

Draft Fort Niobrara National Wildlife Refuge Hunting Plan

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U.S. Fish and Wildlife Service

Fort Niobrara National Wildlife Refuge

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Draft Fort Niobrara National Wildlife Refuge

Hunting 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 covers 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 parts of the Code of Federal Regulations (CFR) and Fish and Wildlife Service Manual.

Executive Order (EO) 1461 established Fort Niobrara National Wildlife Refuge (NWR) on January 11, 1912, as the “Niobrara Reservation . . . a preserve and breeding ground for native birds.” EO 1642 expanded the refuge on November 12, 1912, and the reintroduction of elk and bison occurred in January of 1913. EO 3256, dated March 31, 1920, and EO 7301, dated February 21, 1936, added more acreage to the refuge.

In 1997, in preparation for developing the Fort Niobrara NWR Comprehensive Conservation Plan, the Interior Department Library, Library of Congress, National Archives, and National Agriculture Library conducted extensive research independent of refuge staff to find the purpose(s) of the refuge. After reviewing the EOs and supporting historical documents, it was found that big game was an intended purpose of the refuge. The conclusion was that the refuge has two primary purposes: (1) a preserve and breeding ground for native birds, and (2) the preservation of bison and elk herds representative of those that once roamed the Great Plains.

Fort Niobrara Wilderness Area: A 4,635-acre part of the refuge was designated as wilderness by Public Law 94-557 on October 19, 1976. The wilderness area covers the river corridor, as well as the timber bluffs and mixed prairie tablelands on the north side of the river. The wilderness area is managed under the Wilderness Act of 1964 “. . . for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.” The Wilderness Act also states that areas will be managed and protected to provide “outstanding opportunities for solitude, or a primitive and unconfined type of recreation. . . and that each agency administering an area designated as wilderness shall be responsible for preserving the wilderness character of the area.”

Niobrara National Scenic River: In 1991, a 76-mile stretch of the Niobrara River, including the river through the Fort Niobrara NWR was designated scenic under the National Wild and Scenic Rivers Act. The Wild and Scenic Rivers Act of 1968 (Public Law 90-542, as amended; 16 U.S. Code 1271-1287) states: “It is hereby declared to be the policy of the U.S. that certain selected rivers of the nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the improvement and enjoyment of present and future generations.”

In 2008, a proposed Elk and Deer Management Plan and Environmental Assessment (EDMP/EA) was submitted for public review and comment. Deer and elk hunting in refuge lands north and west of the Niobrara River, approximately 5,100 acres, was declared compatible with the refuge's established purposes. The final EDMP/EA was signed in 2009. The first deer hunt on the refuge occurred in 2011 and, per conditions of the EDMP, the refuge hunt area was open to elk hunting in 2016. Opening the refuge provided an opportunity to hunt public land in an area dominated by private land.

II. Conformance with Statutory Authority

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 NWRSA 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 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;
- 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.

III. Statement of Objectives

The objectives of a hunting program on Fort Niobrara NWR are to provide:

- The public with more opportunity to hunt by expanding hunted species beyond elk and deer.
- Wildlife-dependent public recreation as mandated by and according to Service policy.

Hunting is consistent with the refuge's comprehensive conservation plan larger Interpretation and Recreation goal to "provide the public with quality opportunities to learn about and enjoy the ecological diversity, wildlands, wildlife, and history of the refuge in a largely natural setting and in a manner compatible with the purposes for which the refuge was established."

IV. Description of Hunting Program

A. Areas to be Opened to Hunting

Hunting is allowed in the current open hunt area of the refuge. That area lies north and west of the Niobrara River. The hunt area does not include the river, but begins on the north and western bank, then follows the marked refuge boundaries to the east, north, and west sides of the refuge. The hunt area is approximately 5,100 acres (Figure 1).

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

Resident game hunting covers all non-migratory wildlife hunted in Nebraska under the Nebraska Game and Parks Commission (NGPC) hunting regulations. Resident game species include: white-tailed deer, mule deer, pronghorn, elk, badger, beaver, bobcat, coyote, fox, long-tailed weasel, mink, muskrat, opossum, prairie dog, porcupine, rabbit and hare, raccoon, skunk, squirrel, woodchuck, greater prairie chicken, grouse, partridge, pheasant, quail, and turkey.

Migratory bird hunting covers waterfowl, dove, crow, rail, snipe, and woodcock.

