

**Draft Kirwin National Wildlife Refuge
Hunting and Fishing Plan**

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U.S. Fish and Wildlife Service

Kirwin National Wildlife Refuge

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Draft Kirwin 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, Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and U.S. Fish and Wildlife Service Manual.

Kirwin National Wildlife Refuge (NWR) is a 10,778-acre overlay of Kirwin Reservoir in central Kansas (Figure 1) that was established in 1954. The refuge purpose serves to conserve, maintain, and manage wildlife, resources thereof, and their habitats on behalf of the National Migratory Bird Management Program. Specifically, the refuge was established under the following authorities and for these purposes:

- “. . . for use as an inviolate sanctuary, or for any other management purpose, for migratory birds” (Migratory Bird Conservation Act 1929 [16 U.S. Code 715d]).
- “. . . for the development, advancement, management, conservation, and protection of fish and wildlife resources” (Fish and Wildlife Act of 1956 [16 U.S. Code 742fa4]).
- “. . . for the benefit of the United States Fish and Wildlife Service, in performing its activities and services” (Fish and Wildlife Act of 1956 [16 U.S. Code 742fb1]).

Shortly after passage of the Flood Control Act of 1944, the construction of Kirwin Reservoir began in 1952 and was built for irrigation and flood control administered by the U.S. Bureau of Reclamation and the Kirwin Irrigation District. The overlay national wildlife refuge was established prior to the completion of the dam in August 1955 and began to store water in October of that year.

Habitats on the refuge consist of prairie grassland, cropland, open water, shoreline, wetlands, and wooded riparian areas. The refuge lies in an area where the tallgrass prairies of the east meet the short-grass plains of the west. Because of this merging of prairies and plains, grasses and wildlife common to both habitats occur on the refuge.

The mission of the Refuge System, as outlined by the NWRSA, as amended by the National Wildlife Refuge System Improvement Act of 1997 (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.”



Figure 1. National Wildlife Refuge Locations in Kansas, Including Kirwin National Wildlife Refuge in Northcentral Kansas.

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

- provide for the conservation of fish, wildlife, 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;
- 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.

Hunting is a primary traditional activity in central Kansas. Visitors to the refuge have enjoyed recreational activities such as hunting, fishing, wildlife observation, and wildlife photography since its establishment. In fact, hunting has been permitted on 5,800 refuge acres in accordance with federal and state regulations. Each year, between 40,000 and 90,000 people recreate at the refuge, depending on the water level and the fishing quality. The Service currently permits hunting in season for waterfowl, dove, pheasant, quail, turkey, prairie chicken, snipe, coot, cottontail rabbit, fox squirrel, and white-tailed deer. On any given day during hunting season, roughly 100 people enjoy the opportunity to pursue their favorite game species on the refuge.

II. Statement of Objectives

The objectives of a fishing and hunting program on the refuge are to provide the public with additional compatible wildlife-dependent recreational uses, and new opportunities for youth and those with special needs. These expanded uses will attract new users and therefore expand opportunities for environmental education, appreciation of natural resources, and inspiration to participate in other refuge uses that support the Refuge System mission.

III. Description of Hunting Program

A. Areas to be Opened to Hunting

- No new areas will be opened to hunting; however, archery-only turkey hunting will be allowed on 2,095 acres (Figure 2).
- Parts of the refuge are designated as hunting areas and are shown on the map in the brochure (see Figure 2). On the refuge, hunting is not permitted outside the hunt areas or from across roads, trails, or parking areas.
- Refuge hunting areas are open for hunting activities from September 1 through April 30, as described in the hunting and fishing plan and newly published Code of Federal Regulations associated with the hunting and fishing plan.

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

Hunting Hours

- The refuge is open to the public 1.5 hours before sunrise to 1.5 hours after sunset. Refuge hunting seasons are September 1 through April 30. Hunting hours follow state regulations, but only within the refuge hunting hours. There is no night hunting, no set-up during refuge closed hours for hunting, and no loitering or camping during the closed hours.

