sup>2</sup> to describe the purpose of the proposed action in ways that are antithetical to the language and spirit of NEPA, which seeks the consideration of the broadest range of alternatives that can reasonably be implemented. Not surprisingly, under the narrow confines of the statement of purpose which is predicated on the continuation of hunting, the range of alternatives is severely limited and completely biased toward the retention of hunting. The first part of the purpose ("manage hunting") is explicitly based on an assumption that hunting will continue on the Cape Cod National Seashore. This dismisses out of hand Alternative C – No Hunting – and makes it impossible for the DEIS to give serious consideration to that alternative.

Further evidence that the purpose of the proposed action predetermines a specific outcome appears in a chart comparing the three alternatives where the NPS presents issues under each of the main goals.<sup>3</sup> The authors of the DEIS state only two issues under Goal 4 ("Provide opportunities for future generations to enjoy the natural and cultural resources, cultural heritage, and recreation values of CACO"): "Provide hunting opportunities for future generations" and "Provide enough land area for future hunting opportunities."<sup>4</sup> This is unreasonably narrow in scope and realistically allows for only those alternatives that incorporate some form of consumptive use, i.e. hunting. The FEIS must evaluate whether each of the alternatives provide other kinds of opportunities for future generations to enjoy CACO, including wildlife watching and other kinds of recreation, such as walking, bicycling and photography.

Agency decision makers and the courts have long recognized the importance of defining the stated purpose of an Environmental Impact Statement in broad terms to elicit the greatest amount of relevant information possible and to meet the requirements of the National Environmental Policy Act. The Council on Environmental Quality, in correspondence with the Department of Transportation, cautioned agencies against

---

<sup>2</sup> DEIS, p. 1:

1. manage hunting to minimize effects to wildlife population resources and ecosystems and to sustain natural processes;
2. manage hunters, and non-hunters to reduce or avoid wildlife and human conflicts;
3. protect natural and cultural resources, cultural heritage, and recreational values;
4. provide opportunities for future generations to enjoy the natural and cultural resources, cultural heritage, and recreational values of the CACO; and
5. develop management solutions that address potential concerns related to the current hunting program to ensure diverse and high quality public experiences.

<sup>3</sup> DEIS p. 65-67

<sup>4</sup> DEIS p. 66

defining the purpose of an EIS "so narrowly as to define competing 'reasonable alternatives' out of consideration (and even out of existence)."<sup>5</sup>

A revised purpose must correct additional errors in the original. As written, for example, it aims to minimize hunting's effects to wildlife, rather than eliminate them altogether, and it seeks to address "potential concerns related to the current hunting program," rather than find solutions to the actual concerns that have been presented at public hearings, as well as potential concerns by any proposed changes.

### The Selection of Alternatives

The consideration of only three alternatives, with one being the no-action or status quo alternative is wholly insufficient to examine fully the broad spectrum of alternative actions that is contemplated by NEPA. The limited alternatives do not enable the agency to take a "hard look" at the environmental consequences of the proposed action as required by NEPA. See *Robertson v. Methow Valley Citizens Council*, 490 US 332, 350 (1989). Meaningful alternatives must be considered if the proposed action will have "some impact" on the environment. *Village of Palatine v. United States Postal Service*, 742 F. Supp. 1372, 1380 (N.D. Ill. 1990); see also, *Lower Alloways Creek Township v. Public Serv. Elec. & Gas Co.*, 687 F.2d 732, 739-40, n.14 (3<sup>rd</sup> Cir. 1982).

"The 'detailed statement' of 'alternatives to the proposed action' called for by § 102(2)(C) of NEPA, 42 U.S.C. § 4332(2)(C), has been aptly characterized as the 'linchpin of the entire impact statement.'" *Alaska v. Andrus*, 580 F.2d 465 (D.C. Cir. 1978), *vacated in part as moot*, 439 U.S. 922 (1978). The discussion of the validity and benefits of each proposed alternative, including associated costs and risks, should be detailed enough to reveal the agency's thought processes and analysis.<sup>6</sup>

The narrow range of alternatives presented in the DEIS is insufficient to allow the agency to consider options that serve to promote non-consumptive uses of the National Seashore. The agency clumps all non-hunter uses of the National Seashore into one large, indistinguishable group and unjustifiably dismisses the non-hunter interests as being insignificant and lower in priority than the hunting special interests.

In scoping comments to NPS<sup>7</sup> The Humane Society of the United States (HSUS) quoted at length from a leading work on white-tailed deer by Dale McCullough to ensure that NPS understood that value-based issues associated with hunting must not obfuscate sincere biological inquiry in the analysis of the National Seashore's hunting programs. Upon

<sup>5</sup> *Simmons v. US Army Corps of Engineers*, 120 F.3d 664 (7th Cir. 1997)

<sup>6</sup> *Id.*

<sup>7</sup> HSUS to NPS, 5/5/04

↑ B9

B9

B10

B11

↓ B12

reading the evaluation of alternatives in the DEIS, we can only conclude that NPS failed to give serious consideration or merit to this point. To restate this again:

It is possible to recognize the legitimate interests and necessary roles of human hunters without becoming apologists or advocates for the recreation. Bias toward hunting in situations where hunting is not necessary can only result in loss of credibility. Professional integrity demands that no side of a controversy be given favor on biological grounds that cannot be justified by the biology of the case under review (1984: 240).<sup>8</sup>

In almost every instance where the DEIS considers limiting existing hunting programs in any way, the authors dismiss these alternatives by insisting that they would adversely affect CACO users who hunt or that certain hunting practices are customary or effective. The DEIS repeatedly ignores, however, the potential benefits of limiting hunting activity. The FEIS must evaluate how each alternative would affect other user groups, biological communities, wildlife populations, and individual animals. From such an analysis, decision makers would be able to make an objective evaluation of what is in the public interest, rather than exclusively catering to the interests of a single user group.

Below we present comments on specific alternatives discussed in the DEIS.

### 2.2.1 Modify Hunting – Options That Describe Alterations to Season Length

I. The DEIS considers shortening hunting seasons; however, the evaluation of this alternative emerges almost entirely from the perspective of what hunters have to gain or lose. It states: “shorter seasons could increase the numbers of hunters present during the limited open hunting days, compromising the safety of hunters in the field”<sup>9</sup>.

This alternative is casually dismissed without consideration that some form of hunting is allowed six days per week from mid October to mid April,<sup>10</sup> resulting in 150 days or more of hunting activity each year. The ability of other users to enjoy National Seashore lands is severely compromised during that time. This issue must be accorded further consideration in the FEIS before the option of shortening season length is dismissed.

Elsewhere, the DEIS states that few hunters actually use the Seashore for hunting. For example, it notes that one of the most popular hunting seasons – deer shotgun season – seems to attract no more than 75 to 100 hunters in total.<sup>11</sup> The FEIS must provide evidence

<sup>8</sup> McCullough, Dale. R. 1984. Lessons from the George Reserve. Pp. 211-242. In: Lowell Halls (ed.), *White-Tailed Deer Ecology and Management*.

<sup>9</sup> DEIS p. 49

<sup>10</sup> DEIS p. 10

<sup>11</sup> DEIS p. 10

B12

B13

B14

B15

for its claim that shorter seasons would compromise hunter safety due to high densities of hunters on seashore lands. Likewise, the DEIS fails to consider that some hunters use the Seashore repeatedly during any given hunting season, therefore limiting open hunting days would not necessarily increase the numbers present but may simply limit the number of days any given hunter has in the field.

II. While ultimately dismissing an extended hunting season for coyotes and predators, the DEIS claims that such a season "could benefit rare and endangered species that may be preyed upon..."<sup>12</sup> We agree that an extended hunting season for predatory animals is not appropriate on the National Seashore. We caution NPS, however, against making the unsubstantiated claim that reducing predator populations could benefit rare and endangered species. The health of biotic communities is dependent upon a balance among predator and prey species. Eliminating predators could increase numbers of other species which could then compete with rare and endangered species, further threatening their numbers.

However, if planners wish to claim that killing predators helps endangered species, the FEIS must: 1) cite evidence that recreational hunting has a statistically significant benefit for rare and endangered species; 2) demonstrate that hunting activity would not adversely affect these species' success (for example, the nesting success of rare and endangered shorebirds); and 3) explain how such a policy meets, or at least does not violate, the Seashore's stated management objective to "maintain native biological and physiographic diversity to sustain thriving, dynamic natural communities and systems."<sup>13</sup>

### **2.2.2 Modify Hunting – Options That Describe Alterations to the Management of People or Hunting Location**

IV. The DEIS dismisses setting a cap on the number of hunters who could use the Seashore by stating that the density of hunters is not exceeding the area available to them and other visitors and that this option would entail increased responsibilities for staff.<sup>14</sup>

The DEIS states that hunting seasons occur when "workloads for the rangers are greatly reduced" and that "some rangers find this time of year much less stressful and more enjoyable than the peak summer season."<sup>15</sup> If planners wish to assert that setting a cap on the number of hunters would create an undesirable increase on the workload of staff during hunting season, the FEIS must define how taxed staff already is during this period and how much additional work would be required. The FEIS must state whether a hunter cap would require additional staffing or volunteer resources and quantify the cost so that the public can evaluate whether it is reasonable.

---

<sup>12</sup> DEIS p. 49

<sup>13</sup> DEIS p. 33

<sup>14</sup> DEIS, p. 49

<sup>15</sup> DEIS, p. 44

B15

B16

B17

Additionally, we note that setting a cap on the number of hunters would eliminate the possibility of compromised hunter safety resulting from shortened hunting seasons (Section 2.2.1 – Option I). We encourage NPS to consider whether implementing these two measures together could eliminate some of the authors' concerns about either individual alternative. Moreover, they could be combined with alternatives discussed elsewhere in the DEIS for additional potential benefits. The DEIS, for example, dismisses the option of hiring seasonal rangers to regulate hunting because of the additional financial and management strain. However, hunting fees could provide the funds needed to hire seasonal rangers to regulate hunting, if desired, and the additional staff could help manage the permit system. Fewer hunters and shorter hunting seasons would further minimize any burden a fee system would create. This is only one example of an additional viable alternative that must be considered in the FEIS.

VII. The DEIS dismisses prohibiting hunting on 90 percent of Seashore lands, as it would "create an area too small to support the number of hunters, which would create safety concerns among hunters using this reduced area"<sup>16</sup> and would set an unfair precedent for the allocation of Seashore lands for various uses.

The number of hunters using a reduced portion of the Seashore could be managed by a permit system or other means; it is not an insurmountable obstacle to the consideration of this alternative. While National Seashore lands should not be strictly allocated according to visitor use, it seems unreasonable that 31,146 of the Seashore's 43,582 acres are open to an activity that is both highly unpopular -- since a vast majority of the state's population never engages in hunting -- and excludes other uses, such as wildlife watching, hiking, bicycling and photography.

Moreover, the DEIS should be corrected when referring to the number of people who hunt. It currently states "that 10 percent of the population are hunters." In Massachusetts, however, about 1 percent of the population hunts, according to the U.S. Fish and Wildlife Service.<sup>17</sup>

VIII. The elimination of hunting – Alternative C – is dismissed without any substantive consideration, in a manner that is completely contrary to the requirements of NEPA. The DEIS simply asserts that this alternative is "contrary to the mission of the NPS and CACO and is inconsistent with the purpose of this project."<sup>18</sup> This is a clear demonstration of how

<sup>16</sup> DEIS p. 50

<sup>17</sup> USFWS. 2002. National Survey of Fishing, Hunting, and Wildlife Associated Recreation 2001. US Department of the Interior, Fish and Wildlife Service, and US Department of Commerce, Bureau of the Census.

<sup>18</sup> DEIS p. 50

B18

B19

B19e

B20

B21



the unlawfully narrow purpose of the proposed action completely predetermines and limits the analysis and range of alternatives.

Hunting is allowed in only 53 of the National Park Service's 470 properties (fewer than 12 percent), according to a May 11, 2004 presentation at a National Seashore sponsored informational meeting at Nauset Regional Middle School in Orleans. The FEIS must include an in-depth look at hunting in the parks that addresses whether it finds the 88 percent of NPS properties that do not allow hunting are functioning contrary to NPS' mission.

**2.2.3 Modify Hunting – Options that Describe Alterations to Hunting Techniques XVII.** The DEIS dismisses the elimination of driving white-tailed deer for hunting as it is a "legal and customary technique" and is "effective for hunting low-density deer populations."<sup>19</sup>

Some legal activities are banned at the Cape Cod National Seashore. For example, elsewhere it is legal to walk pet dogs off leash, but that practice is not allowed on Seashore lands. Likewise, some customary activities that harm the Seashore's natural resources are also banned. The NPS has the right to allow or prohibit otherwise legal and customary activities from its properties based on whether those activities are compatible with the mission and purposes of the properties.

The DEIS here contradicts the principle of harvest theory that is used to justify recreational hunting in 3.0 Affected Environment. There, Robinson and Bolen are quoted:

Hunting reduces the population, but the loss also increases the growth rate. The increase in growth rate is the consequence of higher birth rates and lower death rates, which result from decreased competition for food and resources.<sup>20</sup>

The FEIS must be consistent about whether the recreational deer hunt increases or decreases the deer population.

Even if hunting effectively achieves the purpose of reducing the density of deer populations, the efficacy of a practice does not justify either its use or the purpose for which it is used.

---

<sup>19</sup> DEIS p. 51

<sup>20</sup> DEIS p. 68

B21

B22

B23

B24

B25

XVIII. Eliminating or limiting the use of hunting dogs is dismissed because it would not reduce interactions between hunting dogs and the public and it would “deprive rabbit hunters of the opportunity to hunt over a full compliment of dogs.”

The DEIS fails to articulate why members of the public requested that this alternative be considered: namely, to prevent or reduce the amount of canine fecal matter on Seashore lands and to prevent or reduce the number of dogs abandoned on Seashore lands, which put an unnecessary strain on local animal control agencies. This option would effectively achieve these goals.

#### **2.2.4 Modify Hunting – Alternatives That Describe Alterations to Species Hunted or Species Specific Changes**

XXII. The DEIS dismisses the elimination of agricultural pest species hunting because it states that eliminating the hunt provides no tangible benefits.

This hunt is neither popular nor does it provide sustenance to those who engage in it. While NPS claims it may provide few tangible benefits, those who requested its elimination believe such a change would improve animal welfare at virtually no human cost. The DEIS fails to provide a substantive reason to dismiss this alternative, and the FEIS must examine this in detail.

XXIII. The DEIS states the various drawbacks of reproduction intervention for deer, an alternative that is also dismissed.

The main reason to dismiss this alternative is that there is no need for it; deer populations are not considered abundant on the National Seashore. The FEIS must address this and provide more information on the size and composition of the deer herd.

XXIV. The DEIS considers creating a native quail put and take hunt, but ultimately dismisses the possibility due to a lack of local farmed-quail stock. No mention is made of the ethical or humane implications of such a hunt. Quail, like pheasants, are subjected to common poultry rearing practices including over-crowding and debeaking. If too many birds are placed in a small space, quail in particular resort to cannibalism. In the wild these birds form coveys, or circles, to protect against predators. Farm-rearing does not create birds with the ability to resort to natural behaviors when confronted with a threatening situation.

Stewards of wildlife acting on behalf of the public should not expend resources on creating an artificial hunt for a select minority. Shooting tame birds in a put and take situation violates any ethic of fair chase or sound wildlife management principle under which

B26

B27

B28

B29

B29e

↓ B30

wildlife agencies claim to operate. Fair chase is defined by only occasionally succeeding while the animal generally escapes, a principle clearly violated by put and take hunting.

### Legislative History

The discussion and analysis of legislative history lacks sufficient detail to allow readers of this document to fairly and objectively understand the background to this issue, as well as determine the relationship between the park and the state wildlife agency.

The park's mission is defined as "to preserve the nationally significant and special natural and cultural features, distinctive patterns of human activity and ambiance that characterizes the Outer Cape, along with the associated scenic, cultural, historic, scientific and recreational values, and to provide opportunities for current and future generations to experience, enjoy and understand these features and values."<sup>21</sup>

The Seashore's Enabling Legislation (Public Law 87-126) is fairly clear as it establishes the parameters for hunting with the borders of the Park. Section 7 of the legislation states [clarification added in italics]:

(c) The Secretary may [*discretionary with the Secretary and not mandated by Congress*] permit hunting and fishing, including shellfishing, on lands and waters under his jurisdiction within the Seashore in such areas and under such regulations as he may [*once again, discretionary*] prescribe during open seasons prescribed by applicable local, state, and federal law. [*Note that the authority of the local, state, and other federal entities pertains to the establishment of open season and not to other elements of hunting regulations.*] The Secretary shall consult with officials of the Commonwealth of Massachusetts and any political subdivision thereof who have jurisdiction of hunting and fishing, including shellfishing, [*the jurisdiction referenced above covers general authority over hunting and fishing in the area and does not establish jurisdiction for hunting and fishing within the Seashore*] prior to the issuance of any such regulations....

The Section goes on to state explicitly that specified towns would continue to have authority over the propagation and taking of shellfish located within the National Seashore's boundaries.

The last part of the Section is crucial to ascertain the Congressional intent with respect to the authority of the Secretary to establish hunting at the National Seashore. Had Congress expressly desired to give the local authorities jurisdiction over the establishment and management of hunting within the National Seashore, they would have stated so in the

<sup>21</sup> DEIS p. 32

↑ B30

B31

↓

same manner that they did with regard to shellfishing. However, the language makes it clear that the establishment (and continuation) of hunting at the National Seashore was solely discretionary with the Secretary. Had the Secretary decided not to issue regulations that permitted hunting at the National Seashore, the Secretary had no requirement to consult with any state or local official. Moreover, the Secretary was only required to issue regulations if he decided to permit hunting in the Seashore. Therefore, the establishment of hunting was an overt action on behalf of the Secretary to change the National Seashore from a non-hunting park at its creation to one that permitted hunting.

The DEIS is rife with insinuations that Congress created the Seashore with the intent to continue hunting. Further, the DEIS gives the state and local authorities an unprecedented say over the hunting operations of the park. The language of the enabling statute refutes those assertions and analogies.

#### **Traditional Uses**

At the heart of the DEIS' preferred alternative to allow and expand the seashore's hunting programs is the belief that hunting is both a valuable tradition and an essential cultural component of the Outer Cape. We do not refute the premise that some people on Cape Cod have practiced some forms of hunting for a long time; however, the DEIS, in its defense of this "traditional use," implies that hunting is a static activity that has not changed significantly over time.

The majority of the hunting permitted within the Seashore's boundaries has little in common with the traditional pursuit of game that would have been familiar to our ancestors. For example, ring-necked pheasant stocking and hunting, while popular practices for 60 or 70 years, are not traditional uses of the Outer Cape. The practice of pen-rearing Asian birds simply to provide the rush of a fast kill would have been a foreign concept to the Cape Cod of long ago.

Hunting, as practiced today, is essentially a modern phenomenon. If the authors of the DEIS intend to defend hunting as a "traditional use" of Cape Cod, they must define which forms of hunting – based on the species hunted, the methods of pursuit, the weapons used, and the purposes for which animals are killed -- currently practiced on Cape Cod are actually traditional. The FEIS must examine whether hunting disturbs other traditional forms of recreation, such as berry picking, mushroom gathering, and wildlife observation.

As we have stated elsewhere, other activities closely identified with local cultural heritage – such as whaling -- have rightly passed from existence as people have found other resources to meet their needs. Hunting birds and land mammals on the Cape Cod National Seashore is now as indefensible as hunting sea mammals off of its coast.

B31

B32

B32E

B33

NPS would be better off preserving the spirit of the Outer Cape than allowing modern perversions of tradition to disrupt other uses, harm wildlife, and destroy the beauty of the National Seashore. The National Seashore's management philosophy includes preserving flora and fauna, as well as a "certain ambiance ... that provides both a sense of peace and relative isolation."<sup>22</sup> Hunting activities violate that philosophy by destroying fauna, threatening flora, and creating noise that disrupts the ambiance of the National Seashore.

