

and 1 comment from academia (in opposition).

We also received numerous comments unrelated to the content of the proposed rule (e.g., those dealing with such issues as trapping and general refuge management). We reviewed and analyzed the specific substantive comments and broke them into 12 general comments as follows:

**Comment #1:** A commenter suggested that the circumstances surrounding the possibility of opening these refuges to hunting dictate that, according to the National Environmental Policy Act (NEPA), the Service should have prepared an Environmental Impact Statement (EIS).

**Response:** We disagree with the statement that the Service should have prepared an EIS for the opening of these seven refuges to hunting and/or fishing. Each individual refuge, when making a determination as to whether or not to allow hunting and/or fishing, complies with NEPA (Categorical Exclusion, Environmental Assessment, or an Environmental Impact Statement) as appropriate when preparing an "opening package." For each of the refuges included in this rulemaking, we prepared Environmental Assessments and determined that EISs were unnecessary. No changes were made as a result of this comment.

**Comment #2:** A commenter suggested the Service should have conducted biological assessments and inventories of flora and fauna as required by the (National Wildlife Refuge System Improvement Act of 1997) Improvement Act.

**Response:** The Improvement Act does not require a biological assessment of flora and fauna. However, the Improvement Act does require the Service to "monitor the status and trends of fish, wildlife, and plants in each refuge." Before we establish a hunting or fishing program, the law requires we first determine compatibility with refuge purposes. All seven refuges at which hunting or fishing programs were proposed met this requirement. No changes were made as a result of this comment.

**Comment #3:** Many commenters said the Service should have considered public opinion polls containing statistics on public opposition to recreational and commercial killing of wildlife on national wildlife refuges. Many also felt that a trend is developing within the System placing the interests of sport hunters ahead of those of both the wildlife and nonhunting refuge visitors.

**Response:** The System has a long history of support by recreational

hunters, including the creation of over 300 units through the use of Migratory Bird Conservation Act of 1919 (16 U.S.C. 715a-715r) using "Duck Stamp" funds. This traditional support has been recognized in subsequent statutory authority for the System, including most recently the Improvement Act amendment to the Administration Act. This law, which also provides the System its mission, clearly states that six wildlife-dependent recreational uses, including both hunting and fishing as well as wildlife observation and photography and environmental education and interpretation, when compatible, are the priority general public uses of the System. Furthermore, these uses are to receive "enhanced consideration over other general public uses in planning and management within the System \* \* \*." The Improvement Act also directs the Service to provide "increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting \* \* \*." From this statutory language, Congress' intent is clear that the Service provide opportunities for compatible hunting and fishing on the System. Thus, while we carefully consider public comment and opinion in our rulemaking, we find this statutory direction unequivocal.

Commercial hunting and fishing are generally prohibited within the System. This rulemaking does not include commercial hunting and fishing. No changes were made as a result of this comment.

**Comment #4:** A commenter said the Service should have determined the detrimental effects of current predator management strategies to protect sensitive, threatened, and endangered species.

**Response:** This comment appears to be directed at refuge management generally and endangered species management specifically and not at the proposed rule. Specific to Endangered Species Act Section 7 Consultation, each refuge reviews its opening package to determine the impact of allowing hunting and/or fishing on any threatened or endangered species. We also comply with section 7 of the ESA when developing comprehensive conservation plans (CCPs) and step-down management plans for public use of refuges, such as hunting and fishing, and prior to implementing any new or revised public recreation program on a refuge as identified in 50 CFR 26.32. We made no changes as a result of this comment.

**Comment #5:** Many commenters stated that the majority of people who visit refuges do so to observe wildlife and enjoy nature, and not to hunt, fish, or trap.

**Response:** Within the System as a whole, this information is correct. However, in some locations, such as North Dakota, South Dakota, and Minnesota, more visitors participate in consumptive uses (hunting, fishing, and trapping) than nonconsumptive forms of wildlife-dependent recreation. However, as explained in response to comment #3 above, the Improvement Act clearly indicates that six forms of wildlife-dependent recreation, when compatible, are the priority general public uses of the System. The Act and associated House Report 105-106 also indicate there are no priorities between these six uses (again, when compatible), and does not indicate usage should be allocated based on the relative proportion of individuals participating in the activity. No changes were made as a result of this comment.

**Comment #6:** Several commenters suggested that the Service must conduct rigorous biological analyses of wildlife populations...before making any compatibility determinations about the commercial and/or recreational killing of wildlife on the refuges listed in the Notice. On a related topic, several commenters believe, in the past, the Service relied too heavily on lethal predator control as the primary method of addressing recovery of threatened and endangered species on refuges and has failed to address more serious threats to these species, including habitat degradation, pollution, and human impact.

**Response:** In addition to the information provided above in response to comment #2, many of the suggested biological analyses are conducted at the flyway level for migratory waterfowl and other game birds, with survey data going back decades. These population surveys detect trends in population numbers. If there is not sufficient information for a refuge manager, using his/her sound professional judgment to make an affirmative determination of compatibility, the manager cannot allow the use. Similar to the response to comment #4, some of this comment appears to be directed at endangered and threatened species conservation, not these regulations. No changes were made as a result of these comments.

**Comment #7:** Concern was expressed that Service has strayed far from its own policy, which directs that "wildlife comes first" in the System. A related comment said a thorough discussion of