

Draft Compatibility Determination for Hunting and Fishing on Kirwin National Wildlife Refuge

Use: Hunting and fishing

Refuge Name: Kirwin National Wildlife Refuge

Establishing and Acquisition Authorities:

- Fish and Wildlife Act of 1956 (16 United States [U.S.] Code 742f[a][4])
- Fish and Wildlife Act of 1956 (16 U.S. Code 742f[b][1])

Refuge Purpose(s):

Kirwin National Wildlife Refuge (NWR) was established in 1954 to provide habitat for and facilitate the management of the Nation’s migratory bird resources.

“... shall be administered by him [Secretary of the Interior] directly or in accordance with cooperative agreements ... and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife, resources thereof, and its habitat thereon, ...in behalf of the National Migratory Bird Management Program” 16 U.S. Code 664 (Fish and Wildlife Coordination Act).

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:

What is the use?

Hunting and fishing are activities conducted by the public under regulation authority of the National Wildlife Refuge System Improvement Act of 1997 (Improvement Act); these activities are considered a priority public use. This compatibility determination (CD) updates and supersedes previous related CDs and is being completed as part of the 2020 Kirwin NWR Migratory Gamebird, Upland Game, and Big Game Hunting and Fishing Plan and the associated Environmental Assessment (EA). This CD will reevaluate hunting opportunities in addition to the existing approved hunting uses on the refuge.

Hunting expansion includes archery hunting for turkey; additional species to be hunted include small game (grey squirrel, jackrabbit), state-defined furbearers (coyote, fox, raccoon, badger, bobcat, mink, muskrat, weasel, opossum, raccoon and striped skunk), and migratory birds (woodcock, rail, and crow).

The Service proposes to expand fishing opportunities (boating regulation changes) on an additional 1,360 acres of the refuge in accordance with the State of Kansas’ rules and

regulations. These 1,360 acres are already open to fishing by foot and seasonal non-motorized boating activities.

Where will the use be conducted?

The described hunting will occur on refuge lands, specifically within the congressionally approved boundary as outlined in the 2020 hunting and fishing plan and as shown on refuge hunt maps, brochures, and other forms of communication (see Figure 1). Adding any new lands, species, or hunting opportunities require submission of an opening package, which includes an announcement in the Federal Register. This is completed on an annual basis.

When and how will the use be conducted?

All new hunting opportunities will occur within the existing hunt seasons established by the State of Kansas for hunting on the refuge. Hunting will not be allowed at night; refuge and shooting hours will remain the same as currently allowed. While specifics are described in the proposed hunting and fishing plan, closures will occur for the protection of species and the public at any time under the authority of the refuge manager (or other higher administrative authority). For example, closures will occur for the protection of whooping cranes using the refuge during migration (see Pearse et al. 2015).

The use is conducted according to state, federal, and refuge-specific regulations. Kansas Department of Wildlife, Parks, and Tourism publishes hunting regulations annually (<https://ksoutdoors.com/Hunting>). Regulations pertaining to hunting on all national wildlife refuges are available in 50 CFR 32.2 (<https://ecfr.io/>). Refuge-specific regulations are available on the refuge's website (www.fws.gov/refuge/kirwin/) and in brochures provided at refuge headquarters and kiosks.

The U.S. Fish and Wildlife Service (Service) limits hunt areas, seasons, hours, and other aspects of operations and procedures to ensure compatibility of multiple wildlife-dependent uses and with conservation priorities as described in the refuge comprehensive conservation plan (CCP) (USFWS 2006).

Why is this use being proposed?

The uses are being proposed to expand compatible wildlife-dependent opportunities on the refuge that collectively increase the potential for a heightened awareness and appreciation of natural resources. Hunting is one of six public use priorities named in the Improvement Act (www.fws.gov/willamettevalley/ccp/nwrsia.htm). Hunting was a traditional activity that occurred on refuge lands prior to and since refuge establishment. Expanding hunting opportunities and aligning regulations with state agencies implement Secretarial Order 3347, Conservation Stewardship and Outdoor Recreation, and Secretarial Order 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. The hunt program is administered in accordance with sound wildlife management principles and public safety.

Availability of Resources:

While additional hunting and fishing opportunities will require more time and monetary resources, implementation can occur under current administrative conditions. Existing programs,

such as signs, brochures, and other communications, could be updated with available resources. Maintenance of infrastructure is closely tied to the Service Asset Maintenance Management System. The refuge's base budget will cover the cost of updates. Current law enforcement is sufficient for safety and management related to expanded hunting uses. Monitoring will heavily rely on state surveys and research information (<https://ksoutdoors.com/Services/Research-Publications/Wildlife-Research-Surveys>); however, some refuge-specific activities will occur (such as whooping crane sight reporting).

