Final Benton Lake National Wildlife Refuge Complex Big Game, Waterfowl, and Upland Bird Hunting Plan

July 2020

U.S. Fish and Wildlife Service

Benton Lake National Wildlife Refuge Complex

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Final Benton Lake National Wildlife Refuge Complex

Big Game, Waterfowl, and Upland Bird Hunting Plan

I. Introduction

The purpose of this hunting plan is to document the methods that will be implemented to provide safe, quality public hunting opportunities for migratory game birds, big game, and upland game on portions of the Swan River and Benton Lake National Wildlife Refuges (NWR) that will reduce conflicts with other priority wildlife-dependent recreational uses (Service Manual 605 FW 2). This hunting plan follows the comprehensive conservation plan (CCP) for the Benton Lake NWR Complex (refuge complex) (USFWS 2012) and has information on the following topics: compatibility, the effect of hunting on refuge objectives, assessment of target species, description of the hunting areas, avoiding biological and public conflicts, and the procedures that will be implemented to conduct daily hunts.

In general, this plan proposes to continue existing recreational hunting and fishing opportunities on Swan River and Benton Lake NWRs and open other portions of Swan River NWR to more hunting opportunities by expanding the species allowed to be hunted (Figure 1).

National wildlife refuges were established by the Federal Property and Administrative Service Act of 1949 (40 United States [U.S.] Code 471–535), as amended; Fish and Wildlife Coordination Act of 1934 (16 U.S. Code 661–666c), as amended; Fish and Wildlife Act of 1956 (16 U.S. Code 742a–742j, Stat. 1119), as amended; the Act of May 19, 1948, Public Law 80-537 (16 U.S. Code 667b-667d; 62 Stat. 240), as amended; and the National Wildlife Refuge System Administration Act of 1966 (NWRSAA) (16 U.S. Code 668dd–668ee), as amended.

The 12,383-acre Benton Lake NWR, established in 1929 as an oasis of native grasslands and wetlands lying within a sea of agriculture, is home to the largest breeding colonies of Franklin's gull and white-faced ibis in Montana. The Swan River NWR, established in 1973, encompasses 1,960 acres of habitat supporting a variety of wildlife species including trumpeter swans, cinnamon teal, marsh wrens, white-tailed deer, and an occasional grizzly bear.

Both refuges 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."

