

**Final Marais des Cygnes National Wildlife Refuge
Hunting and Fishing Plan**

July 2020

U.S. Fish and Wildlife Service

**Marais des Cygnes National Wildlife Refuge
24141 Kansas Highway 52, Pleasanton, KS 66075**

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Table of Contents

I. Introduction	2
II. Statement of Objectives.....	4
III. Description of Hunting Program	6
A. Areas to Be Opened to Hunting	6
B. Species to Be Taken, Hunting Periods, Hunting Access.....	7
C. Hunter Permit Requirements (if applicable)	7
D. Consultation and Coordination with the State.....	7
E. Law Enforcement	7
F. Funding and Staffing Requirements.....	8
IV. Conduct of the Hunting Program.....	8
A. Hunter Permit Application, Selection, and Registration Procedures (if applicable).....	8
B. Refuge-Specific Hunting Regulations.....	8
C. Relevant State Regulations.....	9
D. Other Refuge Rules and Regulations for Hunting.....	9
V. Public Engagement.....	10
A. Outreach for Announcing and Publicizing the Hunting Program	10
B. Anticipated Public Reaction to the Hunting Program	11
C. How Hunters Will Be Informed of Relevant Rules and Regulations.....	11
VI. Compatibility Determination.....	11
VII. References	11

List of Figures

Figure 1. Area Map of Kansas National Wildlife Refuge Complex.....	3
Figure 2. Vicinity Map Showing Open (Blue) Areas and Closed (Green) Areas of Marais des Cygnes National Wildlife Refuge.....	5

Final Marais Des Cygnes National Wildlife Refuge

Hunting and Fishing Plan

I. Introduction

National wildlife refuges are guided by the mission and goals of the National Wildlife Refuge System (Refuge System), the purposes of an individual refuge, United States (U.S.) Fish and Wildlife Service (Service) policy, and laws and international treaties. Relevant guidance includes the National Wildlife Refuge System Administration Act of 1966 (NWRSA), as amended by the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act), Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations (CFR) and Fish and Wildlife Service Manual.

Marais des Cygnes National Wildlife Refuge (NWR) was established under the following legislation and mandates:

- Emergency Wetland Resources Act (1986): The purpose of the act is “to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes. . . .” (16 U.S. Code Section 3901) and “. . . the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions . . .” (16 U.S. Code Section 3901 [b]).
- Fish and Wildlife Act (1956): “. . . for the development and advancement, management, conservation and protection of fish and wildlife resources . . .” (USFWS 1998, p. 6).

In addition, the Refuge Recreation Act (16 U.S. Code Section 460-1) states that each refuge is “. . . suitable for incidental fish and wildlife oriented recreational development, the protection of natural resources, and the conservation of endangered or threatened species . . .”

“The Refuge was established in 1992 to protect bottomland hardwood habitats along the Marais des Cygnes River in Linn County (Marais des Cygnes National Wildlife Refuge Decision Document). Marais des Cygnes Basin, including threatened and endangered species, will be preserved in coordination with partners. Additionally, the Refuge will serve as an area for wildlife-dependent environmental education, interpretation, and compatible recreational day use” (USFWS 1998, p. 6).

As outlined in the refuge’s comprehensive conservation plan (CCP), the refuge has a landscape goal to “restore and maintain an area of Oak-Hickory Deciduous Forest Tallgrass Prairie Ecotone in as natural a condition as possible, to provide quality habitat for federally and state-listed species and support a diverse community of native plants and animals” (USFWS 1998, p. 30).

The Marais des Cygnes NWR (location shown on Figure 1) consists of 7,565 acres of wetlands, riparian forests, tallgrass prairie, and agricultural lands.

