

# Draft Lacreek National Wildlife Refuge Hunting Plan

February 2020

**U.S. Fish and Wildlife Service**

**Lacreek National Wildlife Refuge**

**Martin, South Dakota**

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Project Leader

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# Draft Lacreek 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.

Lacreek National Wildlife Refuge (NWR) is in Bennett County in southcentral South Dakota. The refuge was established in 1935 by President Franklin D. Roosevelt through Executive Order (EO) No. 7160 “. . . as a refuge and breeding ground for migratory birds and other wildlife.” The refuge lies in the Lake Creek Valley on the northern edge of the Nebraska Sandhills and has 16,576 acres of native sandhills, sub-irrigated meadows, impounded fresh water marshes, and tall and mixed grass prairie uplands.

The Little White River Recreation Area (LWRA) was bought in 1981 through the Refuge Recreation Act of 1962. This Act requires that when the land is acquired, the previous covenants will continue to be allowed even after acquisition.

“. . . the Secretary is authorized to cooperate with public and private agencies, organizations, and individuals, and he may accept and use, without further authorization, donations of funds and real and personal property. Such acceptance may be accomplished under the terms and conditions of restrictive covenants imposed by donors when such covenants are deemed by the Secretary to be compatible with the purposes of the wildlife refuges . . .” 16 U.S. Code 460k-2 (Refuge Recreation Act (16 USC 460k-460-k), as amended).

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; and
- 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.

The refuge has been open to mule deer and whitetail deer, sharp-tailed grouse and ring-necked pheasants for nearly 40 years. Waterfowl hunting, upland bird hunting, and big game hunting has been allowed on the LWRRRA (222 acres) for more than 75 years. Hunting is currently authorized and ongoing on approximately 8,700 acres, while nearly 9,000 acres are closed. Approximately 220 acres are currently open to waterfowl hunting and the proposed action will increase the total to nearly 5,100 acres. The proposed action will increase the total acreage open to hunting on the refuge to approximately 11,500 acres. Now, 12 species can be hunted on the refuge and the proposed action will increase the total to 18 species. If the species are italicized, they are a newly proposed species for hunting in 2020.

- Migratory Game Bird Hunting: Open to duck, light geese, dark geese, mourning dove, Wilson's snipe, sandhill crane, American crow, and coot
- Upland Game Hunting: Open to pheasant, sharp-tailed grouse, prairie chicken, and cottontail rabbit
- Predator Hunting: Open to coyote, red fox, bobcat, and mountain lion
- Big Game Hunting: Open to white-tailed deer and mule deer

## II. Statement of Objectives

The objectives of a migratory bird, upland game, predator, and big game hunting program on Lacreek NWR are to provide:

This proposed hunting plan is to provide compatible wildlife-dependent recreational opportunities on the refuge. This proposal will meet the Service's priorities and mandates as

outlined by the NWRSA to “recognize compatible wildlife-dependent recreational uses as the priority general uses of the Refuge System” and “ensure that opportunities are provided within the Refuge System for compatible wildlife-dependent recreational uses” (16 U.S. Code 668dd[a][4]). In addition, the approved refuge comprehensive conservation plan (CCP) (2006) outlines hunting objectives including expanding waterfowl and mourning dove hunting, as well as the opening of added species, such as cottontail rabbit and coyote where compatible. During the public comment process while developing the CCP, many requests were made to expand hunting opportunities for waterfowl and opening new acres within the sandhills part of the refuge. This proposal will also provide more high quality hunting opportunities for youth and apprentice deer hunters by aligning with the South Dakota Game, Fish, and Parks (SD GFP) on season dates and method of take.

