

Draft Compatibility Determination for Hunting on John W. and Louise Seier National Wildlife Refuge

Use: Hunting of resident game and migratory birds

Refuge Name: John W. and Louise Seier National Wildlife Refuge (Seier National Wildlife Refuge)

Establishing and Acquisition Authority and Refuge Purpose:

The refuge was established pursuant to The John W. and Louise Seier Living Trust. The primary purpose of the refuge is “. . . for the development, advancement, management, conservation, and protection of fish and wildlife resources . . .” (16 U.S. Code a 742fl:[a][4]) “. . . for the benefit of the United States Fish and Wildlife Service, in performing its activities and services. Such acceptance may be subject to the terms of any restrictive or affirmative covenant, or condition of servitude” (16 U.S. Code a 742 f[b][1]) (Fish and Wildlife Act of 1956).

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 United States (U.S.) for the benefit of present and future generations of Americans (National Wildlife Refuge System Improvement Act of 1997, Public Law 105-57).

Description of Use:

What is the use? Is the use a wildlife-dependent public use?

The U.S. Fish and Wildlife Service (Service) will open the Seier National Wildlife Refuge (NWR) to hunting of resident game and migratory birds according to state and federal regulations. Resident game includes all non-migratory wildlife hunted in Nebraska under the Nebraska Game and Parks Commission (NGPC) Hunting Regulations. Resident game species are white-tailed deer, mule deer, pronghorn antelope, 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 birds are waterfowl, dove, crow, rail, snipe, and woodcock.

Where will the use be conducted?

Hunting will be allowed on all of the refuge except for safety zones established by the refuge manager. State law also says it is unlawful to hunt any form of wild mammal or wild bird with a rifle within a 200-yard radius of an inhabited dwelling or livestock feedlot, unless permission to do so has been granted by the owner or tenant of the dwelling or feedlot. It is unlawful to hunt any form of wild mammal or wild bird with archery equipment, handgun, or shotgun within a 100-yard radius of an inhabited dwelling or livestock feedlot, unless permission to do so has been granted by the owner or tenant of the dwelling or feedlot.

When will the use be conducted?

Hunting seasons will be established by the NGPC. Hunter access will be 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 hours before sunrise and two hours after sunset limit instead of the 24-hour state allowance. All other shooting hours for proposed species will fall within the refuge access hours by state regulation.

How will the use be conducted?

License requirements and bag limits will 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.

Nontoxic shot will be required for all shotgun hunting.

Why is this use being proposed?

The purpose of this proposed action is to provide compatible wildlife-dependent recreational opportunities on the refuge. The need of the proposed action is to meet the Service's priorities and mandates as outlined by the National Wildlife Refuge System Administration Act of 1966 to "recognize compatible wildlife-dependent recreational uses as the priority general uses of the NWRS" and "ensure that opportunities are provided within the NWRS for compatible wildlife-dependent recreational uses" (16 U.S. Code 668dd[a][4]). This action satisfies Executive Order 13443 signed August 16, 2007, "Facilitation of Hunting Heritage and Wildlife Conservation," Secretary's Order 3347 signed March 2, 2017: Conservation Stewardship and Outdoor Recreation, and Secretary's Order 3356 signed September 15, 2017: Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories. The preferred action also helps to accomplish a goal in the conceptual management plan to facilitate compatible, wildlife-dependent recreational opportunities on refuge lands.

Availability of Resources:

Some additional time and money will be required of refuge management and maintenance staff to administer the hunt, assess hunting effects, coordinate with the NGPC, and support parking lots, fences, and gates. These costs will be approximately \$5,000 per year. Refuge law enforcement will be stretched much thinner with implementation of the use. This will add approximately 5 percent to the overall time required of the Sandhills Refuge Complex's single officer. With only one officer, this time will reduce the time spent at the other six refuges within the Sandhills Refuge Complex. Overtime funding or extra detail officers will be needed to provide even minimal law enforcement.

Anticipated Impacts of the Use:

We, the Service, anticipate that this use will have minimal impacts on the refuge. The potential take of most resident and migratory wildlife species open to hunting on the refuge will likely be negligible in proportion to regional or state harvest numbers and will not add significantly to the cumulative impacts on the various species. Direct impacts on refuge populations of some species (for example, turkey and deer) will not be known until the hunting program is implemented.

Expanded hunting opportunities will most likely result in increased temporary disturbance/displacement of hunted and non-hunted wildlife species from foot traffic moving through the area or from gunfire. There will be no impact on threatened and endangered species. There will be no conflict with other public uses because there are currently no other public uses of the refuge. There will be minimal impact on refuge management. The one negative aspect of this opening is that law enforcement will not be adequate, or it will reduce enforcement activities at other refuges in the Sandhills Refuge Complex.

Public Review and Comment:

This section will be completed after the public review and comment period is over.

Determination (check one below):

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

Stipulations Necessary to Ensure Compatibility:

Listed below are refuge-specific regulations that pertain to hunting on the refuge as of the date of this determination. These regulations may be modified as conditions change or if refuge expansion continues/occurs. Because this refuge is newly opened to hunting, the 50 Code of Federal Regulations will need to be modified to provide a place for the following regulations.

*50 Code of Federal Regulations 32.46 Nebraska
() John W. and Louise Seier National Wildlife Refuge.*

(1) Migratory game bird hunting. We 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 gain access to the refuge from two hours before legal sunrise until two hours after legal sunset.*
- (ii) You must remove all blinds and decoys at the conclusion of each day's hunt (see §27.93 of this chapter).*
- (iii) We allow the use of dogs for hunting from August 1–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) and (iii) of this section apply.*
- (ii) Nontoxic shot required for all shotgun use.*

(3) Big Game Hunting. We allow hunting of deer, elk, and pronghorn antelope 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) of this section apply.*
- (ii) Portable tree stands allowed from August 16–January 31. (see §27.93 of this chapter).*

Justification:

Based on the anticipated biological impacts listed above and in the draft Environmental Assessment, the Service has determined that hunting of resident game and migratory birds on the refuge will not interfere with the wildlife or habitat goals and objectives or purposes for which the refuge was established. Hunting is a priority public use that is listed in the National Wildlife Refuge System Improvement Act of 1997. By facilitating this use, visitors will gain knowledge and an appreciation of fish and wildlife, which will lead to increased public stewardship of wildlife and their habitats. Increased public stewardship will support and complement the Service’s actions in achieving the purposes of the refuge and the mission of the Refuge System.

Signature:

Project Leader

Date

Concurrence:

Will Meeks, Refuge Chief
Region 6

Date

Mandatory 10- or 15-Year Re-Evaluation Date: 2035