- State-permitted archery and muzzleloader weapons can take elk, deer, and pronghorn.
- State-permitted shotguns shooting non-toxic shot, archery, and muzzleloader weapons can be used for badger, bobcat, coot, crow, dark geese, dove, duck, fox, furbearer, greater prairie chicken, grouse, long-tailed weasel, light geese, mink, opossum, partridge, pheasant, quail, rabbit and hare, raccoon, rail, skunk, snipe, squirrel, teal, turkey, woodcock, coyote, porcupine, prairie dog, and woodchuck.
- Non-toxic shot is required for all hunting when using loose shot in muzzleloader shotguns and shotshells for modern shotguns.
- Hunter access is allowed from two hours before legal sunrise until two hours after legal sunset. Hunting hours for badger, bobcat, fox, furbearers, long-tailed weasel, mink, opossum, raccoon, skunk, coyote, porcupine, prairie dog, and woodchuck will be limited to the two hour before sunrise and two hour after sunset limit instead of the 24-hour state allowance. All other shooting hours for proposed species fall within the refuge access hours by state regulation.

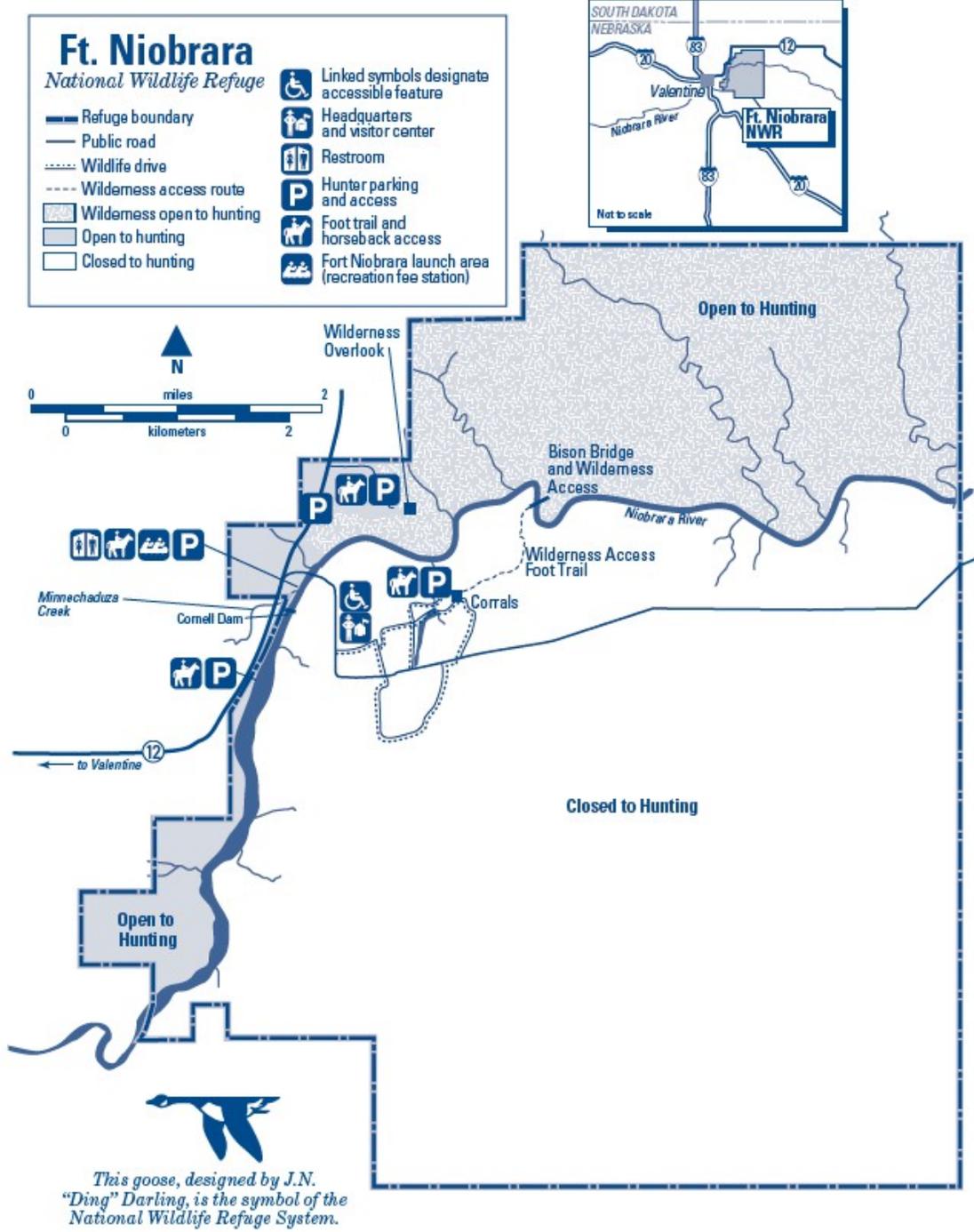


Figure 1. Fort Niobrara National Wildlife Refuge Hunt Map.

