

Decision Notice & Finding of No Significant Impact

Kisatchie National Forest Plan Amendment #9 Prohibiting Dog-Deer Hunting

USDA Forest Service
Kisatchie National Forest
Louisiana

Decision and Reasons for the Decision

Decision

Based on consideration of the environmental analysis, and on the entirety of the National Environmental Policy Act (NEPA) process, I have chosen Alternative 2, the proposed action, which prohibits the use of dogs to hunt deer on the entire Kisatchie National Forest. The use of dogs for hunting other wildlife such as squirrel, game bird, raccoon, and rabbit will continue.

I have taken into careful and thorough consideration the individual and group comments, letters, petitions, congressional calls and statements, near misses and the completed environmental analysis in making this decision. I have visited the Kisatchie National Forest (KNF), evaluated the landscapes and driven roads where the activity takes place. Alternative 2 strikes the best balance among the critical safety, social, economic and natural resource issues identified and evaluated in the NEPA process.

Background

It is important that in relaying my decision, the history and background of dog-deer hunting on the KNF be described. Hunting, in many forms, has been for decades and continues to be a compatible activity on the Kisatchie National Forest. Gun deer hunting is the primary hunting activity on the Forest. Among all State and Federal landowners in Louisiana, the KNF consistently provides the highest number of days for gun deer hunting on public lands.

The hunting regulations within the State of Louisiana are determined through a process managed by the Louisiana Department of Wildlife and Fisheries (LDWF) Commission. In the Louisiana hunting regulations, the only other public land designated for dog-deer hunting is the state-owned and managed Atchafalaya Basin/Swamp in southeast Louisiana. More than 1,000,000 State Wildlife Management Area acres across Louisiana are designated for deer hunting *without* dogs only.

Prior to setting annual hunting regulations, the LDWF requests that the KNF, similar to other Federal and State entities, propose recommendations to be given to the public for review during their annual comment period and public hearings held in the Winter and

Spring preceding that year's Fall hunting season. Over the past several years, dog-deer hunting on the KNF has been steadily reduced, from a high of 28 days in the mid-1990's, to a low of 8 days in 2009/2010 and 2010/2011. For many years (approximately 1992 to 2008) the dog-deer season was 14 days. During this time, the use of dogs to hunt deer became very contentious among adjacent forest landowners, recreationists and even some hunters. This conflict reached an untenable level that resulted in the KNF Forest Supervisor, starting in 2003, to recommend a 7-day season to the LDWF. These recommendations were not adopted, and the situation on the ground continued to deteriorate.

In the spring of 2007, the KNF again proposed to the Commission to decrease dog-deer hunting days to 7 for the 2007/2008 season. After much heated debate, the Commission accepted this proposal, and stated that they would look at going to 0 days of dog-deer hunting the next year (2008/2009). In the summer of 2008, several Federal and State elected officials asked the Forest Supervisor to restore the 14-day season. Discussions then led to a compromise season of 10 days for 2008/2009. The KNF Forest Supervisor wrote to the LDWF Secretary at this time to affirm, "I believe conflicts with dog-deer hunters and Forest neighbors will continue as long as dog-deer hunting continues." Serious conflict did continue in the 2008/2009 season, and during the 2009 LDWF hearings, the Forest indicated their desire to eliminate the dog-deer hunting season on the KNF beginning with the 2009/2010 season.

The Forest Service recommendation to eliminate dog-deer hunting from the KNF was strongly and steadfastly supported by relieved Louisiana adjacent landowners. As recounted in their statements to Forest Service managers, many of these adjacent landowners had for years experienced personal property vandalism, personal confrontations, livestock harassment, reckless driving, fear for personal and family safety due to shooting from and across roads, shooting near homes, road damage from influx of dog-deer hunters and reprisal by some dog-deer hunters for voicing their opinions critical of dog-deer hunters.

This recommendation also brought an outcry by dog-deer hunters, who viewed the dog-deer hunting season on the KNF as one of the last opportunities to dog-deer hunt on public lands in Louisiana without paying for a lease. They stated that ending this season would put an end to the dog-deer hunting culture on public lands. Dog-deer hunting does occur in Louisiana on private lands but usually requires payment for a lease.

During the spring 2009 hearings on hunting regulations, written comments taken by LDWF revealed that most of the participants supported the KNF recommendation to eliminate the dog-deer hunting season from the KNF. This information, combined with the continued serious conflicts with landowners and other recreationists, and the growing issues with safety, led me to a determination that change was needed. I received clarification that as the Federal deciding official, the decision to determine activities on federal Forest Service lands was within my official capacity.

