

## **Final Compatibility Determination for Big Game, Waterfowl, and Upland Bird Hunting on Benton Lake National Wildlife Refuge Complex**

**Use:** Hunting of big game, waterfowl, and upland birds

**Refuge Names:** Benton Lake and Swan Lake National Wildlife Refuges

**Establishing and Acquisition Authority(ies):**

- Migratory Bird Conservation Act (45 Stat. 1222; 16 United States [U.S.] Code Section 715d)
- Migratory Bird Hunting and Conservation Stamp Act

**Refuge Purpose(s):**

Benton Lake National Wildlife Refuge (NWR) and Swan River NWR were established under the authority of the 1929 Migratory Bird Conservation Act (45 Stat. 1222; 16 U.S. Code Section 715d) “. . . for use as inviolate sanctuaries, or for any other management purposes, for migratory birds.” Swan River NWR was established on May 14, 1973, at the request of Montana Senator Lee Metcalf, who often hunted the area and desired to see it preserved.

**National Wildlife Refuge System Mission:**

The mission of the National Wildlife Refuge System (Refuge System) 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 U.S. for the benefit of present and future generations of Americans.

**Description of Use:**

The refuge complex’s hunting program will be driven by its compatibility with wildlife population objectives and the availability of water during the hunting season. Besides the site-specific regulations mentioned below, state hunting regulations apply to all U.S. Fish and Wildlife Service (Service)-owned lands in the refuge complex. Hunters may only possess and use Service-approved, nontoxic shot loads on Service-owned lands, and vehicle travel and parking are restricted to public roads, pullouts, and parking areas. The refuge complex website and public use brochures provide guidance on site-specific regulations. The general hunting regulations are available from Montana Fish, Wildlife and Parks (MFWP). The Benton Lake NWR Complex Comprehensive Conservation Plan and Environmental Assessment proposes to continue the hunting uses described for each unit below. The Service will also increase regulatory hunting signage (for example, “closed to hunting” signs, “nontoxic shot required” signs) and interpretive materials (for example, an updated and more comprehensive refuge complex hunting leaflet, or hunting factsheets) to reduce unintentional hunting violations throughout the refuge complex.

***Benton Lake National Wildlife Refuge:*** Public hunting of migratory gamebirds including ducks, geese, coot, and swan (by permit only), and upland gamebirds including pheasant, sharp-tailed

grouse, and gray partridge is permitted in designated areas of the refuge. The upland game bird season runs from the opening of the waterfowl hunt season through the end of the state-designated upland game bird hunting season.

Big game hunting and hunting rabbits or any other wildlife species including furbearers is not permitted on Benton Lake NWR.

***Benton Lake Wetland Management District:*** Except for the Sands Waterfowl Production Area (WPA) in Hill County and H2-O WPA in Powell County, all waterfowl production areas within the district are open to hunting of migratory gamebirds, upland game, and big game.

Approximately 14,127 acres of upland and wetland habitat are available for hunting. Unless otherwise noted, all Service lands open to hunting are subject to state hunting regulations and seasons.

***Swan River National Wildlife Refuge:*** Hunting of migratory gamebirds including ducks, geese, swans (by permit only), and coots is permitted in designated areas of the refuge. Big game hunting will be allowed by archery only for fall white-tailed deer, mule deer, elk, and black bear throughout the refuge. Upland gamebird hunting and guided hunting are not permitted on the refuge.

#### **Availability of Resources:**

Existing programs such as current refuge directional signs and brochures are occasionally updated with available resources. Maintenance of access roads, parking, hunting and information kiosks, and public use signs are closely tied to Service Asset Maintenance Management System funding. The refuge complex's base money will fund the update and printing of existing and new brochures. More law enforcement staff and resources will be required (1) to manage significant changes to the hunting program to reduce disturbance to wildlife and habitat, (2) carry out and encourage preventative law enforcement efforts, and (3) to check compliance with public use and hunting regulations.

#### **Anticipated Impacts of Use:**

The hunting program on Service lands in the refuge complex will continue to provide hunters ample quality hunting opportunities without materially detracting from the mission of the Refuge System or the establishing purposes of the refuge complex lands. Public use brochures and the refuge complex's website will be kept up to date and made readily available to hunters. Hunter success and satisfaction will continue to be monitored through random contacts with hunters in the field and in the refuge complex office.

The National Wildlife Refuge System Administration Act of 1966, as amended, other laws, and the Service's policy allow hunting on a national wildlife refuge when it is compatible with the purposes for which the refuge was established and acquired. As practiced on the refuge complex, hunting does not pose a threat to the wildlife populations. However, by its very nature, hunting creates a disturbance to wildlife and directly affects the individual animals being hunted. Hunting will be designed and monitored to offer a safe and quality program and to keep adverse effects within acceptable limits.

Although hunting directly affects the hunted species and may indirectly disturb other species, limits on harvest and access for recreational hunting would ensure that populations do not fall to unsustainable levels. Closed areas on the refuge complex provide sanctuary to migratory birds during the hunting season. Other effects from hunting activity include conflicts with individuals participating in wildlife-dependent, priority public uses such as wildlife observation and photography. This could decrease the visitors' satisfaction during the hunting season.

**Public Review and Comment:**

This compatibility determination was presented for public review and comment as part of the 30-day public comment period for the Draft Comprehensive Conservation Plan and Environmental Assessment for Benton Lake National Wildlife Refuge Complex. In addition, this compatibility determination was revised and shared with the public during a 30-day review of the Draft Environmental Assessment for Archery Black Bear Hunting on Swan River National Wildlife Refuge ([www.fws.gov/mountain-prairie/huntfish.php#](http://www.fws.gov/mountain-prairie/huntfish.php#)).

**Determination (check one below):**

- Use is not compatible.
- Use is compatible with the below stipulations.

**Stipulations Necessary for Compatibility:**

- Hunters will be required to use approved, nontoxic shot for migratory bird and upland gamebird hunting on Service-owned lands.
- Big game hunting on Swan River NWR will be by archery only during fall state-designated seasons.
- Vehicles will be restricted to county and public roads and parking areas in the refuge complex.
- Signage, news releases, open-houses, and brochures will be used to provide hunters information on where and how to hunt on the refuge complex to make sure there is compliance with public use regulations.

**Justification:**

Hunting is a form of wildlife-dependent recreation and is identified as a priority public use in the National Wildlife Refuges System Improvement Act of 1997. Based on anticipated biological effects described above, and in the environmental assessment, the Service has found that hunting within the refuge complex will not interfere with the purposes for which the refuges and district were established. Limiting access and monitoring the use will help limit any adverse effects. Except for the H2-O and Sands WPAs, all lands and waters within the wetland management district will be open to hunting in accordance with the Migratory Bird Hunting and Conservation Stamp Act, under which they were acquired.

**Signatures:**

\_\_\_\_\_  
Benjamin Gilles, Project Leader

\_\_\_\_\_  
Date

**Review:**

\_\_\_\_\_  
Lisa Talcott, Refuge Supervisor

\_\_\_\_\_  
Date

**Approval:**

\_\_\_\_\_  
Maureen Gallagher, Refuge Chief

\_\_\_\_\_  
Date

**Mandatory 10- or 15-year Re-Evaluation Date:** 2035