Kansas National Wildlife Refuge (NWR) Complex

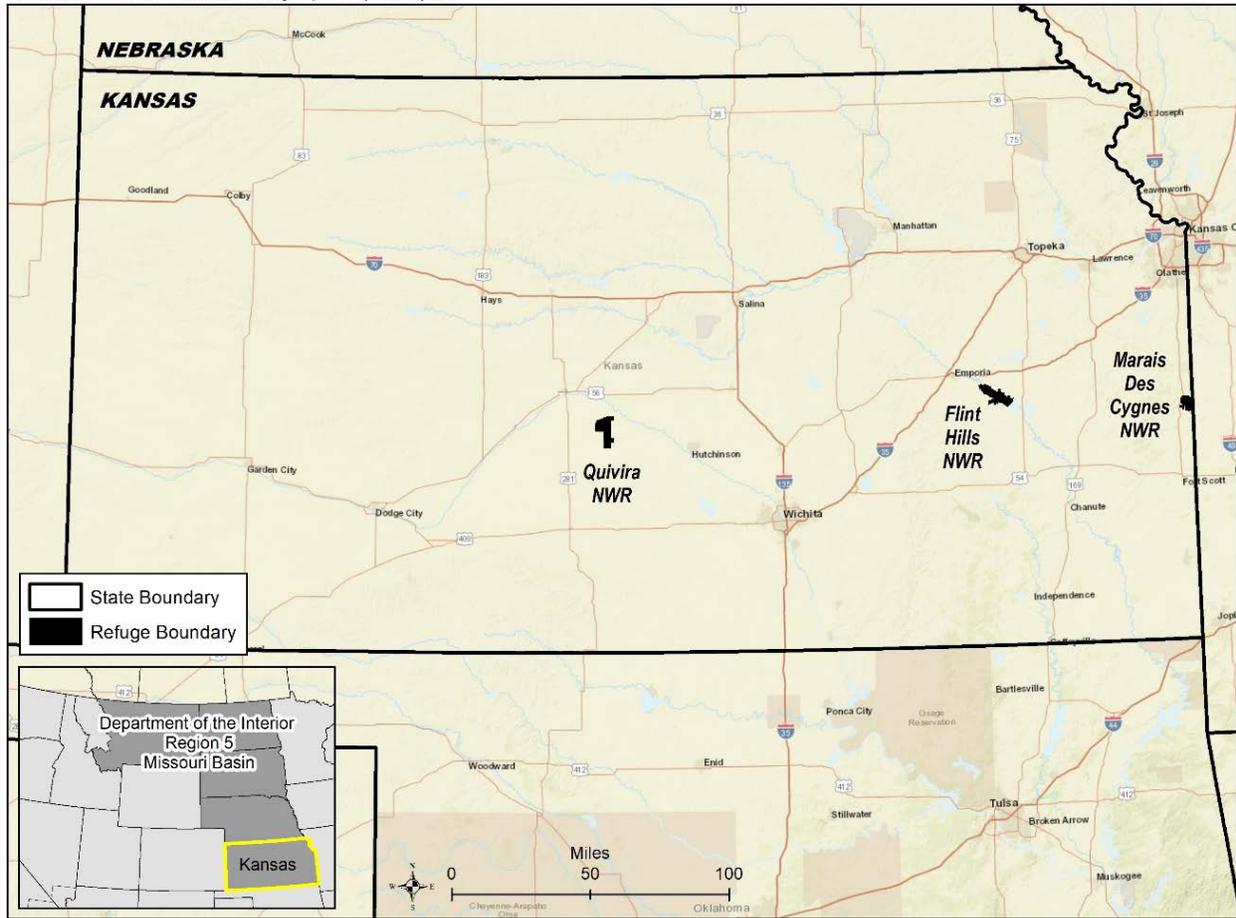


Figure 1. Area Map of Kansas National Wildlife Refuge Complex (USFWS 2019).

Established in 1992, the refuge is owned in fee by the Service as part of the Refuge System. Prior to refuge establishment, significant alterations occurred to vegetation and hydrology. Although much of the native tallgrass prairie was cleared for agriculture, native habitats still occur within bottomland hardwood forests, tallgrass prairie, and gravel beds harboring freshwater mussels. Former agricultural fields provide sites for restoration of hardwood forests, tallgrass prairie, and the creation of moist soil wetlands.

The mission of the Refuge System, as outlined by the NWRSA, as amended by the Improvement Act (16 U.S. Code 668dd et seq.), is:

“ . . . to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”

The NWRSAA mandates the Secretary of the Interior in administering the System to (16 U.S. Code 668dd[a][4]):

- provide for the conservation of fish, wildlife, and plants, and their habitats within the Refuge System;
- ensure that the biological integrity, diversity, and environmental health of the Refuge System are maintained for the benefit of present and future generations of Americans;
- ensure that the mission of the Refuge System described at 16 U.S. Code 668dd(a)(2) and the purposes of each refuge are carried out;
- ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the states in which the units of the Refuge System are located;
- assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the Refuge System and the purposes of each refuge;
- recognize compatible wildlife-dependent recreational uses as the priority general public uses of the Refuge System through which the American public can develop an appreciation for fish and wildlife;
- ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses; and
- monitor the status and trends of fish, wildlife, and plants in each refuge.