Moreover, evidence of hunting, including shotgun shells, dead and dying animals, and feces from hunting dogs, can disrupt many people's sense of peace. Many religious and spiritual people eschew hunting because it is seen as violent, rather than peaceful.

The DEIS suggests that Alternative C would not continue the customary activities that were in place when the National Seashore was established because it would eliminate hunting.<sup>23</sup> This fails to acknowledge that hunting already interferes with other customary activities and the possibility that eliminating hunting could prevent these conflicts, actually improving the quality of such activities and the number of users engaged in them. The DEIS later states:

Data collected by an NPS intern suggested that common winter activities such as hiking and dog walking decrease during the week-long shotgun hunting season, suggesting that hunting deters other types of recreation.<sup>24</sup>

Additionally, the continuation of hunting may limit opportunities for people to experience, enjoy and understand the Outer Cape's features and values, as many people have testified during public meetings that they avoid using the National Seashore during the various hunting seasons specifically because of the nature of hunting. Less than 1 percent of Massachusetts residents hunt, whereas more than 20 percent enjoy wildlife watching.<sup>25</sup>

Moreover, the DEIS states that:

...visitation in the 'shoulder' months of early spring and late fall has grown, partly as a result of marketing and promotional efforts made by planners and business owners. Some individuals do not visit CACO during the fall and winter based on concerns related to safety.

<sup>22</sup> DEIS p. 33

<sup>23</sup> DEIS p. 66

<sup>24</sup> DEIS p. 150

<sup>25</sup> US Fish and Wildlife Service (FWS). 2002. National Survey of Fishing, Hunting, and Wildlife Associated Recreation 2001. US Department of the Interior, Fish and Wildlife Service, and US Department of Commerce, Bureau of the Census.

B34

B35

B36

B37

B38

Not only do some individuals avoid using areas where hunters are presented (sic), but they avoid using areas closed to hunting.<sup>26</sup>

There is further evidence in the sociological study cited in the DEIS that suggests that hunting interferes with other customary activities. The DEIS reads:

[i]n a general sense, both residents and seasonal CACO users do not support hunting for a variety of reasons” and that “the visitor survey provided evidence that non-hunters often feel hunting is in conflict with other activities and the CACO general purpose.<sup>27</sup>

The visitor survey found that 51 percent of respondents felt that there are too many year-round residents for hunting to be safe and over 55 percent of residents disagree with the statement that hunting for sport is an appropriate activity for CACO and that, moreover, roughly 20 percent of Cape Cod residents and CACO users expressed the belief that hunting is unethical.<sup>28</sup> The DEIS also states:

[a] large portion of residents (47%) avoided certain areas where hunting was likely to be taking place. ...Approximately 27 percent of residents avoided visiting CACO on days when hunting was likely and 24.1 percent felt they were unable to participate in activities at CACO.<sup>29</sup>

Accordingly, the body of evidence presented in the DEIS does not support the continuation of hunting as a traditional activity, but rather suggests that limiting or eliminating hunting would allow other traditional and customary activities to flourish. The FEIS must address this:

#### **Impact of Hunting**

It is unclear whether NPS has provided a comprehensive review of all species that might be hunted on the National Seashore. The FEIS must address this directly.

At essence, the issue of hunting on CACO involves the contrast between the wildlife management policies, goals and objectives of federal agencies such as NPS and state agencies such as MassWildlife. The DEIS reads, as noted earlier, as a defense and in support of hunting not so much as a cultural tradition or social practice on the Cape than as an economic and commercially valuable activity in whose stake the state wildlife agency

<sup>26</sup> DEIS p. 142

<sup>27</sup> DEIS p. 150

<sup>28</sup> DEIS p. 151

<sup>29</sup> DEIS p. 152

B38  
B39  
B40

has compelling interests. Federal land managers appear complacent to accept the state wildlife agency's preferences and allow them to override their own interests, by submissively allowing the state to not only manage the natural resources it (the NPS) should protect, but to dictate the terms of that management. There is an enormous conflict of interest between what the state stands to gain from promoting hunting on the National Seashore and what NPS is mandated to protect and preserve, and the DEIS does not even begin to address that issue.

↑  
B40

The differing interests and roles of managers must be discussed objectively and directly within the DEIS. By way of emphasizing what we view as the striking contrast here, let us say that the DEIS as written seems laden with comments, suggestions, assumptions and speculations about hunting and its consequences that might come directly from an introductory text in wildlife management<sup>30</sup> while it never seems to even open the first page of an introductory ecology text. Where is there any discussion about the relationship of species to one another, the existence of food webs, of interdependencies, of predator-prey relationships, of trophic levels, of ecological impacts? The DEIS completely fails to address any of the potential impacts of hunting on ecological communities and instead directs its faulty analytical tact at a traditional, population-level discussion of the theoretical consequences of imposing additional sources of mortality ("harvest") on wildlife populations. This one-sided approach is completely unacceptable and unlawful under NEPA.

B41

The DEIS frankly admits that wildlife monitoring has been and is very limited<sup>31</sup> and establishes in these comments the absolute certainty that NPS does not know what the effects of hunting on either individual populations or the larger biotic communities with which they interact is. The FEIS must address the ecological consequences of hunting on the National Seashore.

B42

Below we discuss individual species or groups of animals that are described in the DEIS. Again, we believe there also are species that are hunted or could be hunted on the National Seashore for which the DEIS provides no description or analysis.

B43

**Cottontails.** The analysis and projection of impacts concerning the New England cottontail (NEC) population is speculative and does not refute that hunting would endanger the populations on the Seashore. As part of the selection of alternatives, the DEIS describes the rationale behind a cottontail research project as being that the New England

↓  
B44

---

<sup>30</sup> e.g. XXIX. Wildlife and Hunting Monitoring on page 53, which discusses integrating MassWildlife's annual wildlife monitoring program into CACO management decisions to "...insure sound wildlife management..."

<sup>31</sup> DEIS p. 63 and elsewhere

cottontail is uncommon or rare in much of the state and has been considered for listing as a threatened or endangered species.<sup>32</sup>

Additionally, the New England cottontail is a species of regional concern given the declines in its numbers.<sup>33</sup> This lagomorph prefers early successional habitats with dense underbrush including old agricultural fields.<sup>34</sup> This type of habitat is in severe decline throughout New England due to increased development and the recolonization of forest on abandoned farmland.<sup>35</sup> Additionally, research has shown that the NEC is more vulnerable to predation than the eastern cottontail (*Sylvilagus floridanus*) in fragmented landscapes.<sup>36</sup>

Even experienced wildlife rehabilitators have difficulties distinguishing between NEC and eastern cottontails at close range. Scientists have attempted to develop a means to distinguish the species through a series of precise body measurements and coat analysis.<sup>37</sup> Even this method is only useful in the winter and on animals that are immobilized. The only reliable way to determine species is genetic testing.<sup>38</sup> It is impossible to determine which species is being pursued during a chase. Given that the planners acknowledge that the NEC's population status is unknown but believed to be threatened or endangered, the only responsible course of action is for the Cape Cod National Seashore to ban the hunting of rabbits on its lands.

Yet the DEIS paradoxically argues that the effects of cottontail rabbit hunting are likely to be beneficial by reducing competition during the winter for available food resources, citing a 1964 study that found that when hunters killed 75 percent of a population, the population was not depressed the following fall.<sup>39</sup>

Eliminating rabbit hunting would not result in beneficial effects on the population, according to the analysis of Alternative C, because "[h]unting mortality is compensatory; as such, those rabbits not taken would likely succumb to mortality factors and/or

<sup>32</sup> DEIS p.53 and U.S. Fish and Wildlife Service. 2005. New England Cottontail: *Sylvilagus transitionalis*. Northeast Region, U.S. Fish and Wildlife Service Hadley, MA. Available online:

<http://www.fws.gov/northeast/pdf/necotton.fs.pdf>

<sup>33</sup> <http://www.mass.gov/dfwele/dfw/dfwcotontail.htm>

<sup>34</sup> Litvaitis, J.A. et al. 2003. Distribution and habitat features associated with remnant populations of New England cottontails in Maine. *Can. J. Zool.* 81: 877 – 887.

<sup>35</sup> Litvaitis, J.A. 1993. Response of early successional vertebrates to historic changes in land use. *Cons. Biol.* 7(4): 866- 873.

<sup>36</sup> Smith, D.F. and J.A. Livaitis. 2000. Foraging strategies of sympatric lagomorphs: implications for differential success in fragmented landscapes. *Can. J. Zool.* 78(12): 2134-2141.

<sup>37</sup> Livaitis, J.A. et al. 1991. A field method to differentiate New England and eastern cottontails. *Trans. Northeast Sec. Wildl. Soc.* 48: 11-14.

<sup>38</sup> Kovach, A.I. et al. 2003. Evaluation of fecal mtDNA analysis as a method to determine the geographic distribution of a rare lagomorph. *Wildl. Soc. Bull.* 31(4): 1061 – 1065.

<sup>39</sup> DEIS p. 166

reproduction levels would be reduced in response to an elevated population.” However, the DEIS then states: “[e]liminating rabbit hunting could have a negligible to minor adverse effect relating to the potential for increased diseases and competition for habitat resources that may result from an increased rabbit population.”<sup>40</sup>

B45

The DEIS is contradictory. If hunting mortality is compensatory, the population level would not change in the absence of hunting. The analysis fails to consider the two distinct yet visually indistinguishable rabbit species present at the National Seashore and their dramatically different population statuses. The FEIS must address this.

**White-tailed Deer.** The DEIS addresses white-tailed deer (*Odocoileus virginiana*) at numerous places throughout the document, including a section on this species as part of a synopsis of the natural history of game mammals.<sup>41</sup> The information communicated to the reader concerning the presence and abundance of deer on the seashore is confused and the FEIS must be rewritten to clarify the information known and available on the deer population on the National Seashore. The description of deer abundance notes that a direct survey completed in 2003<sup>42</sup> yielded an estimate on CACO of 1.45 to 2.08 deer for each square mile, while density estimates calculated for what is described as “CACO habitat” in a following paragraph use an estimate of 15-17 deer for each square mile to derive an estimated population of 430-520 deer as “supported by CACO habitat.”<sup>43</sup> To the average reader it appears that an indirect and less precise method has been used to estimate population density for a deer population that has already been the subject of more than one direct research study. The FEIS must clarify what is being said here and, more importantly, clearly identify what actual monitoring efforts have shown as the best available direct information estimating the density of deer populations on the National Seashore. If anything, estimates for deer density on the National Seashore appear to be significantly lower than even the state-advised density “goal.”

B46

Throughout the DEIS the assumption is made that hunting on the Seashore “controls” the white-tailed deer population and that the consequences of withdrawing that “control” would be to change certain important factors, as discussed below, in a generally negative manner. For example, under 2.5 Alternative C<sup>44</sup> the authors assume that if the deer hunting program at CACO were to be eliminated the NPS would need to “...generate a deer management program...” similar in scope to that of Gettysburg National Battlefield, but provide no comparative analysis and discussion of the different sites, their goals and objectives, the nature and basis of their concerns for deer under their individual

B47

<sup>40</sup> DEIS p. 179

<sup>41</sup> DEIS p. 108-111

<sup>42</sup> DEIS p. 109

<sup>43</sup> DEIS p. 109, para. 6

<sup>44</sup> DEIS p. 64

management objectives or any other differentiating factors as a basis for that claim and suggestion. The issue of white-tailed deer and their interactions with NPS lands is highly controversial and has been the object of concerted study, discussion and debate within NPS for many years. The FEIS should make a concerted effort to address this in all its complexity to ensure that no misleading assumptions are made concerning the status and fate of the deer population if the hunting program currently administered by the state game agency were to be stopped.

↑  
B47

The DEIS proposes a plan to have the MassWildlife establish a program to monitor deer populations and biological impacts,<sup>45</sup> apparently yielding to the state agency the role of scientific monitoring and research on the federal lands. It does this without establishing the state's interest and focus on the economic aspects of deer management by which the state agency derives income. The economic consequences of deer hunting at CACO, including income derived and direct and incidental costs to both NPS as well as MassWildlife are important components of any deer hunting program and must be included in the FEIS.

B48

*Deer and Vegetation.* The DEIS suggests that managing deer populations by hunting will reduce the potential for damage to vegetation and landscaping,<sup>46</sup> and also maintains that the effects of hunting on white-tailed deer "are generally beneficial to a minor or moderate degree," because it maintains the population at or below carrying capacity and helps to maintain habitat. It does not establish, however, any objective basis for describing deer-plants interactions, including the identification and enumeration of sensitive, rare or endangered plants that could be impacted by deer herbivory. The FEIS must address this, identify the extent to which the nature of deer herbivory as an influence on CACO plant communities is known, and the rationale for seeking to influence those relationships by reducing deer numbers. This information, as well as a discussion comparing state agency objectives and goals in its hunting programs in contrast to what would be the goals and objectives of NPS as an ecosystem rather than population manager must be addressed in the FEIS.

B49

*Deer and Lyme disease.* The DEIS more than once advances the argument that deer hunting would benefit human health and safety by reducing the potential for Lyme disease.<sup>47</sup> The argument that the current low deer density influences human exposure to Lyme disease is flawed. No published study has documented a reduction in the actual

↓  
B50

---

<sup>45</sup> DEIS p. 36-37

<sup>46</sup> DEIS p. 173 and pp. 167-169; DEIS p. 182

<sup>47</sup> For example, DEIS p. 49, "...lower deer numbers have been shown to appreciably reduce Lyme disease occurrences." P. 165, "Furthermore, benefits to health and safety occur by reducing the potential for deer/automobile collisions and Lyme disease." P. 183, "An increase in game species may increase Lyme disease reservoirs."

incidence of Lyme disease or risk of Lyme disease to humans when deer numbers are reduced.

Although tick densities have been found to correlate with deer densities in a given area, attempts to reduce the incidence of Lyme disease by reducing deer populations, even dramatically, have been unsuccessful. For example, even when a deer population was reduced as much as 83% to approximately 27 deer per square mile, the authors noted that while immature ticks did decline yet 5-7 years after the depopulation effort, adult tick numbers actually increased throughout the study period. And interestingly, in the final two years of depopulation, the nymph tick population rose to about the same level as when sampling began. The authors concluded that despite the magnitude of the deer removal, "the reduction in tick numbers was insufficient to reduce the number of female ticks that reproduced."<sup>48</sup>

Current thinking is that this multi-host disease cannot be controlled by attempts to reduce adult-stage hosts (white-tailed deer). It remains unclear how far a population needs to be reduced to impact the transmission dynamics of Lyme disease and tick-human transmission of the disease.<sup>49</sup> Research suggests that the critical threshold must be extremely low. The DEIS is correct in concluding that to try to achieve this goal by virtually eliminating the deer would be impractical. Furthermore, recent study also demonstrates that interannual variation in entomological risk of exposure to Lyme disease is correlated positively with prior abundance of key hosts for the immature stages of the tick vector (mice, chipmunks) and with critical food resources (acorns) for those hosts. In no case did inclusion of deer improve the predictive power of models.<sup>50</sup>

Rather, new technologies such as the *4-Poster* or *Maxforce* acaricide systems which specifically target ticks attached to either the main immature and adult stage hosts (mice/chipmunks and deer, respectively) *do* appear to significantly reduce the tick populations. For example, in a *Maxforce* bait box study done by Connecticut Agricultural Station, there was an 80% and 96% reduction in nymphs by the first and second years of

<sup>48</sup> Wilson, M.L. and R.D. Deblinger, 1993. Vector management to reduce the risk of Lyme Disease. p.126-156 in H.S. Ginsberg (ed.), *Ecology and Environmental Management of Lyme Disease*, Rutgers Univ. Press, New Brunswick, NJ. Deblinger, R.D., M.L. Wilson, D.W Rimmer, and A. Spielman. 1993. Reduced abundance of immature *Ixodes dammini* (Acari: Ixodidae) following incremental removal of deer. *J. Med. Ent.* 30: 144-150.

<sup>49</sup> Ginsberg, H.S. and K.C. Stafford III, 2005. Forum: Management of Ticks and Tick-Borne Diseases. In *Tick-Borne Diseases of Humans*, edited by J.L. Goodman et al, 2005 Asm Press, Washington DC.

<sup>50</sup> Ostfeld RS, Canham CD, Oggenfuss K, Winchcombe RJ, Keesing F. 2006. Climate, deer, rodents, and acorns as determinants of variation in Lyme-disease risk. *PLoS Biol* 4(6): e145. DOI: 10.1371/journal.pbio.0040145.

B50



the study, respectively, and infectivity was lowered 67% by the second year.<sup>51</sup> Another study found that by using the *4-Poster* system, adult ticks were completely eliminated by the second year of the study; all stages were reduced 91-100% by year three.<sup>52</sup> These and other emerging technologies and ecologically sound approaches to managing tick populations would appear to be far more effective and practical approaches for Lyme disease control than vector depopulation efforts. The FEIS should address these or eliminate its argument concerning deer and Lyme disease as a rationale for population management entirely.

B50

**Deer-automobile collisions.** The DEIS, as it does for Lyme disease, asserts rather than demonstrates that hunting on CACO has a positive benefit to human safety by reducing the number of deer/automobile collisions.<sup>53</sup> This is an important issue concerning deer and one that must be taken seriously. The FEIS should provide considerably more detail about deer/automobile collisions on CACO, including their annual and seasonal incidence, damage and injury sustained, and yearly trend information if available. The FEIS should as well provide a comparative summary of deer population estimates and the frequency of deer/automobile collisions on the National Seashore as part of a risk assessment for deer-automobile collisions. It is unclear to us, but should be part of the FEIS section on this subject, how a yearly harvest of 20 to 30 deer over the Seashore's nearly 44,000 acres (most of which are roadless) has an effect on automobile collisions. The possible effect of hunting in causing deer movements to increase and lead deer to cross roads with greater frequency, especially in early morning or late afternoon poor light conditions, should also be mentioned and discussed in the FEIS.

B51

**Nuisance animals.** The DEIS refers to hunting in conjunction with the control of "nuisance" wildlife in several places and claims that its preferred alternative -- the continuation of hunting -- will help "...reduce or avoid wildlife and human conflicts."<sup>54</sup> The DEIS does not, however, identify and list these purported "nuisance" species nor explain what sort of conflicts may arise with any species deemed to be problems, beyond a general discussion involving white-tailed deer. The FEIS must address this ambiguity. A catchall phrase such as "nuisance animal" creates a huge loophole in which a wide variety of taxonomically disparate species may be snared. Such jargon may allow for

B52

<sup>51</sup> Dolan, M.C. and G.O. Maupin, B.S. Schneider, C. Denatale, N. Hamon, C. Cole, N.S. Zeidner, and K. C. Stafford III, 2004. Control of immature *Ixodes scapularis* (Acari: Ixodidae) on rodent reservoirs of *Borrelia burgdorferi* in a residential community of southeastern Connecticut. *J. Med. Ent.* 41 (6) pp. 1043-1054.

<sup>52</sup> Solberg, V.B., J.A. Miller, T. Hadfield, R. Burge, J.M. Schech and J.M. Pound. 2003. Control of *Ixodes scapularis* (Acari: Ixodidae) with topical self-application of permethrin by white-tailed deer inhabiting NASA, Beltsville, Maryland. *J. Vector. Ecol.* 28: 117-134.

<sup>53</sup> DEIS p. 167. P. 183, "An increase in game species may increase motor vehicle strikes."

<sup>54</sup> E.g. DEIS p. 64-65.

indiscriminate and widespread "control" under the auspices of wildlife conflict resolution. This complete lack of specificity makes it impossible to quantify what effects this type of hunting may have on the ecosystem of the National Seashore, and is therefore not permissible under NEPA. At a minimum, the FEIS must identify what species constitute a "nuisance," what type of conflict these species cause, and how hunting can be projected as a means by which to mitigate any "nuisance" wildlife issues.