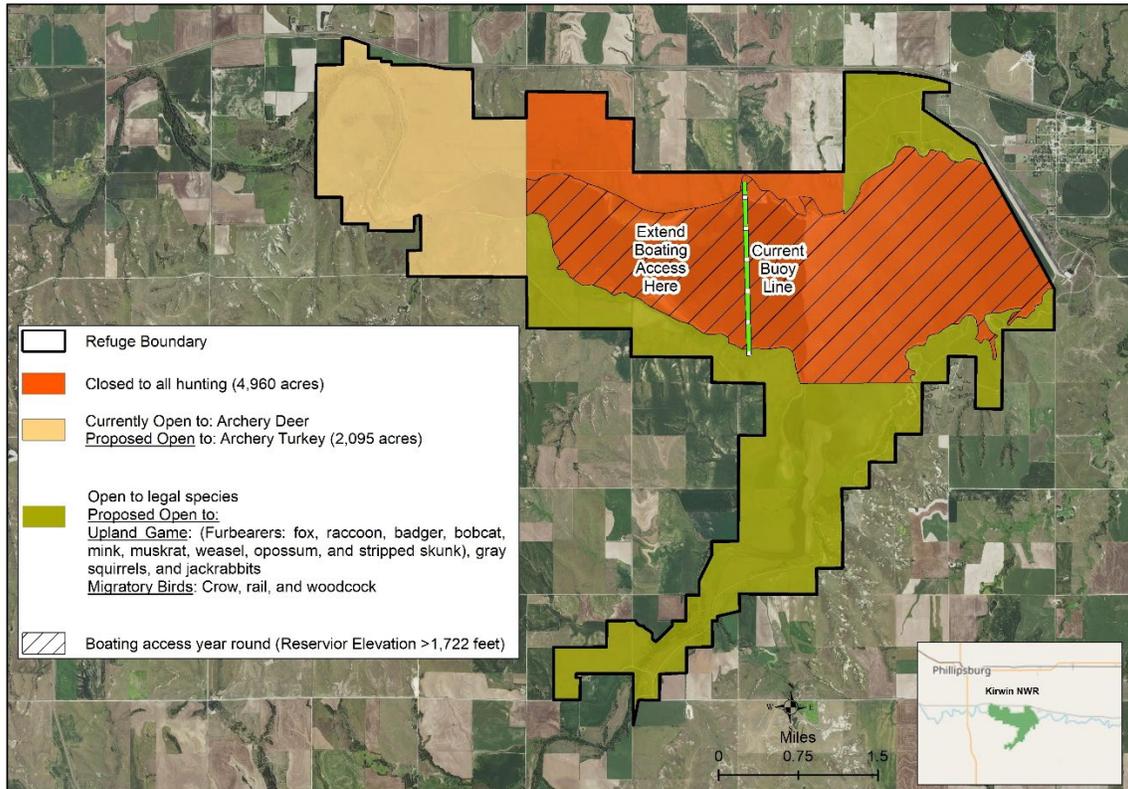


Figure 2. Current and Proposed Hunting and Boating Opportunities at Kirwin National Wildlife Refuge.

Methods of Take (Overall)

- Methods of take allowed on the refuge include archery and shotgun, no larger than 10 gauge. The refuge permits nontoxic shot only. Prohibited methods of take on the refuge include centerfire rifle, rimfire rifle, air rifle, pistol, trapping, running coyote and/or furbearers, and hunting from vehicles. Specific methods of take by species, or group of species, are identified under “Species to be Taken” and regulations described in more detail below.

Species to be Taken – Deer (State-Defined: White-Tailed Deer and Mule Deer)

- Deer hunting will be allowed with the method of take using archery equipment only, except youth hunts.
- Deer youth and disabled hunt season, the second week in September (currently September 7 through 15). Allowable methods include archery only.
- Archery deer seasons are in concurrence with state regulations and opportunities are by permit/draw only; a permit must be obtained to hunt deer on the refuge.
- Deer extended archery whitetail antlerless-only in January in concurrence with state

regulations.

Species to be Taken – Turkey

- Turkey hunting is currently allowed but will be expanded into the archery-only hunting area on the western portion of the refuge.
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge, in concurrence with state regulations.

Species to be Taken – Coyote

- Coyote hunting will be permitted within specified units.
- Hunting permitted September through April when refuge hunt areas are open within the fall and winter hunting seasons.
- Limit of take in concurrence with state regulations (currently, no limit).
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge, in concurrence with state regulations.
- No use of vehicles, radios, dogs, or bait is permitted.