Anticipated Impacts of the Use:

There would be an increased number of species allowed to be hunted, as well as expanded areas and methods of take to satisfy different hunting user groups. The refuge would increase opportunities by allowing hunting of state-defined furbearers (coyote, badger, bobcat, fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel), migratory birds (crow, rail, and woodcock), and small game (grey squirrel and jackrabbit) with no appreciably adverse impacts in context of regional and/or statewide populations. Hunt seasons and limits are established within frameworks set by the Service for migratory birds and by states for Kansas game species. Restrictions are adjusted with consideration of species population trends, supporting long-term conservation of natural resources.

Fishing visitations and success fluctuate according to water conditions in the Kirwin Reservoir, Bow Creek, and the North Fork Solomon River. The river and creek have marginal fisheries due to their seasonal flows. Kirwin NWR allows both motorized and non-motorized access to fishing on the reservoir with a few restrictions in place. Restrictions include a seasonal closure when the water elevations fall below 1,722 feet (measured annually on October 1st). If the water elevation is below the threshold, the lake is closed to all boats from October 1st–April 1st, with the exception of Bow Creek Unit which is open to hunting and fishing by all boats during appropriate seasons year-round. On years where the water elevation is at or above the threshold, the lake will remain open to all boating access. Beyond limited staffing issues and enforcement concerns, biologists support that migratory birds will not be affected by the presence of motorized boats because the areas affected are already being disturbed by hunters on nearby land and fisherman year-round. High water levels (which are uncommon) will be the only time boats can physically make it to this west end. The low water years or those below 1,722 feet elevation will not support depths of water to allow access by boat.

Based on biological impacts described in the CCP (2006), it is determined that boating in support of the six priority public uses within the refuge will not materially interfere with or detract from the purpose for which the refuge was established. Boating is not a priority public use; however, it does facilitate the six priority public uses. Although boats with motors were initially not permitted on these 1,360 acres, by specifying areas, time of year, no wake zones, and implementing a seasonal boat closure, boating is determined to be compatible.

The challenge of balancing multiple consumptive and non-consumptive uses while supporting the conservation of natural resources would continue. Hunting, fishing, and other public use activities have short-term disturbance impacts. Area and temporal closures, and periodic assessments would allow adjustments in activities. In the years since CCP approval (2006), current conditions have offered hunting and fishing opportunities as whooping cranes continue to safely increase use of the refuge. This trend would be expected to continue. There are no

foreseen long-term impacts to sensitive non-target species, but periodic assessments may lead to necessary changes in public use activities.

Activities as part of the refuge's 2020 hunting and fishing plan may negligibly affect other hunting and recreational uses and refuge administration. Adherence and enforcement of state, federal, and refuge-specific regulations are intended to facilitate public safety, multiple-use interests, and wildlife-habitat conservation. With respect to indirect or cumulative impacts, there are no anticipated adverse effects to area land use, Indian trust resources, cultural resources, environmental justice, listed threatened and endangered species, or other biological community resources.

For a more in-depth evaluation of impacts, refer to the EA associated with the refuge's 2020 hunting and fishing plan.

Public Review and Comment:

The draft compatibility determination will be available for public review and comment along with the associated 2020 hunting and fishing plan and EA. Responses will be addressed prior to finalization of the documents.

Determination (check one below):

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

Stipulations Necessary to Ensure Compatibility:

To ensure compatibility with the Refuge System and refuge goals and objectives, hunting and fishing can only occur under the follow conditions:

- Implementation of uses as described in the refuge's 2020 hunting and fishing plan, in accordance with applicable state, federal, and refuge-specific regulations.
- Only nontoxic shot is permitted on the refuge when hunting with a shotgun (waterfowl, upland game, turkey).
- Vehicle travel is limited to designated roads, trails, and parking areas.
- Promote sound hunting practices for recreational use safety and quality experiences.

Justification:

Hunting is identified as a priority public use in the Improvement Act, and will help meet Refuge System goals with only minimal conflicts. Wildlife-based recreation can instill a greater appreciation of natural resources. Hunting seasons and bag limits are established by the states within a framework set nationally by the Service for migratory game birds and at the state level for big game, upland game, and furbearers. These restrictions ensure the continued well-being of overall populations of migratory birds. Hunting does result in the taking of many individuals within the overall population, but restrictions are designed to safeguard an adequate breeding population from year to year. The area closed to waterfowl hunting (Kirwin Reservoir) on the

refuge provides habitat for migratory birds during the hunting season. Specific refuge regulations address equity and quality opportunities for hunters.

Hunting is consistent with the refuge's larger goals to restore and re-establish native plant communities throughout the refuge for wildlife and for education and recreational opportunities; to maintain the refuge through active management programs, including hunting; and to provide opportunities for visitors to understand, observe, and enjoy wildlife and native habitats of the Solomon River Basin. Additional information about these goals can be found in the CCP (2006). The refuge will continue to provide sanctuary habitat for birds and other wildlife throughout the year. This use has been determined compatible provided the above stipulations are implemented. This use is being permitted as it is a priority public use and will not diminish the primary purposes of the refuge.