**Wild turkey.** The premise that wild turkey (*Meleagris gallopavo*) would comprise a suitable alternative species for hunters that would withstand hunting mortality and substitute for pheasants is not substantiated in the DEIS. The DEIS uses broad scale estimates for overall populations of eastern wild turkey and Florida wild turkey<sup>55</sup> has no application to the status of turkey population at CACO and represents as do many similar injections of numbers and population statistics for other species simply an attempt to fill out parts of a document where there is no good existing information of local significance or import. Inasmuch as the wild turkey is offered as a potential substitute in the preferred alternative to pheasant hunting, and given the disparity in numbers of turkeys harvested on the Cape as opposed to pheasants,<sup>56</sup> the shortcoming of the analysis on this species is even more apparent than that for others and the FEIS must address that.

Additionally, the proposed turkey hunting season will be conducted while females are nesting so that only males are targeted. This arrangement supposedly eliminates female mortality and therefore is purported to have less of an impact on the overall population. Yet, the illegal take of nesting females during the spring hunting season has been recorded.<sup>57</sup> Additionally, turkey nests are very susceptible to predation with nest losses of up over 80% recorded in some areas.<sup>58</sup> Any disturbance of females during the nesting season can only serve to further increase the potential for nest predation.

There is also some evidence to suggest that peaks in gobbling do not necessarily coincide with peaks in incubation.<sup>59</sup> Furthermore, research shows that females greatly increase their home range before incubation when searching for suitable nesting habitat.<sup>60</sup> A lack of synchrony between gobbling and breeding in addition to increased movements of females during the spring could lead to increases in female mortality. This would have a major,

<sup>55</sup> DEIS at P. 76

<sup>56</sup> DEIS at p. 76, Table 10

<sup>57</sup> Norman, G.W. et al. 2000. 2000. Reproductive chronology, spring hunting, and illegal kill of female wild turkeys. Proc.Nat. Wild Turkey Symp. 8:269-279.

<sup>58</sup> Badyaev, A.V. 1995. Nesting habitat and nesting success of eastern wild turkeys in the Arkansas Ozark Highlands. The Condor 97: 221 - 232.

<sup>59</sup> Miller, D.A. et al. 1997. Chronology of wild turkey nesting, gobbling, and hunting in Mississippi. J. Wildl. Manage 61(3):840-845.

<sup>60</sup> Chamberlain, M.J. and B.D. Leopold. 2000. Habitat sampling and selection by female wild turkeys during preincubation. *Wilson Bull.* 112(3): 326 - 331.

B52

B53

B54

B55

negative effect on the currently unknown population levels of wild turkey on the National Seashore being that the survivorship of adult hens is the most significant factor affecting reproductive success in this species.<sup>61</sup>

Hence, it is essential that the FEIS address the need for a population study on the wild turkey on the National Seashore before considering this species to be killed for recreation.

**Ruffed grouse.** The DEIS notes that no information exists on ruffed grouse (*Bonasa umbellus*) hunting on the Seashore and thus acknowledges having no information on the population status of an animal that may be taken by hunters, purposely or otherwise, and whose populations on the National Seashore may in fact be at some risk.<sup>62</sup> It is inconsistent with any sound hunting program that populations at depressed levels would be open to further reduction, and it certainly is well beyond the scope of NPS policies, procedures or mandates to allow the taking of species of such concern from its lands. The FEIS must address this.

**Bobwhite quail.** The bobwhite quail (aka northern bobwhite, *Colinus virginianus*) is one of the most intensively researched, managed, and hunted species in North America. Consequently it is also undergoing precipitous, range – wide population declines.<sup>63</sup> Hunting harvest of bobwhites is generally additive and one of the major causes of mortality, especially during the winter months.<sup>64</sup> In fact, in some hunted areas winter survivorship of this species can be as low as 20%.<sup>65</sup> It is apparent that the bobwhite quail does not fair well under hunting pressure. There has been virtually no research conducted on the population biology of bobwhites of Massachusetts since the 1950s.<sup>66</sup>

Based upon this dearth of population data for Massachusetts and considering the known population declines of the species over most of its range, the idea of opening a hunting season for bobwhite on the Shore is completely negligent. In order to justify such a hunting season, the park must provide evidence that this species has a stable population

<sup>61</sup> Norman, G.W. et al. 2001. Reproduction of eastern wild turkeys in Virginia and West Virginia. *J. Wildl. Manage.* 65(1): 1 – 9.

<sup>62</sup> P. 74

<sup>63</sup> Williams, C.K. et al. 2004. The northern bobwhite decline: scaling our management for the twenty -first century. *Wildl. Soc. Bull.* 32(3): 1 – 9.

<sup>64</sup> Cox, S.A. 2004. Survival and cause – specific mortality of northern bobwhites in western Oklahoma. *J. Wildl. Manage.* 68(3): 663 – 671.

<sup>65</sup> Williams, C.K. et al. 2004. Winter survival and additive harvest in northern bobwhite coveys in Kansas. *J. Wildl. Manage.* 68(1): 94 – 100.

<sup>66</sup> Ripley, T.H. 1958. Ecology, Population Dynamics, and Management of the Bobwhite Quail, *Folinus virginianus marilandicus* (L.) in Massachusetts. PhD dissertation, Virginia Polytechnic Institute and State University Virginia, USA.

B55

B56

B57

B58

that could sustain hunting losses. Based upon data from other states, this task would most likely prove impossible. The FEIS must address this issue.

↑ B58

**American Crows.** The DEIS also enumerates information on crows<sup>67</sup> without addressing the possible impact of hunting on breeding, migratory or wintering populations on the Cape. No information is given regarding numbers taken and/or the ability of local populations to withstand recreational harvest. No discussion of or data pertinent to the role of crows in the biotic community is given, or of the ecological consequences of their being harvested. The FEIS must correct this.

B59

**Waterfowl.** The National Seashore allows for the hunting of all migratory birds approved by Mass Wildlife. Some number of these species have been undergoing known population declines over the last 20 years. Of the hunted species, the American black duck (*Anas rubripes*), the Northern pintail (*Anas acuta*), and both species of Scaup (*Aythya marilla* & *A. affinis*) continue to suffer precipitous population declines while they are still subjected to hunting.

The most obvious of all population declines is in the number of American Black Ducks, occurring from the 1950s to the present day. This decline has been so severe that the USGS Fish and Wildlife Research unit in Georgia has been working for years to decipher and halt its causes. In 2002 they produced a monograph on the factors affecting black duck populations.<sup>68</sup> This 64 page volume modeled the effects of four major factors on black duck population declines: 1) degradation / loss of breeding habitats; 2) degradation / loss of winter habitats; 3) harvest; and 4) mallard interactions (competition and hybridization). This model found that harvest levels and mallard interactions were having a significantly greater effect on black duck populations than was habitat loss. Despite this glaring evidence, the monograph simply recommends using Adaptive Harvest Management to regulate black duck populations. Additionally, a 2005 progress report recognized that there has been a 25 – year decline in the abundance of this species and that a harvest rate of 15% may be capable causing the extinction of this species.<sup>69</sup> Despite all of these incriminating data, the hunt continues.

B60

The Northern Pintail has been in steady decline, and well below its population management goals, for over 25 years. Research into the population declines of this species suggested that natural predation and nest failure may be the primary causes for these

↓ B61

<sup>67</sup> The species is not named but American crow refers typically to *Corvus brachyrhynchos*, while Fish crow identifies the closely related species, *C. ossifragus*.

<sup>68</sup> Conroy, M.J. et al. 2002. Identification and synthetic modeling of factors affecting American black duck populations. *Wildl Mon.* 150: 1-64.

<sup>69</sup> Johnson, F.A. and M. J. Conroy. 2005. Harvest potential and management of American black ducks. U.S. Department of the Interior. Washington D.C. USA.

reductions.<sup>70</sup> However, nesting success for this species was no different from that of similar nesting species throughout its range. Additionally, these birds evolved under predation pressure and should have the means to maintain their populations under such circumstances. The authors suggest habitat monitoring and predator control as possible solutions to save plummeting populations. The effect of hunting is only given a cursory examination, one paragraph to be exact.

Collectively, the Greater and Lesser Scaup have undergone marked declines in the last twenty years. In fact, the Waterfowl Report states that the current Scaup estimate is at a record low, being 35% below its long – term average. A Scaup Workshop was held in September of 1999 to discuss the possible causes of Scaup population declines.<sup>71</sup> The USGS members at this workshop suggested a wide variety of factors including habitat loss, changes in food resources, environmental contaminants, reduced fecundity, and increased mortality. No hard data was presented on any of these factors and the published report from this meeting states that the role of harvest or natural mortality in the Scaup population is uncertain. However, the group still did not consider hunting as even a minor contributing factor to these population declines.

Studies over the last decade indicate that most waterfowl hunting mortality is additive, even for species that exhibited only compensatory hunting mortality in the past, like mallards.<sup>72</sup> This being the case, the FEIS must address the issue of hunting of species when they are in known population declines.

In addition to the population issues associated with a number of hunted waterfowl species, the issues of crippling loss and skybusting must also be addressed in any consideration of waterfowl hunting. Skybusting refers to the act of shooting at waterfowl that are out of gun range. Research has found that this activity is primarily due to a competitive attitude amongst hunters and a desire to emulate other hunters.<sup>73</sup> This thoughtless practice either results in a miss or an inaccurate hit of the target. If the bird is hit, it is not typically killed, due to the inaccuracy of shotguns at range and the loss of shot velocity over long distances. These birds are the victim of crippling loss, which is discussed below.

<sup>70</sup> Miller, M.R. and Duncan, D.C. The northern pintail in North America: status and conservation needs of a struggling population. *Wildl. Soc. Bull.* 27(3): 788 – 800.

<sup>71</sup> Austin, J.E. et al. 2000. Declining scaup populations: issues, hypotheses, and research needs. *Wildl. Soc. Bull.* 28(1): 254 – 263.

<sup>72</sup> Poysa, H. et al. 2004. Ecological basis of sustainable harvesting: is the prevailing paradigm of compensatory mortality still valid? *Oikos* 104(3): 612 – 615.

<sup>73</sup> Kuentzel, W. F. and T.A. Heberlein. 1998. Why do hunters skybust? Personal disposition or social influence. *Human Dim. Wild.* 3(1): 1 – 15; Kuentzel, W. F. 1994. Skybusting and the slob hunter myth. *Wildl. Soc. Bull.* 22: 331 – 336.

Crippling and unretrieved loss occurs when a bird is hit by shot but 1) is hurt but not killed and continues to fly, or 2) is hit and drops from the sky but is not dead or ever retrieved by the hunter. This phenomenon does occur when hunters are aiming at birds within range, but is even more common when hunters skybust. One of the first studies to document crippling loss did so inadvertently. A study conducted in 1947 that was aimed at detecting lead shot in live duck gizzards using x-rays actually revealed a 30% incidence of lead shot scattered throughout the bodies of surviving ducks.<sup>74</sup> Some of the ducks even had different size shots embedded in their tissues indicative of multiple shootings. Of the more than 900 total wild ducks trapped for this study, 19 (about 2%) had fractured wings that healed and allowed for a return to flight. This study also revealed that out of 60 dead ducks picked up randomly during the winter, 27 had detectable gunshot wounds and 18 of these had mortal wing fractures.

A 3 – year radiotelemetry based study in Minnesota found that 16 of the 102 monitored birds (mallards and wood ducks) were shot and never retrieved by hunters.<sup>75</sup> Of these 16, 11 of them were not dead when radiolocated. Of the 11 survivors, 3 were shot by hunters again at a later date and retrieved, 4 were crippled and subsequently fell prey to mink, 1 was sent to pathology for tests, and 3 recuperated enough to leave the study area. It is clear from these data that crippling loss, even of obviously radiomarked animals (with unit backpacks) may be substantial and may result in the prolonged suffering of incidentally shot birds.

A more recent study in Canada examined the incidence of embedded shot in American black ducks, mallards, Canada geese, and common eiders.<sup>76</sup> Using a portable x – ray system, researchers revealed that about 25% of the 1624 live waterfowl examined contained shotgun pellets. Furthermore, breeding female common eiders had highest proportion of embedded shot (53%), followed by migrating Canada geese at 35%. Many of these pellets had struck vital areas (skull, vertebrae, around the heart) but did not kill the birds. Due to the shallow penetration of the shot, researchers concluded that many of these animals had been shot when out of range. The FEIS must address the issue of skybusting and wounding not only within the context of impacts to hunted birds, but with respect to enforcement demands in patrolling, monitoring and education of hunters about these threats to waterfowl.

Another issue that the FEIS must address is the danger to threatened and endangered waterfowl that is posed by waterfowl hunting. Research has shown that hunters chronically misidentify or are completely unable to recognize most waterfowl species, even in – hand.

<sup>74</sup> Whitlock, S.C. and H.S. Miller. 1947. Gunshot wounds in ducks. *J. Wildl. Manage.* 11(3): 279 – 281.

<sup>75</sup> Kirby, R. E. et al. Recuperation from crippling in ducks. *Wildl. Soc. Bull.* 9(2): 150 – 153.

<sup>76</sup> Hicklin, P.W. and W.R. Barrow. 2004. The incidence of embedded shot in waterfowl in Atlantic Canada and Hudson Strait. *Waterbirds* 27(1): 41 – 45.

While most hunters in the United States and Canada can usually identify mallards, their performance with other species is poor. For example, duck hunters in Alberta, Canada could only on average identify 58.9% of the birds they bagged, and that includes mallards.<sup>77</sup> A study in the United States examined hunter identification success of only the twelve most common species harvested in their area (the Mississippi flyway). Even with such a restricted number of test species, respondents could only identify both sexes of three species with  $\geq 70\%$  accuracy. These were the mallard, the wood duck, and the green-winged teal.<sup>78</sup> Gadwalls, ring-necked ducks, blue-winged teals, American widgeons, American black ducks, northern pintails, hooded mergansers, redheads, and canvasbacks of both sexes were all misidentified over 50% of the time. This issue would be of particular concern to NPS given its conservation mandate, and the FEIS must address this, not only from the perspective of population and ecological impacts, but from the administrative perspective in involving CACO staff in monitoring, enforcement and hunter education.

B65

B65a

**Coyote.** The coyote (*Canis latrans*) is a relative newcomer to the National Seashore. This canid is believed to have made its debut in Cape Cod sometime in the late 1970's.<sup>79</sup> In the absence of the native wolf, this species is now one of the top carnivore at the National Seashore. We find it contradictory that the DEIS touts hunting as a means of maintaining the deer populations while endorsing the hunting of coyotes. Coyotes are known to cause substantial mortality to deer fauns, especially in northeastern North America.<sup>80</sup> If the National Seashore perceives that their deer population is in need of regulation and they truly wish to follow the NPS mission of preserving natural systems, they should not even consider coyote hunting in the park. Once again, the complete lack of recognition of food web and species interactions is accentuated by the call for coyote hunting in the DEIS. The FEIS must address this.

B66

**Other mammals.** The gray squirrel (*Sciurus carolinensis*), raccoon (*Procyon lotor*), opossum (*Didelphis virginiana*), bobcats (*Lynx rufus*) and red (*Vulpes vulpes*) and gray fox (*Urocyon cinerargenteus*) all follow the same general pattern established elsewhere in this section by noting the dearth and paucity of information about the species on the National Seashore. Virtually all of the natural history information given is descriptive and no attempt exists anywhere in the DEIS to identify, characterize or describe any aspect of wildlife community dynamics and/or the ecological relationships wildlife species to one another or to plant communities. In places, even the enumerative descriptions of species

B67

<sup>77</sup> Nieman, D.J. et al. 1987. Monitoring hunter performance in prairie Canada. Trans. North Am. Wildl. Nat. Res. Conf. 52: 233 - 245.

<sup>78</sup> Wilson, B.C. and Rohwer, F.C. 1995. In-hand duck identification by hunters at Mississippi Flyway public hunting areas. Wildl Soc. Bull. 23(3): 472 - 480.

<sup>79</sup> Way, J.G. 2002. Radiocollared coyote crosses Cape Cod Canal. Northeast Wildl. 57: 63 - 65.

<sup>80</sup> Patterson, B.R. and V.A. Power, 2002. Contributions of forage competition, harvest, and climate fluctuation to changes in population growth of northern white-tailed deer. Oecologia 130: 62 - 71.

natural history appear to contain obvious errors of fact.<sup>81</sup> The FEIS must address these issues and include better comparative information on animal ecology.

**Marsh birds.** The DEIS does not evaluate the hunting of impacts of hunting on American Coots (*Fulica americana*), Sora (*Porzana carolina*) or King rails (*Rallus elegans*), the killing of which is permitted under state law. The FEIS should discuss the biology and conservation status of these and other marsh bird species known to be present on the seashore<sup>82</sup> and identify not only the extent to which hunting of these species currently occurs on CACO, but the extent to which it might increase. The FEIS should also discuss the status of other marsh bird species similar to those for which hunting is allowed, identify potential threats to their populations and establish how NPS will attempt to prevent their incidental taking. As for other all other wildlife species for which hunting is allowed, the NPS must address and discuss objectively and in detail the relationship between its mission to conserve populations and species and the *de facto* abrogation of that responsibility that might allow populations to decline through recreational killing.

The king rail is listed as a "Game Birds Below Desired Conditions" (GBBDC), i.e. a species for which there is evidence of "declining population trends."<sup>83</sup> This secretive bird does not undergo annual population estimations due to the difficulty of conducting sight counts in their preferred habitat. The taxonomic status of the king rail has been called into question. This species and the clapper rail are considered by some to be one and the same. Both call-response studies and molecular phylogenetic studies have been unable to definitely delineate these two species.<sup>84</sup> Due to the dearth of data on rail populations in general, the assumed rarity of this bird is based upon both reduced harvest numbers and known sources of mortality and habitat loss. Rails are very sensitive to wetland degradation because they normally inhabit the edge of this habitat type, where alterations normally begin.<sup>85</sup> As with all of the other species under scrutiny, the effects of hunter harvest on the population status of this species is unknown.

<sup>81</sup> E.g. p. 121 where in the description of opossum it is said "Opossums appear to have discrete home ranges." Most research on this species suggest that they do not.

<sup>82</sup> Erwin, Michael R., Courtney J. Conway, Steven W. Hadden. 2002. Species occurrence of marsh birds at Cape Cod National Seashore, Massachusetts. *Northeast Nat.* 9(1): 1-12

<sup>83</sup> <http://www.fws.gov/migratorybirds/reports/reports.html>

<sup>84</sup> Rabatsky, A. M. 1997. Responses of two closely - related rail species, *Rallus longirostris* and *Rallus elegans*, to conspecific and heterospecific calls. *Florida Scientist* 60(1): 16 - 20; Avise, J.C. and R.M. Zink. 1988. Molecular genetic divergence between avian sibling species: king and clapper rails, long - billed and short - billed dowitchers, boat - tailed and great - tailed grackles, and tufted and black - crested titmice. *The Auk* 105: 516 - 528.

<sup>85</sup> Elphick, C. et al. (eds.) 2001. *The Sibley Guide to Bird Life and Behavior*. Alfred A. Knoph, New York, USA.

↑ B67

| B68a

B68

↓

The FEIS must address many issues surrounding the taking of marsh birds in a comprehensive way and include discussion of this group as well under 3.3.5, "Wildlife Species That are Endangered, Threatened, or of Special Concern."

↑  
B68

**Affected Environment**

The DEIS devotes a significant number of pages under the affected environment to a discussion of hunting theory and background and goes into a long review of individual species and their population status without giving any consideration or attention to the biotic communities in which those species have membership. Individual, population and community interactions comprise the fundamental basis for ecological relationships in animals, and it is the ecological consequences of hunting that the DEIS fails completely to address. The FEIS must address this.

B69

The focus on hunting theory and background in the DEIS does not attempt to encompass the socially significant debate about the ethics of hunting, in its broadest context. The DEIS dismisses concerns raised by animal welfare interests about this issue with the argument that the National Park Service, the Cape Cod National Seashore, and the Commonwealth of Massachusetts recognize hunting as a legitimate recreational activity on the Seashore, and "...making judgments regarding the ethics of hunting is beyond the NPS authority and purview and is not a part of the analysis and decision making process."<sup>86</sup> The DEIS claims that concerns about hunting techniques, equipment, and sportsmanship are also considered to be "non-NEPA impact topics."<sup>87</sup> Nonetheless, the DEIS describes opposition to hunting as based on the belief that it can "...deplete or adversely affect the population" and that "...there is no need for individuals to participate in hunting for recreational purposes,"<sup>88</sup> suggesting that a dialogue would be an appropriate impact topic for this DEIS.

