

**Draft North Dakota Limited-Interest National Wildlife Refuges
Hunting and Fishing Plan**

February 2020

U.S. Fish and Wildlife Service

Northwest North Dakota Wetland Management District

681 Salyer Road, Upham, ND 58789

Submitted By:

Frank Durbian, Project Leader

Signature	Date
-----------	------

Concurrence:

Barbara Boyle, Refuge Supervisor

Signature	Date
-----------	------

Approved:

Will Meeks, Regional Chief, National Wildlife Refuge System

Signature	Date
-----------	------

Table of Contents

I.	Introduction	2
II.	Statement of Objectives.....	5
III.	Description of Hunting and Fishing Program	5
A.	Areas to be Opened to Hunting and Fishing	5
B.	Species to be Taken, Hunting and Fishing Periods, Hunting and Fishing Access.....	5
C.	Hunter and Angler Permit Requirements	6
D.	Consultation and Coordination with the State.....	6
E.	Law Enforcement	6
F.	Funding and Staffing Requirements.....	6
IV.	Conduct of the Hunting Program	7
A.	Hunter and Angler Permit Application, Selection, and/or Registration Procedures	7
B.	Refuge-Specific Hunting and Fishing Regulations	7
C.	Relevant State Regulations.....	7
D.	Other Refuge Rules and Regulations for Hunting and Fishing.....	7
V.	Public Engagement.....	7
A.	Outreach for Announcing and Publicizing the Hunting and Fishing Program	7
B.	Anticipated Public Reaction to the Hunting and Fishing Program	7
C.	How Hunters and Anglers Will Be Informed of Relevant Rules and Regulations	7
VI.	Compatibility Determination.....	8
VII.	References	8

List of Figures

Figure 1. Name and Location of North Dakota Limited-interest National Wildlife Refuges and Location of North Dakota Ecoregions.	3
--	---

Appendices

Appendix A. North Dakota Limited-interest National Wildlife Refuges Comprehensive Conservation Plan Revision.....	9
Appendix B. Tewauckon Comprehensive Conservation Plan Revision.....	11

Draft North Dakota Limited-Interest National Wildlife Refuges

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 (Improvement Act), Refuge Recreation Act of 1962, and selected portions of the Code of Federal Regulations and Fish and Wildlife Service Manual.

In the 1930s, the U.S. was faced with a depression, a massive drought, and declining waterfowl and other wildlife populations. To address these crises, the federal government developed the Easement Refuge Program (Program). Working with states and private landowners, beginning in 1935, dozens of limited-interest refuge agreements were signed. These refuge and flowage easements, most perpetual, were established for the purposes of (1) water conservation, (2) drought relief, and (3) migratory bird and wildlife conservation purposes (USFWS 2006).

The economic crisis was also addressed through this Program. Programs through the Works Progress Administration and Civilian Conservation Corps provided jobs in the local communities to build the structures needed to impound and control water levels. This reliable water source was not only critical to wildlife but to the livelihood of the landowners and their agricultural operations.

Although most were perpetually protected, a new status was given to these lands in the late 1930s and 1940s. Refuge lands in close proximity were combined, establishing an approved acquisition boundary, and designated as migratory bird sanctuaries (later changed to national wildlife refuges) under the authorities of executive orders and conservation laws. To this day, 93 percent of these lands remain in private ownership making them unique among the more than 540 national wildlife refuges. The 41 easement refuges, officially called limited-interest national wildlife refuges, include: Appert Lake, Ardoch, Bone Hill, Brumba, Buffalo Lake, Camp Lake, Canfield Lake, Cottonwood Lake, Dakota Lake, Half Way Lake, Hiddenwood, Hobart Lake, Hutchinson Lake, Johnson Lake, Lake George, Lake Otis, Lake Patricia, Lambs Lake, Little Goose, Lords Lake, Lost Lake, Maple River, Pleasant Lake, Pretty Rock, Rabb Lake, Rock Lake, Rose Lake, School Section Lake, Sheyenne Lake, Sibley Lake, Silver Lake, Snyder Lake, Springwater, Stoney Slough, Storm Lake, Sunburst Lake, Tomahawk, Wild Rice Lake, Willow Lake, Wintering River, and Wood Lake (Figure 1).