Therefore, it is a priority of the Service to provide for wildlife-dependent recreation opportunities, including hunting and fishing, when those opportunities are compatible with the purposes for which the refuge was established and the mission of the Refuge System.

This 2020 hunting and fishing plan expansion will not open additional acres for hunting, but rather new species (furbearers, coyote, and crow). The closed unit (2,570 acres), historically closed to hunting, will remain as such. The areas on the refuge that are open and closed to hunting are shown in Figure 2.

II. Statement of Objectives

A purpose of this hunting and fishing plan is to bring the refuge into alignment with Kansas Department of Wildlife, Parks, and Tourism (KDWPT) regulations, as well as other national wildlife refuges in the Kansas. Furthermore, the coyote hunting proposal will provide consistency of regulations with the adjacent Marais des Cygnes State Wildlife Area. Simplifying regulations could assist with reducing the downward trend in hunters and anglers by providing for the recruitment, retention, and reactivation of sportsmen and women.

In addition, the hunt is justified by the abundance of wildlife on the refuge. The furbearer populations have increased on the refuge and throughout the state in recent decades. In addition, refuge staff observe crow densities increasing over the past two decades.

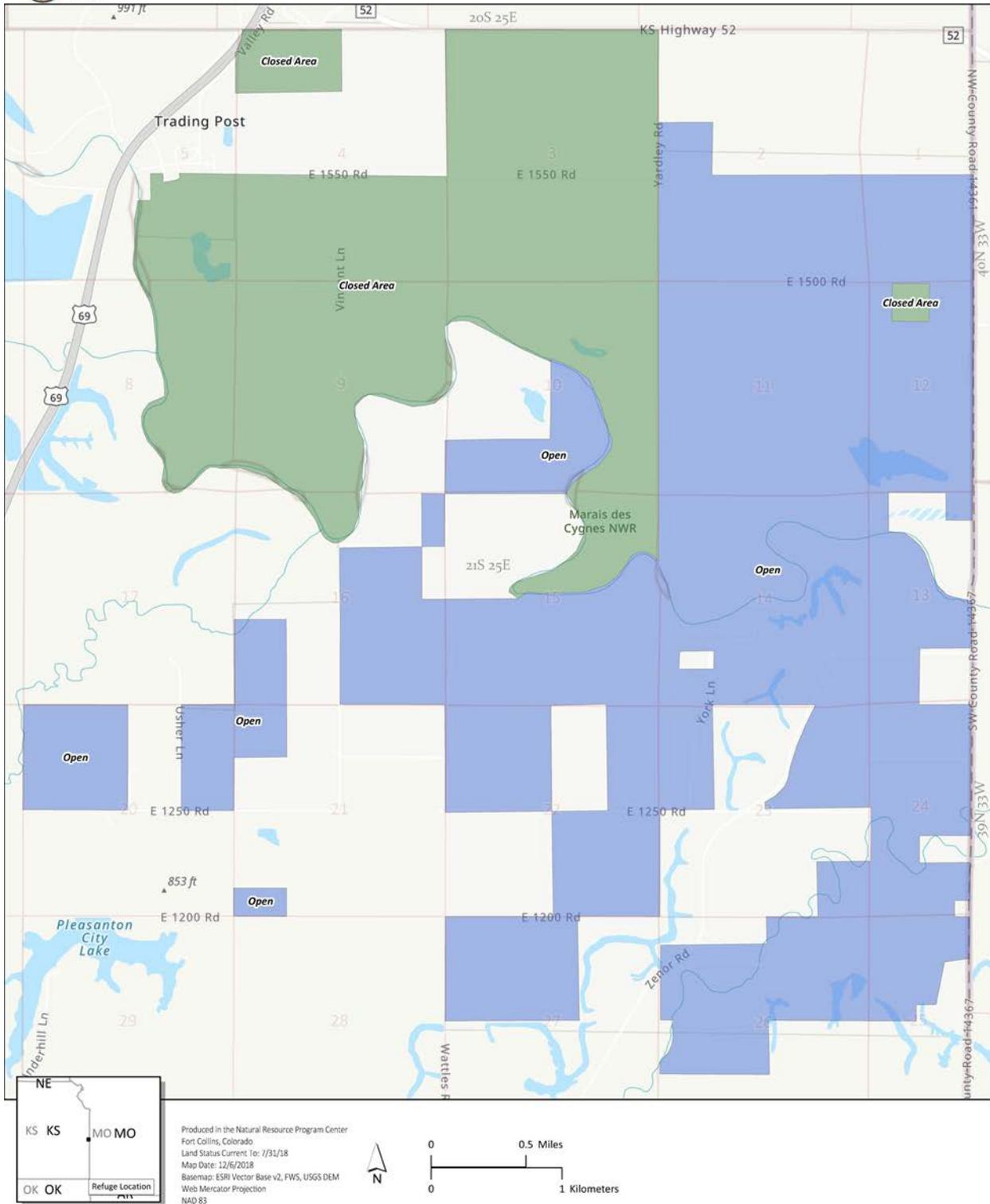


Figure 2. Vicinity Map Showing Open (Blue) Areas and Closed (Green) Areas of Marais des Cygnes National Wildlife Refuge.

Hunting is consistent with the refuge's CCP goal: To provide opportunities for wildlife-dependent public access and recreational opportunities to include compatible forms of hunting, fishing, wildlife observation, photography, interpretation, and educational activities (USFWS 1998, p. 34).

This hunting and fishing plan proposes to support existing hunting opportunities and provide new hunting opportunities on the refuge. The hunting program generally will follow State of Kansas regulations with respect to the target species, seasons, bag limits, and method of take. In certain instances, we, the Service, may deviate from those regulations to meet refuge wildlife population, public use, and public safety goals. This plan also proposes to use members of the general public to participate in hunts at specific times and locations that are designed to provide unique hunter opportunities. These hunts will be conducted in cooperation with the KDWPT.

III. Description of Hunting Program

The Service is proposing to open hunting for crow, badger, bobcat, mink, muskrat, fox, opossum, raccoon, striped skunk, weasel, and coyote on the 4,995-acre open unit on the refuge in accordance with the refuge's CCP.