Species to be Taken – Small Game (Squirrel, Rabbit [Cottontail, Jackrabbit])

- The refuge will permit squirrel (grey and fox) and rabbit (cottontail, jackrabbit) hunting.
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge, in concurrence with state regulations.
- Use of bait is not permitted.
- Use of decoys (except live decoys) and calls (including electronic calls) is permitted, in concurrence with state regulations.
- Maintain current seasons for the refuge (state seasons that fall within September through April; excluding May through August).

Species to be Taken – Furbearers (State-Defined Hunted Species Include Badger, Bobcat, Red Fox, Grey Fox, Swift Fox, Mink, Muskrat, Opossum, Raccoon, Striped Skunk, and Weasel)

- New state-defined furbearer species permitted to be hunted on the refuge include badger, bobcat, fox, mink, muskrat, opossum, raccoon, striped skunk, and weasel.
- Hunting of otter and beaver are not permitted, consistent with state regulations.
- At any time, the Service maintains the authority to limit hunting opportunities to special hunts or programs to maintain control of the furbearer species allowed to be taken, number of access permits, the days of hunting, and methods of take. Administration will be coordinated with the state. Otherwise, the Service will allow the state-defined limits (currently none) and the season described below.
- State-defined seasons but closed on the refuge March through August. Currently, the

state-defined season for hunting furbearer is November 13 through February 15 (<https://ksoutdoors.com/Hunting/When-to-Hunt>).

- The use of calls and decoys is permitted.
- No hunting at night. The refuge is open 1.5 hours before sunrise to 1.5 hours after sunset.
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge.
- No dogs can be used for furbearer hunting.

Species to be Taken – Upland Gamebird (Pheasant and Quail [Bobwhite], Prairie Chicken)

- Maintain current hunting regulations.
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge.

Species to be Taken – Migratory Gamebirds (State-Defined)

- The refuge will permit hunting of coot, crow, duck, goose, merganser, mourning dove, rail, snipe, and woodcock in concurrence with state *regular* seasons and limits.
- Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge.
- The refuge permits hunting of light geese in concurrence with state regulations during regular seasons (ends April 30 on the refuge).
- Crow is a new species of migratory gamebird that may be hunted.
 - Methods of take include archery and shotgun (nontoxic shot only) no larger than 10 gauge.
 - In concurrence with state *regular* seasons (currently November 10 through March 10) and limits (currently none).
- No falconry season on the refuge.
- No sandhill crane hunting is allowed.

Species to be Taken – Fish

- All refuge waters are open to sport fishing in accordance with state fishing regulations with the exceptions below.
 - Legal species: Fish species listed in the state fishing regulations may be taken.
 - Noncommercial collection of baitfish is allowed as governed by state regulations.

C. Hunter Permit Requirements

All state permit requirements apply on refuge lands, in addition to refuge-specific requirements. For deer and turkey, draw hunt permits and tags are required.

D. Consultation and Coordination with the State

Representatives of the Kansas National Wildlife Refuge Complex (Flint Hills, Kirwin, and Marais des Cygnes NWRs) met with the Secretary of Kansas Department of Wildlife, Parks, and Tourism (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 (operations and regulations) at the meeting and in follow-up verbal and written communications. The Service asked about recommendations and review of hunt programs, specifically special hunts and the use of state-coordinated programs. The Service specifically asked the state about including the refuge and refuge complex in state hunt registration and administered programs to ensure consistency and coordination. The Service agreed with state recommendations to improve the alignment with state and among refuges in the refuge complex. Overall, the state was supportive of the Service's proposals to expanded hunting opportunities and both agencies confirmed the continuance of a strong partnership to support these efforts. The state regional office reviewed and concurred with the refuge-specific regulations. We have and will continue to consult and coordinate on specific aspects of the hunting and fishing plan. The state is in agreement with the refuge and refuge complex hunting and fishing plan(s) because it will help meet state objectives.

E. Law Enforcement

Enforcement of refuge violations on the refuge is the responsibility of commissioned refuge law enforcement officer(s). Other refuge officers, special agents, state game wardens, and the local sheriff's department may assist the full-time officer at the refuge as necessary. Any law enforcement officer may enforce state laws on the refuge. The following methods are used to inform the public about hunting and fishing regulations: publication of the Code of Federal regulations, a refuge brochure showing the area open and closed to hunting (excluding temporary closures for the protection of wildlife or the public that will be provided as necessary), signage along refuge boundaries or in specific units; in addition to other communications when possible (such as website, phone). Refuge law enforcement officers will randomly check hunters and fisherman for compliance with federal and state laws.