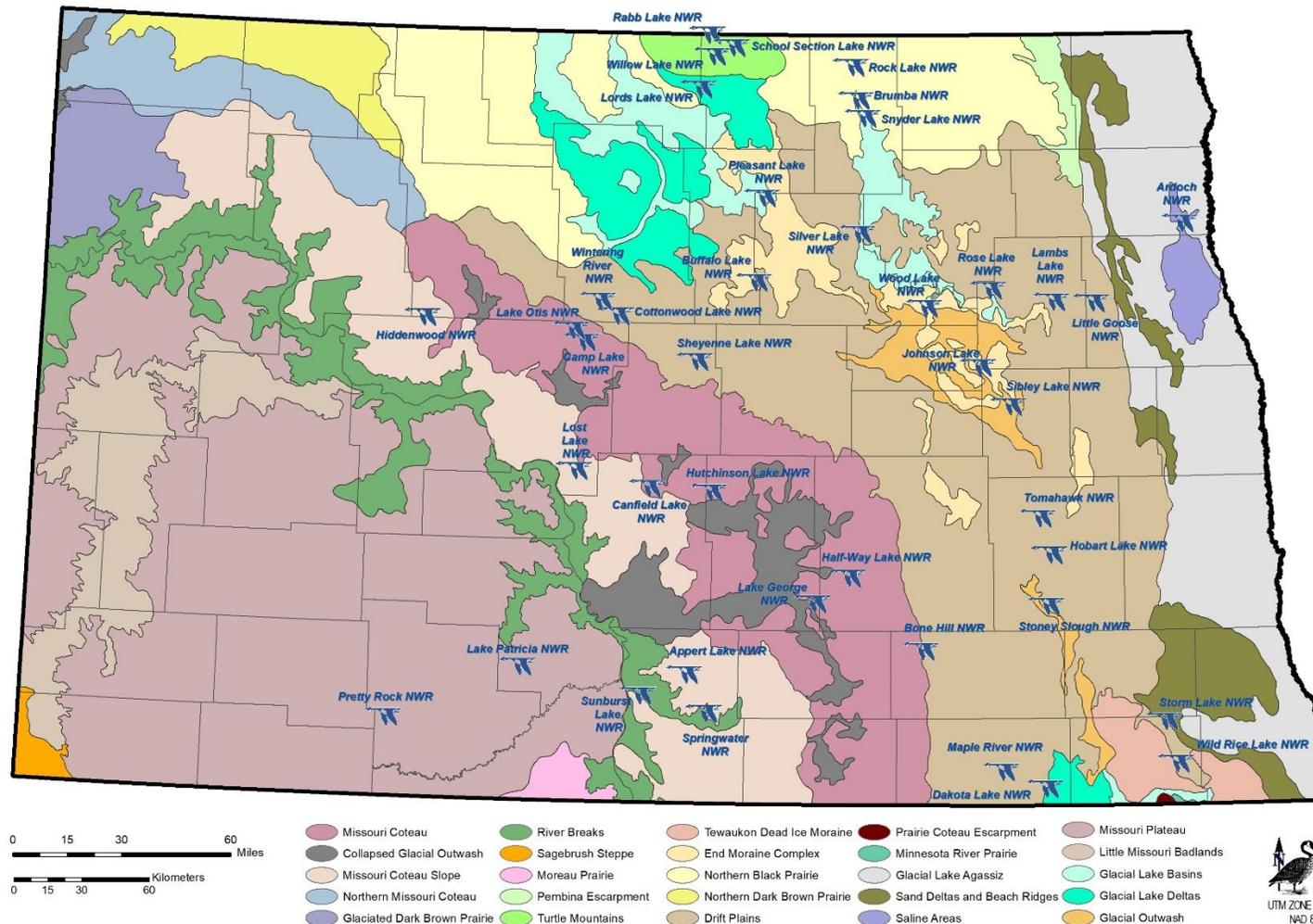


Figure 1. Name and Location of North Dakota Limited-interest National Wildlife Refuges and Location of North Dakota Ecoregions.