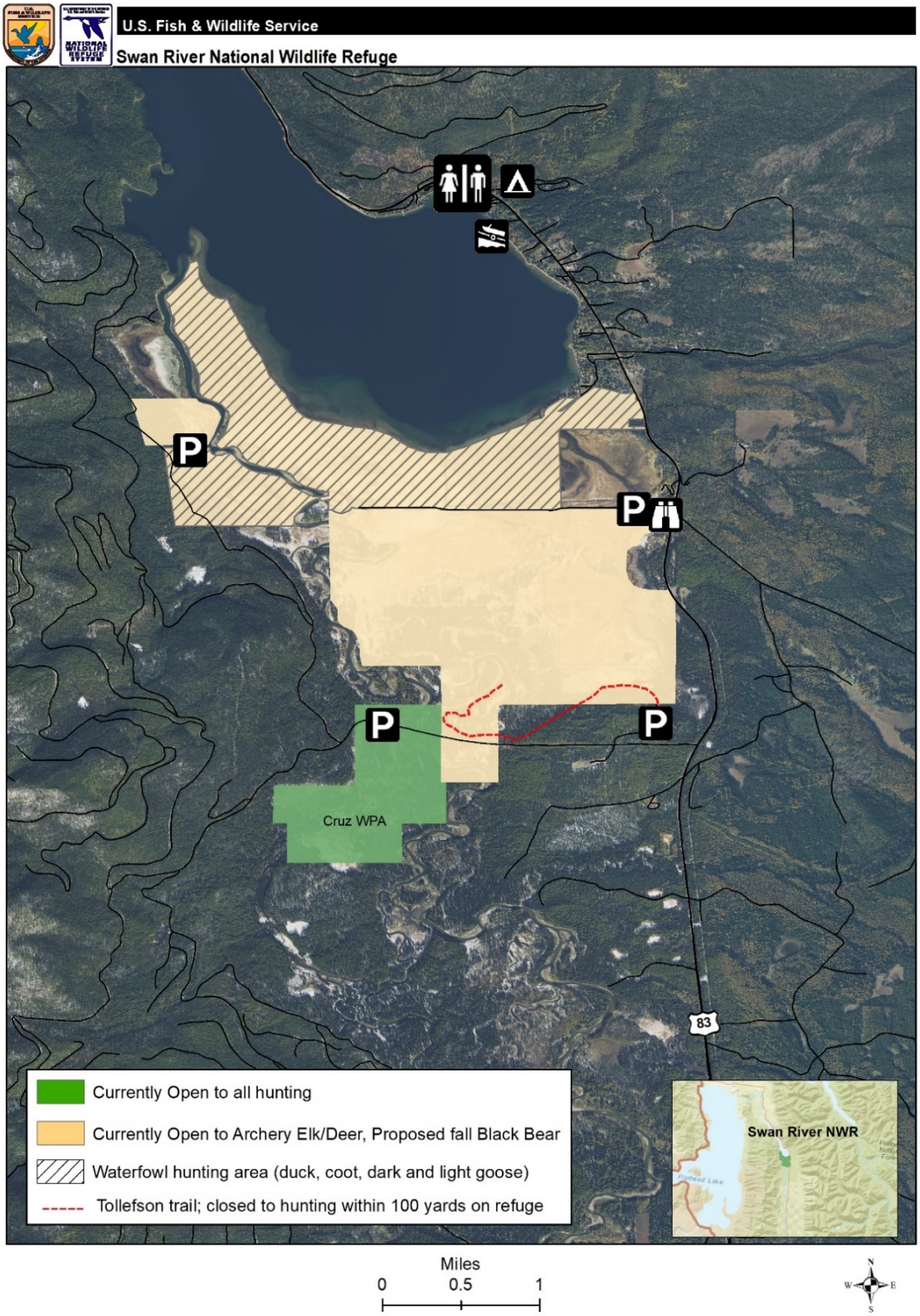

Figure 1. Map of Hunting Opportunities on Swan River National Wildlife Refuge.

The long-term management goals of the refuge complex as stated in the 2012 CCP are:

- Actively pursue and continue to foster relationships within the U.S. Fish and Wildlife Service (Service), other agencies, organizations, and private partners to protect, preserve, manage, and restore the functionality of the diverse ecosystems within the working landscape of the refuge complex.
- Actively conserve, restore, and manage upland and wetland habitats across the northern prairies and intermountain valleys of the refuge complex, through management strategies that perpetuate the integrity of ecological communities.
- Support diverse and sustainable continental, regional, and local populations of migratory birds, native fish, species of concern, and other indigenous wildlife of the northern prairies and intermountain valleys of northern Montana.
- Identify and evaluate the cultural resources of the refuge complex and protect those that are determined to be significant.
- Provide opportunities for visitors of all abilities to enjoy wildlife-dependent recreation on Service-owned lands and increase knowledge and appreciation for the refuge complex's ecological communities and the mission of the National Wildlife Refuge System (Refuge System).
- Provide facilities, strategically allocate staff, and effectively use and develop funding sources, partnerships, and volunteer opportunities to support the long-term integrity of habitats and wildlife resources of the refuge complex.
- Provide for the safety, security, and protection of visitors, employees, natural and cultural resources, and facilities throughout the refuge complex.

Ecological Setting

Refuge lands comprising the refuge complex are located in portions of Cascade, Chouteau, Flathead, Glacier, Hill, Lewis and Clark, Liberty, Pondera, Powell, Teton, Toole, and Lake Counties in Montana. Located in central and western Montana, the refuge complex is about 189 miles long and 237 miles wide at its widest point.

Across the refuge complex, the diversity of vegetation, soils, and hydrologic conditions provide many habitat types for a wide array of wildlife species. Some species are generalists, while others need a specific combination of resources to meet annual life-cycle requirements. Habitats that compose most of refuge lands occurring within the refuge complex include wetland and riparian, grassland, forests and woodlands, and sagebrush-steppe.

II. Conformance with Statutory Authorities

The Refuge Recreation Act of 1962 (16 U.S. Code 460K) authorizes the Secretary of the Interior to administer refuges, hatcheries, and other conservation areas for recreational use. The Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

Fundamental to the management of lands within the Refuge System is the National Wildlife Refuge System Improvement Act of 1997 ([Improvement Act]; Public Law 105-57), an amendment to the NWRSAA. The Improvement Act provided a mission for the Refuge System and clear standards for its management, use, planning, and growth. The Improvement Act recognized that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation, photography, interpretation, and environmental education are legitimate and appropriate public uses of the Refuge System, when determined to be compatible with the mission of the Refuge System and purposes of the refuge. Compatible wildlife-dependent recreational uses are the priority public uses of the Refuge System and must receive priority consideration in planning and management. Hunting, as specified in this plan, is a wildlife-dependent recreational use, and the law states that, as such, it "shall receive priority consideration in national wildlife refuge planning and management." The Secretary of the Interior may allow hunting on a refuge if it is determined that the use is compatible. The hunting program will not materially interfere with or detract from the fulfillment of the purposes of the refuge or the mission of the Refuge System.

In 2012, a compatibility determination was completed for the Benton Lake NWR Complex CCP that concluded recreational hunting, as authorized by the regulations, will not interfere with the primary purpose for which Benton Lake and Swan River NWRs were established.

This hunting plan "steps down" from the CCP by beginning to implement the CCP's goals, objectives, and strategies. Those goals, objectives, and strategies were developed within the context of overall Visitor Services. As part of the CCP, the refuge complex completed compatibility determinations on hunting uses proposed in the CCP. These hunting uses, which include big game, upland game, and migratory game bird hunting, were determined to be compatible with the Refuge System mission and the purposes of each refuge.