### **III. Description of Hunting Program**

#### **A. Areas to Be Opened to Hunting**

This hunting plan proposes to expand hunting on approximately 2,800 acres within the West Sandhills Unit and South Sandhills Unit. These new acres have not been opened to hunting in the refuge’s history. This plan proposes to open more than 4,900 acres of added land for migratory game birds and 5,600 acres for predator hunting. The following areas will be open to hunting for certain species:

- Map A – Migratory game birds, including the Little White River Recreation Area, Pool 10, Brown Ranch, and the newly acquired Marty Quarter. Duck, dark geese, light geese, coot, sandhill crane, Wilson’s snipe, American crow, and mourning dove.
- Map B – Upland Game and Big Game, including the LWRAA, Pools 9 and 10, Brown Ranch, and proposed West and South Sandhill. Pheasant, sharp-tailed grouse, prairie chicken, white-tailed deer, mule deer, and cottontail rabbit.
- Map C – Predator, including the East and West Brown Ranch, LWRRA, and proposed West and South Sandhill. Coyote, bobcat, mountain lion, and red fox.

#### **B. Species to Be Taken, Hunting periods, Hunting Access**

***Migratory Bird Hunting:*** Duck, light geese, dark geese, sandhill crane, coot, Wilson’s snipe, American crow, and mourning dove hunting is allowed on the LWRRA, Pool 10, West and East Brown Ranch, and Marty Quarter. These species may be hunted in accordance with state seasons, shooting times, bag limits, and regulations, except American crow will only be allowed to be hunted during the state established fall season.

- All hunters must enter and exit a hunting area through a parking lot.
- All boats are allowed on the LWRRA, and manual powered boats are allowed on all other hunting units.

***Big Game Hunting:*** White-tailed deer and mule deer hunting is allowed on all hunting units open before besides the proposed West and South Sandhills. Deer hunting will be allowed with

archery, muzzleloaders, and centerfire rifles in accordance to state seasons, bag limits, and regulations. In addition, the following refuge-specific regulations apply:

- All hunters must enter and exit a hunting area through a parking lot.
- All boats are allowed on the LWRRA, and manual powered boats are allowed on all other hunting units.
- No archery for deer hunting will be allowed during the refuge-specific muzzleloader seasons.
  - The South Dakota Game, Fish, and Parks (SD GFP) now administers two individual seasons, both of which are one week long, for muzzleloader deer hunting. These seasons may expand in number of hunters and seasons in future coordination with the SD GFP.
- The refuge will be open to the youth/apprentice/mentor deer hunting season in accordance with state seasons, bag limits, and regulations.

***Predator Hunting:*** Coyote, bobcat, mountain lion, and red fox will be allowed to be hunted on the East and West Brown Ranch, the LWRRA, and the West Sandhills, and South Sandhills under the following conditions:

- Method of take is in accordance with the SD GFP.
- We, the Service, do not allow the use of dogs for predator hunting and locating
- All hunters must enter and exit a hunting area through a parking lot.
- Predators can be hunted ½ hour before sunrise to ½ after sunset. The sunrise and sunset schedules are posted annually in the SD Hunting and Trapping Handbook.
- Predators can be hunted from January 1 through February 15 of each year.

***Upland Game Hunting:*** Pheasant, sharp-tailed grouse, prairie chicken, and cottontail rabbit hunting is allowed on all previous hunting units and the proposed West and South Sandhill. These species may be hunted in accordance with state seasons, shooting times, bag limits, method of take, and refuge regulations including the following:

- All hunters must enter and exit a hunting area through a parking lot.

### **C. Hunter Permit Requirements**

All hunting will be in accordance with SD GFP permit and license rules. It is now required that all refuge archery deer hunters must obtain a free and unlimited refuge-specific archery license besides their state license. This permit will no longer be required in 2020.

### **D. Consultation and Coordination with the State**

The refuge reviewed the operations and regulations for neighboring Todd Ranch Game Production Area and Lacreek NWR to find consistency where possible. The refuge first reached

out to the state to discuss this hunting plan. We worked with the local state biologist and conservation officers early in the development of the plan. We asked for review by the SD GFP West Region regional office in Rapid City, SD, to help adjust our plan to align, where possible, with state management goals.