For the 41 limited-interest refuges, the overarching purpose of the Program is management of migratory birds. Thirty-two of these refuges were established under executive orders signed in 1934 and 1939 by President Franklin D. Roosevelt “as a refuge and breeding ground for migratory birds and other wildlife.” Seven easement refuges were established in 1948 under a precursor to the Fish and Wildlife Coordination Act (August 14, 1946, 60, Stat. 1080) and: “shall be administered by him [Secretary of 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.” Wild Rice Lake National Wildlife Refuge (NWR) was “Designated as a National Wildlife Refuge by F.R. Doc. 48-11040 12-20-48.” In 1971 the limited-interest refuge that covers what is now Lake Otis NWR was “rediscovered,” at which time the Director established it as a refuge under the Migratory Bird Conservation Act: “for use as an inviolate sanctuary, or for any other management purpose, for migratory birds.”

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 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.

Currently, all 41 limited-interest refuges are closed to hunting and 38 are closed to fishing. Ardoch, Rose Lake, and Silver Lake are open to fishing.

II. Statement of Objectives

The objective of a fishing and resident game hunting program on North Dakota Limited-interest NWRs is to provide the public with a high quality recreational experience on additional refuge lands and increase opportunities for hunters and anglers.

Hunting is consistent with the Comprehensive Conservation Plan (CCP) for North Dakota Limited-interest NWRs, as amended, under Goal 4 (Visitor Services), which states “*where compatible, and in cooperation with willing landowners, allow public fishing, hunting, trapping, and other quality wildlife-dependent recreation opportunities that foster an appreciation and understanding of the management and resources of the Program and the System.*” The amendment to the CCP places access for hunting and fishing in control of the specific private land owners harboring easement refuge tracts on their lands (Appendix A). The minimal portions (7 percent) of publicly owned land on easement refuges will be open to the general public for hunting and fishing activities and access will be controlled by the Service. Although no Visitor Services goals were established for Wild Rice Lake and Storm Lake easement refuges, the Service recognizes the importance of providing compatible wildlife-dependent recreational opportunities on these refuges (Appendix B). The CCP for North Dakota Limited-interest NWRs is available at https://www.fws.gov/mountain-prairie/refuges/nd_lir.php and the Tewauckon NWR CCP is available at <https://www.fws.gov/mountain-prairie/refuges/refugesUpdate/twk.php>.

III. Description of Hunting and Fishing Program

A. Areas to be Opened to Hunting and Fishing

All lands within the acquisition boundaries of the 41 easement refuges will be open to hunting of resident game species and all waters within the acquisition boundaries of 38 easement refuges will be open to fishing (Figure 1).

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

Resident game species include all non-migratory wildlife that are hunted in North Dakota under the North Dakota Game and Fish Department (NDGFD) hunting regulations. Species include Hungarian partridge, sharp-tailed grouse, ruffed grouse, pheasant, badger, coyote, red fox, grey fox, bobcat, mink, muskrat, mountain lion, beaver, raccoon, weasel, moose, elk, bighorn sheep, white-tailed deer, mule deer, pronghorn, turkey, prairie dog, skunk, porcupine, rabbits, tree squirrels, and ground squirrels.

Fish shall include all species included in the NDGFD fishing regulations. Species include bluegill, burbot, channel catfish, chinook salmon, white crappie, black crappie, largemouth bass,

muskellunge (pure and hybrid), northern pike, paddlefish, sauger, saugeye, smallmouth bass, sturgeon (pallid, shovelnose, and lake), trout (brown, cutthroat, lake, and rainbow), walleye, white bass, yellow perch, zander, whitefish, cisco, bullhead, drum, buffalo, carp, and goldeye.

Hunting and fishing periods will coincide with seasons as determined within the NDGFD hunting and fishing regulations. Boating will be closed on all easement refuges during the regular North Dakota waterfowl season except on Buffalo Lake, Camp Lake, Cottonwood Lake, Hiddenwood, Rose Lake, School Section, and Sheyenne Lake NWRs.