Fishing is identified as a priority public use in the Improvement Act and will help meet Refuge System goals with only minimal conflicts. Wildlife-based recreation can instill a greater appreciation of natural resources. The refuge will continue to provide sanctuary habitat for birds and other wildlife throughout the year. The administration of the boating program is conducted using available resources. Implementing new programs, activities, and facilities outlined in the CCP is tied to funding requests. Hunting, fishing, and other human activities cause disturbance to wildlife. Disturbance to migrating and wintering waterfowl will be reduced by maintaining the current seasonal boat closure on most of the reservoir during low water conditions. Boating in support of the six public uses (hunting, fishing, wildlife observation, wildlife photography, environmental education, interpretation) is compatible.

Signatures:

Craig Mowry, Project Leader

Date

Review:

Barbara Boyle, Refuge Supervisor

Date

Approval:

Will Meeks, Refuge Chief
Region 6

Date

Mandatory 10- or 15-Year Reevaluation Date: 2035

References:

Pearse, A.T.; Brandt, D.A.; Harrell, W.C.; Metzger, K.L.; Baasch, D.M.; Hefley, T.J. 2015. Whooping crane stopover site use intensity within the Great Plains: U.S. Geological Survey Open-File Report 2015-2016, 12 p., <<http://dx.doi.org/10.3133/ofr20151166>>

[USFWS] U.S. Fish and Wildlife Service. 2006. Comprehensive Conservation Plan—Kirwin National Wildlife Refuge, Kansas. Lakewood, CO: U.S. Department of Interior, Fish and Wildlife Service. 221 p

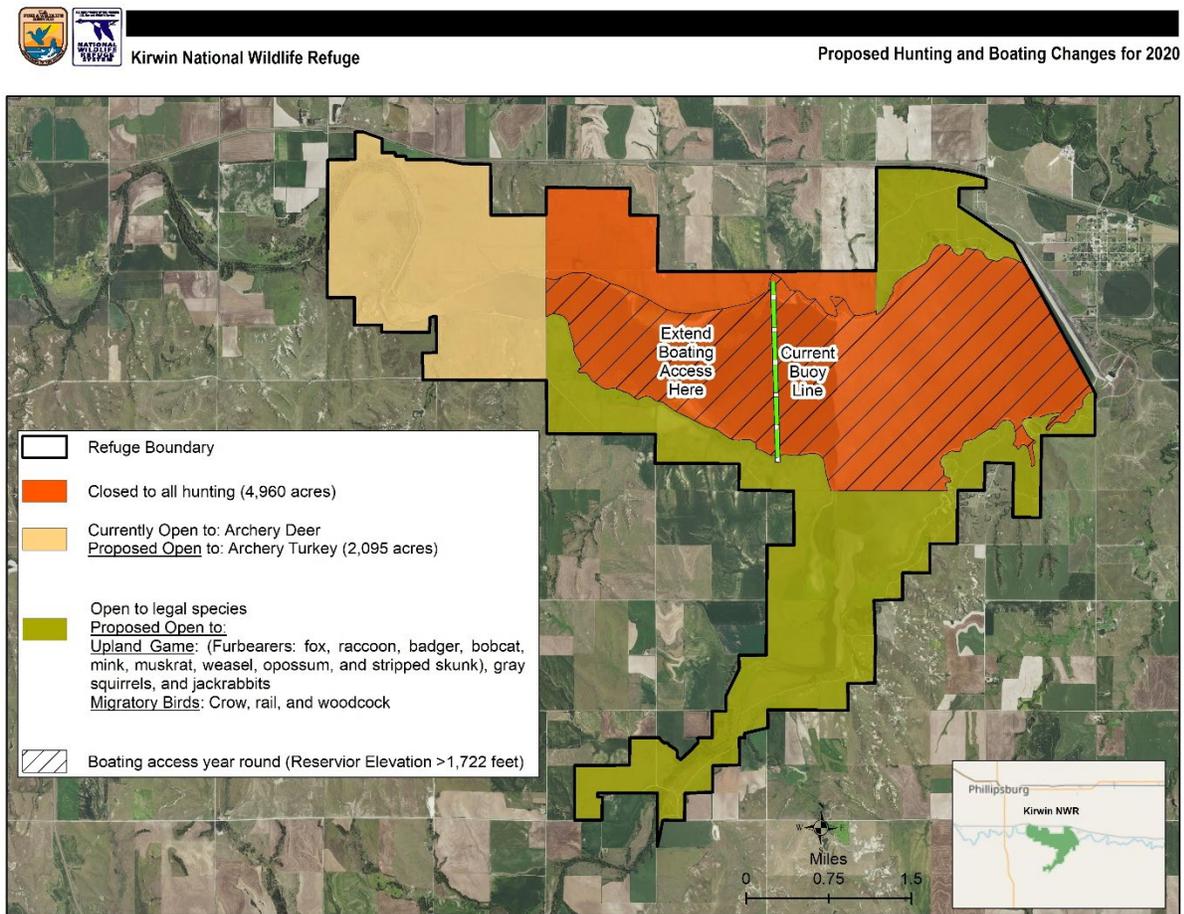


Figure 1. Proposed Hunting and Boating Changes at Kirwin National Wildlife Refuge.