The refuge manager met with the local conservation officer in October 2019 to discuss details of the draft Environmental Assessment and draft hunting plan. Much was discussed about each species and new hunt areas being proposed in the plan. Overall, the local conservation officer supported the expansions and had input on unique rules, regulations, and potential conflicts that should be considered during the process.

Following that meeting, the refuge staff including leadership from the Sandhills Complex Service and the western regional supervisor, local conservation officer, Service regional hunt fish coordinator, and interior region 5 and 7 refuge supervisor held a conference call to discuss draft Environmental Assessment and draft hunting plan details. The conclusions made during that meeting and conference call are a result of the proposed expansions of new species and hunt areas at the refuge.

#### **E. Law Enforcement**

Enforcement of refuge violations normally associated with management of a national wildlife refuge is the responsibility of commissioned federal wildlife officers. Other federal wildlife officers, special agents, state game wardens and the local sheriff's department often help Lacreek NWR. The following methods are used to control and enforce hunting regulations: (1) refuge and hunt area boundaries will be clearly posted; (2) the refuge will provide a brochure that shows hunt areas and clearly explains regulations; and (3) law enforcement staff will randomly check hunters for compliance with federal and state laws.

#### **F. Funding and Staff Requirements**

Money to administer the refuge hunting program will come from the annual refuge budget. Money to cover all expansions such as updated brochures and signage will come from the most recent refuge annual budget. Parking lots, boundary signs, and new fences will need to be installed to properly designate hunt areas. Money for these projects will come from recent and future refuge budgets. The refuge will continue to explore avenues to pay for specific hunt program improvements.

### **IV. Conduct of the Hunting Program**

#### **A. Hunter Permit Application, Selection, and Registration Procedures**

- All hunters will be required to follow SD GFP license and permit rules.
- Archery deer hunters will no longer be required to obtain a refuge-specific permit to hunt the refuge starting in fall of 2020.
- The SD GFP will continue to administer the refuge muzzleloader deer hunts. Successful applicants will receive a letter from the refuge manager explaining the current year's

habitat conditions and expected habitat management that may affect their hunt. Furthermore, each successful applicant will receive a current refuge Hunting and Fishing Brochure explaining all regulations with a current refuge map depicting all open hunt areas.

## **B. Refuge-Specific Hunting Regulations**

Listed below are refuge-specific regulations that pertain to hunting 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 CFR 32.60 South Dakota*

*(b) LaCreek National Wildlife Refuge—*

*(1) Migratory game bird hunting. We allow the hunting of goose, duck, coot, common snipe, sandhill crane, American crow, and mourning dove on designated areas of the refuge.*

*(2) Upland game hunting. We allow the hunting of ring-necked pheasant and sharp-tailed grouse on designated areas of the refuge subject to the following condition: hunters may remain on the refuge no longer than 1/2 hour after legal sunset.*

*(3) Big game hunting. We allow hunting of white-tailed and mule deer on designated areas of the refuge subject to the following conditions:*

*(i) All archery deer hunters must possess and carry a refuge permit (signature required).*

*(ii) Deer hunters may enter the refuge 1-1/2 hours before legal sunrise and remain no longer than 1-1/2 hours after legal sunset.*

*(iii) Hunters may leave portable tree stands and free-standing elevated platforms on the refuge from the first Saturday after August 25 through February 15. Hunters must remove all other personal property by the end of the day's hunt (see § 27.93 of this chapter).*

*(iv) We close the refuge to archery hunting during refuge firearm seasons.*

Following is the proposed CFR rule for 2020:

*50 CFR 32.61 South Dakota*

*Lacreek National Wildlife Refuge—*

*(1) Migratory game bird hunting. We allow the hunting of goose, duck, coot, common snipe, sandhill crane, American crow, and mourning dove on designated areas of the refuge subject to the following conditions.*