Currently, the Benton Lake and Swan River NWRs record 10,100 and 525 annual visitor-use days, respectively. Visitors enjoy a variety of recreational activities related to the six wildlife-dependent recreational uses—hunting, fishing, wildlife observation, photography, interpretation, and environmental education—that are identified in the Improvement Act as priority uses.

On Benton Lake NWR, hunting for waterfowl and upland birds are popular activities with an estimated 266 hunt visits occurring annually. Swan River NWR is popular for waterfowl hunting and fishing with an estimated 60 hunt and 110 fish visits annually. Hunting is allowed in designated areas, and the refuges provide parking areas, informational kiosks, directional signage, accessible blinds, and vault toilets.

Administering the current hunt program annually requires staff time from the refuge manager, refuge complex biologist, maintenance workers, administrative assistant, and law enforcement officer to respond to hunter inquiries, reduce conflicts among users, conduct law enforcement, maintain boundary posting and parking areas, monitor changes on wildlife and habitat, and ensure public safety. The annual cost of the refuge complex's current hunt program is estimated to be $45,000.

III. Statement of Objectives

The objectives of this hunting plan directly support several of the refuge complex's long-term management goals. In general, the objective of this hunting plan is to provide hunters a quality hunting experience while reducing negative impacts on wildlife and wildlife-dependent public uses on the refuges. For a complete review of the refuge complex's management goals and objectives, see the Benton Lake NWR Complex 2012 CCP. The hunting program will be conducted to meet these refuge complex objectives, which includes providing a variety of hunting opportunities for approximately 1,500 visits per year that support sustainable resources and provide participants with an opportunity to appreciate the natural environment across the refuge complex. The Service believes these objectives will maintain healthy game populations at levels that will protect the native fish, wildlife, plants, and habitats identified in the 2012 CCP, thereby supporting the biological integrity, diversity, and environmental health of the refuges.

This hunting program also supports the mandate of the Improvement Act that refuges provide for priority public uses, including hunting, where compatible. Compatibility determinations can be found in Appendix D of the 2012 CCP. Strategies to meet the hunting program objectives of the 2012 CCP include the following:

- Provide a variety of hunting opportunities across the refuge complex (as shown in Table 1 under Description of Hunting Program).
- Work with partners to develop programs to introduce young people to safe, effective, and ethical hunting techniques and methods.
- Coordinate with state and other interested groups to host a hunter education class, with a mentored gamebird hunt, at the refuge complex headquarters.
- Encourage landowners of conservation easements to take part in the state block management program to increase hunter access.
- On Benton Lake NWR, provide upland gamebird hunting according to state seasons from the opening of the waterfowl season (usually the first weekend of October) to November 30.
- On Benton Lake NWR, provide waterfowl hunting as conditions allow within state season frameworks.
- On Benton Lake NWR, provide youth waterfowl and upland gamebird hunting opportunities within state season.
- On Benton Lake NWR, annually evaluate and, if needed, revise hunt location and seasonal availability to synchronize opportunity with water availability and to provide an inviolate sanctuary for migrating waterfowl.
- On Benton Lake NWR, staff will strive to provide waterfowl hunting opportunity in at least 11 out of 15 years.
- For Benton Lake NWR, conduct an annual open-house to inform the public about upcoming water management plans, restoration efforts, and monitoring results.

IV. Assessment

The hunting program will be thoroughly evaluated on an annual basis to determine if the refuges are meeting their objectives. If the evaluation shows there are no unacceptable impacts on other wildlife populations or on other public use programs, the hunting program will continue. Conversely, if the evaluation shows unacceptable impacts are occurring, the hunting program will be updated to reduce impacts on other wildlife populations or habitats and other user groups, and for safety issues.

A. Are Wildlife Populations Present in Numbers Sufficient to Sustain Optimum Population Levels for Priority Refuge Objectives Other Than Hunting?

Waterfowl (including ducks, dark geese, light geese, and mergansers)

Yes, on Benton Lake and Swan River NWRs, waterfowl numbers are present in sufficient numbers to sustain priority refuge objectives and for priority wildlife-dependent public uses (hunting, fishing, wildlife observation, photography, environmental education, and interpretation). Annual assessments of waterfowl populations are based on the distribution, abundance, and flight corridors of migratory birds. The annual Waterfowl Population Status Report published by the Service (2019) includes the most current breeding population and production information available for waterfowl in North America and is a result of cooperative efforts by the Service, the Canadian Wildlife Service, various state and provincial conservation agencies, and private conservation organizations. Results of these annual assessments are used by the Service and state wildlife agencies, in part, to establish season lengths and bag limits designed to support healthy, sustainable waterfowl populations.

The Benton Lake and Swan River NWRs support several priority waterfowl species that are highlighted in the North American Waterfowl Management Plan (DOI 2018). Mallard, northern pintail, and lesser scaup, which are high-priority species in the plan, use these refuges for either nesting or migration. Substantial numbers of mallards and smaller numbers of northern pintails nest on the Benton Lake and Swan River NWRs, while lesser scaup is primarily a spring and fall migrant. Other priority waterfowl species named in the plan that use the refuges include redhead, wood duck, canvasback, American wigeon, and ring-necked duck. Most of these species use the refuges as migration stopovers, but some are common breeders.