In June of 2009, through verbal and written communication, I informed Congressional offices of my intention to initiate the NEPA process, which would lead to a decision on the use of dogs to hunt deer on the KNF. At the same time, the Forest Supervisor informed the LDWF Commission that we would be proceeding to make adjustments for the KNF prior to the 2010/2011 hunting season. Since I did not expect to issue my decision before the start of the 2009/2010 hunting season, the LDWF Commission decided to establish an 8 day dog-deer hunting season on the KNF for 2009/2010. In August 2009, public scoping was initiated. The Forest Service's unwavering proposal stated, "To prohibit the use of dogs to hunt deer on the entire Kisatchie National Forest."

Alternatives Considered

In addition to the selected alternative, I considered two other alternatives in detail, as well as several other ideas for potential alternatives. A comparison of these alternatives can be found in the EA on pages 14 -19.

Alternative 1- No Action

This alternative would not amend the *Revised Land and Resource Management Plan, Kisatchie National Forest* (1999). The use of dogs to hunt deer on the Forest would be determined each year through consultations with the LDWF. The existing Forest Plan guideline (FW-707) would remain in effect.

Alternative 2 - Proposal

This alternative would amend the *Revised Land and Resource Management Plan, Kisatchie National Forest* (1999) by adding a new standard to prohibit the use of dogs to hunt deer on the entire Kisatchie National Forest (KNF).

Alternative 3 – Designated Dog-Deer Hunting Areas

This alternative would also amend the *Revised Land and Resource Management Plan, Kisatchie National Forest* (1999) by adding a new standard to prohibit the use of dogs to hunt deer on the Kisatchie National Forest (KNF) EXCEPT where designated. The season length would also be limited to a maximum of 9 consecutive days each year, similar to its current length. Maps of the designated areas are shown in Appendix A of the EA.

Alternatives Eliminated from Detailed Study

Various methods to control how dog-deer hunting is conducted were proposed, including the use of a permit system (EA, pages 16-17). These were considered to be consistent with the purpose and need for the proposal, but their overall influence on effects was considered to be relatively small. For example, a permit system would help provide information on the individuals who hunt deer with dogs, but would do little to control or prevent dangerous behavior and permits would still be unlimited.

Reasons for the Decision

In making my decision, I considered the environmental analysis (EA) in its entirety. The following are examples of the most important considerations from that document:

Public Safety

As the dog-deer hunting days decreased during the period 2006-2008 in an effort to address conflict, confrontation and safety issues, the number of notices, violations and citations (NVCs) did not decrease. In fact the instances of conflict with regulation increased with the NVCs issued showing an increasing trend. Additionally, the number of NVCs issued during dog-deer season on the KNF continued to make up a disproportionately higher number compared to the NVCs issued for other forms of hunting on the KNF throughout the remaining hunting year.

The EA describes Alternative 1 (the current condition) as maintaining a "high" risk to public safety. The environmental consequences section states, "Confrontations between conflicting uses of the Forest would continue to occur." Alternative 2 would provide "low" risk to public safety. Alternative 2 consequences state, "Traffic, the number of citations written for safety violations, and confrontations with other recreationists and adjacent landowners would decrease during the time of year that dog-deer hunting typically occurs."

Alternative 3 would continue dog-deer hunting and create a "moderate" risk regarding public safety. The consequences described are "Activities associated with hunting deer with dogs would still impact Forest users and adjacent landowners within the areas open for dog-deer hunting each year...reducing the area available for dog-deer hunting could concentrate more hunters on less area. Concentrating dog/deer hunters into smaller areas, without significantly reducing the number of hunters, would increase the likelihood of an unfortunate shooting incident." Other consequences of this alternative include the likelihood that "Reducing the size of a dog/deer hunting area would create enforcement challenges because dog handlers have little or no control of their dogs after they are released."

Social

The analysis of public comments included the observation that "Some forest users (hunters and other recreationists) and neighboring landowners have said that dog-deer hunting is increasing user conflict on the Forest. They say that this method of hunting impacts other Forest users when deer hunting dogs range beyond the control of hunters and trespass onto other private lands and leases." The analysis also revealed that "...hunting deer with dogs is a tradition in Louisiana that needs to be protected. [Dog-deer hunters] say that if they cannot hunt on the KNF lands, then they will not be able to hunt anywhere else."

