

NATIONAL RIFLE ASSOCIATION OF AMERICA

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

June 28, 2006

Superintendent
Rocky Mountain National Park
Estes Park, CO 80517

Dear Superintendent:

The NRA wishes to comment on the draft environmental impact statement (DEIS) entitled "Elk and Vegetation Management Plan" that evaluates five alternatives for managing elk and vegetation in the Rocky Mountain National Park.

The NRA opposes all five alternatives, including the preferred alternative, because they are not truly viable and/or not cost effective. Alternative 1 would continue the existing management program which essentially is non-management of the elk population inside the Park. It would not solve the problems of overpopulation and herd concentrations.

Alternatives 2 and 3 would employ Park staff or contractors to reduce the elk population by varying degrees over time. It is an alternative that would likely achieve the goal of population reduction, but at a high cost to the taxpayer. The cost estimates range from \$1.1 to \$1.3 million annually for a total cost between \$16.5 to \$18.2 million. This is a sizeable sum of money for an agency that is burdened with a huge operations and maintenance backlog.

The use of single-year, multi-year, or life-time fertility control agents proposed in Alternative 4 will not solve the immediate issue of overpopulation, it will be difficult to implement and its success in reducing elk herds over time is questionable. It recognizes this by including "lethal reduction methods" because of the "logistical constraints on using fertility control agents to reduce the population size to within management objectives."

Introducing wolves as proposed in Alternative 5 will give rise to a whole new set of management issues. We believe the Park is not prepared to address these issues, including the containment of wolves within the boundaries of the Park and the impact of wolves on species other than elk.

The true failure of the DEIS is that it did not include the most viable and cost effective alternative and that is to allow licensed hunters, under the supervision of Park staff, to act as the "contractors" to cull the elk herds.

According to Park biologist Mary Kay Watry, as quoted in The New Gun Week of June 20th, "hunting was actually considered early in the process as an option, but due to the CWD presence,

it has been rejected.” Nowhere in the DEIS could information be found regarding a discussion about hunting as an option. Furthermore, it is puzzling how the presence of CWD would have caused hunting as an option to be rejected when the presence of CWD has not put a halt to ungulate hunts anywhere in the country.

What appears likely to be the real reason is contained in the additional statement made by Ms. Watry and reported by The New Gun Week as follows: “Besides, the law does not allow for hunting in national parks, and it would take an act of Congress to change that. So, Warty explained, the park service is working within existing law to solve the problem.”

The National Park Service does not have authority to allow hunting in the absence of Congressional direction because it created that as policy through rulemaking. The Service boxed itself into a corner on wildlife management options in 1983 when it implemented its General Regulations for areas it administers. One element of those regulations stated that unless Congress specifically authorizes hunting in a unit of the National Park System, hunting will not be allowed. It does not take an act of Congress to change that, simply the will of the National Park Service, through new rulemaking, to correct a mistake made two decades ago.

There have been numerous situations where a hunt would have been the most cost effective and efficient means of addressing an overpopulation of indigenous or exotic wildlife. Three examples are the white tailed deer overpopulation in Gettysburg National Military Park and in Cuyohoga Valley National Recreation Area, and the mountain goat population in Olympic National Park. The National Park Service, long before facing this latest wildlife management issue, could have amended its rulemaking to address the conundrum it created for itself.

The above statement notwithstanding, a population reduction goal attained by culling does not, by law, prohibit hunters from participating. The DEIS should have examined the alternative of having licensed hunters participate in the culling process in lieu of park personnel or contractors. In explaining the lethal method (culling), the DEIS states that it is “distinct from hunting in a national park because the lethal resolution would be done under controlled circumstances by agency or contracted personnel and would not allow for the ‘fair chase’ ethic associated with hunting.”

It goes without saying that a culling action does not utilize “fair chase” methods of hunting and waives the restrictions imposed by state wildlife agencies in setting the means and methods of taking game by the public. However, to call an action a cull and not a hunt in no way precludes members of the general public, that is licensed hunters, from assisting the Park in its objectives under “controlled circumstances.” The Park and its DEIS have arbitrarily eliminated this option from the set of alternatives. Thus, the NRA believes that the DEIS is a flawed document.

The authority to allow hunters to engage in a culling program, not a “recreational hunt”, exists. The Secretary of the Interior has broad powers to “...provide in his discretion for the destruction of such animals and of such plant life as may be detrimental to the use of any of said parks, monuments or reservations.” (16 U.S.C. Sec.3). The National Park Service's Management Polices of 1988 specify that these powers include the ability to designate agents to act as

"authorized representatives" to achieve management goals under the direction and supervision of park employees.

Although some segments of the public would oppose the use of this authority by claiming that it would open the park to recreational hunting in violation of the National Park Service's regulations, such is not the case. Authorizing representatives of the public to assist the Park does not constitute recreational hunting when there is a specific management goal to be achieved, hunters are under the direct supervision of government employees, the rules of fair chase are waived, and the culling is not conducted as part of a regular hunting season as established by the state wildlife agency.

A supervised hunt would not have the practical and fiscal shortcomings of the other alternatives. In fact, the Park could charge a fee for participating in the controlled, supervised hunt and the proceeds could be returned to the Park to offset the cost of the supervised, culling program. The elk killed can still be tested for CWD and if the animal is not infected, the hunter can keep the meat for consumption. The Park would not incur the expense of setting up a meat donation program, as it proposes to do.

To dismiss utilizing hunters for a preferred alternative that will cost upwards of \$18 million is fiscally irresponsible. To deny a licensed hunter to participate in the culling operation is discriminatory. There is no evidence to suggest that hunters would not be as safe, humane and efficient, if not more so, than park employees or contractors.

In summary, the DEIS has failed the public by not proposing that hunters be incorporated in Alternatives 2 or 3 and therefore it should be withdrawn, amended and reopened for further public comment.

Sincerely,



Susan Recce
Director
Conservation, Wildlife and Natural Resources
National Rifle Association