Benton Lake and Swan River NWRs support breeding waterfowl in large numbers, depending on habitat conditions. Canada goose, mallard, gadwall, cinnamon teal, blue-winged teal, green-winged teal, northern pintail, northern shoveler, American wigeon, redhead, and ruddy duck commonly nest on the Benton Lake and Swan River NWRs. From the period of 1964 to 1990, the Benton Lake NWR had one of the highest densities of nesting ducks documented on the continent.

Hunting pressure for waterfowl is busiest in early October and typically tapers off substantially in early November, when the wetlands freeze and birds move out of the area. Mallards and teal species (cinnamon, blue-winged, and green-winged) are the most common waterfowl harvested, followed by northern pintail, northern shoveler, redhead, gadwall, Canada goose, and other

species. Overall, the number of waterfowl harvested on the refuges has no cumulative impact on waterfowl populations on a statewide or Pacific Flyway scale.

Other Game Birds

Other game birds that can be hunted on the refuges (American coot, pheasant, sharp-tailed grouse, and gray partridge) are present in sufficient numbers to meet and sustain priority refuge objectives for wildlife management and for the other priority wildlife-dependent public uses (wildlife observation, photography, environmental education, and interpretation). In general, the number of birds harvested on the refuge complex is anticipated to be very low and will have no cumulative impact on these game bird populations on a refuge or statewide scale. Thus, continuing current opportunities on Benton Lake and Swan River NWRs will have no added adverse cumulative effect to local, statewide, or Pacific Flyway populations.

Big Game (black bear, moose, elk, deer, wolf on the Benton Lake Wetland Management District; fall archery only for black bear, elk, and deer on Swan River NWR)

At present, big game hunting is allowed on all unencumbered waterfowl protection areas in the Benton Lake Wetland Management District (WMD) as per state regulation. Hunting is not allowed on the Sands or H2-0 Waterfowl Protection Areas (WPAs) by deed restriction at time of acquisition. Opportunities for big game hunting are available at the Swan River NWR, but, because of the refuge's small size (1,900 acres), there is concern about overlap between consumptive and non-consumptive users during the hunting season. This impact can be reduced by allowing archery only hunting. Besides providing a unique and quality hunt within the Swan River drainage, the activity can be allowed refuge-wide with anticipated minimal conflict with other refuge recreational users. Big game hunting is not allowed on Benton Lake NWR.

V. Description of Hunting Program

This hunting plan proposes to continue existing hunting opportunities and provide new hunting opportunities on the Benton Lake NWR Complex. The hunting program generally will follow Montana regulations regarding the target species identified, seasons, 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. Swan River NWR is one of these cases, and we will offer an archery only big game hunt for black bear, deer, and elk on that refuge in the fall. These hunts will be developed in conjunction with Montana Fish, Wildlife, and Parks (MFWP).

A. Areas of the Refuge that Support Populations of the Target Species

The refuges are composed of many native plant assemblages, or habitat types, including upland shrub and seasonally flooded palustrine wetlands, playa wetlands, and riparian habitat that support a wide array of wildlife species. More than 275 species of birds have been documented on the refuge complex using habitat for nesting or during migration. Approximately 79 species of mammals and 23 species of reptiles and amphibians are found on the refuge complex. Twenty-five species of fish (more than half are species of concern) occur in the rivers and creeks. Descriptions of refuge habitats, and their associated plant and animal species are described in further detail in Chapter 3 of the 2012 CCP (USFWS 2012).

Target species of waterfowl as well as Wilson's snipe and coot are found throughout the refuge complex's wetland and riparian areas, but their abundance and distribution can vary depending on hydrologic conditions. Target big game are found throughout all habitats on each refuge. An overview of target wildlife species is also described below in Section C of this plan.

B. Areas to be Opened to Hunting

The Benton Lake NWR currently provides migratory game bird and upland game bird on many management units, encompassing approximately 4,716 acres (38 percent of the total) and Swan River NWR provides waterfowl only hunting on 773 acres (39 percent of the total). The same acreages will continue to be open to the public for migratory birds on both refuges and upland game bird hunting on Benton Lake NWR, with minimal changes to regulations that currently exist.

On Swan River NWR, new archery only big game fall hunting opportunities will be provided on the entirety of the refuge.

We plan to annually examine hunting activities on all refuges, and may administratively alter or close areas due to factors such as staffing, safety issues, hunting demand, changes in other refuge programs (for example other public uses or habitat management activities), adjacent landowner issues/conflicts, climate change, wildlife disease, mission change, endangered species concerns, or any other compatibility issues. As an example, we may change the proposed big game hunting area if conflicts such as disturbance or safety arise with migratory game bird/upland game hunting activities or other wildlife-dependent public uses. The number and distribution of big game within the hunting area may also generate changes to the proposed hunting area.