Alternative 1 would continue dog-deer hunting. Conflicts would remain the same. Alternative 2 would discontinue dog-deer hunting on the KNF. Incidents of personal property vandalism, personal confrontations, livestock harassment, reckless driving, fear for personal and family safety due to shooting from and across roads, shooting

near homes, road damage from influx of dog-deer hunters and reprisal by some dog-deer hunters would cease. Dog-deer hunters, if they choose to hunt on public lands, would need to travel to other adjacent public lands on the Atchafalaya Basin Swamp or adjacent Mississippi State lands. In Alternative 3, dog-deer hunting would continue on designated and limited areas on the KNF. An important observation from the analysis of public comments regarding Alternative 3 was that “[Private landowners] within the designated dog-deer hunting areas would continue to believe that government controls are inadequate [to prevent conflicts].”

Economic

A number of comments spoke to the negative effects of proposal on the local economies. In 2009, resident big game licenses, including deer and turkey, costs \$14. There was no additional license fee for using dogs to hunt deer. One can reasonably assume that most dog-deer hunters also still-hunt for deer, and would continue to do so if not able to dog-deer hunt. Therefore license sales are not likely to be affected under any alternative.

The EA describes Alternative 1 as having no change in the effects of hunting related expenditures. License sales would be expected to remain the same. The EA states that under Alternative 2, the “local area economy could be affected if many dog-deer hunters choose to travel elsewhere to hunt.” Increased costs to the hunter may occur, and revenue would decrease in the central Louisiana area, if the dog-deer hunters decide to travel to adjacent States or the Atchafalaya Basin Swamp to dog-deer hunt. Alternative 3 would have a slightly lower effect on expenditures than Alternative 2. The EA states, “License sales would not be expected to change noticeably...Dog-deer hunters who choose not to hunt in designated areas would likely still-hunt for deer. Those who continue to hunt with dogs would move to the designated areas.”

Disparity with State or private land use policies

A number of comments received spoke to the disparity between the State of Louisiana and the KNF regarding regulation of dog-deer hunting. Comments against the proposal included “KNF regulations should coincide with State regulations” and “KNF should have hunting regulations similar to private lands’ hunting regulations and abide by LDWF wishes.” The KNF is comprised of just over 600,000 acres, dispersed and checker-boarded across multiple areas. Louisiana State WMAs incorporate over 1.3 million acres across the State. Throughout the State wildlife management area (WMA) history, dog-deer management has never been designated on State WMAs. The KNF remains the only federal land where the LDWF has designated dog-deer hunting.

Alternative 1 would maintain the disparity with the State of Louisiana related to dog-deer hunting. All State managed WMAs do not permit dog-deer hunting. Alternative 2 would eliminate the disparity with the State WMAs, and not allow dog-deer hunting on KNF. Alternative 3 would continue the disparity between the State of Louisiana and KNF by allowing dog-deer hunting to occur.

White-tailed deer population on the KNF

Within the Forest Service mission, the Southern Region and KNF have responsibility to manage for sustainability, which includes sustainable management of wildlife species across Forest Service lands and other multiple use objectives. The KNF is aggressively managed to restore ecological resiliency. The forest ecosystems that support white-tailed deer habitat are managed with prescribed controlled fire every 3 to 5 years to maintain the natural open forest stands. Nonetheless, based on survey and study reports completed on the KNF, white-tailed deer population abundance is a concern. LDFW wildlife personnel and KNF personnel conduct annual surveys. These surveys consistently reveal low amounts of browse utilization indicative of a low deer density. Similarly, Louisiana State University research data collected in 2005 found that deer populations on the KNF are “well below carrying capacity.”

The EA describes Alternative 1 consequences as, “Dog-deer hunting under this alternative may continue to contribute to low deer populations on the KNF by continuing the current pressure on the population...” Under Alternative 2 the environmental consequences include the statement that, “The mortality rate of KNF deer would likely be reduced.” On the other hand, “if dog-deer hunters switch to still hunting and achieve their current harvest success rate, then no measureable effects would be expected in terms of deer populations” under this Alternative. Alternative 3 consequences include, “Deer hunting with dogs...would likely be concentrated in these designated areas. Dog-deer hunting under this alternative may continue to contribute to low deer population numbers in the designated areas where the practice would still be allowed.”

Attachment A to this DN/FONSI provides the page number(s) and changes to be made to the existing Forest Plan direction. A detailed comparison between the Plan’s current management direction and the new or modified direction can be found in the environmental analysis documentation done for this decision.