B70

More importantly, this response misses a crucial point. NPS is not being asked to render a "judgment regarding the ethics of hunting," but simply to engage fully and honestly in the NEPA process, so that the public and the agency might be better informed. The DEIS completely fails to do this, and is dismissive of the very area of concern that has driven the issue examined here, again, resulting in the predetermination of the outcome of the process. It is because a sizable number of individuals, groups and organizations have concerns over hunting on the National Seashore that NPS has been forced to comply with its NEPA obligations. The FEIS must engage in a far more responsible effort to address this issue – it truly is at the heart of the matter under consideration.

B71

---

<sup>86</sup> DEIS p. 39  
<sup>87</sup> DEIS p. 41  
<sup>88</sup> DEIS p. 70

Finally, with respect to any human activity that involves animals and that might lead to situations compromising their welfare, the FEIS must deal with "humaneness" as a relevant and germane component of the human environment. Although some claim "humaneness" to be a subjective concept, there are certain and definitive means by which we identify and measure animal pain, suffering, stress, distress, and other physiological and psychological factors associated with what can be called an animal's "welfare state." We note as well that unnecessary death is a significant issue in any proposed management action. Unnecessary death should be avoided unless compelling justification (immediate threat to human health and safety, for example) exists. Lethal control of animals without action to prevent recurrence of problems (either before or after control) is, as we have repeatedly emphasized in our NEPA comments to other federal agencies, unacceptably shortsighted and inappropriate. These points are especially relevant where actions regarding "nuisance" wildlife are under consideration and the FEIS must address this as well as the broader issues of humaneness, welfare and unnecessary death.

B72

**Pheasant Stocking**

Much of the controversy surrounding the hunting programs on the National Seashore revolves around the stocking of ring-necked pheasants (*Phasianus colchicus*). When stocking pheasants for recreational hunting on the National Seashore, the NPS and MassWildlife purchase farm-reared birds from private breeders and release the birds just prior to the hunt to try to maximize success for the shooter. In developing a preferred alternative, the DEIS discusses "put and take" hunting options, including continuing the pheasant stocking program for a 15-year duration. We feel that this raises substantive issues and concerns that are unaddressed in the DEIS regarding NPS policies, mandates and historic traditions, environmental consequences, animal welfare issues and even questions concerning hunting ethics that must be addressed.

B73

The park's mission is defined as:

"to preserve the nationally significant and special natural and cultural features, distinctive patterns of human activity and ambiance that characterizes the Outer Cape, along with the associated scenic, cultural, historic, scientific and recreational values, and to provide opportunities for current and future generations to experience, enjoy and understand these features and values."<sup>89</sup>

B74

Thus, FEIS must explain and justify pheasant stocking as being nationally significant and distinctive, since these are the keys to justifying which cultural traditions are of importance to the identity which NPS seeks to protect with regard to this park. Pheasants are not

<sup>89</sup> DEIS p. 32

native to the Outer Cape and the DEIS suggests that they have only been stocked since around 1906,<sup>90</sup> with the practice becoming popular in the 1930s or 1940s.<sup>91</sup> The DEIS does not remotely make the case that pheasant stocking preserves some unique cultural and recreational value on the Outer Cape and it clearly stretches the very idea of "unique" that it even attempts to do so. The FEIS must address this matter in a much more objective and direct manner than is done in the DEIS.

B74

The Seashore's management objectives include seeking to "understand, foster, and maintain native biological and physiographic diversity to sustain thriving, dynamic natural communities and systems."<sup>92</sup> These seem to be diametrically in opposition to the practice of stocking non-native animals to provide a recreational opportunity. The FEIS must address this closely.

B75

During put and take hunting, the tame nature of the quarry and their inability to escape creates the conditions for an unethical hunt. Birds accustomed to human presence and handling, reared in brooding boxes, fed timed grain feedings and fitted with pick-guards that restrict their ability to both receive and react to normal visual stimuli are simply not equipped to defend themselves against either hunters or the elements. Researchers have proven that farm-reared birds lack appropriate predator-avoidance behavior,<sup>93</sup> foraging skills and any long-range ability to assimilate into naturalized birds.<sup>94</sup> The culminating hunt includes birds quickly extinguished by shooters and the remaining animals killed by predators, cars or starvation -- points the DEIS raises to argue that pheasant stocking does not violate NPS policies against introduction of exotic species because the birds die before affecting the environment.

B76

Put and take hunting of any species will be viewed by many hunters as inappropriate and the FEIS must address this. Under the wildlife management system, first envisioned by Aldo Leopold<sup>95</sup> and developed into national practice, a fiduciary relationship was deliberately created in which managers directed the consumptive use practices of recreationalists under a banner of ecological stewardship. In an effort to prevent rampant exploitation of animals, the conservation philosophy that ensued emphasized the need for extensive knowledge of the hunted animals and their surroundings, thus creating a sense of

B77

<sup>90</sup> DEIS p. 159

<sup>91</sup> DEIS p. 12

<sup>92</sup> DEIS p. 33

<sup>93</sup> Krauss, G.D., H.B. graves, and S.M. Zervanos. 1987. Survival of wild and game-farm cock pheasants released in Pennsylvania. *J. Wildl. Manage.* 51(3): 555-559.

<sup>94</sup> Leif, Anthony P. 1993. Survival and reproduction of wild and pen-reared ring-necked pheasant hens. *J. Wildl. Manage.* 58(3): 501-506. Diefenbach, Duane R, Carl F. Riegner, and Thomas S. Hardisky. 2000. Harvest and reporting rates of game-farm ring-necked pheasants. *Wildl. Soc. Bull.* 28(4): 1050-1059.

<sup>95</sup> Leopold, A. 1933. *Game Management*. New York: Scribner.

obligation to the environment and its inhabitants. Put and take hunting removes the necessity for this knowledge and embodies the exploitation Leopold feared. When tame animals are stocked solely for the gun, not only is fair chase violated, but the situation is conducive to producing a form of wildlife agriculture in which hunters do not comprehend the impact of their individual actions.

↑  
B77

There are many concerns about pheasant stocking that arise from an animal welfare perspective, and the DEIS is notably lacking in any attempt to address welfare issues. In several places, the DEIS describes pheasant rearing, stocking, and hunting. The DEIS describes the facilities as "free-ranging" and states that partial beak amputation prevents injuries from pecking.<sup>96</sup> This, from a welfare perspective, glosses over the fact that pheasants are routinely reared in pens with hundreds or thousands of other birds under conditions that prevent them from behaving naturally as suggested by the term "free-ranging" and the text that follows. The FEIS should specify that partial beak amputation is performed to prevent injuries within the flock; as this procedure is described, it suggests that the birds would injure themselves with un-amputated beaks. Dr. Michael Appleby of The HSUS testified to the Cape Cod National Seashore Advisory Committee<sup>97</sup> in documenting that the beak does not always grow back to the point that it is functional for feeding and drinking, as the DEIS suggests.<sup>98</sup>

B78

Moreover, the environmental consequences of pheasant stocking are not adequately addressed in the DEIS and a significantly broader review and analysis of these impacts must be provided in the FEIS. The DEIS contends that the introduction of ring-necked pheasants "does not appear to cause any adverse effects towards other wildlife species"<sup>99</sup> and references a 1999 report<sup>100</sup> to demonstrate that pheasant stocking does not cause environmental damage.<sup>101</sup> Notably, the DEIS does not address the critique of this study by The HSUS in its comments to the Cape Cod National Seashore Advisory Committee. In this, The HSUS agreed with the research finding that suggested pheasants probably do not establish breeding populations on the National Seashore and did not significantly contribute to the caloric intake of predator species, but also noted that the study failed to address whether the presence of pheasants displaces other birds or offers competition for resources, whether pheasants carry diseases that may impact wild species, and whether the

B79  
↓

---

<sup>96</sup> DEIS p. 12

<sup>97</sup> In a letter of 2/1/02

<sup>98</sup> DEIS p. 12

<sup>99</sup> DEIS p. 122

<sup>100</sup> Bump, C. A. and R. Field. 1999. Survival and Ecological Impacts of Released Ring-necked Pheasants on Cape Cod National Seashore. Final Report. Massachusetts Cooperative Fish and Wildlife Research Unit, Biological Research Division, USGS: Amherst, MA.

<sup>101</sup> DEIS p. 32 and elsewhere

hunting activity associated with pheasant stocking has an impact on the overall ecology of the seashore.<sup>102</sup> The FEIS must address these impacts in full.

In addition, the FEIS must take a much closer look at the potential for stocked birds to act as disease vectors to native and domestic animals in and around the National Seashore. Pheasants are closely related to domestic fowl such as chickens and turkeys and may share, carry and transmit many of the same diseases. They are known reservoirs for both Lyme disease and Salmonella bacteria in the British Isles.<sup>103,104</sup> This species is also a vector for domestic fowl strains of coronaviruses, a group that includes SARS.<sup>105</sup> The ring-necked pheasant is also a viable host for H5N1 bird flu.<sup>106</sup> To treat these pen-reared pheasants against diseases common to captive flocks antibiotics are used during a period of development. This demands a risk assessment in the FEIS of the potential for creating conditions that could lead to the development of antibiotic resistant micro-organisms, endangering the health of resident wildlife.

The DEIS describes a modified pheasant hunt as part of the preferred alternative.<sup>107</sup> It states that the MassWildlife "would monitor the take and stocking effort to ensure that the number stocked is equal to the take," as well as provide health documentation about the stocked pheasants so that NPS could evaluate whether the stocking locations were appropriate.<sup>108</sup> If the pheasant stocking program is reinstated, it appears that this alternative should require that fewer than 250 birds be stocked the first year, as it was determined in 1999 that "approximately one-third (267) of the 800 stocked pheasants are [killed]"<sup>109</sup> and the popularity of pheasant hunting is in decline. The DEIS argues that Alternative B eliminates conflicts with NPS policies regarding the pheasant stocking program, but this assumption is not critically discussed. The pheasant stocking program involves the intentional release of exotic birds for recreational shooting. NPS policies work to ensure that wildlife populations and the community and ecological associations they form are not adversely affected by preventable human actions and the FEIS must address the broad discrepancies and conflicts apparent in this.

<sup>102</sup> Jessica Almy to CACO Advisory Commission, 2/1/02

<sup>103</sup> Piesman, J. and L. Gern. 2004. Lyme borreliosis in Europe and North America. *Parasitology* 129: S191-S220.

<sup>104</sup> Pennycott, T.W. and G. Duncan. 1999. *Salmonella pullorum* in the common pheasant (*Phasianus colchicus*). *Vet. Rec.* 144(11):283 - 287.

<sup>105</sup> Cavanagh, D. 2005. Coronaviruses in poultry and other birds. *Avian Pathology* 34(6): 439 - 448.

<sup>106</sup> Perkins, L.E.L. and D.E. Swayne. 2001. Pathobiology of A/chicken/Hong Kong/220/97 (H5N1) avian influenza virus in seven gallinaceous species. *Vet. Path.* 38: 149 - 164.

<sup>107</sup> DEIS p. 54

<sup>108</sup> DEIS p. 80

<sup>109</sup> DEIS p. 46

The evaluation of Alternative C states that eliminating the pheasant stocking and hunting program "would not have any beneficial or adverse effects on pheasants and predators."<sup>110</sup> This appears to contradict Section 4.4.2, which acknowledges a benefit from phasing out the introduction of an exotic species.<sup>111</sup> The FEIS must clarify this. Section 4.4.2 likewise acknowledges that eliminating pheasant stocking could have a negligible effect on predators and scavengers, but does not continue with an elaboration of this under Alternative C as it does for other issues raised. Given the serious animal welfare concerns related to pheasant rearing, stocking, and hunting, it is incorrect from an animal welfare perspective to say that the elimination of such a program would not have a beneficial effect on pheasants, or on the numerous humans who are concerned with their welfare, including many users of the National Seashore. If the DEIS is referring only to pheasant populations here this must be clarified in the FEIS. But the argument that eliminating pheasant stocking and hunting would not have a benefit to individual birds certainly remains and the FEIS must explore this more fully as well as incorporate it into the evaluation matrix wherever warranted.

B82

#### **Recreation and Safety**

One of the most compelling arguments against the continuation of hunting on the Cape Cod National Seashore is that hunting has a serious impact on and unfairly excludes other visitors from enjoying extensive portions of the National Seashore for a significant period of time each year.

B83

Nonetheless, the DEIS understates this effect. Instead, it claims that continuing hunting as it has occurred (Alternative A) will result in negligible adverse effects, even though "...some visitors avoid using portions of CACO during the hunting season."<sup>112</sup> The DEIS defines negligible effects for land use and recreation as resulting in "no noticeable change in public use and experience or in any indicators of visitor satisfaction or behavior."<sup>113</sup> Elsewhere, however, the DEIS states that significant numbers of visitors avoid hunting areas (47%), avoid visiting the National Seashore at all on days hunting is likely (27%), and feel they are unable to participate in activities on the Seashore (24%) because of hunting.<sup>114</sup> The DEIS also cites data that suggests that fewer people engage in hiking and dog walking during the deer shotgun season.<sup>115</sup> This adverse effect therefore is more accurately described as major.

B84

---

<sup>110</sup> DEIS p. 178

<sup>111</sup> DEIS p. 172

<sup>112</sup> DEIS, p. 169

<sup>113</sup> DEIS, p. 163

<sup>114</sup> DEIS, p. 152

<sup>115</sup> DEIS, p. 150

Additionally, the DEIS fails to describe the indirect adverse effects as people who would otherwise use the Seashore engage in recreation in places where hunting is not allowed, resulting in more crowded conditions.

The DEIS also fails to provide sufficient information to determine whether visitors' concerns regarding hunting are justified -- and if so, whether seashore managers intend to take meaningful action to address such concerns. Although the DEIS describes "close calls" and arguments and threatening behavior among hunters,<sup>116</sup> NPS aims to "improve visitors' perception of hunting safety,"<sup>117</sup> rather than establish a protocol to make actual improvements in safety. Only retrospectively will NPS be able to evaluate whether Alternative B actually improves safety or visitors' perception of it. A better way to address this issue, should hunting continue on Seashore lands, would be to try to improve the accuracy of visitors' perception of hunting safety by providing current information to visitors about hunting infractions, hunter disputes, the distance shot and slugs can travel, and safety precautions people should take while using hunting lands.

The FEIS must put hunting violations in context. The information listed in the DEIS concerning violations of park regulations is misleading. The document states, for example, that non-hunting-related violations exceed hunting-related ones by a factor of 35 to 265 times for violations and 56 to 107 times for warnings.<sup>118</sup> This comparison would be more meaningful if it were expressed as a percentage of annual participants. The DEIS states that annual visitation to CACO is 4 to 5 million people per year,<sup>119</sup> whereas deer hunting, one of the four most popular hunting activities, has an annual participation of 75 to 100 people.<sup>120</sup> Elsewhere, the DEIS summarizes hunting as accounting for 0.4 percent of recreational use of the Seashore in the fall<sup>121</sup> and states that 43 percent of Barnstable County's 2,910 hunters -- or 1,251 -- use the National Seashore.<sup>122</sup> Any of these figures seems to suggest that relative to their number, hunters violate Seashore policies much more frequently than do non-hunting visitors.

The FEIS should also clarify whether any non-hunting related violations reported in the DEIS were committed by people who were hunting (e.g., a hunting party abusing alcohol or controlled substances).

#### Other Comments by Section

<sup>116</sup> DEIS p. 21

<sup>117</sup> DEIS p. 66

<sup>118</sup> DEIS, p. 124

<sup>119</sup> DEIS, p. 124

<sup>120</sup> DEIS, p. 10

<sup>121</sup> DEIS, p. 146

<sup>122</sup> DEIS, p. 148

### 1.0 Introduction and Need

The DEIS refers to The Humane Society of the United States as "animal rights advocates."<sup>123</sup> In scoping comments The HSUS defined itself as "a mainstream animal protection organization with more than 8 million members and constituents, of whom 200,000 reside in Massachusetts." Please make this correction in the FEIS.

B89

The DEIS states that there is strong support for hunting from "a variety of constituencies,"<sup>124</sup> as well as from MassWildlife. Please clarify in the FEIS what those "constituencies" are and enumerate them so that the public may be better informed about where support for hunting comes from.

B90

The DEIS discusses the regulatory foundation for allowing hunting,<sup>125</sup> but does not discuss the general culture of the National Park Service and address why it is that the majority of parks do not allow hunting. Please provide this information in the FEIS, and indicate whether or not any survey of NPS personnel has been made to evaluate feelings among them on this issue. If not, please discuss why. In addition, the FEIS must examine Section 7 of the Enabling legislation and discuss the rationale of the Secretary in establishing hunting, especially as the grant of hunting authority took an overt action on the part of the Secretary.

B91

Table 1<sup>126</sup> provides a summary of wildlife species hunted at the Cape Cod National Seashore. The deer archery season does not appear to be consistent with the season managed by the state. Page 6 of the Abstracts of the 2006 Massachusetts Fish & Wildlife Laws, included in Appendix A, states that the archery season extends from October 16 to November 25, not April 24 through May 6, as stated in the DEIS. If the hunting season at the Cape Cod National Seashore varies from elsewhere in the state, that discrepancy should be explained in the FEIS. The dates are not consistently for the same hunting season (i.e., 2005-06 or 2006-07), making the table difficult to understand.

B92

Relevant portions of the General Management Plan are summarized in the DEIS, among them the strategy to evaluate public activities as the need arises. The evaluation is based on the following criteria:

the use is compatible with the purposes and management objectives;  
user conflicts will be minimized; the use will not result in resource degradation "beyond what is reasonable;" the use will not impair the quality of the desired experience defined for the relevant management

B93

<sup>123</sup> DEIS p. 1  
<sup>124</sup> DEIS p. ?  
<sup>125</sup> DEIS p. 2  
<sup>126</sup> DEIS p. 10-11

zone; the scale of use will be in character with Cape Cod; and the use will not constitute a public health or safety hazard.<sup>127</sup>

The FEIS should quantify resource degradation due to hunting activity to the extent possible, and if this cannot be quantified provide information to that effect. Elsewhere the NPS takes sometimes considerable pains to prevent access to areas where sensitive resources are located and to erect physical barriers if human traffic is deemed to be injurious to the environment. The FEIS must address whether or not there are normative standard against which degradation of resources is measured by NPS and how the activities of hunters might be interpreted in that light.

The DEIS addresses coastal processes<sup>128</sup> but dismisses them from further analysis, under the assumption that waterfowl hunting is compensatory. The FEIS must produce research to substantiate this conclusion. The definition of compensatory mortality in the DEIS<sup>129</sup> should be corrected to read: "Hunting mortality occurs in lieu of natural mortality, hence natural mortality is reduced. In this case, hunting mortality does not add to natural mortality."

Water resources were also dismissed from analysis<sup>130</sup>, because the DEIS claims that hunting generates "negligible pollution" from motorized watercraft used in coastal zones. The FEIS should expand upon this line of reasoning. Two-stroke engines leak gasoline each time air and fuel enter the combustion chamber. When NPS proposed the rule that led to a ban on personal watercraft in park waters, it cited studies that suggested that approximately 25 percent of the fuel put into two-stroke engines is discharged unused.<sup>131</sup> To the extent that these engines are used in waterfowl hunting, the activity is probably contributing to coastal pollution in non-negligible ways that should be further analyzed and discussed in the FEIS. Gasoline spilled into the ocean is a serious threat to wildlife. Research on MTBE, an additive in reformulated gasoline, suggests that it is acutely toxic and may be cancer-causing. Outboard motor emissions have been shown to cause abnormalities and death in the early development of fish and to affect the feeding behavior of adult fish.<sup>132</sup> Scientists have observed the disruption of biological functions caused by engine exhaust at the cellular and metabolic levels.<sup>133</sup> Additional studies have raised

<sup>127</sup> DEIS 34-35

<sup>128</sup> DEIS p. 42

<sup>129</sup> DEIS p.42

<sup>130</sup> DEIS p. 42-43

<sup>131</sup> Federal Register: September 15, 1998 (Volume 63, Number 178), Proposed Rules, Page 49312-49317

<sup>132</sup> Shulman P & Pomory CM. 2000. The effects of hydrocarbon pollution from a two-stroke outboard engine on the feeding behaviour of *Lythrypnus dalli* (Perciformes: Gobidae). Marine Freshwater Beh. and Physio. 33(3): 213-220.