*(i) We allow the use of motorized boats for hunting and game retrieval on the LWRRA. We allow the use of manual powered boats for hunting and game retrieval on all waters within open hunt areas.*

*(ii) We do not allow the use of rifles for the taking of American crow.*

*(iii) Hunters must remove from the refuge all boats, decoys, blinds, blind material, stands, platforms, and any other personal property before the end of each day's hunt.*

*(2) Upland game hunting. We allow the hunting of ring-necked pheasant, sharp-tailed grouse, prairie chicken, and cottontail rabbit on designated areas of the refuge.*

*(3) Big game hunting. We allow the hunting of white-tailed and mule deer on designated areas of the refuge subject to the following conditions.*

*(i) We close the refuge to archery deer hunting during refuge muzzleloader deer seasons.*

*(ii) Hunters may leave portable tree stands and free-standing elevated platforms on the refuge from August 25 through February 15. Hunters must remove all other personal property by the end of the day's hunt (see § 27.93 of this chapter).*

*(4) Predator hunting. We allow the hunting of coyote, red fox, bobcat, and mountain lion on designated areas of the refuge subject to the following conditions.*

*(i) The predator hunting season will be from January 1 through February 15 on designated areas of the refuge.*

*(ii) Predators may be taken with shotgun, muzzleloading firearms, archery equipment, and centerfire and rimfire rifles.*

*(iii) We allow predators to be taken from ½ hour before legal sunrise to ½ after legal sunset.*

*Other specific hunting regulations that applies to all hunting at the refuge:*

*We require the use of non-toxic shot.*

*Hunters may enter the refuge 2 hours before legal sunrise and remain no longer than 2 hours after legal sunset.*

*We allow the use of motorized boats for hunting and game retrieval on the LWRRRA. We allow the use of manual powered boats for hunting and game retrieval on all waters within open hunt areas.*

*We allow the use of hunting dogs for migratory game bird and upland game hunting and retrieval, provided they are always under immediate control of the owner*

*We do not allow the use of dogs for predator hunting and locating.*

*We prohibit loaded firearms on any refuge roadway or discharging a firearm over or across any refuge roadway and within 33' from the centerline of any refuge roadway.*

### **C. Relevant State Regulations**

All trailered boats must have all drain plugs, bailers, valves or other devices used to control the drainage of water opened or removed and kept out, except while in a boat ramp parking area, or

while being launched or loaded. All state regulations about aquatic invasive species will be enforced.

The SD GFP allows hunters to retrieve lawfully taken small game and waterfowl without permission from private or public land (except national wildlife refuges closed to such entry) if they are unarmed and retrieve on foot. The refuge does not allow unarmed retrieval of game that is shot from adjacent land.

#### **D. Other Refuge Rules and Regulations for Hunting**

- Hunters may hunt only in areas open to hunting as shown on the map.
- Persons possessing, transporting, or carrying firearms on Refuge System lands must comply with all provisions of state and local law. Persons may only use (discharge) firearms in accordance with refuge regulations (50 CFR 27.42 and specific regulations in 50 CFR 32).
- Motor vehicles are allowed only on designated roads and in hunter parking areas.
- Hunters must access and exit hunting areas from designated hunter parking areas only.
- Camping is allowed in the LWRAA only. All other refuge lands are closed to overnight use.
- Hunters must close any gate opened for access

#### **E. Prohibited Activities**

Prohibited activities include:

- accessing the public hunting area from other than a designated hunter parking area;
- entering the refuge to retrieve game that was shot from adjacent lands;
- shooting over refuge property from adjacent road rights-of-way or private land;
- hunting from or with the aid of vehicles except for hunters possessing a Disabled Hunter Permit and a special use permit issued by the refuge manager;
- target shooting;
- possession of toxic shot while hunting;
- use of electronic or photographic trail monitoring cameras or other devices;
- collecting or removing artifacts, historic items, shed antlers, and other natural objects;
- dog training during any time of the year;
- using horses to hunt or to retrieve game;
- possession or consumption of alcohol or controlled substances;
- open fires on the refuge, except in designated sites at the LWRAA.