C. Species to be Taken, Hunting Periods, Hunting Access

Generally, certain areas of the refuges will be open to hunting according to state seasons and regulations, with a few exceptions (black bear in the fall). The refuges have limited hunting for some species and restrict the method of take for some species, depending on the refuge and the area. A list of species open to hunting on the refuges can be found in Table 1. After annual evaluations of the refuge complex's hunting program and wildlife populations we may continue unaltered or make changes to these conditions.

Table 1. Species Proposed to be Open to General Hunting on Each Refuge.

Refuge	Migratory Game Birds	Upland Birds	Big Game
Benton Lake NWR	Waterfowl (such as ducks, geese, mergansers, coot, and tundra swan)	Grey partridge, ring-neck pheasant, sharp-tailed grouse	None
Swan River NWR	Waterfowl (such as ducks, geese, mergansers, and coot)	None	Black bear (fall only), elk, mule deer, and white-tailed deer
Benton Lake WPAs: Sands and H2-0	None	None	None
Benton Lake WPAs: Rest of District	Waterfowl (such as ducks, geese, mergansers, coot, and tundra swan)	All state-allowed species	All state-allowed species

Species to be Taken

The refuges are closed to hunting for species not listed as open, including species designated as unprotected by state regulations.

Hunting Periods

Waterfowl hunting will occur within the designated waterfowl hunting area on Benton Lake and Swan River NWRs, following established hunting seasons and regulations (for example, hunting hours, daily bag limits, possession limits). Hunting is open to ducks, geese, merganser, and coot on Benton Lake and Swan River NWRs as well as tundra swan, by permit only, on Benton Lake NWR. Initially, no restrictions will be enforced regarding number of hunters accessing the refuges. The number of hunters, hunter satisfaction, potential conflicts with other user groups, and environmental and safety issues will be evaluated annually, and the project leader reserves the ability to alter access (such as hunter numbers, access locations, and hunt areas) in the future, if the need arises.

Grey partridge, ring-necked pheasant, and sharp-tailed grouse hunting will occur within the designated waterfowl/upland bird hunting area on Benton Lake NWR following the state-established hunting season and regulations (for example, hunting hours, daily bag limits, possession limits), except that upland bird hunting starts at the beginning of waterfowl season. Initially, no restrictions will be enforced regarding numbers of hunters accessing the refuges. The number of hunters, hunter satisfaction, potential conflicts with other user groups, and environmental and safety issues will be evaluated annually and the project leader reserves the ability to alter access (such as hunter numbers, access locations, and hunt areas) in the future, if the need arises.

Archery only big game hunting will be allowed in the entirety of Swan River NWR during the fall, following the state-established hunting season and regulations (for example, hunting hours, daily bag limits, possession limits). Hunting is open to black bear, elk, and deer when sufficient numbers are present and allowed in that particular Game Management Unit. Initially, no restrictions will be enforced regarding numbers of hunters accessing the refuges. The number of hunters, hunter satisfaction, potential conflicts with other user groups, and environmental and safety issues will be evaluated annually and the project leader reserves the ability to alter access (such as hunter numbers, access locations, and hunt areas) in the future, if the need arises.

Hunter Access

On all refuges, where allowed, there will be no special permit required or restrictions on the number of hunters for waterfowl, upland bird, and big game. The hunting public can park and enter hunt units from designated parking areas. Hunters are not permitted to access areas open to hunting by crossing areas that are closed to hunting or parking in non-designated areas.

D. Justification for the Permit, if One is Required

Initially, no special access permit or application will be required for waterfowl, upland bird, or big game hunting, where allowed, on either refuge or within in the wetland management district. Numbers of hunters, hunter satisfaction, safety concerns, and potential environmental issues or conflicts with other wildlife-dependent public will be evaluated annually to determine whether access may need to be restricted in the future.

E. Consultation and Coordination with the State

The Service meets annually with MFWP management staff and leadership to discuss concerns, projects of mutual interest, and hunting on NWRs and WPAs. These meetings allow the Service to get valuable feedback from MFWP regarding public interest in opportunities not currently allowed, and for the Service to explain changes or stipulations to make considered uses compatible with the purposes of the hunting unit.

For this plan, we discussed and developed the strategy for allowing archery only big game hunting on Swan River NWR with staff from the MFWP Region 1 office. At their request, we excluded moose from the definition of big game and reduced the hunted species to black bear, elk, white-tailed deer, and mule deer.

F. Law Enforcement

The enforcement of refuge-specific (50 Code of Federal Regulations 32.45) and state hunting regulations, trespassing, and other public use violations normally associated with management of an NWR is the responsibility of commissioned U.S. Fish and Wildlife Service Law Enforcement Officers. Officers cooperate with, and are assisted by state and county police officers, as well as MFWP game wardens. The procedures used for obtaining law enforcement assistance are based on the legal jurisdiction where incidents occur. The refuge regularly meets with the various state and county law enforcement agencies to develop agreements and strategies to ensure law enforcement operations are performed as safely and efficiently as possible.