Access to the private land portions (93 percent) of these refuges will be controlled by the individual land owners harboring easement refuge tracts on their lands. The minimal portions (7 percent) of publicly owned land on easement refuges will be open to the general public for hunting and fishing activities and access will be controlled by the Service.

C. Hunter and Angler Permit Requirements

No special refuge hunting or fishing permits are required. Hunters and anglers must abide by all state hunting and fishing regulations and trespass law.

D. Consultation and Coordination with the State

Discussions between the Service and the NDGFD regarding the opening of North Dakota easement refuges to hunting and fishing have taken place for several years during the annual coordination meetings between the two agencies that typically occur in mid-winter. The NDGFD was provided with a draft of this plan for review and comment on December 9, 2019. The Service received a letter of concurrence from the State Director on January 23, 2020. We, the Service, have continued to consult and coordinate on specific aspects of the hunting and fishing plan with the NDGFD. The state is in agreement with this plan, as it will help meet state objectives.

E. Law Enforcement

Enforcement of hunting and fishing regulations on easement refuges is the responsibility of commissioned refuge law enforcement officers and NDGFD game wardens. Other refuge officers, special agents, and the local sheriff's department often assist with these duties. The following methods will be used to control and enforce hunting regulations on easement refuges: (1) refuge and hunt area boundaries will be clearly posted, and (2) refuge and state law enforcement staff will randomly check hunters for compliance with federal and state laws.

F. Funding and Staffing Requirements

The hunting and fishing program on easement refuges will entail minimal Service resources. Expenses will include program management staff resources, boundary posting, signage, and law enforcement program staffing. Current easement refuge management already entails these types of expenses on an annual basis. Estimated costs to implement this hunting and fishing plan are estimated to be \$40,000.00 above the current level of funding needed to manage all 41 easement refuges across the state. Implementation of this hunting and fishing plan will also require an

increase of 5 percent of the current refuge law enforcement program staff time for overseeing and implementing the hunting and fishing program. This will minimally detract from other law enforcement duties. Management program staff time will not increase from current levels.

IV. Conduct of the Hunting Program

A. Hunter and Angler Permit Application, Selection, and/or Registration Procedures

Not applicable.

B. Refuge-Specific Hunting and Fishing Regulations

There are no refuge-specific hunting or fishing regulations as most of the easement refuges consist of privately owned lands. All participants in hunting and fishing on easement refuges must abide by the NDGFD hunting and fishing regulations and other applicable state laws.

C. Relevant State Regulations

All participants in hunting and fishing on easement refuges must abide by the NDGFD hunting and fishing regulations and other applicable state laws.

D. Other Refuge Rules and Regulations for Hunting and Fishing

Boating will be closed on all easement refuges during the regular North Dakota waterfowl season except on Buffalo Lake, Camp Lake, Cottonwood Lake, Hiddenwood, Rose Lake, School Section, and Sheyenne Lake NWRs.

V. Public Engagement

A. Outreach for Announcing and Publicizing the Hunting and Fishing Program

A special announcement will be released through the NDGFD news release site which reaches media outlets statewide. In addition, a special announcement will be posted on all North Dakota Wetland Management District websites.

B. Anticipated Public Reaction to the Hunting and Fishing Program

Based on the comments received, most of the public support this hunting and fishing plan. There is a strong heritage and support for hunting and fishing in North Dakota. A majority of the fee title refuges in North Dakota are already open to some form of hunting and fishing and little negative public reaction is expected.

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

General information regarding hunting and other wildlife-dependent public uses can be obtained at all North Dakota NWR headquarters and on all North Dakota NWR/Wetland Management District websites. Specific information on state hunting and fishing regulations can be obtained from the NDGFD at 100 North Bismarck Expressway, Bismarck, ND 58501-5095, 701-328-6300 or at the NDGFD website (<https://gf.nd.gov/>).

VI. Compatibility Determination

Hunting and all associate program activities proposed in this plan are compatible with the purposes of the refuges. See the Compatibility Determination for more information (USFWS 2020).

