

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

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NRA

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 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.

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.

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.

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.”

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