

proposed refuge habitat management practices is needed.

*Response:* The Administration Act authorizes the Service to allow uses of any refuge area as long as those uses are compatible; in fact, the Act specifically references hunting and fishing. Recent amendments to the Administration Act made by the Improvement Act establish wildlife-dependent recreational uses as priority general public uses and include hunting and fishing in the definition of those priority uses.

The principal focus of the Improvement Act was to clearly establish a wildlife conservation mission for the System and provide managers clear direction to make determinations regarding wildlife conservation and public uses within the units of the System. The Service manages national wildlife refuges primarily for wildlife conservation, habitat protection, and biological integrity, and allows uses only when compatible with the refuge purpose(s). In passing the Improvement Act, Congress reaffirmed the System was created to conserve fish, wildlife, plants, and their habitats and would facilitate opportunities for Americans to participate in compatible wildlife-dependent recreation, including hunting and/or fishing on System lands. The Service has adopted policies and regulations implementing the requirements of the Improvement Act with which refuge managers comply when considering hunting and fishing programs.

When lands and waters are under consideration for addition to the System, the refuge manager will make an interim compatibility determination on any existing wildlife-dependent recreational uses. The record of decision establishing the refuge must document the completion of such determinations. The results of these determinations are in effect until the completion of a CCP. During the development of the CCP and implementation of the NEPA process, we accept and incorporate public comments into the hunting and/or fishing decision on the refuge. When considering opening an existing refuge, the refuge manager similarly must make a determination that the proposal is compatible and complies with NEPA before taking any action. Refuge managers plan efforts well in advance of any proposed changes in order to obtain as much involvement from stakeholders as possible. This may include public meetings, workshops, news releases, and mailings to interested groups. The refuge manager consults with affected Service Regional Office, State fish and wildlife agencies, tribes, and the public

before opening a refuge to hunting or fishing. This decision must also be consistent with the principles of sound wildlife management, applicable wildlife objectives, and otherwise be in the public interest. The refuge manager must submit a hunting and/or fishing plan that has undergone a public input process to the Regional Office for approval. The Regional Director approves the plan before the rulemaking process begins. These hunting and/or fishing plans contain:

1. Step-down hunting/fishing plans containing compatibility determinations. The plan is usually an appendix to the overall plan for providing visitor services on refuges, providing documentation of the hunting and/or fishing allowed on a refuge, including the relationship of hunting and/or fishing to other priority general public uses, refuge purpose(s), goals, objectives, and the System mission;
2. Appropriate NEPA documentation;
3. Appropriate decision documentation;
4. Section 7 ESA evaluation;
5. Copies of letters requesting State and, where appropriate, tribal involvement and the results of the request;
6. Draft news release; and
7. Outreach plan.

One of the elements of the CCP, specific to the habitat management practices comment, requires that each refuge develop goals for significant wildlife species or groups of species, habitat (including land protection needs), compatible wildlife-dependent recreation, other mandates (such as refuge-specific legislation, Executive orders, special area designations), and fish, wildlife and plant populations, as appropriate.

*Comment #8:* A commenter felt the Service should use the Improvement Act to restore this public land system to its original purpose of providing an inviolate sanctuary for wildlife.

*Response:* The term "inviolate sanctuary" is something of a misnomer. The Migratory Bird Conservation Act of 1929 authorized acquisition of refuges as "inviolate sanctuaries" where the birds could rest and reproduce in total security. In 1949, the "inviolate sanctuary" concept was modified by an amendment to the Migratory Bird Hunting and Conservation Stamp Act which permitted hunting on up to 25 percent of each inviolate refuge. Another amendment to the Migratory Bird Hunting and Conservation Stamp Act in 1958 increased the total area of an inviolate refuge that could be opened for hunting up to 40 percent. These parameters were enacted as part of the

Administration Act. Whether an area is an "inviolate sanctuary" is a function of the mechanism of its creation. If a refuge was acquired as an inviolate sanctuary, only 40 percent of the refuge area may be opened at one time for hunting of migratory game birds. However, if the refuge was not acquired as an inviolate sanctuary, 100 percent of the refuge may be opened for hunting. The Fish and Wildlife Improvement Act of 1978 amended section 6 of the Administration Act to provide for the opening of all or any portion of an inviolate sanctuary to the taking of migratory birds if taking is determined to be "beneficial" to the species. Such opening of more than 40 percent to hunting is determined on a species-by-species basis. This amendment refers to inviolate sanctuaries created in the past or to be created in the future. It has no application to areas acquired for other management purposes. No changes were made as a result of this comment.

*Comment #9:* A commenter believes the Service needs to consider the need for assessment and mitigation of the impacts of recreational activities on native flora and fauna.

*Response:* See the response to the comment #7 above concerning "straying from the FWS policy." No changes were made as a result of this comment.

*Comment #10:* One commenter asked us to clarify/change Coldwater National Wildlife Refuge relative to the prohibition of "any weapon" while fishing on the refuge. Does that include a fishing knife?

*Response:* With respect to knives, the legal definition of a weapon in the State of Mississippi is a knife longer than 3 inches (7.5 cm). We will modify the condition listed under Coldwater National Wildlife Refuge to read: D.4. We prohibit possession of any weapon while fishing on the refuge. This does not include fishing knives unless they are longer than 3 inches (7.5 cm).

*Comment #11:* One commenter asked if we could allow lead shot no larger than #6 shot with a maximum of 25 shells carried in the field at one time on Northern Tallgrass Prairie National Wildlife Refuge under Upland Game Hunting.

*Response:* 50 CFR 32.2(k) prohibits possession of lead shot unless hunting for turkey and deer (where we allow those activities). The refuge in question, Northern Tallgrass Prairie in the States of Minnesota and Iowa, under Upland Game Hunting, does not have turkey hunting; therefore, we already prohibit lead shot.

*Comment #12:* One commenter questioned the economic analysis. "It is estimated that the consumer surplus