<sup>133</sup> Tjarnlund U et al. 1996. Further studies of the effects of exhaust from two-stroke outboard motors on fish. Marine Environmental Research 42 (1-4): 267-271.

B93

B94

B95

concerns about the effect of MTBE on amphibians and invertebrates, such as zooplankton.<sup>134</sup> The FEIS should address these potential concerns.

↑ B95

The DEIS argues that the financial costs of the hunting program including ranger salaries (which would be paid regardless), costs to post “no hunting” areas, and costs to print the hunting brochure “... are a minimal and insignificant portion of the CACO budget.”<sup>135</sup> This is clearly an area where facts and not assumptions need to be provided. The FEIS should quantify the financial cost, so that the public can evaluate whether it is minimal and whether those funds could be better spent on other management activities. The FEIS should also evaluate whether the staff time used to manage and administer the hunting program could better be used on other management issues. For example, the DEIS states<sup>136</sup> that long-term monitoring of small mammals, aquatic turtles, shorebirds, and migratory waterfowl “is not feasible given the management priorities and available resources.” The FEIS should include a comparative analysis of the costs and benefits that would be associated by reallocating time and expenses from the hunting program to these other mission-oriented activities.

B96

## 2.0 Alternatives

Alternative B espouses to “Provide an improved hunting program,”<sup>137</sup> but arguably does not. Instead, it maintains what was *status quo* regarding pheasant stocking prior to our suit, introduces a new turkey hunting season, and resolves some small technicalities regarding areas that were open to hunting in theory but not used for that purpose. In fact, the DEIS states: “Since most of the acres removed cannot be practicably hunted, this would not materially affect hunting opportunities.”<sup>138</sup> Alternative B, as presented in the DEIS, would more accurately be defined as “Provide increased hunting opportunities,” which label we suggest be used in the FEIS.

B97

## 2.6 NPS Preferred Alternative

Table 9 compares the three alternatives in relation to the goals set by planners. It states that Alternative C would not allow for the monitoring of hunted species.<sup>139</sup> The FEIS should explain how this would be, since eliminating hunting does not prevent the monitoring of previously hunted species. Many research techniques provide indications of population health and status more accurately than data collected at check stations, and, in fact, the

B98

<sup>134</sup> Werner I et al. 2001. Toxicity of methyl-*tert*-butyl ether to freshwater organisms. *Envir. Pollu.* 111 (1): 83-88.

<sup>135</sup> DEIS p. 44

<sup>136</sup> DEIS p. 70-71

<sup>137</sup> DEIS p. 48 and elsewhere

<sup>138</sup> DEIS p. 55

<sup>139</sup> DEIS p. 65

park already has employed some monitoring efforts that do encompass legally hunted species.<sup>140</sup>

↑ B98

The DEIS also suggests that Alternative C would not maintain and improve natural communities.<sup>141</sup> The FEIS must explain the basis for this statement, particularly given that both logic and science strongly suggest that eliminating hunting would help restore ecological communities to a more natural state. The FEIS must address the argument that, at the very least, eliminating hunting would not prevent passive habitat management or other improvements that NPS might wish to implement.

B99

### 3.2 Hunting Theory and Background

The DEIS describes harvest theory to support the practice of hunting.<sup>142</sup> It is naïve to believe that “hunting removes the annual surplus that would die regardless.”<sup>143</sup> Hunters do not target animals who are weak or sickly and are most likely to succumb to starvation or the elements. With deer hunting in particular, the most prized kills are of the strongest and largest animals. If the DEIS devotes two pages to harvest theory, it should also describe the animal welfare issues that are raised by the practice of hunting in a more comprehensive way than the cursory explanation given.<sup>144</sup> The DEIS, for example, could reference research that describes the pain endured by animals wounded by hunters. The DEIS states that in altered habitats, “hunting is often a desirable form of wildlife management that helps restore balance.”<sup>145</sup> Using hunting to reduce wildlife populations is often a highly undesirable form of wildlife management. On Nantucket, for example, the public opposition to a February deer hunt imposed by the state wildlife board was so vehement that the board rescinded the hunt the very next year. Recently in Connecticut, the state legislature also did not consider a bill to repeal a ban on Sunday hunting intended to add additional opportunity for lethal deer management after hearing strong resistance to the proposal from their constituents.

B100

#### 3.3.3 White-tailed deer

The discussion of the Porter et al. (1994) cites a number of study conclusions but references Porter (1991) as the derivation for at least one of these. This should be clarified in the FEIS and the statement that “...deer population abundance is probably set by annual harvest rather than habitat or weather...” attributed in greater detail.

B101

#### 4.4.1 Alternative A – No Action

---

<sup>140</sup> Erwin et al. 2002. op cit.  
<sup>141</sup> Need page cite  
<sup>142</sup> DEIS p. 68-69  
<sup>143</sup> DEIS p. 68  
<sup>144</sup> DEIS p. 70  
<sup>145</sup> DEIS p. 68

The DEIS states that hunting foxes, coyotes, and raccoons has the minor and long-term beneficial effect of reducing predation on shorebirds and pets. It also mentions that raccoons can carry rabies and that raccoon hunting is likely to be compensatory.<sup>146</sup> As in numerous other statements about such matters, these appear to be conjectural and no documentation to support or substantiate them is offered.

B102

The DEIS acknowledges that hunting generally causes temporary – but ongoing – adverse population effects to hunted species,<sup>147</sup> but does not report any indirect or cumulative adverse effects. The FEIS must address this and clarify as well the apparent contradiction here with the suggestion elsewhere that hunting keeps the deer population on the National Seashore in check.<sup>148</sup> It is also somewhat contradictory to the statement that hunting has a beneficial effect controlling wildlife populations for species that can damage cultural buildings,<sup>149</sup> and that hunting has beneficial effects on cottontail populations.<sup>150</sup> The FEIS should take these examples and other up and provide clear explanations of the reasoning behind them, and it should address the overall issue of consistency by discussing whether NPS believes the effects of hunting are temporary or lasting and, likewise, whether the population effects for various species are beneficial or they are adverse.

B102a

The DEIS also states that “recreational hunting does not adversely affected [sic] natural selection or the ability of wildlife to prosper.”<sup>151</sup> This is not substantiated by data or reference to studies that demonstrate it to be true, and, indeed logic would suggest that recreational hunting would have a substantial effect on natural selection, since it is well known that hunters do not indiscriminately take animals such as deer, but base their experience and feelings of success on factors such as size and condition of antlers. The reference to prospering is vague and the FEIS should identify what is meant by this statement.

B103

#### 4.4.2 Alternative B – Create an Improved Hunting Program

Many of the effects outlined for Alternative A are the same for Alternative B. The DEIS states that Alternative B differs from Alternative A in that it would slowly phase-out pheasant stocking as it improves habitat for native upland birds.<sup>152</sup> It also acknowledges the beneficial effect: “An exotic species would eventually not be stocked at CACO.”<sup>153</sup> Logically, if eliminating the stocking of an exotic species is a beneficial effect of Alternative B, then continuing the stocking should have a negative effect described in the

B104

<sup>146</sup> DEIS p. 166

<sup>147</sup> DEIS p. 166

<sup>148</sup> DEIS p. 65, 66, 165, 167 and elsewhere

<sup>149</sup> DEIS p. 175

<sup>150</sup> DEIS p. 166

<sup>151</sup> DEIS p. 167

<sup>152</sup> DEIS p. 171-172

<sup>153</sup> DEIS p. 172

analysis of Alternative A. This is not described in the analysis of Alternative A and the FEIS must address it.

Among the direct beneficial effects expected for Alternative B, the DEIS lists: "Hunting has been part of the cultural heritage for generations," and, "Many individuals have grown up with a hunting tradition, which is still fostered by many."<sup>154</sup> It is unclear how these would be direct beneficial effects of the "improved hunting program," especially since the DEIS lists them as statements of fact elsewhere. The FEIS must address this.

#### 4.4.3 Alternative C – Eliminate Hunting

The DEIS concludes that the short-term and long-term adverse effects of terminating hunting are minor and discusses effects on a species by species basis without reference to the wildlife community or interactions between its members.<sup>155</sup> For some species, such as raccoon, it notes that hunting would result in negligible to minor adverse effects, while at the same time suggesting that hunting "... contributes to the control of the local raccoon population..."<sup>156</sup> It is confusing what the DEIS is attempting to state here and elsewhere when such comments are made, and, in general the DEIS seems arbitrary in its declaration of which animals should be populous and those whose populations should be limited. The FEIS must address this.

After acknowledging that the annual fox kill is low and that the coyote kill is as high as some suggest would be necessary to control the population, the DEIS states that "hunting does provide a nominal control on the local fox and coyote populations and contributes to preventing substantial population increases."<sup>157</sup> This fails to acknowledge the role that exploitation plays in increasing reproductive success of coyotes, as well as the relationship between coyote and fox population sizes and territories and the FEIS should address this. Further, it is unclear what precisely the DEIS intends when it states that hunting "... is not having a significant ecological effect on foxes and coyotes, but does provide some control."<sup>158</sup> The FEIS should address this and be more explicit about how ecological effect and control differ, as well as provide data to support the claim that hunting provides control.

The DEIS does not acknowledge the indirect beneficial effects of Alternative C on wildlife.<sup>159</sup> Eliminating pheasant stocking to decrease the risk of introduction of antibiotic resistant microorganisms is but example. The FEIS must address these beneficial impacts.

<sup>154</sup> DEIS p. 174

<sup>155</sup> DEIS p. 178ff

<sup>156</sup> DEIS p. 179

<sup>157</sup> DEIS p. 179

<sup>158</sup> DEIS p. 179

<sup>159</sup> DEIS p. 180

B104

B105

B106

B107

B108

The DEIS does not recognize any beneficial effects of Alternative C on vegetation,<sup>160</sup> but examples such as the reduction on off-trail trampling by hunters and dogs clearly exist to suggest benefits to fragile vegetation. The FEIS must address these beneficial impacts.

B109

The analysis states that Alternative C would result in a moderate, long-term, local and possibly regional adverse effect on cultural heritage, since the National Seashore is the only public area open to hunting in the Outer Cape.<sup>161</sup> The DEIS fails to recognize the significance of Massachusetts' reverse posting law, under which private land is open to hunting unless the owner posts "No Hunting" signs. The National Seashore is the largest public area on the Outer Cape, but there are extensive privately owned lands that would remain open to hunting without any explicit permission or invitation. The FEIS should note this.

B110

The DEIS states that the termination of the hunting program would have no beneficial effects on cultural heritage,<sup>162</sup> and, likewise, does not recognize any beneficial effects on land use and recreation.<sup>163</sup> This begs the question of what NPS defines "cultural heritage" to be, but by the admission of the DEIS itself activities such as berry picking and mushroom gathering could certainly benefit, as well as user groups such as hikers, wildlife watchers, bicyclists, artists, writers, and those who use the Seashore for spiritual practices. Walking and enjoying the ambience of the seashore is arguably the most ancient and practiced of all cultural heritages and terminating the hunting program would certainly provide a net benefit to individuals in that practice.

B111

The DEIS lists moderate adverse effects on hunters, as their recreational activity would be eliminated, and minor beneficial effects on year-round residents and winter visitors (non-hunters), including increased visits and new visitors.<sup>164</sup> It also states that it would have an adverse economic effect, eliminating hunter expenditures of \$89,000 to \$256,000 per year on the Outer Cape.<sup>165</sup> According to Table 32,<sup>166</sup> a summary of social effects for key affected groups, only Alternative B has positive or neutral (but not negative) effects for hunters, CACO visitors (non-hunter), and Outer Cape residents (non-hunter). This fails to consider those individuals represented by the organizations who sued the NPS over pheasant stocking and hunting more broadly. Alternative B is no improvement over the *status quo*, does not significantly reduce the potential for conflict for Seashore visitors, does not significantly reduce noise and safety threats for Outer Cape residents, and does

B112

<sup>160</sup> DEIS p. 180  
<sup>161</sup> DEIS p. 181  
<sup>162</sup> DEIS p. 181  
<sup>163</sup> DEIS p. 182  
<sup>164</sup> DEIS p. 184  
<sup>165</sup> DEIS p. 184  
<sup>166</sup> DEIS p. 186

not sufficiently encourage visitors to use the Seashore during the six months that hunting is presently allowed. Moreover, it does not address their fundamental concern: that hunting is not an appropriate activity on the National Seashore.

B112

### 5.6.2 Bibliography

The bibliography should be carefully proofread and, for example, incomplete citations such as those for Porter et al. (1991, 1994) corrected and duplicate citations such as for DeGraff & Yamsaki fixed.

B113

### Concluding Comments

The DEIS is based on unsupported scientific hypothesis and incomplete and unverifiable data. The structure of the document demonstrates a predecisional bias to the preferred alternative and does not comply with even the basic tenets of NEPA. The NPS needs to withdraw the DEIS as written and, at the very least, issue a supplemental DEIS correcting the numerous shortcomings of the document.

B114

In broad consideration, the DEIS appears to be simply a justification for hunting on the National Seashore and offers two answers as to why CACO seeks to maintain hunting on lands protected by an agency that historically and traditionally has disallowed this activity: first, that it is a time-honored and worthy tradition on the Cape and should be maintained because it possesses some unique historic and cultural significance; and second, that it really does not have any impact on the animal communities there, or, if it did that this would be a positive one. In reality the facts are quite different, as indicated throughout these comments. The data clearly do not support NPS' position.

B115

A crucial shortcoming in the documentation and analysis of the impacts of hunting on the National Seashore, as repeatedly noted by NPS itself in this DEIS, is that information has never been collected to measure and evaluate the impact of hunting on either the individual species pursued or, more critically, the communities of which they are a part. To an individual hunter the taking of an animal -- say a squirrel -- is of little or no consequence as long as the opportunity to take another squirrel in a similar way presents itself at some time in the future. As long as the squirrel population recovers from the impact of hunting, then for the hunter all is fine. That is not the case for the squirrel, of course, nor for other species that might benefit from that squirrel's continued presence in the environment, whether as the distributor of acorns, a potential prey item, a builder of tree cavities or any of the other innumerable things it might do as a member of a biotic community. Nor, of course, is it the case for the numerous individuals who derive immeasurable aesthetic benefits from observing ecosystems in their most natural state. The DEIS almost wholly disregards such real or potential relationships and fails utterly to conduct an ecological analysis of the consequences of hunting that would take such matters into consideration.

B116

The DEIS fails to consider the cumulative impacts of the alternatives in any meaningful way.

↑ B116

We find it absolutely indefensible, above all, that the park would continue to extend special consideration to the artificial stocking of birds in the archaic and outmoded "put and take" operation. That the NPS can offer no better management alternative as its preference than to find ways to utilize native bird species to support this egregious type of practice is indefensible. To plan to continue to introduce an exotic species into the National Seashore for a fifteen year period following this NEPA action is also an absolute abrogation of responsibility at the federal level in addressing exotic species issues.

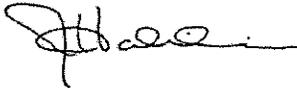
B117

The National Parks are not hunting preserves. There are millions of acres of public and private lands that serve that function in our nation, and precious few that are devoted to allowing the natural interactions of biological communities to proceed without the imposition of humans. Yet, this is the vital purpose that the Cape Cod National Seashore should serve. We urge you to address this issue transparently and to decide now whether the seashore will be managed to allow it be unimpaired and enjoyed as a national treasure by all future generations.

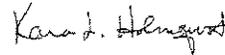
B118

We request that NPS give these comments thorough and complete analysis and review before either a supplemental DEIS or EIS is issued

Yours Sincerely,



John Hadidian, PhD  
Director, Urban Wildlife Programs  
The Humane Society of the United States



Kara Holmquist, Esq.  
Director of Advocacy  
The Massachusetts Society of the  
Prevention of Cruelty to Animals



Camilla H. Fox  
Director of Wildlife Programs  
The Animal Protection Institute

/sgn/  
DJ Schubert  
Wildlife Biologist  
Animal Welfare Institute



# Wildlife Management Institute

1146 19th Street, N.W., Suite 700 • Washington, D.C. 20036

June 1, 2006

George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

RE: Comments on the Draft Environmental Impact Statement, Cape Cod National Seashore  
Hunting Program.

The Wildlife Management Institute, Inc. (WMI) provides the following comments concerning the National Park Service (NPS) statements and findings contained in the Introduction section and the NPS selection of Preferred Alternative (B).

1. FINDING: NPS CLEARLY DEMONSTRATES THE CULTURAL AND HISTORICAL SIGNIFICANCE OF UPLAND GAME BIRD HUNTING

WMI agrees with the NPS finding that upland game bird hunting is “is considered a part of the cultural heritage and fabric of life on Outer Cape Cod.” (Introduction p. 1).

2. FINDING: NPS POLICY AND CACO STATUTE CLEARLY SUPPORT PERPETUATION OF HUNTING PROGRAMS ON CAPE CODE NATIONAL SEASHORE (CACO)

WMI agrees with the NPS interpretation that policy and statute, as appended below, clearly provide for the perpetuation of hunting programs on CACO

“The legislation that created CACO in 1961 acknowledged the need to protect the variety of Cape Cod’s outstanding resources for the enjoyment of residents and visitors alike, while at the same time seeking to perpetuate many of the traditional values, pastimes, and ways of life that have helped shape the special ambiance of the Cape. One of the customary activities at CACO, the hunting of upland game and waterfowl...” (Introduction page 3).

“When Public Law 87-126 established CACO in 1961, its enabling legislation

C1

C2



specifically authorized that hunting and fishing may be allowed to continue in CACO, as discussed in Section 1.2.3 above.” (Introduction page 23).

↑ C2

3. FINDING: NPS POLICY ALLOWS FOR STOCKING OF RINGNECKED PHEASANT ON CACO

WMI agrees with the NPS interpretation that historical and future stocking of ring-necked pheasant on CACO is supported by NPS policy, in part as appended below:

“In national recreation areas and preserves where the enhancement of fish and game species for hunting and fishing is authorized, preference will be given to enhancing native species. However, where stocking of exotic fish and same species has historically occurred, stocking for the same species may be continued unless it is known to be damaging native resources.” (Introduction page 32)

C3

“In some situations, the NPS may stock native or exotic animals for recreational harvesting purposes, but only when such stocking will not impair Park natural resources or processes and:

- such stocking is in an NRA or preserve that has historically been stocked (in these situations, stocking only of the same species may be continued); or
- Congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.

Management of exotic species can include allowing that species to remain on NPS lands under specific conditions. “(Introduction page 35).

4. FINDING: RING-NECKED PHEASANTS DO NOT IMPACT CACO NATURAL RESOURCES

Based upon our review of existing literature, including NPS sponsored studies as appended below, WMI agrees with the NPS interpretation that inhabitation of CACO by ring-necked pheasants does not impact CACO natural resources.

C4

“A study completed by Bump and Field (1999) did not find any evidence that pheasants survive beyond the winter in numbers great enough to establish a breeding population. This study showed that native resources are not put at risk by this program.”

5. FINDING: NPS DOCUMENTS PUBLIC CONCERNS REGARDING INTRODUCTION OF NON-NATIVES AND PUT-AND-TAKE HUNTING PROGRAMS

WMI could find no documentation to assess the methods employed by CACO to describe the statistical validity of the statements related to public concerns regarding management activities on CACO. Public hearings frequently do not provide an unbiased sample of public desires. WMI questions the validity of reported findings, but accepts that at some

C5

↓

level, NPS has received concerns from some citizens, as appended below, regarding hunting in general and the appropriateness of "put-and-take" pheasant stocking.