Public Involvement

The need for this proposal arose in June 2009. The proposal was listed in the *Schedule of Proposed Actions* on the Forest’s website beginning August 2009. The scoping proposal letter was mailed to approximately 100 public contacts and a scoping notice was placed in five newspapers of record in August 2009. News releases followed requesting comments on the Forest’s proposal. Another scoping letter, notice, and news release, with additional information about respondents’ privacy rights under the Freedom of Information Act (FOIA), was sent out in September 2009. Both scoping requests asked for comment responses by October 1, 2009.

During the scoping period, many collaborating agencies and interested citizen groups that may not have received a scoping letter were also informed of the proposal. A listing of the individuals and organizations contacted can be found in the EA on pages 62-65. Since then, the KNF has followed the steps in the NEPA process, which includes analysis based on substantive issues and not merely voting. It is a process available to all publics, not only those most vocal or nearby.

Interdisciplinary team (IDT) meetings were held during September and October 2009 to identify concerns, clarify any issues derived from public involvement, and explore the need for alternatives.

The Forest Service identified three significant issues during scoping. These issues included: (1) public safety; (2) impacts on recreation and other land uses; and (3) social and economic impacts.

The Forest Service responded to these issues by developing alternative 3. This alternative is a modification of the Forest Service's initial proposal. It responds to reducing ongoing conflicts between dog-deer hunters and other Forest users by reducing the amount of area open to hunting deer with dogs on the KNF. It provides dog-deer hunters some areas that were either suggested during the public comment period, or were chosen by the Forest Service because there appeared to be fewer interfaces with private landowners, lessees, and specially protected areas. It provides other Forest users more area than current to recreate outside of dog-deer hunting areas. Alternatives 1 and 2 respond respectively to those who wanted deer-dog hunting to continue as in the past, or to those who wish to see the practice eliminated on the entire KNF.

Related issues or concerns (or non-significant issues) were not used to generate alternatives, but because they generate some conflict, were used to help prescribe management requirements, or analyze environmental effects. These related concerns included: (1) the biological needs for deer; and (2) the disparity with state/private land use policies.

The effects relating to each of these concerns were analyzed in detail for all three alternatives in Chapter 3 of the EA.

Finding of No Significant Impact

After considering the environmental effects described in the EA, I have determined that actions associated with this decision will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. Beneficial and adverse effects were given equal consideration (EA, throughout Environmental Consequences, pages 20 thru 60).
2. The actions will not adversely affect public health or safety (EA, page 23).
3. The unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically-critical areas will not be affected (EA, throughout Environmental Consequences, pages 20 thru 60).
4. The effects on the quality of the human environment are not likely to be highly controversial (EA, throughout Environmental Consequences, pages 20 thru 60).
5. We have considerable experience with the types of activities to be implemented. The effects analysis shows the effects are not uncertain, and do not involve

unique or unknown risk (EA, throughout Environmental Consequences, pages 20 thru 60).

6. The action will not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration (EA, analysis of cumulative effects throughout Environmental Consequences, pages 20 thru 60).
7. These actions are not related to other actions with individually insignificant but cumulatively significant impacts (EA, analysis of cumulative effects throughout Environmental Consequences, pages 20 thru 60).
8. The actions will not adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or cause loss or destruction of significant scientific, cultural, or historical resources (EA, page 48).
9. The actions are not likely to adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973 (EA, pages 49 thru 57; EA, Appendix B, Biological Evaluation).
10. The actions do not threaten a violation of Federal, State, or local law or requirements imposed for the protection of the environment (EA, throughout Environmental Consequences, pages 20 thru 60; below, in Findings Required by Other Laws and Regulations).

Findings Required by Other Laws and Regulations

The Forest Service is currently operating under the November 9, 2000 planning rule (see *Federal Register*, December 18, 2009). According to 36 CFR 219.35 and Appendix B to 219.35, the responsible official may elect to conduct the plan amendment process under the “1982 planning regulations” (those regulations in effect before November 9, 2000). I have elected to conduct this amendment following the 1982 planning regulations. After reviewing the Environmental Assessment, I have determined that the decision to implement this amendment will not result in a significant change to the Kisatchie’s Revised Land and Resource Management Plan. The determination that this is a non-significant amendment is made in accordance with 16 USC 1604(f)(4), 36 CFR 219.10(f) (1982 regulations), and Forest Service Manual 1926.5. This plan amendment meets the criteria for a non-significant amendment because these changes will not “significantly alter the multiple-use goals and objectives for long-term land and resource management” and they will not “significantly alter the long-term relationship between levels of multiple-use goods and services originally projected” (FSM 1926.5).