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

- Refuge and hunting area boundaries will be clearly posted.
- The refuge will provide a brochure that shows hunt areas and describes refuge-specific rules and regulations.
- Information and hunting area maps will be made available on the refuge complex's website, at the refuge office, and parking areas.
- The Service will conduct law enforcement patrols on a regular basis to ensure compliance with state and federal hunting regulations as well as refuge-specific regulations pertinent to hunting on the refuges.
- Service law enforcement staff will coordinate with MFWP game wardens and other law enforcement agencies.

G. Funding and Staffing Requirements

Administering the hunting program will annually require staff time from the refuge manager, refuge complex biologist, maintenance worker, administrative assistant, and law enforcement officers to (1) coordinate with MFWP staff; (2) develop an informational brochure with regulations; (3) produce news releases; (4) respond to hunter inquiries; (5) conduct hunter and visitor outreach; (6) reduce conflicts among users; (7) conduct law enforcement; (8) maintain boundary posting and parking areas; (9) monitor changes in wildlife, habitat, and visitor use; and (10) ensure public safety. The annual cost of the refuge complex's proposed hunting program is estimated to be $45,000 (3.5 percent) of the overall refuge complex operating budget of $1,300,000. This cost covers staff and operating expenses for refuge law enforcement and hunter assistance prior to and during the hunting season. This estimate also covers refuge staff activities associated with evaluating resources available for hunting (such as biological assessments of target species) as well as preparing for, and monitoring, hunting activities (such as developing annual "tear sheets," managing habitat conditions, and special signage and access).

The proposed hunting program, specifically the opening of the Swan River NWR to archery big game hunting, will require more signage, infrastructure (such as road and parking area development), and other start-up costs. Implementation during the first few years will be done with existing staffing, so it will redirect effort from other high-priority habitat and public use programs. Signage and the construction of one parking area on the Swan River NWR has been completed. An additional parking area has also been completed on the newly acquired Cruz WPA, which is just south of the Swan River NWR.

VI. Measures Taken to Avoid Conflicts with Other Management Objectives

A. Biological Conflicts

The impacts addressed here are discussed in detail in the compatibility determination in the 2012 CCP (USFWS 2012) as well as other documentation created for the opening of big game hunting on Swan River NWR. Generally, the refuge complex reduces conflict related to biological resources by adopting the "wildlife first" principle explicitly stated in the Improvement Act.

Refuge staff monitor species population trends and distribution as well as habitat conditions to ensure that target species can be hunted on the refuges without adversely affecting other wildlife species and refuge habitat objectives. These monitoring activities include direct observation of wildlife populations, consultation with other natural resource agencies and organizations, and review of current species survey information and research. To provide sanctuary, the refuges limit or exclude public use activities on portions of the refuges where there are biological concerns.

Biological conflicts will be reduced by the following:

- Proper zoning, regulations, and refuge seasons will be designated to reduce negative impacts on wildlife.
- Migratory bird sanctuary areas compose less than 50 percent of each refuge and are located on separate areas of each refuge.
- Use of federally approved nontoxic shot for the hunting of waterfowl and upland birds will help reduce the possibility of lead poisoning.
- Law enforcement presence to reduce excessive harvest and other infractions (such as take or harassment of non-target wildlife species, habitat degradation, and littering).
- Provide signage and informational brochures about how hunters can change their behavior to reduce disturbance of non-target wildlife species and habitat degradation.

B. Public Use Conflicts

Various aspects of the proposed hunting program, including temporal and spatial restrictions, combined with the seasonal nature of wildlife-dependent recreational activities on the refuges, will reduce the potential for conflict. While hunting and other wildlife-dependent public uses (such as wildlife observation and photography) will be available to the public in many of the same areas and times of year, the direct impacts on refuge visitors engaged in other priority public uses during the hunting season are expected to be minor. The hunting seasons occur when other public uses are at a minimum because they are outside the main tourist season, and many of the wildlife species that visitors come to photograph or observe are found in greater abundance in areas outside the hunting area. To ensure safety and reduce conflict between hunters and visitors engaged in wildlife photography or observation, the refuge will provide information about the hunting program's boundaries and seasons on the refuge complex's website, at refuge offices, and at parking areas. Law enforcement patrols will also be conducted on a regular basis to contact the public and ensure compliance with state, federal, and refuge regulations. The refuge law enforcement staff will also monitor participation rates and activities to ensure it does not interfere with other wildlife-dependent public uses. If necessary, using the best information available, the hunt program will be updated accordingly to ensure the program meets the goals and objectives of the refuges as identified in the 2012 CCP.

C. Administrative Conflicts

Currently, no administrative conflicts are known to occur with hunting activities. For many years, the Benton Lake and Swan River NWRs have planned and provided for waterfowl hunting and upland bird hunting opportunities. Annual refuge management activities (such as prescribed fire, grazing, haying) consider hunting activities and plan accordingly to reduce conflicts. Actions and preparation are taken to reduce conflicts with much of the normal management, maintenance, and biological monitoring activities that might be occurring in the same vicinity as the hunt program. Safety briefings for refuge staff working in or around the hunt areas will occur. Hunters will be informed of refuge activities that might be occurring in the hunting area. These measures will help ensure the safety of refuge staff and hunters and allow the implementation and completion of refuge management activities as well as other refuge uses. The project leader will retain the discretion to close areas to hunting when necessary for the protection of refuge staff and authorized agents who are conducting refuge management activities or for the safety of hunters possibly at risk from refuge management activities (for example, prescribed fire).