"Some residents, visitors, and other interested parties have questioned the need for hunting in general, whether it is an appropriate activity within CACO, and whether it conflicts with other uses. Some question only the appropriateness and the legality of an annual "put-and-take" pheasant-stocking program that has occurred in certain areas of CACO since the 1940s." (Introduction page 2)

#### 6. NPS PREFERRED ALTERNATIVE:

WMI does not accept the scientific presumptions implicit in the NPS Preferred Alternative. In addition, WMI finds that NPS has failed to provide documentation that would allow the environmental impacts of proposed actions to be evaluated.

NPS presumes that native quail populations will increase to a level adequate to support the current hunting opportunity for ring-necked pheasants from "cultural landscape restoration". WMI offers the following information to challenge that assumption. Information to support our challenge was gleaned from published literature and consultation with state and federal quail managers associated with the Northern Bobwhite Conservation Initiative (NBCI). The primary work of the NBCI occurs in southeastern U.S. in a climate region more temperate than that of CACO.

- NPS documents that the current pheasant stocking activity results in an annual kill of 800 pheasants. NPS proposes to manage for a native quail population that can sustain an annual harvest that replaces the harvest opportunity afforded by the pheasant stocking program.
- NPS does not define equality between pheasant hunting and quail hunting opportunity. At one level, a 1:1 replacement would indicate that NPS proposes to provide wild quail hunting opportunity that results in a kill of 800 wild quail. Reasonable arguments could be made, however, that because of the differences in size, behavior and hunting characteristics, NPS should expect to produce a harvest of 1600 to 3000 wild quail to provide equality in harvest opportunity. Rather than select an arbitrary number, the following statements assume NPS provides *at the minimum* a harvest of 800 wild quail. WMI encourages NPS to better define equality by discussing the issue with CACO sportsmen and the MA Division of Fisheries and Wildlife.
- NBCI quail managers accept a 30% harvest rate as reasonable and sustainable. Therefore, to sustain a harvest of 800 wild quail, the CACO wild quail population must be at least 2,600.
- NBCI quail managers accept that a density of 0.5 wild quail per acre can be achieved on intensively managed quality habitat in a temperate climate. Therefore, to sustain a population of 2,600 wild quail, NPS must actively manage at least 5,200 acres of quality habitat on CACO.
- NBCI quail managers have documented that bobwhites require a robust grass/forb ground layer composed primarily of native species, especially native clump

grasses. Woody succession must be interrupted through controlled burning, brush control or grazing. NBCI managers have documented that intensive management of wild bobwhite habitat requires disturbance every two to four years, depending on numerous factors such as rainfall, growing season length, soil fertility, etc. Therefore, assuming a three-year disturbance rotation, to produce habitat capable of supporting at least 2,600 wild quail, NPS must commit to intensive management of at least 1,700 acres of habitat per year on CACO.

C7  
C7a

NPS has not proposed a habitat management initiative equal to the scope necessary to produce habitat to support the native wild bobwhite populations large enough to replace current harvest opportunity on ring-necked pheasant. Therefore, the core strategy of the Preferred Alternative has almost zero chance of succeeding.

C8

Furthermore, NPS proposes to initiate a put-and-take quail hunting program if passive restoration of upland game bird habitat fails to achieve levels necessary to support a native quail population of size sufficient to equalize hunting opportunity with put-and-take pheasant stocking. WMI is opposed to this proposal for the following reasons:

- a. NPS has received public criticism of put-and-take hunting, and it contradicts NPS policy to be proposing an action within the Preferred Alternative that is clearly contrary to public input.
- b. There is no cultural history of stocking quail or hunting of stocked quail on CACO. Stocked quail provide significantly different hunting experiences than wild quail and NPS would be introducing a new cultural experience onto CACO rather than maintaining a historically relevant cultural activity.
- c. NPS documents that wild quail populations are present and persevere on CACO without stocking. This population of wild quail may be the northern-most extension of bobwhite on the eastern seaboard and is therefore unique from a genetic perspective. NPS should take actions to protect this population that has adapted to conditions at CACO. Dilution of the wild quail gene pool caused by stocking of domestic quail may cause extinction of the wild quail population through heritability of genes that dampen survivability. From a genetic perspective, domestic quail are an exotic species to CACO. Therefore, NPS cannot defend stocking of domestic quail onto CACO against a challenge that such stocking would impact CACO natural resources.

C9

C9a

Therefore, WMI requests that Alternative A, the no-action alternative, be adopted by the NPS. Summary support for our recommendation includes:

- a. The cultural and historical significance of upland game bird hunting on CACO.
- b. Policy and statute support for perpetuation of hunting programs on CACO.
- c. NPS policy support for perpetuation of stocking of ring-necked pheasants on CACO.
- d. The finding that ring-necked pheasants do not impact CACO natural resources.
- e. The failure of NPS to document the extensive and expensive steps necessary to achieve restoration of native quail populations. The likelihood of NPS achieving the core strategy of its preferred alternative is nearly zero.

C10

- f. The secondary strategy of the NPS Preferred Alternative in implementing a put-and-take quail hunting program is contrary to perceived public input received to date, contradicts historical cultural relevancy, and threatens the genetic integrity of an existing wild quail population.

↑ C10

If NPS would agree to commit the resources necessary to achieve native quail restoration in a manner similar to the guidance received by WMI from the nation's leading quail experts, and include estimates for such management treatments, acreage and timing within their Preferred Alternative, WMI would reconsider our position opposing that component of the NPS Preferred Alternative describing restoration of wild quail. As a corollary, we find that such treatments would benefit a far larger array of cultural and biological resources than hunting and bobwhite alone by returning CACO vegetation to a heath-land/savannah condition similar to historic norms. Regardless of the outcome of wild quail restoration, WMI will challenge the NPS proposed action of creating a put-and-take quail hunting program.

C11

Regards

Scot Williamson  
Vice President

NATIONAL   
**WILD TURKEY**  
FEDERATION

WILD TURKEY CENTER  
POST OFFICE BOX 330  
EDGEFIELD, SC 29824-0530  
770 AUGUSTA ROAD  
EDGEFIELD, SC 29824-1573  
803-637-3106  
FAX 803-637-0034  
E-MAIL: NWTF@nwtf.net

June 16, 2006

George E. Price, Jr.; Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA, 02667

Dear Mr. Price:

On behalf of the National Wild Turkey Federation, I am submitting this letter in support of the continuation of the hunting program at CACO. The opportunity for the continuation of hunting was included in the enabling legislation that was passed establishing CACO and I believe that statement should be the foundation for future management of CACO. While I agree with the decision to select Alternative B as the preferred alternative, I would like to address a few items of particular interest to our organization.

I strongly support the addition of wild turkey hunting opportunities at CACO. We would like NPS staff to permit turkey hunting in spring and to leave the option open for fall turkey hunting if and when MDFW allows fall turkey hunting in the southeastern region. | D1

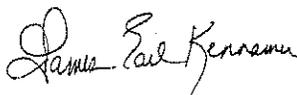
I am concerned about the reduction in over 1,500 acres that would be open to hunting under Alternative B, through the increase in buffer zone distance around bike paths. Section 1.2.3 (*Enforcement*) of the DEIS states, "However, there have never been any documented "close calls" involving hunters and non-hunters". Also, as stated in section 2.2.2 (XII), "Hunter awareness of safety concerns and the rules of sportsmanship do not appear to be issues". Therefore, it is our conclusion that expanding those buffers from 150 feet to 500 feet would serve no real purpose other than decreasing the amount of land open to hunting. | D2

Bobwhite quail population dynamics and habitats have been extensively studied over the years. Based on the available literature, NPS has not outlined a habitat management strategy that would allow for quail populations to expand to the level needed to provide a comparable hunting experience to what the pheasant program would provide. While I support habitat enhancement efforts to improve conditions for quail and other species, the pheasant program should continue with no schedule to end it. | D3

The effects listed for Alternative C, eliminating hunting, seem to be underestimated. To suggest that terminating deer hunting would only have minor adverse effects on the deer population is in contrast to what has been thoroughly documented in numerous locations where deer numbers are not reduced annually through hunting. | D4

It is the mission of the NWTF to *conserve the wild turkey resource and preserve the hunting tradition*. Hunters have always been the backbone of conservation in the nation by providing the funding to support natural resource research and management. Considering the strong regulatory foundation for allowing hunting at CACO and that hunting is considered part of the cultural heritage and fabric of life on Outer Cape Cod, I feel that Alternative B is the most appropriate option with the incorporation of the suggestions above. Thank you for the opportunity to comment on this important issue.

Sincerely,



James Earl Kenamer, Ph.D.  
Senior Vice President for Conservation Programs



June 19, 2006

Via e-mail: CACO\_Hunt\_EIS@nps.gov and first class mail

George E. Price, Jr., Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Re: Comments of Safari Club International and Safari Club International  
Foundation on the Draft Environmental Impact Statement, Cape Cod  
National Seashore Hunting Program

Dear Superintendent Price:

Safari Club International and Safari Club International Foundation (collectively "SCI") appreciate the opportunity to comment on the Draft Environmental Impact Statement, Cape Cod National Seashore Hunting Program ("DEIS"). SCI participated as amici in the litigation that led to the preparation of the DEIS and has long been active in hunting issues related to the Cape Cod National Seashore ("CCNS"). With one exception, SCI fully supports the preferred alternative, Alternative B. The staff of the CCNS has obviously put a great deal of thought and effort into developing the DEIS. The document and the preferred alternative recognize the historic and cultural importance of sport hunting to the local community and residents. But SCI requests that the National Park Service ("NPS") slightly alter the preferred alternative to remove the mandatory elimination of the pheasant hunt in 15 years. In short, SCI requests that the NPS instead use adaptive management principles to retain the pheasant hunt for as long as strong interest remains with local hunters and the Commonwealth of Massachusetts.

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 50,000 members worldwide, including many who hunt in CCNS and, in doing so, contribute to the sustainable use of the wildlife in the area. Its 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

EI

demonstrate the importance of hunting as a conservation and management tool in the development, funding and operation of wildlife conservation programs.

Alternative B, the preferred alternative, continues and improves hunting opportunities and recognizes the important recreational and cultural values represented by traditional hunting activities. For these reasons, SCI generally supports adoption of this alternative. SCI also supports efforts to improve opportunities for quail and turkey hunting, but not at the expense of other longstanding hunting activities. SCI appreciates that the NPS is allowing the pheasant program to continue, but opposes the mandated elimination of the pheasant stocking and hunting program after 15 years. As long as hunters have a strong interest in the hunt and the Commonwealth is willing to conduct the hunt, the NPS should continue to support and allow it as a valued cultural and recreational activity. Instead of deciding now to stop a popular activity 15 years in the future, the NPS should defer to the Commonwealth to gauge whether the level of interest is sufficient to continue the program. The NPS should also rely on adaptive management principles to ensure that the program continues to not have an adverse impact on native species or the ecosystem.

E1

The Commonwealth-run pheasant hunt predates the establishment of the CCNS by at least 20 years and remains a popular traditional activity, especially with local and some less-experienced hunters. October 7, 2002 Waiver Memorandum, pp. 4-5. The NPS has concluded that the pheasant hunt has no adverse impact on the natural resources and values of the unit and thus does not impair the unit. For example, the number of pheasants released and that are not taken during the hunt is not sufficient to create a persistent population. The release of the pheasant also does not affect the predator populations (particularly coyote) in the area. The hunt has not created any public safety concerns. DEIS, p. 32, citing Bump and Field Study 1999.

E2

Although NPS Management Policies generally favor native species, the NPS also has recognized that in some situations the historic stocking of a non-native species can continue unless the practice causes damage to native resources. For the CCNS, the NPS has determined that the pheasant program is causing no damage to native resources. In addition, the pheasant-stocking program does not involve the introduction of a species never before seen on the CCNS. In fact, the State has been releasing pheasants for hunting for at least 60 years. NPS Management Policies discourage only the introduction of "new exotic species." DEIS, p. 32; October 7, 2002 Waiver Memorandum, p. 5, citing NPS Management Policies 4.4.4.1

E3

In addition to not being warranted under NPS policies, eliminating the pheasant hunt would be contrary to the mission of the CCNS. The mission of the CCNS includes "to preserve ...cultural features, distinctive patterns of human activity ... [and] recreational values, and to provide opportunities for current and future generations to experience, enjoy and understand these features and values." Pheasant hunting is a longstanding cultural feature, a distinctive pattern of human activity, and a recreational value to many who live in and frequent the area. If it is eliminated in 15 years despite continued interest, future generations will not be able to experience and enjoy this

E4



activity. DEIS, p. 32, citing Strategic Plan for the Cape Cod National Seashore Fiscal Year 2001-2005; see also DEIS, p. 174 (“Initiating an adaptive management approach to the pheasant stocking program would retain the cultural aspects of this hunting activity for as long as the program remains in effect.”)

↑ E4

As the 2000 General Management Plan (“2000 GMP”) recognizes, one of the goals of establishing the CCNS was to preserve the area in its 1961 state as much as possible. “Preservation would include a mixture of resources and activities that could change but must remain comparable in character and scale to that in existence in 1961.” Other management objectives identified in the 2000 GMP echo this idea. “Encourage a commitment to the stewardship of the ... activities, ... of Cape Cod that best exemplify its traditional character, ...” and “[p]rovide opportunities for a diverse range of quality experiences that are based on the resources and values of Cape Cod, with consideration for sustainable practices and traditional uses, and that are consistent with the purposes of the national seashore.” Eliminating the pheasant hunt, which dates back at least to the 1940s, would not honor this commitment to preserving activities historically carried on in the area. 2000 GMP, pp. 12, 19. While the 2000 GMP expresses a general preference for native species, this preference is not absolute and should not override other traditional cultural and recreational values represented by the longstanding pheasant-hunting program.

E5

As long as sufficient interest remains, there is no reason that the pheasant hunt cannot continue indefinitely alongside efforts to develop opportunities to hunt native quail and turkey. Although the pheasant is not historically native to the area, the longstanding practice of stocking the birds for the hunt gives the species a native quality for this limited purpose. None of the problems sometimes caused by exotic, invasive species (*e.g.*, adverse impacts to native plants or animals) are present here. The carefully managed nature of the program distinguishes it from the uncontrolled “invasion” of some non-native species. As noted above, this program does not involve the introduction of a “new” non-native species.

E6

Further, nothing in the *Fund for Animals* decision mandates that the NPS terminate the pheasant hunt or deal with the pheasant hunt differently than other hunting issues. Neither the decision nor the National Environmental Policy Act dictates any particular substantive result (*e.g.*, the elimination of the pheasant program). See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 350 (1989) (“NEPA itself does not mandate particular results, but simply prescribes the necessary process.”). The *Fund for Animals* decision simply directed the NPS to review its hunting program by preparing an environmental assessment. The preparation of an EIS more than complies with the Court order.

E7

Thus, the NPS has not identified any reason to terminate the pheasant program after 15 years. The *general* NPS policy favoring native species is not absolute and is subject to exceptions that *are applicable here*. The NPS, SCI, and other commenters have identified numerous reasons to continue this program, including the absence of adverse impacts on native species or the ecosystem, the strong public interest in

E8

↓

continuing the program, the fact that the Commonwealth of Massachusetts believes in and runs the program, and the goal of continuing historical and traditional practices within the CCNS.

↑ E8

For the reasons discussed above, SCI requests that the NPS modify Alternative B, the preferred alternative, to remove the mandatory elimination of the pheasant hunt program in 15 years. Instead, the chosen alternative should rely on the adaptive management principles discussed in the DEIS to assess the situation in 10-15 years to determine whether to continue or to eliminate the program based on current interest by hunters and the Commonwealth and other relevant factors.

| E1

SCI appreciates the opportunity to comment on this important issue. We look forward to working with the NPS, the Commonwealth, and affected local entities on the Cape Cod hunting program. If we can provide any further information, please let us know.

Sincerely,



Mike Simpson  
President,  
Safari Club International  
Safari Club International Foundation



**Federal Affairs Office**  
1155 Connecticut Avenue, NW, Suite 1200  
Washington, D.C. 20036 phone 202 659-5800  
fax 202 659-1027 e-mail whorn@dc.bhb.com

*Formerly The Wildlife Legislative Fund of America*

June 19, 2006

**VIA EMAIL: CACO\_Hunt\_EIS@nps.gov**

Mr. George E. Price  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Protecting &  
Advancing  
America's  
Heritage  
of Hunting,  
Fishing &  
Trapping

Re: Draft Environmental Impact Statement for the Hunting Program, Cape Cod National Seashore (No. 20060143), Barnstable County, Massachusetts; National Park Service, Interior; Federal Register: April 21, 2006 (Volume 71, Number 77); Pages 20660-20661.

Dear Mr. Price:

The U.S. Sportsmen's Alliance ("USSA") and its approximately 1.5 million members and affiliates appreciate the opportunity to comment on the National Park Service's ("NPS") Draft Environmental Impact Statement ("DEIS") for the Hunting Program at Cape Cod National Seashore ("CACO").

The NPS DEIS sets forth three alternatives to the hunting program at CACO:

**(A) Alternative A - No Action. USSA fully supports and recommends that NPS implement Alternative A.** Pheasant hunting has been a long-held tradition and recreational activity on lower Cape Cod, dating back before CACO was established. Since the early 1990s, there has been an implicit understanding that the tradition of pheasant stocking and hunting would continue in the CACO region. There are no other available stocking areas for pheasant hunting in this region. In addition, pheasant stocking has been consistently supported by the NPS without any evidence of adverse effects to CACO.

NPS's Northeast Region Regional Director requested a waiver of Management Policies regarding pheasant stocking and hunting at CACO on October 7, 2002. This waiver requested that the "pheasant stocking/hunting program continue uninterrupted while we continue to examine options for phasing it out." The 2002 waiver is clear that pheasant stocking and hunting has continued at CACO consistent with the following NPS policies:

(1) Hunting is permitted at CACO under 16 U.S.C. § 459b-6(c).

(2) The 1998 General Management Plan and resulting Environmental Impact Statement requested that CACO "develop a comprehensive management program for the

F1

F2



Mr. George E. Price  
June 19, 2006  
Page 2 of 3

management of invasive and non-native species." A study of pheasant stocking and possible impacts revealed that there were no impacts or risks to CACO by the pheasant stocking program.

(3) The 2002 waiver of policy stated that "there is no impairment from this [pheasant stocking] program under the Organic Act" and also no impairment of CACO park values. The waiver also stated that "although some language in [Management Policies] gives clear guidance that stocking of non-natives is inappropriate, there is also language in several sections that, taken as a whole, gives the manager some discretion when impairment does not occur."

(4) 2001 NPS Management Policies ("MP"), section 4.4.3 permits the "harvesting of stocked species for recreational purposes where it has historically been conducted and when it will not impair park natural resources or process, but only in national recreation areas or preserves." This section also states that "In some situations, the Service may stock native or exotic animals for recreational harvest purposes, but only when ... such stocking is in an area that has continually been stocked by a government agency (in these same situations, stocking only of the same species may be continued) ..."

(5) While MP section 4.4.4.1 states that "In general, new exotic species will not be introduced in parks," this clearly does not refer to pheasant stocking, since this had already been a practice by the Massachusetts Division of Fisheries & Wildlife ("MDFW") prior to the transfer of its state-owned lands for the creation of CACO.

(6) NPS-77 (Exotic Species Management) states that "exotic species...may be introduced to carry out NPS programs consistent with park objectives only when the following conditions exist": (a) "Available native species will not meet the needs of the program" (b) "Based on scientific advice from appropriate federal, state, local and non-governmental sources, the exotic species will not become a pest" and (c) "Such introductions will not spread and disrupt desirable adjacent natural plant and animal communities and associations, particularly those of natural zones."

(7) CACO review of MP and NPS-77 concluded that pheasant stocking and hunting policies are not in conflict, provided that there are no adverse impacts. In addition, CACO staff has stated that pheasants are "innocuous species" under NPS-77, and that "Management efforts should not be squandered on innocuous species."

