



ANIMAL WELFARE INSTITUTE

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December 8, 2006

BY ELECTRONIC AND REGULAR MAIL

Ms. Adrienne A. Coleman, Superintendent
Rock Creek Park
3545 Williamsburg Lane, NW
Washington, DC 20008

Dear Ms. Coleman:

On behalf of the nationwide membership of the Animal Welfare Institute (AWI), I submit the following scoping comments on the notice of intent to prepare a White-tailed Deer Management Plan (Plan) and Environmental Impact Statement (EIS) for Rock Creek Park (RCP). The National Park Service (NPS) notified the public of its intent to prepare the Plan and EIS in the September 20, 2006 Federal Register (71 FR 55012).

Though the Federal Register notice and scoping brochure do not provide specific scientifically credible data about the size of the park's deer population or about its alleged impact on the park's floral and faunal diversity or the park's cultural landscape preservation goals, the notice does provide an indication of the content of the pending Plan and EIS.¹ It is clear, for example, that RCP believes its deer population is too large and is allegedly adversely impacting park attributes, including other wildlife and park vegetation including federally protected species. Indeed, the intent of creating a deer management plan at this time is to, among other things, address "the potential of deer becoming the dominant force in the park's ecosystem and adversely impacting native vegetation and other wildlife, excessive deer browse causing a decline in forest regeneration and impacting the existing shrubs and herbaceous species, deer impacts on cultural landscapes, and opportunities for coordinating management actions with other jurisdictional entities." 71 FR 55012. Preliminary alternatives to be evaluated in the EIS include reproductive control, fencing to exclude deer, lethal reduction with and without

¹ Some of the evidence presumably to be used by the National Park Service in its Plan and EIS for RCP is contained in its 'Deer Management Plan and Environmental Impact Statement Final Internal Scoping Report.' This report was not reviewed in preparation of these scoping comments but will be critically analyzed in preparation of comments on the Draft Plan and EIS.

firearms, limited capture and euthanasia, and a combination of these management strategies. 71 FR 55013.

What is barely mentioned in the notice, however, are the statutes, regulations, and policies governing the management of national parks. These laws, simply put, mandate compliance with a natural regulation management philosophy that relies on natural factors to dictate changes in park ecology and species diversity. While the NPS has a legal duty to protect federally listed threatened and endangered species, the primary duty of the NPS in regard to its overall management of lands under its jurisdiction is to protect, not persecute, native wildlife regardless of the population size or status. While NPS statutes allow, under very limited circumstances, wildlife to be removed from national parks the need for such removals have to be exhaustively documented. If the NPS elects to promote lethal control of deer within RCP, all management options including alterations to land management practices both inside and outside RCP and modifications to human practices and attitudes that may affect deer must be evaluated. In addition, all alternatives to any proposed lethal control must be comprehensively and objectively analyzed.

Though the NPS manages a number of urban parks, RCP is somewhat unique because of its location in urban and suburban Washington, DC and Maryland, its proximity to residential areas, including many high value homes, and its physical shape which is relatively narrow in many areas as the park snakes through a densely population metropolitan area. These attributes pose unique issues for the NPS in developing a deer management plan. For example, if the NPS evaluates lethal control as an alternative, public safety issues will be of utmost concern given the proximity of homes to the park and the popularity of the park among residents and tourists. The popularity of deer among many of the residents who reside adjacent to the park also makes any effort to control private feeding of deer as a means to reduce potential human/deer conflicts even more difficult. Similarly the landscaped yards in the neighborhoods adjacent to the park create a perfect habitat for deer who likely use those yards as feeding grounds at night while returning to the forests of the park for cover by day. Such a situation will complicate efforts to attempt to limit or restrict the growth of the deer population versus allowing the population to stabilize at the so-called biological carrying capacity and using non-lethal strategies, human behavior modification, and education to address ecological and conflict issues attributable to deer.

To meet NPS mandates and to provide the comprehensive analysis required in an EIS, the CVNP must include in its pending Plan and EIS the following information/analyses:

1. A comprehensive review of NPS statutes, regulations, and policies regarding wildlife and wildlands management. This review must include information on the historical and current interpretation of the natural regulation mandate, an analysis of court opinions relevant to national park management, and compare and contrast decisions to be made for deer management in RCP to similar decisions made in other national parks throughout the country.

2. A comprehensive review of the history of white-tailed deer, deer-human conflicts, and deer management practices in the RCP and on surrounding lands must be disclosed and discussed. This review must include an analysis of land management practices both inside and outside of RCP. The presence of any agricultural land, including any experimental plots, the type of crops being grown the area, development activities and trends, road type (i.e. highway, residential streets) and density, wildlife feeding laws or ordinances, and the type and severity of human-deer conflicts must all be included in such an analysis. Given the density of roads in and around RCP, this analysis also must include an assessment of changes in vehicle density and use patterns as the documented increase in deer/vehicle collisions may reflect an increase in vehicle density instead of an increase in the deer population. In addition, the Plan and EIS must include a discussion of existing deer management practices both within and outside of RCP including, but not limited to, disclosure of deer hunting strategies and outcomes outside of RCP (if permitted by in suburban Maryland) and efforts undertaken by the NPS, the Maryland Department of Natural Resources/Division of Wildlife, Washington D.C. authorities, and/or local municipalities to educate property owners on how to coexist with deer.