- Bag limits will generally be according to state regulations. Special deer bag limits such as antlerless only, bonus tags, and mule deer doe, will be negotiated with the NGPC and published in their regulations.
- Access to the non-wilderness portion of the open hunt area is limited to walking, horseback, bicycling, and e-bicycles. Bicycles and e-bicycles are restricted to established roads and trails. E-bicycles are bicycles with a small electric motor (less than 1 horsepower) power assist in the same manner as traditional bicycles. The operator of an e-bike may only use the small electric motor to aid pedal propulsion. The motor may not be used to propel an e-bike without the rider also pedaling, except in locations open to public motor vehicle traffic.

C. Hunter Permit Requirements

- License rules and season dates are according to state regulation.
- Use of landowner hunting permits is not allowed on refuge lands.

D. Consultation and Coordination with the State

State coordination has been limited to the consideration of the NGPC Suggestions for Hunting and Fishing Opportunities and Related Regulations, dated July 10, 2018, and phone conversations with local NGPC biologists.

E. Law Enforcement

Enforcement of refuge and state regulations normally associated with management of a national wildlife refuge is the responsibility of commissioned refuge law enforcement officers. Other federal wildlife officers, National Park Service rangers, special agents, state conservation officers, and the local sheriff's department often help the refuge's full-time officer.

The following methods are used to control and enforce hunting regulations:

- Refuge and hunt area boundaries will be clearly posted.
- The refuge will provide a brochure that shows hunt areas and contains pertinent rules and regulations.
- Refuge law enforcement staff will routinely check hunters for compliance with federal and state laws.

F. Funding and Staffing Requirements

Annual hunt program administration costs for the refuge including, salary, equipment, law enforcement, brochures, and analysis of biological information, totals approximately \$15,000. Refuge administrative and maintenance funds are used to maintain signs, buy brochures, perform biological inventory and monitoring, and coordinate with the state. Refuge law enforcement money is used to monitor hunting and enforce regulations. It is anticipated that this will pay the hunting program at the refuge in the future, although refuge law enforcement funding does provide adequate law enforcement.

V. Conduct of the Hunting Program

A. Hunter Permit Application, Selection, and Registration Procedures

- The refuge will not require any special hunt applications or reports.
- All licenses and permits will be issued by NGPC.

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 or occurs, or both. The following information is from 50 CFR 32.46.

(c) Fort Niobrara National Wildlife Refuge:

(1) Migratory Game Bird Hunting: We, the Service, allow migratory game bird hunting on designated areas of the refuge in accordance with state regulations and subject to the following conditions:

- (i) Hunters may access the refuge from 2 hours before legal sunrise until 2 hours after legal sunset.
- (ii) Access is from places designated on the refuge hunting and fishing brochure.
- (iii) You must remove all blinds and decoys at the conclusion of each day's hunt (see section 27.93 of this chapter).
- (iv) We allow the use of dogs for hunting from August 1 to April 30.

(2) Upland Game Hunting: We allow upland game hunting on designated areas of the refuge in accordance with State regulations and subject to the following conditions:

- (i) The conditions set forth at paragraphs (c)(1)(i), (ii), and (iv), of this section apply.
- (ii) We allow hunting with muzzleloader, archery, and shotgun weapons and by falconry.
- (iii) Nontoxic shot is required for all shotgun use.

(3) Big Game Hunting: We allow hunting of deer, elk, and pronghorn on designated areas of the refuge in accordance with state regulations and subject to the following conditions:

- (i) The conditions set forth at paragraphs (c)(1)(i), and (ii) of this section apply.
- (ii) We allow hunting with muzzleloader and archery equipment only.
- (iii) Portable tree stands are allowed from August 16 to January 31.