F. Funding and Staffing Requirements

Facilitating safe hunting and fishing activities require a considerable amount of time and expense to the refuge. For example, law enforcement officers may contribute over 40 hours per week starting in September through April. Transportation costs associated with law enforcement activities is estimated at nearly \$400 per week but fluctuates with fuel and maintenance costs. Operations that include posting open and closed signs and communication related to the protection of whooping cranes (or other species of concern or public safety) require an estimated 8 to 10 hours each spring and fall. Monitoring and management of whooping cranes is not all hunting-related; it is also of interest to non-consumptive users and required for biological purposes (such as Recovery Act action). However, more time is spent checking whooping crane use and location within hunt units and is estimated at 4 hours per week during migration. In addition, many hours are required to provide information to the public (such as phone, website, visitor's center, brochures, and news releases) throughout the hunting season and spring migration. Added communication costs are associated with printing hunting and fishing

information for kiosks and the visitor center, and with maintenance of refuge infrastructure (such as roads, parking lots, boat access points, signs, facilities). Further monitoring related to other species (such as waterfowl) involves at least 150 hours per year. Time and cost are associated with public communications and coordination and administration with the state (such as special hunts). Future monitoring will involve many species, but much of the information will be used from state surveys and volunteer efforts (such as deer surveys and fur harvest data).

IV. Conduct of the Hunting Program

A. Hunter Permit Application, Selection, and Registration Procedures

Hunter permit application, selection, and registration procedures are implemented in coordination with the KDWPT. Where appropriate, refuges within the refuge complex try to align regulations.

For special hunt opportunities, such as how the state will designate the proposed deer and turkey hunts on the refuge, the Service will maintain control and flexibility in limiting the number of hunters, access permits, the days of hunting, and the methods of take. The Service will follow procedures and schedules according to state special hunt operations.

B. Refuge-Specific Hunting Regulations

Listed below are the 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.

*50 Code of Federal Regulations Part 32
Kirwin National Wildlife Refuge—*

(1) Migratory gamebird hunting. We, the Service, currently allow hunting of coot, crow, duck, goose, merganser, mourning dove, rail, snipe, and woodcock within designated areas of the refuge. We are proposing to add crow, rail, and woodcock within the same designated hunt areas of the refuge subject to the following conditions:

- (i) You must remove portable hunting blinds and decoys at the end of each day's hunt (see § 27.93 of this chapter).*
- (ii) We prohibit shooting from or over roads and parking areas.*
- (iii) In Bow Creek, we allow hunting access by boat or on foot.*
- (iv) We allow the use of dogs when hunting migratory birds.*

(2) Upland game hunting. We allow hunting of cottontail rabbit, jackrabbit, pheasant, prairie chicken, quail, state-defined furbearers, and squirrel (fox and grey) on designated hunt areas of the refuge subject to the following conditions:

- (i) We only allow shotguns and archery equipment when hunting upland game.*
- (ii) We allow the use of dogs when hunting upland game, except that we prohibit the use of dogs when hunting coyotes and furbearers.*
- (iii) Shooting hours for upland game species are 1.5 hours before legal sunrise until legal sunset.*

- (iv) We prohibit the harvest of heaver and otter.*
- (v) The condition set forth at paragraph (b)(1)(ii) of this section applies.*

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

- (i) We only allow archery hunting of deer.*
- (ii) We allow one portable blind or stand per hunter. You may place your blind or stand on the refuge no more than 14 days prior to the season, and you must remove it within 14 days of the close of the season. You must remove portable blinds at the end of each day's hunt (see § 27.93 of this chapter). You must label portable blinds and stands with the owner's KDWPT number. Labels must be clearly visible from the ground.*
- (iii) You must obtain a refuge-issued permit (FWS Form 3-2405, Self-Clearing Check-In/Out Permit) to hunt deer on the refuge.*
- (iv) The condition set forth at paragraph (b)(1)(ii) of this section applies.*
- (v) We prohibit the use of dogs when hunting turkey.*
- (vi) You may possess only approved nontoxic shot for turkey hunting (see § 32.2[k]).*