A. Areas to Be Opened to Hunting

The refuge provides significant bottomland hardwood habitat in a 3,300-square-mile watershed that consists primarily of private land managed for agriculture. Most of the watershed is dominated by grassland/pasture (59 percent of acreage) and cultivated crops (20 percent of acres). Shrublands account for one-tenth of 1 percent of acreage. Land cover data show only 11 percent of the acreage as forest, most of which is on upland sites, with very little bottomland hardwood habitat. Therefore, bottomland hardwood habitats at the refuge offer something unique to the Marais des Cygnes River drainage: a bottomland hardwood forest that can be actively managed to counteract the regionally prevalent oak decline resulting from forest densification and reduced fire. Most forests in eastern Kansas are not actively managed, and therefore revert to shade-tolerant elm-ash-hackberry (Hodges 1997). Therefore, bottomland hardwood forests and shrub and scrub wetlands provide important migratory bird habitat along the Marais des Cygnes River. Mensik and Paveglio (2004) present management concepts that apply well to the refuge's habitats:

“Because many refuges are located in areas that have fragmented habitats as well as dramatically altered hydrology and vegetation, they are often islands of habitat surrounded by large urban areas or intensive agricultural development. Many of the refuges located along the Continent's four major flyways were established to conserve and intensively manage nesting, migration, and wintering areas for migratory waterfowl and waterbirds.”

For more information regarding the affected environment, please see the refuge CCP.

Under the Proposed Action Alternative, the Service will open hunting for crow, badger, bobcat, fox, mink, muskrat, opossum, raccoon, striped skunk, weasel, and coyote on the 4,995-acre open unit on the refuge.

B. Species to Be Taken, Hunting Periods, Hunting Access

Furbearer and Coyote

Under the Proposed Action Alternative, the Service will open hunting for badger, bobcat, fox, mink, muskrat, opossum, raccoon, striped skunk, weasel, and coyote on the 4,995-acre open unit on the refuge in accordance with the refuge's hunting and fishing plan. No trapping is being proposed. Hunting for beaver and otter is not permitted by state regulations and is not proposed in this alternative. Methods of take for furbearers will include shotgun, muzzleloader, and archery. Dogs, vehicles, or bait may not be used to hunt furbearers or coyotes. Coyotes may not be hunted from a vehicle or a road. Electronic calls will be permitted for coyote and furbearer. Hunting will be permitted during daylight hours (one-half hour before legal sunrise until legal sunset). Hunting seasons will be consistent with state regulations.