3. Full disclosure of all federally and state listed threatened and endangered species inhabiting RCP, the status of each population within RCP, regionally, and nationally, and specific indisputable evidence, if available, documenting any alleged white-tailed deer impacts on those species. Such evidence should preferably consist of peer-reviewed scientific studies instead of opinion, gray literature references, and/or personal communications. In addition, as the NPS is aware, it will have to subject its proposed white-tailed deer management plan to the required Section 7 consultation under the Endangered Species Act.

4. A full and objective evaluation of the potential applicability of surgical and non-surgical (i.e. immunocontraceptives) techniques to reduce or alter the reproductive potential of the park's white-tailed deer population. This evaluation must include a detailed discussion of any and all immunocontraceptives that have been used on deer (e.g. porcine zona pellucida or PZP, gonadotropin releasing hormone (GnRH), leuteinizing hormone (LH), follicle stimulating hormone (FSH)), the efficacy, and their safety. The analysis must cite to credible scientific studies documenting the potential impacts, beneficial and adverse, of any sterilization program (surgical or non-surgical) evaluated in the Plan and EIS.

A credible model must be developed to predict what impact a sterilization program, if selected, may have on the deer population depending on the proportion of deer subject to treatment. Moreover, this analysis must include a detailed short and long-term cost benefit analysis comparing and contrasting the cost of a surgical or non-surgical sterilization program with the cost of any other deer reduction strategy considered in the Plan and EIS. Such an analysis must be comprehensive and consider all costs of any lethal deer control strategy including the impact on the legal and social precedent set by such a decision, the impact on visitors to RCP, and the impact to the values of the park, including the existence value. A contingent valuation methodology or some similar economic impact measurement tool must be used to perform this analysis. It must be

noted, however, that because RCP is a federal park supported by federal tax dollars, cost must not be used as the sole basis for rejecting an alternative that may best protect the integrity of the RCP, its wildlife, and preservation-based statutes, regulations, and policies of the NPS.

5. A comprehensive evaluation of the biology and ecology of white-tailed deer in RCP. Such an evaluation must be based on the best available scientific evidence which must be based on specific studies of white-tailed deer in RCP and on surrounding lands. If the NPS intends to propose lethal deer control, it must include credible evidence of deer impacts to other RCP wildlife, flora, and cultural landscapes. Such an analysis must also document the severity of such impacts using credible scientific studies and include a prediction of how such impacts may increase, decrease, or stabilize over time in relationship to changes in the deer population size, reproductive dynamics, immigration/emigration, and climatic patterns.

A scientifically credible model must be developed to make such future predictions and the model must incorporate both prospective changes to the deer population as well as vegetation production, composition, and abundance data, and the relationship between those factors and variable climatic conditions. Indeed, any analysis of deer impacts would be incomplete if it did not include a comprehensive review of the park's vegetation productivity, abundance, and composition, and how those measurements have changed over time. In addition, the Plan and EIS must include a complete description of the biology and ecology of the species, flora or fauna, allegedly adversely impacted by deer and other factors, natural and anthropogenic, that may also be impairing, disturbing, or hindering the survival of those species.

Finally, though the NPS declares its intent to address the potential of deer becoming the dominant force in the ecosystem it must provide evidence explaining why, in the opinion of the NPS, deer are not, biologically and ecologically, supposed to occupy the role of the dominant herbivore in the RCP ecosystem. The NPS must present both sides of the argument regarding the role of deer in the RCP ecosystem and, in particular, must consider the NPS's natural regulation mandate in this discussion.

6. The Plan and EIS must include a comprehensive review of all non-lethal strategies (e.g. fencing, landscape management, speed limit reduction, education) potentially available to mitigate, prevent, or eliminate deer impacts, if any, within and outside RCP. The NPS must specify that it intends to use and evaluate all non-lethal strategies to address the alleged impacts of deer on RCP before considering lethal control options given the significant restrictions on lethal wildlife management practices allowed in national parks by statute.

Finally, AWI strongly encourages the NPS to make available all records (e.g. correspondence, memoranda, studies, e-mails, reports, documents, data) that it intends to rely on in the pending Plan and EIS via a website. This will enable interested parties to easily access and evaluate all such records in order to promote and enhance the public's ability to both evaluate the evidence being used by the NPS and to produce informed and

substantive public comments in response to the Draft Plan and EIS. The process is likely to be controversial, therefore such a website would also provide a level of much-needed transparency.

Thank you for considering these scoping comments. Please send future notifications, correspondence, and environmental documents to D.J. Schubert, 3121-D Fire Road, PMB 327, Egg Harbor Township, NJ 08234.

Sincerely,

D.J. Schubert
Wildlife Biologist