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

- (i) We only allow boats for activities related to fishing.*
- (ii) We prohibit boating for fishing on October 1 and April 1 when the reservoir water elevation falls below 1,722 feet (measured on October 1), except in the Bow Creek Hunting Unit. Boats may be launched only at Scout Cove during this period.*
- (iii) We allow boating for fishing year-round, on the entire reservoir, only when the reservoir water elevation is above 1,722 feet (measured on October 1).*
- (iv) We prohibit anglers from using all-terrain vehicles when accessing Kirwin Reservoir for bank or ice fishing.*
- (v) We allow noncommercial collection of baitfish as governed by state regulations.*
- (vi) We prohibit all activities associated with fishing tournaments, outside of sport fishing itself, to include organized gatherings, registrations, weigh-ins, and award presentations to be held of organized on the refuge.*
- (vii) We prohibit the take of reptiles and amphibians.*

C. Relevant State Regulations

All other state regulations apply and are available from KDWPT.

D. Other Refuge Rules and Regulations for Hunting

Parking, Camping, Fires, and Boating

- Motorized vehicles are permitted only on developed roads and parking areas (see Figure 2). Driving off roads or on roads marked as closed by signs or barriers is not permitted. Parking in front of gates or on bridges or water control structures is not permitted.

- Overnight camping is not permitted.
- Open fires of any type are not permitted within the refuge.
- The use of boats, canoes, and other watercraft is permitted but limited to the designated areas and dates described below.

Refuge and Cultural Resources

- All government property, including natural items such as antlers, plants, historic, and archaeological features are protected by federal law. Searching for or removal of objects of antiquity or other value is strictly prohibited.

Seasonal or Emergency Closures

- The refuge supports many species of conservation concern. All areas on the refuge may be closed to hunting for the protection of whooping cranes or other species, habitat, or the public as determined by the Service. Closed area signs may be erected on a temporary or permanent basis, but any of these signs apply to all public use activities. The Service may close hunting on the refuge if there is a concern about a long-term decline or sudden decline in the population at regional, state, or larger scales, though the state traditionally adjusts hunting and fishing regulations based on population trends.

Blinds/Tree Stands

- One portable blind or stand per hunter is allowed. You may place your blind or stand on the refuge no more than 14 days prior to the season, and you must remove it within 14 days of the close of the season. You must remove portable blinds at the end of each day's hunt. You must label portable blinds and stands with the owner's KDWPT number. Labels must be clearly visible from the ground.

Game Retrieval

- Retrieving nonpermitted species is prohibited on all refuge lands. Retrieving permitted species from areas closed to hunting is also prohibited, including temporary closures due to endangered species use (such as whooping cranes) during spring and fall migration.

Artificial Light

- Use of artificial light or light-gathering equipment is not permitted during the take of any game animal on the refuge.

Bait

- Baiting or the use of bait for hunting is not permitted on the refuge.

V. Public Engagement

A. Outreach for Announcing and Publicizing the Hunting Program

Initial outreach and public input regarding hunting and fishing occurred as part of development of the comprehensive conservation plan for the refuge (signed in 2006). There will be a 30-day review period associated with this more detailed step-down plan. Upon approval, the refuge will

notify the public of the hunting and fishing plan through news releases to local newspapers and through the refuge website. Special announcements and articles may be released, especially prior to hunting seasons to communicate the Service's intent. Information about the hunting and fishing plan will be available at the refuge office and on the refuge website.

B. Anticipated Public Reaction to the Hunting Program

Based on the comments received for the comprehensive conservation plan (signed 2006), there may be reactions to the addition and expansion of hunting opportunities on the refuge. While hunting has already been allowed on the refuge for decades, there are concerns about species of conservation concern, such as the whooping crane, and the balance of compatible consumptive and non-consumptive uses. Hunting, fishing, wildlife observation, and other wildlife-based activities are important economic and recreational uses in Kansas.

C. How Hunters will be Informed of Relevant Rules and Regulations

Information regarding hunting, fishing, and other wildlife-dependent public uses may be obtained at the refuge office at 702 E. Xavier Road, Kirwin, Kansas 67644 or by calling 785 / 543-6673. Dates, forms, directions, maps, and application and permit requirements will be available at the office and visitor's center, and information will be posted on the refuge website: <http://www.fws.gov/refuge/Kirwin/>.

VI. 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 and Fishing on Kirwin National Wildlife Refuge (<https://www.fws.gov/mountain-prairie/huntfish.php#>).