Crow

Under the Proposed Action Alternative, the Service will open hunting for crow on the 4,995-acre open unit. Seasons and bag limits will follow state regulations. Method of take will be limited to shotgun (nontoxic shot only) and archery equipment. Consistent with state regulations, electronic calls will be allowed for crow hunting.

C. Hunter Permit Requirements

Hunters will be required to have the relevant state license/permits, as well as a refuge-specific permit. See "Hunter Permit Application and/or Registration Procedures" below.

D. Consultation and Coordination with the State

Representatives of the Kansas NWR Complex (Flint Hills, Marais des Cygnes, and Quivira NWRs) met with the Secretary of the KDWPT and a KDWPT wildlife research supervisor migratory bird specialist about potential future hunting opportunities on the refuges on October 30, 2019, in Hartford, Kansas. The state shared organization and public interests and responded to proposed hunting opportunities at the meeting and in follow-up verbal and written communications. These discussions helped adjust our plan to align, where possible, with state management goals. Overall, the state was supportive of the Service's proposals of expanded hunting opportunities and both agencies confirmed the continuance of a strong partnership. The refuge received a letter of concurrence from the state director on November 18, 2019.

The refuge and KDWPT will continue to work together to ensure safe and enjoyable recreational hunting opportunities. Law enforcement officers from both the Service and KDWPT work together to patrol the refuge, safeguarding hunters, visitors, and both game and nongame species.

E. Law Enforcement

Enforcement of refuge violations normally associated with management of a national wildlife refuge is the responsibility of commissioned federal wildlife officers. Other officers, special agents, state game wardens, and the local sheriff's department assist federal wildlife officers.

The following methods will be used to control and enforce hunting regulations:

- Refuge and hunt area boundaries will be clearly posted.
- The refuge will provide a brochure that shows hunting areas.
- Service law enforcement staff will randomly check hunters for compliance with federal and state laws.

F. Funding and Staffing Requirements

The proposed alternative (expanded hunting opportunities) will not require any additional cost for law enforcement. The proposed hunting seasons occur during months of the year when officers will be making other hunter contacts anyway. The hunts will occur in existing hunt units, and thus will require no new signage. The only local administrative change will be reprinting the refuge hunting brochure with the updated regulations. This occurs on an annual basis and will not require additional expense.

IV. Conduct of the Hunting Program

A. Hunter Permit Application, Selection, and Registration Procedures

There is no application, registration, or selection process for hunting of furbearers, coyote, and crow on the refuge.

Information and forms on refuge hunting can be downloaded from the Marais des Cygnes NWR website ([https://www.fws.gov/refuge/Marais des Cygnes/](https://www.fws.gov/refuge/Marais%20des%20Cygnes/)).

B. Refuge-Specific Hunting Regulations

Listed below are refuge-specific regulations that pertain to hunting on the refuge as of the date of this plan. These regulations may be modified as conditions change or if refuge expansion continues/occurs.

50 CFR 32.35 Kansas

(c) Marais des Cygnes National Wildlife Refuge

(1) Migratory game bird hunting. We allow hunting of coot, crow, duck, goose, mourning dove, rail, snipe, and woodcock on designated areas of the refuge subject to the following conditions:

- (i) We prohibit discharge of firearms within 150 yards (135 meters) of any residence or occupied building.*
- (ii) Portable hunting blinds and decoys must be removed at the end of each day's hunt.*
- (iii) We only allow shotguns, muzzleloaders, and archery equipment.*
- (iv) We prohibit shooting from or over roads and parking areas.*
- (v) We allow the use of dogs when hunting migratory birds.*

(2) Upland game hunting. We allow hunting of cottontail rabbit, state-designated furbearers, squirrel, and upland birds on designated areas of the refuge subject to the following conditions:

- (i) We allow the use of dogs when hunting upland game but prohibit the use of dogs when hunting coyotes and furbearers.
- (ii) Shooting hours for upland game species are one-half an hour before legal sunrise until legal sunset.
- (iii) We prohibit the harvest of beaver and otter.
- (iv) The condition set forth at paragraphs (c)(1)(i), (iii), and (iv) of this section apply.

