

DECISION MEMO

Forest Supervisor Closure Orders to Eliminate Baiting for Game Species And Allow Temporary Hunting Stands to Remain for up to 72 Hours on the NFGT

National Forests and Grasslands in Texas

Angelina, Davy Crockett, Sabine, and Sam Houston National Forests Caddo and Lyndon B. Johnson National Grasslands

Angelina, Fannin, Houston, Jasper, Montague, Montgomery, Nacogdoches, Newton, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Walker, and Wise Counties, Texas

Decision

I have decided to issue Forest Supervisor Closure Orders to 1) eliminate baiting and hunting over areas baited to attract game species on all of the NFGT and 2) increase the time temporary hunting stands may remain on the NFGT from 24 to 72 hours before they must be removed. I will issue these closure orders under the authority granted me in 36 CFR Part 261, prohibitions to provide short-term resource protection or to protect public health and safety.

The first new order eliminates baiting and hunting over areas baited to attract wildlife. State hunting regulations do not allow baiting on Wildlife Management Areas (WMAs), but the practice continues on other national forest lands not in the WMA system. Unfortunately, a growing number of hunters using the NFGT are erecting mechanical game feeders on these public lands and some have even begun to use farm tractors to till and cultivate plant crops to draw in game animals. These baiting practices have created a situation where certain hunters literally “lay claim” for exclusive use of these baited areas on the public’s forests. This will allow the forest to be open to all members of the public and have equal hunting opportunities, and not allow persons to “stake out” their own personal piece of the forest. Additionally, many hunters are intimidated by the presence of the feeders or food plots and seek other areas to hunt; or leave national forests altogether. The NFGT represent a significant portion of public lands in Texas open to hunting. It is imperative that everyone wanting to hunt on these lands has equal access to them unencumbered by these baiting practices that create these “exclusive” areas. Therefore, the new Forest Supervisor’s Closure Order will apply to all NFGT not currently managed as a WMA and will prohibit anyone from hunting game species over a baited area. Since the use of bait is the only reasonable means of luring animals to traps, this prohibition will not apply to the use of traps or snares for the taking of fur-bearing or predatory animals. This exception provides for the continuation of legal trapping activities in accordance with applicable state and federal law.

The second part of my decision will modify existing Forest Supervisor Closure Order #NFT-00/01 on the use of all stands used for hunting on the NFGT. The Closure Order will change the amount of time a temporary hunting stand may remain on the NFGT. The prohibition of permanent hunting stands was originally instituted to allow all hunters equal access to federal lands and prevent hunters from claiming “exclusive” hunting areas. The modified order will also prevent this from occurring. The current Supervisor’s Closure Order allows a hunting stand to remain on the

NFGT for 24 hours before it must be removed. This decision will change the time limit to 72 hours and placing, leaving or hunting from stands left in place for more than 72 hours will be prohibited. This order will provide consistency with state regulations that are in effect on WMAs, prevent hunters from “laying claim” to an area, and allow equal access to all hunters.

This action qualifies under Section C of the Memorandum of Understanding signed by the Forest Supervisor and the Executive Director of the Texas Historical Commission. It is Categorically Excluded from survey and reporting prior to implementation. This statement constitutes documentation of consultation.

This project is categorically excluded from documentation in an environmental assessment (EA) or an environmental impact statement (EIS) for the following reasons:

- ◆ Past projects which are similar to the proposed action have had no significant effects on the quality of the human environment, directly, indirectly, or cumulatively.
- ◆ No extraordinary circumstances exist that might cause the action to have significant effects on the human environment.
- ◆ This proposal is consistent with and similar to the categories of action which may be excluded from documentation in an EA or EIS as described in FSH 1909.15, Amendment No. 1909.15-92-1, section 31.1b, No. 1.

Public Involvement

U.S. Forest Service resource specialists (members of the interdisciplinary team) reviewed the proposal and submitted their input. Public comment on the proposed Forest Supervisor Closure Orders was solicited in a letter to interested and affected individuals, agencies and organizations on June 7, 2002. The proposals were also listed on the Quarterly Schedule of Proposed Actions beginning with 4th quarter report on July 1, 2002. The proposals were also posted at stores and post offices in the local communities of the NFGT. The following summarizes the relevant comments that the Forest Service received on these two proposals:

Elimination of baiting on national forest land would draw game animals, particularly deer, off of public land to baited areas on nearby private land. This would leave hunters who use the National Forests and Grasslands in Texas at a disadvantage compared to those who are able to hunt on private land.

Deer typically live their entire lives within one to a few square miles. Deer movement is greatest in the spring and fall. Although some deer on the perimeters of the forest may be drawn to adjacent private lands that are conducting baiting, this would be an insignificant percentage of the deer herd of the national forest. During years of good hardwood mast crops deer will typically utilize this source of preferred food over corn. Mature hardwood mast trees are more abundant on national forest lands than most private landowners. Elimination of baiting on national forests will not give an advantage to private landowners.

Elimination of baiting would limit the number of feral hogs that could be taken from the NFGT. Without the use of bait these highly pressured hogs will not come out before dark. This would lead to even more destructive effects by hogs.

Feral hog movement is not limited to the night. During the cooler months, hogs will move throughout the entire daylight. Hogs have a keen sense of smell and will consume almost any food source including roots, berries, acorns, and any small mammal they can catch. Hogs typically have routes that they utilize daily, therefore giving a hunter an opportunity to take advantage of their habits. Corn left on the ground over extended periods may contain aflatoxin, which is a toxin that may be ingested by game and songbirds. This can lead to death of those birds that ingest the corn. Elimination of baiting should not reduce the number of hogs taken off the national forest if hunters learn the habits of the feral hogs in a given area.

Findings Required By Other Laws

This project is consistent with the management direction, including standards and guidelines, in the *1996 Revised Land and Resource Management Plan for the National Forests and Grasslands in Texas*, (the Plan).

Implementation Date

Implementation of this decision may begin immediately.

Administrative Review and Appeal Opportunities

Pursuant to 36 CFR 215.8(a)(4), this decision is not subject to higher level of review.

Contact Person

For additional information concerning this decision, contact Glenn Donnahoe at the USDA Forest Service, National Forests and Grasslands in Texas, 701 North First Street, Lufkin, TX 75901.

Signature and Date

/s/ Glenn Donnahoe

9/23/02

Responsible Official

Date

GLENN DONNAHOE

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