Implementation of new hunting opportunities will require additional refuge staff time and money. As such, there may be conflicts associated with the cost of the program.

VII. Conduct of the Hunting Program

Listed below are refuge-specific regulations that pertain to Benton Lake NWR Complex as of the date of this plan. These regulations may be revised as conditions change or if refuge expansion continues to occur.

A. Refuge-Specific Hunting Regulations

50 Code of Federal Regulations 32.46 Nebraska

Benton Lake National Wildlife Refuge—

(a) Migratory Game Bird Hunting. We allow hunting of duck, goose, swan, and coot in designated areas of the refuge in accordance with state regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

- *(i) The refuge is open from one hour before legal sunrise to a half-hour after legal sunset, except that we allow hunters to enter and remain in open hunting areas two hours before legal sunrise until two hours after legal sunset.*
- *(ii) We prohibit hunting on or within 25 yards (22.5 meters) of dikes or roads, except the marked portion of the dike between Marsh Units 5 and 6.*
- *(iii) We prohibit access to refuge hunting areas from anywhere other than authorized refuge parking areas.*
- *(iv) We allow hunting with the opening of waterfowl season and close with the regular state season.*
- *(v) We allow hunting during youth waterfowl and pheasant hunts in accordance with state regulations. Youth hunters may also take sharp-tailed grouse and gray partridge*

during the youth waterfowl hunt.

(vi) We only allow non-motorized boats on refuge waters.

(vii) We allow hunting from temporary portable blinds or blinds made from natural vegetation.

(viii) We prohibit the retrieval of downed game from areas closed to hunting.

(ix) Hunters must have a means of bird retrieval, using a boat, waders, or a trained dog.

(x) You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction by two hours past legal sunset (see Sections 27.93 and 27.94 of this chapter).

(b) Upland Game Hunting. We allow hunting of pheasant, sharp-tailed grouse, and gray partridge in designated areas of the refuge in accordance with state regulations subject to the following conditions (consult refuge manager prior to hunting to learn of changes or updates):

(i) Conditions A1, A4, and A9 apply.

(ii) We prohibit the use of horses for any purpose.

(c) Big Game Hunting. [Reserved]

(d) Sport Fishing. Anglers may sport fish on designated areas of the refuge as posted by signs.

Benton Lake Wetland Management District—

(a) Migratory Game Bird Management. We allow migratory game bird hunting on waterfowl production areas throughout the District, excluding Sands WPA in Hill County and H2-0 WPA in Powell County, in accordance with state regulations and subject to the following conditions:

(i) You must remove boats, decoys, portable blinds, other personal property, and any materials brought onto the area for blind construction at the end of each day (see Sections 27.93 and 27.94 of this chapter).

(b) Upland Game Hunting. We allow the hunting of coyotes, badgers, skunks, red fox, raccoons, hares, rabbits, and tree squirrels on Waterfowl Production Areas throughout the District, excluding Sands WPA in Hill County and H2-0 WPA in Powell County, in accordance with state regulations and subject to the following conditions:

(i) Hunters may possess only approved nontoxic shot (see Section 32.2(k)).

(c) Big Game Hunting. We allow big game hunting on WPAs throughout the District, excluding Sands WPA in Hill County and H2-0 WPA in Powell County, in accordance with state regulations and subject to the following condition: Condition B2 applies.

(d) Sport Fishing. We allow sport fishing on WPAs throughout the District in accordance with state regulations subject to the following conditions:

(i) You must remove boats, fishing equipment, and other personal property at the end of each day (see Sections 27.93 and 27.94 of this chapter).

Swan River National Wildlife Refuge—

(a) Migratory Game Bird Hunting. We allow hunting of geese, ducks, and coots on designated areas of the refuge subject to the following condition: Hunters may possess only approved nontoxic shot while in the field (see Section 32.2(k)).

(b) Upland Game Hunting. [Reserved]

(c) Big Game Hunting. We allow hunting of big game on designated areas of the refuge in accordance with state regulations subject to the following conditions:

(i) We allow fall archery hunting of bear, elk, white-tailed deer, and mule deer within the boundary of the refuge.

(ii) We allow the use of portable blinds and stands. You may install stands and blinds no sooner than August 1, and you must remove them by December 15 of each year. We limit each hunter to one stand or blind. The hunter must have their automated licensing system number (ALS) visibly marked on the stand.

(iii) We prohibit the use of game or trail cameras year-round.

(iv) No hunting or shooting is allowed within 100 yards of primary refuge roads, trails, parking areas or observation platforms. Stands or blinds must be placed a minimum of 100 yards from the Tollefson Trail.