(3) Big game hunting. We allow hunting of white-tailed deer and turkey on designated areas of the refuge subject to the following conditions:

- (i) You must possess and carry a refuge access permit to hunt deer and spring turkey.
- (ii) We allow one portable blind or stand per hunter. Stands may not be placed until 14 days prior to the season and shall be removed within 14 days of the close of the season. Portable blinds must be removed at the end of each days hunt. Portable blinds and stands must be labeled with the owner's name and KDWPT number. Labels must be clearly visible from the ground.
- (iii) We prohibit the use of dogs when hunting turkey.
- (vi) You may possess only approved nontoxic shot for turkey hunting.
- (v) The condition set forth at paragraphs (c)(1)(i), (iii), and (iv) of this section apply.

(4) Sport fishing. We allow sport fishing on designated areas of the refuge subject to the following conditions:

- (i) We prohibit the take of reptiles and amphibians.

C. Relevant State Regulations

The refuge adheres to state seasons for furbearers, coyote, and crow.

D. Other Refuge Rules and Regulations for Hunting

General Regulations and Guidelines

- Closed areas are closed to the public. The refuge manager reserves the right to close all or part of the open areas to hunting or public access at any time.
- Motorized vehicles are restricted to public roads and parking lots.
- Blocking gates or access roads is prohibited.
- The use of all terrain vehicles, bikes, or other forms of transportation other than foot travel is prohibited on interior refuge roads.
- Camping is prohibited.

- Pets must be leashed except when being actively used for hunting during the appropriate hunting seasons.
- Molesting or injuring any animal or plant, except fish and game taking in season, is prohibited.
- Disorderly conduct and leaving of any refuse on the land or water is prohibited.
- Collecting shed deer antlers is prohibited.
- The use of game or trail cameras is prohibited.

Hunting

- Deer hunting is open during the Archery and January Antlerless season to those possessing the appropriate refuge access permits.
- Discharging firearms is prohibited except when used for appropriate small game, waterfowl, and turkey and deer hunting seasons.
- Use of centerfire and rimfire rifles and pistols is prohibited at all times.
- The use of permanent blinds, tree stands, nails screw-in steps, or other items that penetrate the bark of a tree is prohibited.
- Removal of boats, decoys, portable blinds, and other personal property is required to be removed from the refuge at the end of each day.
- Discharge of firearms within 150 yards of any residence or occupied building is prohibited.
- Nontoxic shot is required for all shotgun hunting, including turkey.
- Hunting with the aid of or distribution of any feed, salt, or other mineral is prohibited.

Fishing

- Fishing regulations generally follow statewide regulations.
- Outboard motor use is restricted to the westernmost 5.5-mile section of the Marais des Cygnes River.
- Non-motorized boats and electric trolling motors may be used on all open portions of the refuge.

V. Public Engagement

A. Outreach for Announcing and Publicizing the Hunting Program

The refuge advertised the proposed hunting and fishing plan in the local post office and grain elevator. There also was a 30-day public comment period on this proposed plan. On approval, special announcements and articles may be released in conjunction with hunting seasons. In addition, information about this hunting and fishing plan revision will be available at the refuge's

headquarters or on the Marais des Cygnes NWR website (www.fws.gov/refuge/Marais_des_Cygnes/).

B. Anticipated Public Reaction to the Hunting Program

Because hunting has already been allowed on the refuge for more than 20 years, little negative public reaction is expected. Hunting is an important economic and recreational use of Kansas's natural resources. The public regularly requests the opportunity to hunt furbearers and coyotes at the refuge. In addition, the public may welcome expanded hunting opportunities for crow, especially considering that approximately 2 percent of the state is publicly owned. Public land becomes more important for hunting with the growth of leasing private land for hunting. The ability to gain hunting permission from private landowners has greatly diminished in the past 20 years.

C. How Hunters Will Be Informed of Relevant Rules and Regulations

General information regarding hunting and other wildlife-dependent public uses can be obtained at the refuge's headquarters at 24141 Kansas Highway 52, Pleasanton, KS 66075, or by calling (913) 352-8956. Information and forms on refuge hunting can be downloaded from the Marais des Cygnes NWR website (www.fws.gov/refuge/Marais_des_Cygnes/).

VI. Compatibility Determination

Hunting and fishing and all associated program activities proposed in this plan are compatible with the purposes of the refuge. See the final compatibility determination for more information (www.fws.gov/mountain-prairie/huntfish.php#).

VII. Reference

[USFWS] U.S. Fish and Wildlife Service. 1998. Marais des Cygnes National Wildlife Refuge Comprehensive Conservation Plan. Region 6. 70 p.