(8) CACO recognizes that pheasant hunting has been a long-standing cultural and recreational activity in the CACO region, and there have been no safety incidents or issues related to pheasant hunting on CACO property.

**(B) Alternative B - Develop an Improved Hunting Program. USSA is opposed to several parts of Element 1 of Alternative B- Apply Adaptive Management**



F2





Mr. George E. Price  
June 19, 2006  
Page 3 of 3

**to Phasing Out the Pheasant Stocking and Hunting Program.** USSA is opposed to language in Element 1 that proposes an arbitrary 15-year elimination of the pheasant stocking and hunting program independent of the success or failure of upland game bird restoration activities and opportunities commensurate to a "stocked pheasant hunt." In addition, this phase-out approach is inconsistent with the proposition of an "adaptive strategy" of management response to ecological conditions, rather than on a timed deadline basis. An adaptive approach would be a pheasant stocking program that is responsive to hunter demand and independent of native upland game bird habitat restoration. Furthermore, USSA believes that an increase in native game birds due to a restored habitat will not offer an equivalent substitute to the pheasant hunting program. Finally, USSA does not believe that MDFW has sufficient resources to monitor the CACO pheasant stocking program.

↑  
F3

USSA does, however, support Elements 2 through 4 of Alternative B. USSA supports Element 2 - Simplify and Clearly Delineate Hunting Areas. USSA supports Element 3 - Wildlife and Hunting Monitoring. USSA supports NPS's efforts in monitoring the New England cottontail, and recommends that further study is necessary before modifying the existing rabbit hunting program. USSA also supports Element 4 - Improve Hunter and Non-hunter Information.

F4

**(C) Alternative C- Eliminate Hunting.** USSA is completely opposed to **Alternative C.** This alternative is inconsistent with the goals, objectives and enabling legislation of CACO, 16 U.S.C. § 459b-6(c), that give statutory authority and recognition for hunting as a legitimate cultural and recreational activity in the CACO region.

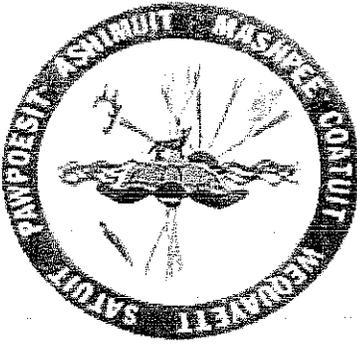
F5

For the above-mentioned reasons, USSA fully supports and recommends that NPS adopts Alternative A - No Action.

Sincerely,

William P. Horn  
Director, Federal Affairs

cc: Rob Sexton  
Wayne MacCallum, MDFW



**Mashpee Wampanoag Indian Tribal Council, Inc.**

483 Great Neck Rd. P.O. Box 1048 Mashpee, MA 02649

Phone (508) 477-0208 Fax (508) 477-1218

G

June 19, 2006

George Price, Superintendent  
Cape Cod National Seashore  
99 Marconi Station Site Road  
Wellfleet, MA 02667

Dear Superintendent Price:

I enclose comments from the Mashpee Wampanoag Tribe regarding the Draft Environmental Impact Statement prepared by the National Park Service (NPS) describing the scope of the administrative decision-making process regarding the hunting program at the Cape Cod National Seashore (CACO (NPS 2001a)). These comments were approved by a unanimous vote of the Tribal Council at a meeting held on June 15, 2006.

Kindly contact me should you have any questions.

Yours very truly,

*Glenn Marshall*

Glenn Marshall, Chairman

**Comments of the Mashpee Wampanoag Tribe on the Draft Environmental Impact Statement prepared by the National Park Service (NPS) describing the scope of the administrative decision-making process regarding the hunting program at the Cape Cod National Seashore (CACO (NPS 2001a)).**

The Mashpee Wampanoag Tribe ("Tribe") submits these comments regarding the Draft Environmental Impact Statement (EIS) prepared by the National Park Service (NPS) describing the scope of the administrative decision-making process regarding the hunting program at the Cape Cod National Seashore ("CACO").

The Tribe supports Alternative B as described in the Draft EIS to the extent that it is compatible with the Tribe's use of the CACO and requests that the Draft EIS be expanded to include reference to the significant contribution of the Mashpee Wampanoag Tribe and its ancestors to cultural heritage of the CACO.

| GI

June 16, 2006

George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

---

Dear Superintendent Price:

The National Rifle Association appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the Cape Cod National Seashore (CACO) Hunting Program. After thoroughly reviewing the three alternatives proposed, the NRA supports a modification of Alternative A, the No Action Alternative.

The NRA is completely opposed to Alternative C that would phase out all hunting within CACO. If implemented, this Alternative would violate the statute creating CACO that is explained in 1.2.2. History and Significance of CACO as "seeking to perpetuate many of the traditional values, pastimes, and ways of life that have helped shape the special ambiance of the Cape. One of the customary activities at CACO, the hunting of upland game and waterfowl, is the focus of this DEIS." As noted in the Introduction section of the DEIS, hunting is "considered a part of the cultural heritage and fabric of life on Outer Cape Cod." Put-and-take pheasant stocking has occurred in certain areas of CACO since the 1940's, well predating the creation of CACO in 1961.

Alternative C also contradicts the National Park Service's (NPS) policy on introduction of exotic species. As explained in the Draft EIS, preference is given to enhancing native species; however, "where stocking of exotic fish and same species has historically occurred, stocking for the same species may be continued unless it is known to be damaging native resources." The stocking and

H1

hunting of ring-neck pheasant and the hunting programs for deer, rabbit, waterfowl, and other game species have been demonstrated to have no adverse effects on natural or cultural resources.

This leads then to concerns over NPS' Preferred Alternative, Alternative B, that is described as improving the hunting program. The NRA supports elements of this Alternative. We support Element 3A that would establish a new hunting season for eastern wild turkeys in accordance with the Massachusetts Division of Fisheries and Wildlife (MDFW) regulations. We support Element 3B that would include habitat improvement for upland game birds, focusing on the northern bobwhite quail, in the development and implementation of landscape restoration activities as outlined in CACO's general management plan. However, we support an "active" habitat restoration program, not a "passive" restoration program that the DEIS addresses. And, we support Element 3C that would integrate MDFW's annual wildlife monitoring results into CACO's management decisions to ensure sound wildlife management with a focus on deer, rabbits, turkey and quail.

H2

The NRA also supports Element 4 to improve hunter and non-hunter information with major caveat. One of the objectives listed is to "inform hunters of the need to be courteous and respectful towards other users, and to follow the maps and regulations." The National Park Service should, at the same time, inform other users of CACO to be courteous and respectful of hunters. All fifty states have recognized the problem with hunter harassment through enactment of statutes to punish those whose intent is to disrupt or halt a lawful recreational activity. It would also be helpful to the non-hunter to know that hunting in CACO has an exemplary safety record. Other recreational uses should also be informed about the Seashore's maps and regulations to ensure compliance with policies and laws.

H3

The NRA strongly opposes Element 1 because it would phase out the pheasant stocking and hunting program. By quoting policy and statute, the DEIS has made a solid case for supporting the continuation of the pheasant stocking and hunting program since the program meets the threshold of cultural heritage and no adverse environmental effects. While it is laudable that the NPS desires to attain a "no net loss of hunting opportunity" by replacing the pheasant hunt with upland bird hunting, Alternative B sets a phase out period for pheasant stocking and hunting with no documentation to show that the quality of hunting experienced over these many years will not suffer in the future, measured by the number of birds available to the hunter and the hunter's enjoyment of pheasant hunting vs quail hunting.

H4

The DEIS provides no scientific data to suggest that CACO will be successful in restoring bobwhite quail and at the level of birds needed to fully replace the annual pheasant hunt. Furthermore, Alternative B calls for terminating the pheasant stocking and hunting program in 15 years, "**independent of the upland game restoration activities**" (emphasis added). This deadline makes a farce of the "adaptive strategy" that would be applied to phase out the pheasant hunting program as numbers of native game birds increased and of the statement that it is CACO's intent to "minimize any loss of hunting opportunity by creating an alternative to the pheasant hunt through the restoration of native upland species."

H5

To offset the possibility (or likelihood) that the population of quail will be unable to rise to the

level of the stocked numbers for pheasant hunting, the NPS proposes to work with MDFW to create opportunities for a stocked quail hunt. However, the DEIS does not reference any authority for the NPS to substitute pheasant stocking for quail stocking. To the contrary the DEIS suggests that the NPS does not have the authority. Under Section 1.2.7. CACO's Mission Statement, Management Philosophy, Objectives and Goals it states:

*In some situations, the NPS may stock native or exotic animals for recreational purposes, but only when such stocking will not impair Park natural resources or processes and: such stocking is in an NRA or preserve that has historically been stocked (In these situations, stocking only of the same species may be continued); or Congressional intent for stocking is expressed in statute or a House or Senate report accompanying a statute.*

It would seem that the NPS could open itself up to a lawsuit by anti-hunters against the stocked quail hunt. The outcome could be termination of the stocking/hunting program without any recourse since Alternative B would terminate the pheasant stocking and hunting program independent of the upland game restoration activities.

Element 2 ostensibly would assist the hunter and other recreational users by simplifying and clearly delineating areas opened to hunting. However NRA is opposed to increasing the buffer zone adjacent to bike paths from 150 feet to 500 feet. The DEIS clearly states in Section 1.2.3 CACO Hunting Program that **"There has never been a serious hunting accident recorded at CACO (emphasis added)."** The DEIS also notes that **"there have never been any documented "close calls" involving hunters and non-hunters (emphasis added).** The NPS has not made a case for the need to expand the buffer zone around bike paths. The DEIS was developed in response to a court ruling that enjoined the pheasant stocking and hunting program until an environmental assessment was completed by the NPS. User conflicts or potential safety issues were not the reasons for nor the subjects of the court's action and should not have been part of an "environmental review" under the National Environmental Policy Act.

In summary, there are too many negative elements in Alternative B for the NRA and its hunter-members to support. Therefore, the only remaining alternative that is supportable is Alternative A. However, the NRA would like to see Alternative A modified to include the following elements of Alternative B: Element 3A to establish a turkey hunting program; a modification of Element 3B to proactively restore upland game bird habitat; Element 3C to work with the MDFW in implementing sound wildlife management practices with a focus on game species; and a modification of Element 4 to improve hunter and non-hunter information as addressed above.

Thank you, again, for the opportunity to comment on the DEIS.

Sincerely,

Susan Recce  
Director

Conservation, Wildlife and Natural Resources  
National Rifle Association

---

---



May 11, 2006

George E. Price, Jr.  
Superintendent, Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Dear Mr. Price:

This letter is in response to your April 2006 letter requesting comments for the Draft Environmental Impact Statement (DEIS) for the hunting program at the Cape Cod National Seashore (CACO) in Massachusetts. Our comments are provided in accordance with Section 7 of the Endangered Species Act of 1973 (ESA) as amended (16 U.S.C. 1531-1533).

We reviewed the DEIS with respect to federally-listed or proposed threatened or endangered species that might be affected by the proposed hunting program at the CACO and offer the following corrections to the DEIS. On page 122, section 3.3.5 Wildlife Species That Are Endangered, Threatened or of Special Concern, the DEIS states that the USFWS lists 17 animal species within the CACO as endangered or threatened. This is incorrect. Based on a review of information in our files, the following federally-listed species (and the jurisdictional agency) are extant or were historic (H) within the CACO:

- Northeastern Beach Tiger Beetle (H) - USFWS
- Piping Plover - USFWS
- Roseate Tern - USFWS
- Turtle, leatherback\* (Oceanic summer resident) - NMFS
- Turtle, loggerhead\* (Oceanic summer resident) - NMFS
- Turtle, Atlantic ridley\* (Oceanic summer resident) - NMFS
- Whale, blue\* Oceanic - NMFS
- Whale, finback\* Oceanic - NMFS
- Whale, humpback\* Oceanic - NMFS
- Whale, right\* Oceanic - NMFS
- Whale, sei\* Oceanic - NMFS
- Whale, sperm\* Oceanic - NMFS

The DEIS also states that the Service is proposing that portions of the CACO be designated as critical piping plover habitat. This is no longer true. Critical habitat for the winter range of the

I1

I2

piping plover has been designated; however, the CACO is not within the plover's winter range. At this time, the Service does not intend to designate critical habitat for the plover's summer range.

↑ I2

The DEIS did not provide an effects analysis specific to federally-listed species that occur on the CACO for any of the alternatives reviewed for the hunting program. We recommend that an effects analysis specifically addressing federally-listed species be provided in the Final Environmental Impact Statement.

I3

Thank you for providing us with a copy of the DEIS to review, and please contact me at 603-223-2541, extension 22, if we can be of further assistance.

Sincerely yours,

*Susanna L. von Oettingen*

Susanna L. von Oettingen  
Endangered Species Biologist  
New England Field Office



**League of Barnstable County  
Sportsman's Clubs, Inc.**

**P.O. Box 653  
Yarmouthport, MA 02675-0635**



June 3, 2006

**MEMORANDUM FOR:** Mr. George E. Price, Jr.  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

**FROM:** Michael J. Veloza, President  
Barnstable County League of Sportsmen's Clubs

**SUBJECT:** Draft Environmental Impact Statement, Cape Cod National Seashore  
Hunting Program

The Barnstable County League of Sportsmen's Clubs which represents numerous Clubs and approximately 3,000 plus members here in Barnstable County, also part of the Massachusetts Sportsmen's Council, a larger statewide organization, submits the following comments on the Draft Environmental Impact Statement Alternatives and the Elements contained within for the Cape Cod National Seashore Hunting Program.

Decades prior to the establishment of the Cape Cod National Seashore, Cape Cod Hunters enjoyed the recreational experience of hunting pheasants in the fall on the same lands that today is being proposed to be phased-out in 15 years according to the preferred Alternative B. Not only does this proposal threaten to eliminate a valuable, traditional and cultural experience for Cape Cod hunters particularly on the lower Cape, but it also has no documented justifiable basis.

From the beginning when the Cape Cod National Seashore was first established, there was an understanding that hunting would continue on these lands and this understanding is reflected in the language of the enabling legislation that created the Seashore. Prior to, and since the establishment of the Seashore there has been a continued history of pheasant stocking by the Massachusetts Division of Fisheries & Wildlife for the enjoyment of all hunters. Pheasant hunting is a tradition that bonds families and friends and provides a real opportunity for young people to become involved in hunting as a healthy outdoors activity and experience. Is this not the philosophy of the National Park Service to preserve and make available safe and healthy outdoor activities and experiences for all, rather than eliminating these traditional activities for special interest groups?

**Cape Cod - Massachusetts**

We would like to see grouse and quail restored on the Seashore for increase native upland bird hunting opportunities. Unfortunately even if the Seashore was able to successfully increase native upland game population levels, grouse and quail do not provide the same recreational experience as pheasant hunting.

Pheasant hunting is unique because of the size of the bird, the way the birds flush, there unique feathers and its quality for cooking.

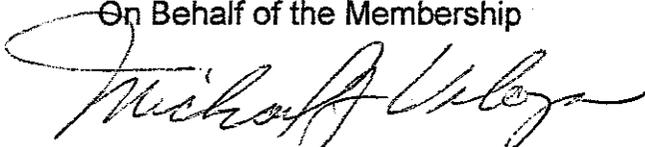
We do support the Elements 2 and 4 that help clearly delineate hunting areas and improve hunter and non-hunter information.

We also strongly support Element 3A which would establish turkey hunting on the Seashore. The Massachusetts Division of Fisheries & Wildlife has done and outstanding job with there turkey restoration program bring back this magnificent bird to its native land. We are very encouraged by the Seashore's consideration and true cooperation with the sportsmen and women of Cape Cod in supporting turkey hunting opportunities which is part of our traditional hunting heritage here in Massachusetts and Cape Cod.

We completely oppose Alternative C to "Eliminate Hunting". There is absolutely no basis for selecting this Alternative which is completely in conflict with the enabling legislation that established the Cape Cod National Seashore and other National Park Service policies.

We ask that you strongly consider our comments and concerns that we have had for some time now throughout this process and be responsive to the comments contained within this letter. The sportsmen and women here on Cape Cod are strong advocates for hunting, but we are also strong advocates for the conservation of natural resources and the use of public resources for the benefit of all. We trust that as long-time residents of this region and users of the Cape Cod National Seashore that you will recognize our tradition of pheasant hunting as valuable and legitimate and continue to work cooperatively in our relationship with the Seashore.

On Behalf of the Membership



Michael J. Velloza, President  
Barnstable County League of Sportsmen's Clubs

Testimony of: The Humane Society of the United States (HSUS) on

Draft Environment Impact Statement, Cape Cod National Seashore, Hunting Program

June 10, 2006

On behalf of more than 9 million members and constituents of The Humane Society of the United States (HSUS), of whom 250,000 reside in Massachusetts, I thank you for the opportunity to testify on the draft environmental impact statement on hunting on the Cape Cod National Seashore (National Seashore). The HSUS has been concerned about and involved with many aspects of your hunting program, most notably the stocking of pheasants, and has a long record of public comment on the issues involved here. The comments presented today should be considered in conjunction with and as a part of our past comments and the written comments that will be submitted by the 20 June deadline.

The Court in The Fund for Animals v. Mainella held that the National Park Service (NPS) was required to complete an environmental review of the effects of hunting on the National Seashore. We agree with the NPS that the issue is of sufficient consequence to the human environment to warrant a comprehensive Environmental Impact Statement (DEIS). However, the document as drafted falls far short of identifying and evaluating the significant biological, ecological and social factors involved here and fails to satisfy the basic requirements of the National Environmental Policy Act, as required by the Court. The draft document does not contain an impartial, science-based review of the current hunting program and alternatives. The purpose of the proposed action favors a specific outcome, the selection of alternatives is arbitrary, and the interests of key affected groups – those concerned with the welfare as well as population status of the animals hunted on the National Seashore – are dismissed or ignored without being given fair consideration.

The DEIS reads as an apologetic defense of hunting as a social tradition rather than a biological assessment of the impact of hunting on the ecologically sensitive biotic communities at the National Seashore. It thereby stands in stark contrast to the purpose, policies, philosophy and mandate of NPS to protect, preserve and conserve those communities. The DEIS ignores long-standing principles and tenets that define the very essence of the National Park Service's goals and missions. There is a reason that NPS has never allowed hunting on the overwhelming majority of the lands it administers and the explanation, rationale and justification for that lies at the core of the issues that should be, but are not, addressed in the Draft Environmental Impact Statement.

Beyond the failure of the DEIS to address the NPS mission and agency mandates, this analysis of the hunting program at the National Seashore fails in many of its specifics to capture and characterize fairly important facts about the program. We look forward to the opportunity to address the many instances in which we have found this in our written testimony. For now, we note the absence of even a good-faith effort to conduct the necessary scientific studies or monitoring efforts required to determine the population status of the species recreationally pursued in the current hunting program, to conduct

population analyses and projections necessary to evaluate hunting impacts, to identify and define the impacts of hunting in biological and ecological contexts, and to make good economic determinations of the costs of a hunting program, among others.

We also wish to note that we find the discussion and analysis of legislative history to be lacking in sufficient detail to allow readers of this document to fairly and objectively understand the background to this issue, as well as determine the relationship between the park and the state wildlife agency.

Moreover, the evaluation of alternatives in the DEIS is based on several premises that are either speculative or patently false. We question:

- The premise that pheasant stocking and hunting, popular practices for 60 or 70 years, are *traditional* uses of the Outer Cape;
- The premise that pheasant stocking and hunting do not harm native wildlife or impact ecological communities;
- The premise that alternative, native, upland game birds, especially the bobwhite quail, occur in sufficient numbers to withstand hunting mortality;
- The premise that the New England cottontail population is not adversely affected by hunting;
- The premise that deer hunting on the Seashore controls the white-tailed deer population and that the population needs to be controlled;
- The premise that the current low deer density influences human exposure to Lyme disease;
- The premise that eliminating hunting would result in a greater loss of recreational opportunities than allowing it to continue would; and
- The premise that stocking non-native pheasants until other huntable species have increased to replace hunting opportunity is an acceptable wildlife management activity.