(d) Sport Fishing. Refuge open to sport fishing in accordance with state law on Swan River, Swan Lake, and Spring Creek North of Bog Trail Road.

B. Anticipated Public Reaction to the Hunting Program

The existing hunting program on Benton Lake and Swan River NWRs is generally accepted locally and does not typically generate anti-hunting controversy. Nationally, there is a component of the population and some organizations that are opposed to hunting, or at least the expansion of hunting, on NWRs and other public lands. During the public scoping period for development of the 2012 CCP, some members of the public provided input to some of the hunting options outlined in this hunting plan. Some commented in opposition to some or all of the hunting proposed, while others greatly supported maintaining existing hunting opportunities and the proposed expanded opportunities. See Appendix D (Public Involvement) in the 2012 CCP for more information.

Offering compatible wildlife-dependent recreation opportunities such as hunting, wildlife observation, and photography is a refuge priority. The Service considered public input in designing the hunt program to meet the Refuge System's and refuge-specific goals and objectives, provide a safe and high-quality experience, reduce wildlife disturbance, provide wildlife sanctuary, reduce or avoid conflicts with other refuge users, and reduce confusion for hunters.

C. Hunter Application and Registration Procedures

Information on waterfowl, upland bird, and big game hunting on the Benton Lake NWR Complex can be found on the refuge complex's websites: www.fws.gov/refuge/benton_lake/, www.fws.gov/refuge/benton_lake_wmd/, or www.fws.gov/refuge/swan_river/.

All persons hunting on the refuges must possess the applicable state licenses, tags, and stamps required for the target species they are hunting during all seasons.

Initially, no special access permit or application will be required for migratory game bird or upland game hunting on any of the refuges. Numbers of hunters, hunter satisfaction, safety concerns, and potential environmental issues or conflicts with other wildlife-dependent public will be evaluated annually to determine whether access may need to be restricted in the future. Should the refuges implement application or registration procedures, we will use the Office of Management and Budget-approved forms.

D. Media Selection for Announcing and Publicizing the Hunting Program

Information regarding refuge hunting opportunities will be posted on the refuge complex's website, at refuge offices, and in kiosks in public use areas. Special announcements and articles may be released via news releases (newspaper, radio) and social media.

E. General Requirements

General information regarding hunting and other wildlife-dependent uses can be obtained at the Benton Lake NWR Complex's headquarters at 922 Bootlegger Trail, Great Falls, MT 59404. Visit the refuge complex's websites at (http://www.fws.gov/refuge/benton_lake/) or (https://www.fws.gov/refuge/benton_lake_wmd/) or (https://www.fws.gov/refuge/swan_river/) call (406) 727-7400, or e-mail at bentonlake@fws.gov. Dates, permit application information and forms, general and refuge specific information, and maps regarding refuge hunting will be found on the refuge complex's websites at www.fws.gov/refuge/benton_lake/, www.fws.gov/refuge/benton_lake_wmd/, or www.fws.gov/refuge/swan_river/. State hunting regulations are available at http://fwp.mt.gov/, from MFWP offices, from sporting goods stores, or wherever fishing and hunting licenses are sold.

F. Hunter Requirements

- Generally, all hunting will be in accordance with state regulations. Additional refuge specific regulations will be provided annually on the refuge complex's websites, refuge offices, and kiosks at parking areas.
- All hunters must possess a valid Montana hunting license and any state or federal stamps or tags required for the species and seasons in which they are hunting.
- Hunters with disabilities possessing a MFWP-issued permit exempting them from particular state regulations based upon their disability may be granted special access, general hunting, and game retrieval methods.
- Youth hunters must be of legal age set by the state and hunt in accordance with state

regulations.

- All hunters on the refuges are expected to be ethical and respect other hunters, non-consumptive users, wildlife species, and the environment while on refuge lands.

VIII. Compatibility Determination

Hunting and all associated program activities proposed in this plan have been found compatible with purposes of the refuges (USFWS 2020).

IX. References

[DOI] Department of Interior. 2018. North American Waterfowl Management Plan Update: Connecting People, Waterfowl and Wetlands. United States Department of the Interior. 46 p. <https://www.fws.gov/migratorybirds/pdf/management/NAWMP/2018NAWMP.pdf>

[USFWS]. U.S. Fish and Wildlife Service. 2012. Comprehensive Conservation Plan, Benton Lake National Wildlife Refuge Complex, Montana. Lakewood, CO: U.S. Department of the Interior, U.S. Fish and Wildlife Service. 305 p. <https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_A-E/bnl_ccpfinal_all.pdf>

———. 2019. Waterfowl population status, 2019. U.S. Department of the Interior, Washington, D.C. USA. 78 pgs. <https://www.fws.gov/migratorybirds/pdf/surveys-and-data/Population-status/Waterfowl/WaterfowlPopulationStatusReport19.pdf>

———. 2020. Final Compatibility Determination for Big Game, Waterfowl, and Upland Bird Hunting on Benton Lake National Wildlife Refuge Complex. 4 p. Great Falls, Montana. <https://www.fws.gov/mountain-prairie/huntfish.php#>