(4) Sport Fishing: We allow fishing on Minnechaduza Creek and on the Niobrara River downstream from Cornell Dam in accordance with state regulations and subject to the following conditions:

- (i) Anglers may access the refuge from 2 hours before legal sunrise until 2 hours after legal sunset

- (ii) Access is from places designated on the refuge hunting and fishing brochure.
- (iii) We prohibit the use of limb or set lines.
- (iv) We prohibit the take of baitfish, reptiles, and amphibians (see section 27.21 of this chapter).
- (v) We prohibit use or possession of alcoholic beverages on refuge lands and waters.

C. Relevant State Regulations

Relevant state regulations are generally covered in the annual Nebraska guides. The guides are not intended to be a complete digest of state regulations, orders, and statutes. A complete listing may be found at:

Regulations and Orders: <http://outdoornebraska.gov/regulations/>

Nebraska Revised Statutes: <https://nebraskalegislature.gov/laws/browse-chapters.php?chapter=37>

D. Other Refuge Rules and Regulations for Hunting

- Open fires are not allowed.
- Camping is not allowed.
- The refuge allows canoes, kayaks, and float tubes capable of carrying no more than four people on the Niobrara River below Cornell Dam. Boats, canoes, and kayaks, are prohibited upstream of Cornell Dam.
- Hunters must park in designated parking areas, as identified on the map to access the refuge for hunting.
- Gates opened to enter the hunting area from designated access points must be closed immediately after passing through.
- Only licensed vehicles, bicycles, and e-bikes are allowed on designated roads. All-terrain vehicles and utility task vehicles are prohibited. Motor vehicles are allowed only on public use roads and trails as shown on the hunting and fishing brochure map. Hunters and anglers must park in the designated parking areas in a manner that will not interfere with the normal flow of traffic.
- Game carts, or any other mechanized device used for retrieving game or transportation, are prohibited in the Wilderness Area portion of the refuge that is open for hunting.
- Horses are allowed within the refuge hunt area. Horse trailers may only be parked at the four designated horse trailer parking access areas identified on the map. Horse access to the Wilderness Area is only allowed via the Wilderness Overlook or the refuge corrals and Buffalo Bridge. Wilderness Area horse use is limited to three groups at a time and no more than five horses per group. Please check in with refuge staff to arrange Wilderness Area horse use.
- All government property, including natural items such as antlers, bison skulls, plants,

historic, and archaeological features, are protected by federal law. Searching for or removal of any of this property is strictly prohibited.

- The use of electronic or photographic trail monitoring devices is prohibited.
- Persons possessing, transporting, or carrying firearms on refuge lands must comply with all provisions of state and local law. Persons may only discharge firearms in accordance with refuge regulations (50 CFR 27.42 and specific refuge regulations in 50 CFR 32).
- Carrying, possessing, or discharging fireworks or explosives on national wildlife refuges is prohibited. The use of possession of air guns, spears, gigs, or other weapons on national wildlife refuges is prohibited.

VI. Public Engagement

A. Outreach for Announcing and Publicizing the Hunting Program

The refuge keeps a mailing list, for news release purposes, to local newspapers, radio, and websites. Special announcements and articles may be released in conjunction with hunting seasons. In addition, information about the hunt will be available at Fort Niobrara NWR headquarters, on the refuge's website, and on the regional website at www.fws.gov/mountain-prairie/huntfish.php#.

B. Anticipated Public Reaction to the Hunting Program

Based on the comments received during development of the 2009 Fort Niobrara NWR EDMP/EA, we will probably receive both positive, negative, and neutral comments about this revised hunt plan. Hunting of both deer and elk have been allowed for several years and many fears about opening of hunting have been allayed. Some individuals may have concern with waterfowl hunting in areas where whooping cranes may be present. Some people might be concerned with opening so much new use in the refuge Wilderness Area.

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

General information about hunting and other wildlife-dependent public uses can be obtained at the refuge headquarters at 39983 Refuge Road, Valentine, NE, 69201, or by calling 402-376-3789. Information about hunting and fishing will be available on the station website at www.fws.gov/refuge/fort_niobrara/ and at the refuge visitor center. Information hunting and fishing in Nebraska is available at the Nebraska Game and Parks Commission office located at 2200 N. 33rd St., Lincoln, NE 68503, by calling 402-471-0641, or at <http://outdoornebraska.gov/>

VII. Compatibility Determination

Hunting and all associated program activities proposed in this plan are compatible with the purposes of the refuge. See the Draft Compatibility Determination for Hunting on Fort Niobrara NWR at www.fws.gov/mountain-prairie/huntfish.php#.