These failings concern us deeply, and we find the NPS to be without a credible defense to the charge that it violates its own core mission in presenting this document and defending its chosen alternative here. The DEIS analysis is faulty, incomplete, and does not satisfy the basic NEPA requirements. The cumulative impact analysis and justification for the chosen alternative are based on data and hypotheses that are incorrect and insufficient. Any agency decision that is based on these unsupported, speculative, and false premises is an arbitrary and capricious decision that cannot be justified in law.

The National Parks are not hunting preserves. There are many millions of acres of public and private lands that serve that function in our nation, and precious few that are devoted to allowing the natural interactions of biological communities to proceed without the heavy hand of humans imposed upon them. Yet, this is the vital purpose that the Cape Cod National Seashore should serve. We urge you to address this issue transparently and to decide now whether the seashore will be managed to allow it be unimpaired and enjoyed as a national treasure by all future generations or lose its splendor and identity in

continuing to serve simply as a hunting property that is a functional auxiliary of a state game and fish agency .

We thank you again for this opportunity to comment on the DEIS and request that these comments be incorporated into our written comments that will be submitted pursuant to the Notice.



June 6, 2006

3010 Main St., P.O. Box 398  
Barnstable, MA 02630-0398

George E. Price, Jr., Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Phone 508-362-4226  
Toll-free 877-955-4142  
Fax 508-362-4227  
E-mail info@apcc.org  
Web www.apcc.org

Dear Superintendent Price:

The Association to Preserve Cape Cod (APCC), the region's leading nonprofit environmental advocacy organization, has reviewed the Environmental Impact Statement (EIS) for the Cape Cod National Seashore Hunting Program and submits the following comments about the hunting program as it pertains to the policy for ring-necked pheasant hunting.

EXECUTIVE DIRECTOR  
Margaret A. Geist

BOARD OF DIRECTORS

President  
Alan McClennen, Jr.

Vice President  
Gwendolyn C. Pelletier

Clerk  
Susan L. Shephard

Treasurer  
William G. Litchfield

John E. Barnes  
Norm Edinberg  
Steven M. Flynn  
Celine Gandolfo  
Robert Gatewood  
Carol Green  
Jane Harris  
Mary L. Hidden  
James G. Hinkle, Jr.  
Beverly A. Kane  
Chris Neill  
John D. O'Brien  
Frederick M. O'Regan  
Mark H. Robinson  
Daniel A. Wolf

Prior to 2003, the Massachusetts Division of Fisheries and Wildlife (MDFW), in cooperation with the National Park Service (NPS), stocked farm-raised, non-native ring-necked pheasant in certain areas of the Cape Cod National Seashore for the purpose of hunting. The EIS states that the practice of stocking ring-necked pheasant on the Outer Cape was started by the state in the 1930s and 1940s, before the 1961 establishment of the Seashore. A memorandum of understanding between MDFW and the NPS has continued that tradition until recently. In 2003, a court order was issued that placed a halt to the stocking and hunting of non-native ring-necked pheasant on the Seashore. In accordance with the court order, an EIS was prepared, the purpose being to study and develop a hunting management plan for the Seashore that would:

- minimize the effects of hunting on wildlife populations and ecosystems, and to sustain natural processes;
- reduce or avoid conflicts between humans and wildlife;
- protect natural and cultural resources, cultural heritage, and recreational values;
- provide opportunities for future generations to enjoy the above resources and recreational values of the Cape Cod National Seashore;
- provide visitors with a diverse and high quality experience; and
- address concerns related to the current hunting program, including the ring-necked pheasant stocking and hunting program.

The EIS offers three alternative policies for a future hunting management program on the Seashore.

Alternative A analyzes no action, or change, in the National Seashore hunting program as practiced prior to the 2003 court order.

Alternative B analyzes a modified hunting program that retains most of the existing program, adds a spring turkey hunting season, and phases out the non-native ring-necked pheasant hunting program over a period lasting up to 15 years.

During the phasing-out period, the development of a quail hunting program will be established through habitat restoration and the possible stocking of quail.

Alternative C analyzes the elimination of all hunting on the Cape Cod National Seashore.

The NPS states in the EIS that Alternative B is its preferred alternative.

APCC believes that the guiding principle behind any hunting program adopted for the Seashore should be based on wise management and conservation of wildlife that is native to the Outer Cape. Such a program should, above all, ensure that native game species inhabiting the Seashore remain at sustainable population levels. A program of this nature would be compatible with the NPS's mission to preserve, maintain and enhance the native animal and plant species and natural environment of Outer Cape Cod lands found on the Cape Cod National Seashore.

The ring-necked pheasant stocking program, as conducted until 2003, is not consistent with the principles stated above. The ring-necked pheasant is a species native to Eurasia, not North America. Introducing non-native species to the Cape Cod National Seashore, no matter the reason behind it, appears to APCC to be at odds with the NPS's goal of preserving the natural qualities of the Outer Cape region that are under its jurisdiction. Furthermore, APCC views the practice of stocking non-native birds as being in conflict with modern conceptions of environmental stewardship.

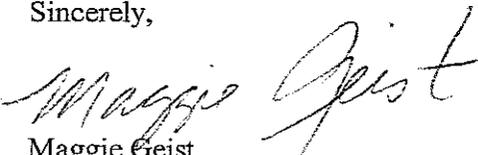
The introduction of ring-necked pheasant to the Seashore through a stocking program is an unsustainable practice. The EIS states that any individual ring-necked pheasant that survive the hunting season are unlikely to survive the winter. It seems ill-conceived to APCC that the NPS and MDFW would continually restock designated areas of the National Seashore in order to perpetuate hunting of a non-native species.

Ring-necked pheasant hunting has already been halted on the Seashore since 2003. If the goal of the NPS, as stated in the EIS, is to eventually eliminate ring-necked pheasant hunting, it is puzzling to APCC why the NPS would propose the resumption of hunting after the three-year ban, only to phase it out again.

The NPS's efforts would be better served by permanently suspending hunting of ring-necked pheasant on the Cape Cod National Seashore, and focusing its attention on restoring sustainable populations of native animal species, including traditional native upland game bird species.

Thank you for this opportunity to comment.

Sincerely,

  
Maggie Geist  
Executive Director

  
Don Keeran  
Assistant Director

33 Swamp Rd  
West Stockbridge, MA 01266  
June 14, 2006

George E. Price, Jr., Superintendent  
Cape Cod National Seashore  
99 Marconi Site Rd.  
Wellfleet, MA, 02667

Dear Mr. Price:

As the Massachusetts State Chapter President for the National Wild Turkey Federation, I am writing you with regards to the Draft EIS (DEIS) for the Cape Cod National Seashore (CACO) Hunting Program. As stated in the DEIS Introduction, the opportunity for the continuation of hunting was included in the enabling legislation that was passed establishing CACO and we believe that statement should be the foundation for future management of CACO.

We strongly support the addition of wild turkey hunting opportunities at CACO. We would like NPS staff to permit turkey hunting in spring and to leave the option open for fall turkey hunting if and when MDFW allows fall turkey hunting in the southeastern region. Opening CACO for turkey hunting would not only provide additional recreational opportunities for hunters, it would also provide an economic incentive to the local communities and provide NPS staff a necessary option with respect to wild turkey management.

We are concerned about the reduction in acres that would be open to hunting under Alternative B, through the increase in buffer zone distance around bike paths. Section 1.2.3 (*Enforcement*) of the DEIS states, "However, there have never been any documented "close calls" involving hunters and non-hunters". Also, as stated in section 2.2.2 (XII), "Hunter awareness of safety concerns and the rules of sportsmanship do not appear to be issues". Therefore, it is our conclusion that expanding those buffers from 150 feet to 500 feet would serve no real purpose other than decreasing the amount of land open to hunting. The expansion of these buffer zones for no real purpose would compromise additional areas open to hunting in the future as bike paths are added and/or modified. For these clearly defined reasons, we ask that you not increase the buffer zone from 150 to 500 feet.

While we support habitat enhancement efforts geared toward bobwhite quail, we do not wish to see pheasant hunting phased out. Improving habitat certainly will not result in quail densities increasing to levels needed to ensure CACO can offer a comparable hunting experience to the pheasant program. Looking at population dynamics of bobwhite quail and density estimates in the literature based on areas with excellent quail habitat, it is not likely that populations of quail could grow to the level NPS seems to anticipate. Pheasant hunting provides a significant recreational opportunity for many young hunters and we do not wish to see this opportunity systematically phased out at CACO.

The effects listed for Alternative C, eliminating hunting, seem to be underestimated. To suggest that terminating deer hunting would only have minor adverse effects on the deer population is in contrast to what has been thoroughly documented in numerous locations where deer numbers are not reduced annually through hunting. There are other occasions through Section 4.4.3 that seem to under-estimate the negative impact terminating the hunting program would have.

It is the mission of the NWTF *to conserve the wild turkey resource and preserve the hunting tradition*. Hunters have always been the backbone of conservation in the nation by providing the funding to support natural resource research and management. Our organization, in cooperation with others, are working tirelessly to address the concern of declining hunter numbers through a wide array of surveys, programs, and regulations designed to reverse this trend. One of the more significant obstacles to hunter recruitment and retention is access to land for hunting.

Considering the strong regulatory foundation for allowing hunting at CACO and that hunting is considered part of the cultural heritage and fabric of life on Outer Cape Cod, we feel that Alternative B is the most appropriate option with the incorporation of our suggestions above. Thank you for considering our comments.

Sincerely;



Brian Korte  
MA State Chapter President  
National Wild Turkey Federation

*Massachusetts Sportsmen's Council Inc.*

*Post Office Box 191*

*Millbury, Massachusetts 01527*

*Telephone 508-865-5617 or 508-865-4828*

*Fax 508-865-0310*

June 12, 2006

**Officers**

President  
Mike Moss

Vice President  
Loring Hall

Secretary  
Sheila Moss

Treasurer  
John Kellstrand

**Member Organizations**

Barnstable County League  
of Sportsmen's Clubs

Berkshire County League  
of Sportsmen's Clubs

Bristol County League  
of Sportsmen's Clubs

League of Essex County  
Of Sportsmen's Clubs

Franklin County League  
of Sportsmen's Clubs

Hampden County League  
of Sportsmen's Clubs

Hampshire County League  
Of Sportsmen's Clubs

Middlesex County League  
of Sportsmen's Clubs

Norfolk County League  
Of Sportsmen's Clubs

Plymouth County League  
of Sportsmen's Clubs

Massachusetts Beach Buggy  
Association

Massachusetts Bowhunters  
Association

Massachusetts Sporting Dog  
Association

Massachusetts Trappers  
Association

Mr. George Price Jr.,  
Superintendent  
Cape Cod National Seashore  
99 Marconi Site Road  
Wellfleet, MA 02667

Dear Mr. Price

The Massachusetts Sportsmen's Council, after having followed through on the Pheasant Stocking issue on the CCNS since the initial law suit, strongly supports the continuation of pheasant stocking as it has since the creation of the National Seashore.

We have read the environmental impact statement and agree, as we stated in the beginning, that there has been no environmental impact as a result of pheasant stocking and hunting on the seashore and is consistent with the National Park Service management policies.

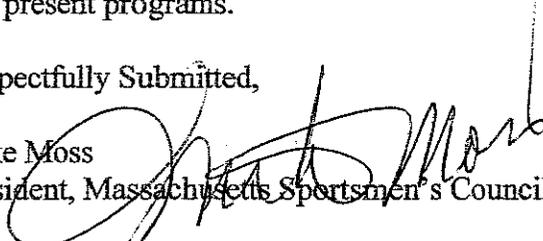
We do not agree with phasing out the pheasant stocking program and are surprised that it is offered as a solution with out a plan. Our members oppose phasing out the program and thereby reducing recreational opportunities on the Seashore. However, the members would welcome programs to improve habitat for the benefit of Quail and Turkey populations on the seashore as stated in option two.

The Council would be willing to work with the Seashore and the Division of Fisheries and Wildlife to make this possible.

Of the real things that have been offered at the conclusion of the Environmental Impact Study, the Council Supports option one (no change), and are willing to work on these other suggested programs without phasing out any present programs.

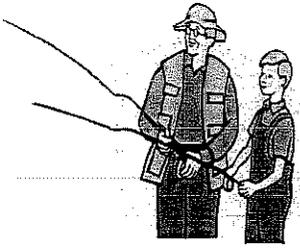
Respectfully Submitted,

Mike Moss  
President, Massachusetts Sportsmen's Council



# Highland Fish & Game Club, Inc.

Kerry L. Adams, Secretary  
33 Conant Street  
Provincetown MA 02657  
(508) 487-2351



U.S. Dept. of the Interior, National Park Service  
Cape Cod National Seashore  
Mr. George Price, Superintendent  
99 Marconi Site Road  
South Wellfleet MA 02663

June 6, 2006

RE: Draft Environmental Impact Statement, Cape Cod National Seashore - Hunting Program

Dear Superintendent Price;

On behalf of the officers, executive board and membership at large of the Highland Fish and Game Club, I would like to take this opportunity to respond for the record to the Draft Environmental Impact Statement as proposed:

The study has proposed three separate hunting alternatives for consideration; from "Alternative C", the total elimination of hunting, to "Alternative A", leaving the sport as it was before the pheasant-hunting ban. We understand that "Alternative B" is the CCNS "preferred" alternative. While we agree with this plan in general, there is a very disconcerting piece of this alternative that we find completely unacceptable. That piece is the elimination or "phasing out" of the pheasant-hunting program over a 15-year time frame. It is the position of our club that since pheasant hunting predates the CCNS, it is a "traditional use" and "cultural resource" that the CCNS should seek to protect. The elimination of this activity will ultimately result in the loss of a number of hunters that have traditionally involved themselves in this activity for many years, as well as the loss of many future hunters that would have learned of this sport from their predecessors. For the past three years, there has been no pheasant-hunting program in place due to the injunction brought against the NPS by the animal rights activist groups. The result of this loss of a huntable species has forced an undue amount of hunting pressure on alternative species. We have also witnessed a serious decline in the number of hunters participating in their sport here on the lower cape.

In keeping with "Alternative B", it is the CCNS plan to replace the Ring Neck Pheasant species within a fifteen-year time frame with another upland bird, specifically the Bobwhite Quail. In our opinion, this replacement is not a suitable one for multiple reasons; Bobwhite Quail and Ring Neck Pheasants are a totally separate and different bird. Pheasants flush and fly higher and completely different from the Bobwhite Quail. Ring Neck Pheasants are a much larger bird that are highly sought after by hunters for their quality meat, prized and colorful tail feathers, and unique huntability. The Bobwhite Quail is a small bird that flushes and flies almost laterally. The result forces the hunter to shoot at a much lower level to the ground making the safety factor a more difficult one in confined areas. Therefore, we do not support any phase out of pheasant stocking and hunting. We thoroughly approve of the additional species and the improvement of habitats for hunting as proposed in "Alternative B".

Affiliated with:

Massachusetts Sportsmen's Council      Barnstable County League of Sportsmen's Clubs

National Rifle Association      Duck's Unlimited      Gun Owners Action League

In addition, we support the proposal to introduce a Turkey season to the CCNS. The introduction by the Division of Fish & Wildlife of this native bird back into the CCNS has proven itself to be a tremendous success. It would be very unfortunate if the CCNS did not take the initiative to allow the hunting of this exceptional bird.

In closing, please consider the following points when making your final decision:

- 1) We oppose any phase out of pheasant hunting in the CCNS. There should be no time limit set. The pheasant-stocking program has been in place since the 1930's and has been a successful one by providing an extremely popular game bird to the hunting community of Cape Cod. Your own studies have conclusively proven that the stocking of this species has had absolutely no detrimental environmental impact to the ecology of the CCNS.
- 2) We support any and all habitat improvement within the CCNS. The CCNS should work in concert with the hunting community to devise ways to add to the huntable species available within the CCNS.
- 3) We encourage the support and nurturing of additional huntable species including grouse, partridge, quail, woodcock, turkey, pheasant, etc. to the CCNS.
- 4) We vehemently oppose "Alternative C" that would seek to ban hunting (or pheasant hunting) in the CCNS.
- 5) We support any efforts by the CCNS that would more concisely delineate hunting areas and provide more easily available information to the hunting and non-hunting public about hunting in the CCNS.

Thank you for giving us the opportunity to express our views on this subject. We appreciate the time and effort that you have put into this study. We look forward to a continued relationship with the CCNS and offer our support and assistance to you in any way that will help foster a hunting program that sportsmen and women, through the investment of their sporting tax dollars, so richly deserve.

Sincerely;

Kerry L. Adams, Secretary  
Highland Fish & Game Club, Inc.

KLA



## Cranberry Country Longbeards Chapter of the National Wild Turkey Federation

June 16, 2006

George E. Price, Jr.; Superintendent  
Cape Cod National Seashore  
99 Marconi Site Rd.  
Wellfleet, MA, 02667

To whom it may concern:

As the Chapter President for Cranberry Country Longbeards Local Chapter of the National Wild Turkey Federation (CCLC/NWTF), I am writing you with regards to the Draft EIS (DEIS) for the Cape Cod National Seashore (CACO) Hunting Program. As stated in the DEIS Introduction, the opportunity for the continuation of hunting was included in the enabling legislation that was passed establishing CACO and we believe that statement should be the foundation for future management of CACO.

Members of the CCLC/NWTF have been actively involved with efforts to enhance wildlife habitat, educate kids through the NWTF's JAKES program (Juniors Acquiring Knowledge, Ethics and Sportsmanship) and a host of other outreach programs for the community. Many of the members of our local chapter have hunted at CACO in the past and have enjoyed the time spent with family and friends while in the field. Expanding the opportunities for hunting to allow sportsmen and women to hunt wild turkeys at CACO would be very well received among our chapter members. Our chapter strongly supports the addition of wild turkey hunting opportunities at CACO. We would like NPS staff to permit turkey hunting in spring and to leave the option open for fall turkey hunting if and when MDFW allows fall turkey hunting in the southeastern region. Opening CACO for turkey hunting would not only provide additional recreational opportunities for hunters, it would also provide an economic incentive to the local communities and provide NPS staff a necessary option with respect to wild turkey management.

Our Local Chapter is concerned about the reduction in land open to hunting by 1,546 acres under Alternative B, through the increase in buffer zone distance around bike paths. This proposed reduction in acres open to hunting was made despite statements throughout the EIS, which acknowledge there is no need for the changes. Section 1.2.3 (*Enforcement*) of the DEIS states, "However, there have never been any documented "close calls" involving hunters and non-hunters". Also, as stated in section 2.2.2 (XII), "Hunter awareness of safety concerns and the rules of sportsmanship do not appear to be issues". Therefore, it is our conclusion that expanding those buffers from 150 feet to 500 feet would serve no real purpose. For these clearly defined reasons, we ask that the buffer zone around bike paths not be increased.

While we support habitat enhancement efforts geared toward bobwhite quail, we do not wish to see pheasant hunting phased out. Pheasant hunting provides a significant recreational opportunity for many young hunters and MDFW has implemented a Youth Pheasant Hunting Program that has been very well received across the state. The opportunity for adult hunting mentors to take youth afield hunting pheasant has provided a hands-on continuing education program for youngsters. Our local chapter would like CACO to allow pheasant hunting to continue so this opportunity remains for young hunters.

Our local chapter members are the active in carrying out the mission of the NWTF, which is *to conserve the wild turkey resource and preserve the hunting tradition*. Hunters have always been the backbone of conservation in the nation by providing the funding to support natural resource research and management. Our organization, in cooperation with others, are working tirelessly to address the concern of declining hunter numbers through a wide array of surveys, programs, and regulations designed to reverse this trend. One of the more significant obstacles to hunter recruitment and retention is access to land for hunting.

Considering the strong regulatory foundation for allowing hunting at CACO and that hunting is considered part of the cultural heritage and fabric of life on Outer Cape Cod, we feel that Alternative B is the most appropriate option with the incorporation of our suggestions above. Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Galkowski". The signature is written in a cursive style with a large initial "M".

Mark S. Galkowski, President  
Cranberry Country Longbeards Local Chapter/NWIF