VII. References

[USFWS] U.S. Fish and Wildlife Service. 2006. North Dakota Limited-interest National Wildlife Refuges Comprehensive Conservation Plan and Environmental Assessment. <https://www.fws.gov/mountain-prairie/refuges/nd_lir.php>

———. 2020. Draft Compatibility Determination for Hunting and Fishing on North Dakota Limited-interest National Wildlife Refuges. Upham, North Dakota. 5pp. <<https://www.fws.gov/mountain-prairie/huntfish.php#>>

**APPENDIX A. NORTH DAKOTA LIMITED-INTEREST NATIONAL WILDLIFE REFUGES
COMPREHENSIVE CONSERVATION PLAN REVISION**



United States Department of the Interior

FISH AND WILDLIFE SERVICE
681 Salyer Road
Upham, ND 58789



In Reply Refer to:
FWS/R6

Memorandum

To: Assistant Regional Director, Refuges

From: Project Leader, Northwest North Dakota Wetland Management District

Through: Refuge Supervisor, Prairie Zone

Subject: Request for Minor Revision to 2006 Comprehensive Conservation Plan for North Dakota Limited Interest National Wildlife Refuges

The Service is currently drafting a Hunting and Fishing Plan for North Dakota Limited Interest National Wildlife Refuges and associated Environmental Assessment for Hunting and Fishing on North Dakota Limited-interest National Wildlife Refuges. The 2006 Comprehensive Conservation Plan (CCP) for North Dakota Limited Interest National Wildlife Refuges covers 39 of these Easement Refuges and states under Goal 4. Visitor Services “Where compatible, and in cooperation with willing landowners, allow public fishing, hunting, trapping and other quality wildlife-dependent recreation opportunities that foster an appreciation and understanding of the management and resources of the Program and the System.” Allowing “public” hunting and fishing, where compatible, is further referenced in several other portions of the CCP. I am proposing a minor revision to the CCP that will allow private landowners, who have lands under the jurisdiction of Easement Refuges, to control access for hunting and fishing on their lands. Specifically, I am proposing to revise Goal 4. Visitor Services to “Where compatible allow fishing, hunting, trapping and other quality wildlife-dependent recreation opportunities that foster an appreciation and understanding of the management and resources of the Program and the System.” This change will align with private property rights in North Dakota while still providing additional potential hunting and fishing opportunities to the public as referenced in Secretarial Order 3356.

The National Wildlife Refuge System Improvement Act of 1997 and Service policy (Fish and Wildlife Service Manual chapters 602 FW 1 and 3) identify the need to periodically review and revise Comprehensive Conservation Plans. Specifically the Service Manual chapter 602 FW 3, (Comprehensive Conservation Planning Process) Section 3.2 states “We will revise the CCP every 15 years ... or earlier if monitoring and evaluation determine that we need changes to achieve planning unit purpose(s), vision, goals, or objectives”.

INTERIOR REGION 5
MISSOURI BASIN

KANSAS, MONTANA*, NEBRASKA, NORTH DAKOTA,
SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7
UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

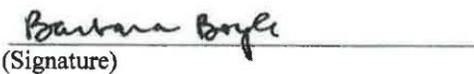
This is considered a minor CCP revision because it does not significantly change the management direction of the Easement Refuges. The change to Goal 4 Visitor Services does not change the overall intent of the CCP objectives. Compliance with the National Environmental Policy Act of 1969 (NEPA), meets the criteria for the following categorical exclusion: 516 DM 8.5 C(9) "Minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated. Examples include minor changes in the type and location of compatible public use activities and land management practices."

This memorandum complies with the National Wildlife Refuge System Improvement Act of 1997, which states that the "Secretary shall ... revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly." Examples of new information or changed conditions include but are not limited to the following: 1) changes in the acreage of a specific habitat type; 2) changes in water management or availability; 3) changes in the status of a listed species; 4) the need for changes to wildlife management or public use programs; 5) changes to Service policy; 6) the need to construct new facilities, and/or 7) changes in sea level or other climate related changes.