In accordance with FSM 2672.4, a Biological Evaluation (fauna and flora) were prepared to evaluate the effects of the planned activities on PETS species (EA, Appendix B). The chosen management direction (Alternative 2) is not likely to adversely affect the Red-cockaded Woodpecker. The U.S. Fish and Wildlife Service has concurred with this determination (EA, Appendix G) as it relates to threatened and endangered species. The proposed actions are not likely to cause a trend toward federal listing or a loss of viability for any sensitive species.

The effect of the chosen actions on Management Indicator Species (MIS) will be minimal. Acres of suitable habitat will not change and habitat conditions desired by the Revised Land Management Plan for the Plan area will be improved and not be adversely affected. Forest-wide MIS conditions and trends will continue to be monitored annually and reports updated at least once every five years in order to document that this assumption can be supported.

This management direction is compatible with the current land and resource allocation needed to achieve the desired future conditions described in the Kisatchie National Forest's Forest Plan.

The management practices and activities are consistent with the National Forest Management Act (NFMA 16 USC 1604(i), NFMA regulations (36 CFR 219) and agency manuals, handbooks, and directives in effect December 2009.

Implementation Date

This decision is effective **seven days** after publishing the legal notice of this decision in the newspaper of record (*The Town Talk*, Alexandria, LA).

Administrative Review or Appeal Opportunities

For plan amendments conducted under the "1982 planning regulations" the responsible official can elect to use either the "Optional Procedures Available during the Planning Rule Transition Period" (the former 36 CFR 217 appeal procedures that were in effect prior to November 9, 2000) or the Objection procedures of 36 CFR 219.32 from the 2000 planning rule (see Appendix A to 36 CFR 219.35 [*Federal Register*, December 18, 2009]). For this decision, I have decided to use the "Optional Appeal Procedures".

A written notice of appeal must be filed in duplicate and postmarked or received within 45 days of the publication of the legal notice. The appeal must clearly state that it is a Notice of Appeal being filed pursuant to the Optional Appeal Procedures. Appeals must meet the content requirements of Section 9 of the Optional Appeal Procedures, which are available for review at <http://www.fs.fed.us/emc/applit/includes/PlanAppealProceduresDuringTransition.pdf>.

Appeals must be filed with the Chief of the Forest Service at:

Regular Mail:

USDA Forest Service
ATTN: EMC Appeals
Mail Stop 1104
1400 Independence Ave., SW
Washington, DC 20250-1104

Private Carrier or Hand Delivery:

USDA Forest Service
Ecosystem Management Coordination
Attn: Appeals
Yates Bldg., 3CEN

201 14th Street, SW
Washington, DC 20250

(Note: If a phone number is needed for carrier delivery, use 202-205-0895)

Appeals may also be mailed electronically in a common digital format to appeals-chief@fs.fed.us or sent by FAX to 202-205-1012.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact David Meriwether, Acting Planning Director, 1720 Peachtree Road NW, Atlanta, GA, 30309. Mr. Meriwether may be reached at 404.347.3183.



Elizabeth Agpaoa
Regional Forester

December 16, 2010
Date

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Attachment A

Amendment #9 to Kisatchie National Forest's Revised Land Management Plan December 2010

Amendment 9 to the *Revised Land and Resource Management Plan, Kisatchie National Forest* (1999) adds a new standard that prohibits the use of dogs to hunt deer on the entire Kisatchie National Forest (KNF). Forest Plan guideline FW-707 (on page 2-26) remains in effect.

Plan, Chapter 2

Add the following new direction:

FW-DD1: Prohibit use of dogs to hunt deer on the Forest. Other kinds of hunting with dogs are allowed throughout the Forest (in accordance with state hunting regulations) unless site-specific management direction prohibits the use (such as on administrative sites and the National Wildlife Preserves). **(KNF)**
(STANDARD)

This amendment is not a significant change to the Revised Land and Resource Management Plan for the Kisatchie National Forest. The determination that this is a non-significant amendment is made in accordance with 16 USC 1604(f)(4), 36 CFR 219.10(f) (1982 regulations, as authorized by 36 CFR 219.35 of the current planning regulations, dated November 9, 2000 and Appendix B to 219.35 [see *Federal Register*, December 18, 2009]), and Forest Service Manual 1926.5. This plan amendment meets the criteria for a non-significant amendment because these changes will not "significantly alter the multiple-use goals and objectives for long-term land and resource management" and they will not "significantly alter the long-term relationship between levels of multiple-use goods and services originally projected" (FSM 1926.5). The NEPA analysis for this change is documented in a Decision Notice and Environmental Assessment.