## **V. Public Engagement**

### **A. Outreach for Announcing and Publicizing the Hunting Program**

Working through external affairs, a news release will be developed and sent to area newspapers such as: Rapid City Journal, Bennett County Booster, Capital Journal in Pierre, Winner Advocate in Winner, Corsica Globe in Corsica, Platte Enterprise in Platte, Chamberlain Sun in Chamberlain, and Sheridan County Journal in Gordon, NE. In coordination with the SD GFP, an announcement will be on their web site as well. Special announcements and articles may be released in conjunction with hunting seasons. In addition, information about the hunt program will be available at Lacreek NWR headquarters and on the refuge's website.

### **B. Anticipated Public Reaction to the Hunting Program**

Based on several public comments during the CCP development and public hearings, most of the hunting public will find this plan favorable. However, the following issues were raised among various parties involved and were factors considered in developing the alternatives.

#### ***Opening Pool 10 to waterfowl hunting with a bald eagle nest within the unit near Pool 10 structure***

- A bald eagle pair constructed a nest near the Pool 10 structure in winter of 2018. Their first nest attempt was in the spring of 2019. Incubation was initiated but abandoned in late May for unknown reasons. This area is now open to deer, pheasant, and sharp-tailed grouse hunting. However, a consideration is the consistent shooting and human disturbance near the nest caused by waterfowl hunters. This consideration resulted in creating a Closed to Hunting Area of 235 acres. The Service recommends no hunting or hiking within 330' of an active nest during the breeding season (November to June). The proposed Closed to Hunting Area is ample, because the shortest distance from a hunter to the nest will be 1200'.

#### ***Opening Sandhill units to hunting***

- During initial scoping, some hunters commented that if the sandhills are open to hunting, then deer will not have a true refuge area. They will change their patterns or potentially leave the refuge, forcing them to move to private land. There, they are more likely to be shot and this can prevent bucks from becoming trophy size.
- Trophy size of deer will not be a consideration. However, the primary consideration in opening the Sandhills is hunter opportunity. The sandhills are a unique land feature and offer a special hunt not found anywhere else in SD.

#### ***Opening a predator hunt***

- In winter months, coyotes congregate on the ice near resting waterfowl, mainly Pools 9 and 10. It is possible to see many coyotes, up to 20, standing on the ice watching and waiting as they look for a sick or wounded bird. Allowing hunters to shoot at these particular coyotes, will cause increased disturbance to the migrating waterfowl, further

causing stress at a tough and cold time of year. The area proposed to be open for coyote hunting and other predators allows hunters to call their quarry and reduce disturbance to waterfowl. The season dates for the predator hunt is proposed January 1 through February 15. This will also reduce user conflict as upland game and deer seasons are over. We will allow the use of centerfire rifles to take predators.

#### ***Opening cottontail rabbit hunting to weapon choice***

- We will allow the take of cottontail rabbits with a rimfire rifle. A user conflict or safety issue is not foreseeable because of the suspected low rabbit hunters.

#### ***Opening turkey hunting***

- We considered opening turkey hunting as suggested in the approved CCP of 2006. A consideration was given to a spring hunt but declined because of potential conflicts with management operations and safety of management staff.
- A fall hunt was considered. However, because of population management of turkeys the SD GFP has held a fall turkey hunt in Bennett County only 5 out of the last 10 years. The fall season has not been held in Bennett County since 2013. It was decided not to open hunting to a species that was closed by the state.

### **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 29746 Bird Road, Martin, SD or by calling 605-685-6508. Dates, hunting unit descriptions, maps, and refuge regulations about the hunt will be available on the station website at [www.fws.gov/refuge/lacreek/](http://www.fws.gov/refuge/lacreek/) and at the refuge headquarters.

## **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 this refuge (<https://www.fws.gov/mountain-prairie/huntfish.php#>).