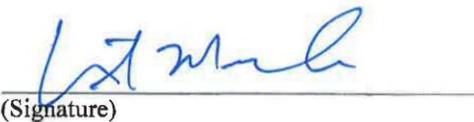
Submitted By

Project Leader:  - Acting 01/30/2020
(Signature) (Date)

Concurrence:

Refuge Supervisor:  12-20-2019
(Signature) (Date)

Approval:

Assistant Regional Director, Refuges:  2/3/2020
(Signature) (Date)

APPENDIX B. TEWAUKON COMPREHENSIVE CONSERVATION PLAN REVISION



United States Department of the Interior

FISH AND WILDLIFE SERVICE
681 Salyer Road
Upham, ND 58789



In Reply Refer to:
FWS/R6

Memorandum

To: Assistant Regional Director, Refuges
From: Project Leader, Northwest North Dakota Wetland Management District
Through: Refuge Supervisor, Prairie Zone
Subject: Request for Minor Revision to 2000 Comprehensive Conservation Plan for Tewaukon National Wildlife Refuge

The Service is currently drafting a Hunting and Fishing Plan for North Dakota Limited Interest National Wildlife Refuges and associated Environmental Assessment for Hunting and Fishing on North Dakota Limited-interest National Wildlife Refuges. The 2000 Comprehensive Conservation Plan (CCP) for Tewaukon National Wildlife Refuge covers two of these Easement Refuges, Storm Lake and Wild Rice Lake, and states under E1.1 Objective: Protect all easement refuge property interests from hunting, draining, or conversion in Sargent County. I am proposing two minor revisions to the CCP that will align with the draft Hunting and Fishing Plan for North Dakota Limited Interest National Wildlife Refuges. Specifically, I am proposing to revise E1.1 to "Protect all easement refuge property interests from draining or conversion in Sargent County." I am also proposing to add the following: E1.4 Objective: Where compatible allow fishing and hunting opportunities that foster an appreciation and understanding of the management and resources of the Program and the System. These changes will provide additional potential hunting and fishing opportunities to the public as referenced in Secretarial Order 3356.

The National Wildlife Refuge System Improvement Act of 1997 and Service policy (Fish and Wildlife Service Manual chapters 602 FW 1 and 3) identify the need to periodically review and revise Comprehensive Conservation Plans. Specifically the Service Manual chapter 602 FW 3, (Comprehensive Conservation Planning Process) Section 3.2 states "We will revise the CCP every 15 years ... or earlier if monitoring and evaluation determine that we need changes to achieve planning unit purpose(s), vision, goals, or objectives".

The change to E1.1 and addition of E1.4 are considered minor CCP revisions because they do not significantly change the management direction of the Easement Refuges. The change to E1.1 and addition of E1.4 does not change the overall intent of the CCP objectives. Compliance with

INTERIOR REGION 5
MISSOURI BASIN

KANSAS, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA

*PARTIAL

INTERIOR REGION 7
UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

the National Environmental Policy Act of 1969 (NEPA), meets the criteria for the following 2
categorical exclusion: 516 DM 8.5 C(9) "Minor changes in existing master plans,
comprehensive conservation plans, or operations, when no or minor effects are anticipated.

Examples include minor changes in the type and location of compatible public use activities and
land management practices."

This memorandum complies with the National Wildlife Refuge System Improvement Act of
1997, which states that the "Secretary shall ... revise the plan at any time if the Secretary
determines that conditions that affect the refuge or planning unit have changed significantly."
Examples of new information or changed conditions include but are not limited to the following:
1) changes in the acreage of a specific habitat type; 2) changes in water management or
availability; 3) changes in the status of a listed species; 4) the need for changes to wildlife
management or public use programs; 5) changes to Service policy; 6) the need to construct new
facilities, and/or 7) changes in sea level or other climate related changes.

Submitted By

Project Leader:  - Acting 01/30/2020
(Signature) (Date)

Concurrence:

Refuge Supervisor:  12-22-2019
(Signature) (Date)

Approval:

Assistant Regional  2/3/2020
Director, Refuges: (Signature) (Date)